

CANNOCK CHASE COUNCIL
MINUTES OF THE MEETING OF THE
PLANNING CONTROL COMMITTEE
WEDNESDAY 16 JANUARY, 2019 AT 3:00 P.M.
IN THE CIVIC CENTRE, BEECROFT ROAD, CANNOCK

PART 1

PRESENT: Councillors Allen, F.W.C. (Vice-Chairman – in the Chair)

Dudson, A.	Stretton, Mrs. P.Z.
Fisher, P.A.	Sutherland, M.
Hoare, M.W.A.	Tait, Ms. L.
Lea, C.I.	Todd, Mrs. D.M.
Pearson, A.R.	Woodhead, P.E.
Snape, P.A.	

101. Apologies

Apologies for absence were received from Councillors Mrs. S.M. Cartwright (Chairman) Miss J. Cooper and C.D. Smith.

In the absence of the Chairman, Councillor Mrs. S.M. Cartwright, the Vice-Chairman, Councillor F.W.C. Allen took then Chair.

102. Declarations of Interests of Members in Contracts and Other Matters and Restriction on Voting by Members

None

103. Disclosure of lobbying of Members

None

104. Minutes

RESOLVED:

That the Minutes of the meeting held on 2 January, 2019 be approved as a correct record and signed.

(Arising from the Minutes a Councillor commented that it had been reported in the press that Application CH/18/145, 1 Brindley Heath Road, Cannock WS12 4DR, residential development:- erection of 4 no. 2 bed houses and 3 no. 3 bed houses (outline application with all matters reserved except access and layout) had been approved by Members; however, the Committee had deferred the application).

105. Members' Requests for Site Visits

None

106. Application CH/18/176, Land at Walsall Road, Norton Canes, Cannock WS11 9PX – full planning application for residential development on land comprising 67 dwellings with car parking, new estate roads, public open space and associated infrastructure

Following a site visit by Members of the Committee consideration was given to the report of the Development Control Manager (Item 6.1 – 6.47 of the Official Minutes of the Council).

The Development Control Manager outlined the background to the application as detailed in the report. The Officer then circulated an update to the Committee. The update was attached at Appendix A to the minutes.

Following the update and prior to the determination of the application representations were made by Councillor J. Preece, the Ward Councillor, who raised a number of concerns and issues in connection with the application. Representations were also made by John Williams, the applicants representative, speaking in favour of the application.

Arising from the representations made by Councillor J. Preece in relation to Condition 14 the Development Control Manager clarified that it would be inappropriate to insist the developer provides a contribution towards a bus route. The applicant's agent had now been made aware of this request as part of Councillor Preece's submission; however, it was for the developer to present a range of options to satisfy Condition 14.

In response to the concerns raised by Members in relation to the two cul-de-sacs being unadopted and the maintenance issues that could arise, the applicant's agent clarified that these two roads would be adopted and a large refuse vehicle would be able to gain access. It was not proposed to adopt the small area by the apartment block in the south east corner of the development. It was agreed that this would be confirmed as part of the recommendation.

RESOLVED:

(A) That, subject to the Development Control Manager obtaining confirmation from the Highway Authority that all the cul-de-sacs would be suitable for adoption, the applicant be requested to enter into an Agreement under Section 106 of the Town and Country Planning Act, 1990 to secure:

- (i) Education contribution of £110,310 towards primary school places to be payable on the completion of the first residential unit
- (ii) Not to sell or part with any of the approved units other than to a registered provider approved by the Council or

- via the Chargee, following the normal process.
- (iii) To hold the approved units and to offer them on an affordable rent and shared ownership basis and not to allow any of the units to be sold on the open market.
- (iv) Not to allow or permit occupation of all or any of the approved units other than to a person in Need of Housing with a local connection together with his/ her dependants.
- (v) To liaise with the Council and agree a lettings plan.
- (vi) SAC contribution of £11,845.60

(B) That on completion of the agreement the application be approved subject to the conditions contained in the report for the reasons stated therein and the additional conditions (and reasons) from the Highway Authority and Local Lead Flood Authority contained in the update at Appendix A to these minutes.

(At this point in the proceedings the Committee adjourned for a 5 minute comfort break).

107. Application CH/18/121, Common Farm, 427 Pye Green Road/Limepit Lane, Cannock WS12 4HS – Residential development comprising 52 no. dwellings including access, landscaping, public open space and demolition of all existing buildings

Following a site visit by Members of the Committee consideration was given to the report of the Development Control Manager (Item 6.48 – 6.102 of the Official Minutes of the Council).

The Development Control Manager outlined the background to the application as detailed in the report. He also circulated an update to Members. The update is attached at Appendix A to the minutes.

Following the update and prior to determination of the application representations were made by Mandy Bell, the applicant, speaking in favour of the application. She also made representations in favour of the application on behalf of Gareth Jones, who was unable to attend the meeting today.

Concern was raised regarding who would be responsible for the maintenance of the greenspace within the development. The Development Control Manager confirmed that a management company would manage the greenspace and households would be charged a small fee.

RESOLVED:

(A) That the applicant be requested to enter into an Agreement under Section 106 of the Town and Country Planning Act, 1990 to secure:-

- (i) Provision and transfer to a registered Provider of 20% on-site affordable housing comprising 8 units affordable rent and 2 units social rent to

- commence no later than the completion of Plots 1-28.
- (ii) Provision for the management of all public open space/ suitable alternative green space by a management company.
- (iii) An education contribution of £134,818.71
- (iv) SAC mitigation for 13 social units of £2,873.00
- (v) Clawback allotment contribution of £2,137.72

(B) That on completion of the agreement the application be approved subject to the conditions contained in the report for the reasons stated therein.

108. TPO 2018/04 – Proposed Tree Preservation order at Stile Cop Cemetery, Stile Cop Road, Rugeley WS15 1ND

Following a site visit by Members of the Committee consideration was given to the report of the Development Control Manager (Item 6.103 – 6.107 of the Official Minutes of the Council).

The Tree and Landscape Protection Officer addressed the Committee and outlined the background to the application.

RESOLVED:

That TPO 2018/04 be confirmed without modification.

The meeting closed at 4.40pm.

CHAIRMAN

OFFICER UPDATE

Application CH/18/176, Land at Walsall Road, Norton Canes, Cannock WS11 9PX – full planning application for residential development on land comprising 67 dwellings with car parking, new estate roads, public open space and associated infrastructure

“The recommendation should be amended to read:-

- RECOMMENDATION:** Approve subject to the conditions in the officer report, the additional conditions outlined below from the Highway Authority and the Local Lead Flood Authority and the completion of a Section 106 agreement to secure:
- (i) Education contribution of £110,310 towards primary school places to be payable on the completion of the first residential unit
 - (ii) Not to sell or part with any of the approved units other than to a registered provider approved by the Council or via the Chargee, following the normal process.
 - (iii) To hold the approved units and to offer them on an affordable rent and shared ownership basis and not to allow any of the units to be sold on the open market.
 - (iv) Not to allow or permit occupation of all or any of the approved units other than to a person in Need of Housing with a local connection together with his/ her dependants.
 - (v) To liaise with the Council and agree a lettings plan.
 - (vi) SAC contribution of £11,845.60

Consultation Responses

Since the compilation of the Officer report the following consultation responses have been received: -

Natural England

No objection subject to appropriate mitigation for impacts on the Cannock Chase SAC.

Officers note that following the undertaking of a Habitats Regulations Assessment such mitigation forms part of the recommendation.

Staffordshire Highway Authority

There are no objections on Highway grounds to the proposed development subject to the following conditions being included on any approval:-

1. No phase of the development shall take place, including any demolition works, until a Construction Vehicle Management Plan (CVMP) has been submitted to and approved in writing by the Local Planning Authority. The

approved statement shall be adhered to throughout the construction period. The statement shall include:

- Arrangements for the parking of site operatives and visitors.
 - Loading and unloading of plant and materials.
 - Storage of plant and materials used in constructing the development
 - Construction and delivery hours
 - Recorded daily inspections of the highway adjacent to the site access
 - Measures to remove any mud or debris carried onto the highway
2. Prior to the commencement of development details of storm water drainage shall be submitted to and approved in writing by the Local Planning Authority for the following:
- Surface water drainage and outfall from the proposed parking and manoeuvring areas to remain private.
 - Flood routeing

The drainage system shall thereafter be provided and retained in accordance with the approved details prior to first use of the proposed development.

3. The development hereby permitted shall not be brought into use until the following off-site highway works have been constructed in accordance with the submitted General Arrangement drawing No. 110 Revision P3
- access to site within the existing highway
 - footway crossing outside No. 1 Cherry Brook
4. Prior to first occupation of any of the new dwelling units the associated parking area shall be provided in a bound material and shall thereafter be retained for the life of the development.
5. Prior to first occupation of any of the new dwelling units the visibility splays shall be provided as per submitted General Arrangement drawing No. 110 Revision P3. The visibility splays shall thereafter be kept free of all obstructions to visibility with nothing placed or retained forward of the splay and the public highway exceeding 600mm in height above the level of the adjacent carriageway
6. Prior to first occupation of the new dwellings covered and secure cycle storage shall be provided and maintained in accordance with details first to be submitted to and approved in writing by the Local Planning Authority.

Reason for recommendations

In order to comply with Paras.108-110 of the NPPF 2018 and in the interest of Highway Safety

Note

- (i) The conditions requiring off-site highway works shall require a Highway Works Agreement with Staffordshire County Council. The applicant is requested to contact Staffordshire County Council in order to secure the Agreement. The link below is to the Highway Works Information Pack including an application form. Please complete and send to the address indicated on the application form or email to (nmu@staffordshire.gov.uk). The applicant is advised to begin this process well in advance of any works taking place in order to meet any potential timescales.
- <https://www.staffordshire.gov.uk/transport/staffshighways/highwayscontrol/HighwaysWorkAgreements.aspx>
- (ii) This consent will require approval under Section 7 of the Staffordshire Act 1983 and will require a Section 38 of the Highways Act 1980. Please contact Staffordshire County Council to ensure that all approvals and agreements are secured before commencement of works.
- (iii) Any soakaway should be located a minimum of 4.5m rear of the highway
- Boundary Notes to Planning Officer
- (a) The submitted Highway Adoption Plan (drawing 120 Rev. P3) has not been agreed and therefore should not be listed as an approved drawing. This latest drawing does not include the visibility splay across the frontage of plot 47 as indicated on earlier drawings.
- (b) Condition 2 – no drainage details have been submitted for the areas of manoeuvring/parking to the apartments. Also, the Flood routeing plan is still unclear as to the exit paths from the two cul-de-sacs avoiding individual plots.

Local Lead Flood Authority

Following our previous response, the Flood Risk Assessment and Drainage Strategy have been revised to address the concerns raised.

The Flood Risk Assessment (CCE Report Reference: EC1129-03, April 2018) has been updated to include hydraulic modelling of the Gains Brook. This recommends raising of ground levels in parts of the site and construction of a 4m wide flood channel above the existing top of bank to mitigate the risk of flooding. It is recommended that floor levels are set at least 600mm above the modelled 1 in 1000 year return period levels.

We would recommend that the mitigation measures in the FRA are secured by condition as set out below, and also that details of the proposed flood channel

including access for maintenance should require approval by the LPA prior to development.

The Drainage Strategy (CCE Project No: 7307, Drawing No 100, Rev P8) demonstrates that an acceptable Drainage Design can be achieved within the proposed development.

An online attenuation basin and permeable paving for private parking spaces will provide adequate water quality treatment as well as meeting discharge rate and flood risk criteria specified in the Technical Standards for SuDS.

Provided these measures are acceptable to the LPA we would recommend that the following conditions should be attached to any planning permission.

Condition

The development permitted by this planning permission shall only be carried out in accordance with the approved Flood Risk Assessment (CCE Report Reference: EC1129-03) and Hydraulic Modelling Report including the following mitigation measures:

- Raising of ground levels in parts of the site and construction of a 4m wide flood channel above the existing top of bank as set out in the hydraulic modelling report.
- Floor levels must be set at least 600mm above the adjacent modelled 1 in 1000 year return period levels, and at least 150mm above surrounding ground levels.

Reason

To reduce the risk of flooding to the development.

Condition

The development hereby permitted shall not be commenced until such time as the details of the proposed flood channel have been submitted to and approved in writing by, the Local Planning Authority. This must include:

- Plans and cross-sections showing the proposed site, channel, and existing watercourse levels.
- Details of the proposed access for suitable machinery to enable maintenance of the watercourse.
- Provision of an acceptable management and maintenance plan for the watercourse and flood channel. This should include a schedule of required maintenance activities and frequencies, and contact details for the organisation responsible for carrying out these duties.

The scheme shall be fully implemented and subsequently maintained, in accordance with the timing / phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed, in writing, by the local planning authority.

Reason

To reduce the risk of flooding to the development and enable ongoing maintenance of the watercourse and flood channel for the lifetime of the development.

Condition

No development shall begin until a detailed surface water drainage design has been submitted to and approved by the Local Planning Authority in consultation with the Lead Local Flood Authority.

The design must be in accordance with the overall strategy and key design parameters set out in the Drainage Strategy (CCE Project No: 7307, Drawing No 100, Rev P8).

The design must demonstrate:

- Surface water drainage system(s) designed in accordance with national and local standards, including the Non-statutory technical standards for sustainable drainage systems (DEFRA, March 2015).
- SuDS design to provide adequate water quality treatment, which can be demonstrated using the Simple Index Approach (CIRIA SuDS Manual 2015).
- Limiting the discharge rate generated by all rainfall events up to the 100 year plus 40% climate change critical rain storm to 9l/s to ensure that there will be no increase in flood risk downstream.
- Detailed design (plans, network details and calculations) in support of any surface water drainage scheme, including details on any attenuation system, and the outfall arrangements. Calculations should demonstrate the performance of the designed system for a range of return periods and storm durations inclusive of the 1 in 1 year, 1 in 30 year, 1 in 100 year and 1 in 100 year plus climate change return periods.
- Plans illustrating flooded areas and flow paths in the event of exceedance of the drainage system. Site layout and levels should provide safe exceedance routes and adequate access for maintenance.
- Provision of an acceptable management and maintenance plan for surface water drainage to ensure continued performance of the system for the lifetime of the development. This should include a schedule of required maintenance activities and frequencies, and contact details for the organisation responsible for carrying out these duties.

Reason

To reduce the risk of surface water flooding to the development and properties downstream for the lifetime of the development.

Landscape, Trees and Countryside

If this application is still going to planning committee on the 16th Jan with a recommendation for approval – despite various objections (lack of appropriate and usable open space, for one) then can you ensure that a S106 agreement is included to cover appropriate funding to construct the necessary footpath/cycleway link from Walsall Road through to the Persimmon/Bloors development to the West. This would

be to ensure that there are appropriate linkages of open spaces within and beyond Norton Canes particularly in the interests of improving community health.

I believe that the whole development is to consist of 100% affordable housing (therefore more important that there is adequate and appropriate usable POS provision within the site) and as such would not be liable to pay CIL. I would advise that there is still a need to secure a financial contributions to mitigation of impact of new housing on the Cannock Chase SAC in accordance with adopted policy by means of a S106 or Unilateral Undertaking rather than the normal procedure of "top slicing" CIL which would apply to a market housing scheme.

Can you ensure both aspects are fully covered if any consent is granted.

Officer Response

Planning Officers would respond that, on balance, the proposal is acceptable without a contribution towards provision of the off-site footpath as the utmost priority in respect to this proposal is the provision of affordable housing.

The mitigation in respect of Cannock Chase SAC is included in the recommendations set out in the officer report.

Additional Letter of Representation

Since the publication of the agenda an additional letter of representation has been received stating: -

“My first concern is that there is no or limited public access to public transport on the site. The nearest bus stop would be along Norton Green Lane which is quite a trek from there to the site.

Also I would like to comment on public open space. I have tried to access the plans featured on the planning portal and I cannot access them. I wanted to confirm what I recall to be no site dedicated for children to play or playground.”

Officers would comment that these issues are addressed in the main officer report and have been weighed in the planning balance in arriving at the recommendation.

List of approved plans to be inserted into condition 8 of the officer report

D00 Site Location Plan (Rev C)
D01 Site Plan (Rev C)
D1000 Layout (Rev T)
D100 House Type 2A (Rev E)
D100iHouse type2Ai
D101 House Type 2B (RevD)
D102 House Type 3B (Rev C)
D103 House Type 3C (Rev C)
D103i House Type 3Ci (Rev B)
D104 House Type 3E (Rev B)

D107 House Type 4Bi (Rev A)
D110 Apartments (Rev C)
D300 Street Scenes (Rev E)
D301 Street Scenes (Rev E)
D160 Boundary Plan (Rev D)
D161 Boundary Details (Rev D)
Design and Access Statement (Rev D)
Drainage Strategy Plan. Dwg 7307-100 P8
Drainage Operation and Maintenance Plan
Flood Routing Plan. Dwg 7307-102 P3
Flood Risk Assessment Report. Couch Consulting EC1129-03
Noise Technical Note. Accon UK Limited

The Landscaping scheme is not for approval and it is recommended that a landscape scheme is to be submitted before the development is brought into use. Delegation be given to officers to finalise the exact wording”.

OFFICER UPDATE

Application CH/18/121, Common Farm, 427 Pye Green Road/Limepit Lane, Cannock WS12 4HS – Residential development comprising 52 no. dwellings including access, landscaping, public open space and demolition of all existing buildings

“The recommendation should be amended to read: -

- RECOMMENDATION:** Approve subject to the attached conditions and the completion of a Section 106 agreement to secure:
- i. Provision and transfer to a registered Provider of 20% on-site affordable housing comprising 8 units affordable rent and 2 units social rent to commence no later than the completion of Plots 1-28.
 - ii. Provision for the management of all public open space/ suitable alternative green space by a management company.
 - iii. An education contribution of £134818.71
 - iv. SAC mitigation for 13 social units of £2,873.00
 - v. Clawback allotment contribution of £2,137.72

Additional Consultation Responses Received

Natural England

Natural England has stated that it has no objections subject to appropriate mitigation being secured in respect to impacts on Cannock Chase SAC.

Officers Comments

Officers comment that this enables the Council to undertake the appropriate assessment under the Habitat Regulations and to conclude that subject to mitigation as outlined in the recommendation of this update sheet that the proposal is acceptable in this respect.

Hednesford Town Council

The Town Council accepts that there is a desperate need to improve accessibility to bus stops and provide footways on the west side of Pye Green Road between Lime Pit Lane and Broadhurst Green. However, there would be great concern at the creation of additional vehicular accesses on to Pye Green Road due to the vast increase in traffic volumes not only arising from the nearby large-scale residential developments but also traffic that will be generated following the opening of the new Poppyfields school

It should also be noted that the policies contained in the Neighbourhood Plan for Hednesford have now been adopted by the Local Planning Authority

Officers Comments

The above points are noted but Officers consider that they do not alter the overall assessment of the proposal or the conclusions and recommendations arrived at above.

Additional Representations Received

Subsequent to the publication of the agenda two additional letters of representation have been received. These are outlined below with officers responses also given.

First Letter of Representation

I am writing in relation to the above planning application on behalf of my clients, the Holford Farm Partnership. My clients are the landowners of the remaining parcels of the Common Farm site at Land West of Pye Green Road, which is in the process of delivering 700 no. new dwellings as part of the Strategic Allocation for 900 dwellings in the adopted Local Plan.

Whilst we have no objection to the principle of the proposal, we do strongly object on the basis that the Local Planning Authority Officer Report has not effectively considered how the current application relates to how the housing capacity for the whole site was established through the strategic allocation under the Local Plan Part 1 and the how the proposal for 52 dwellings relates to the principles of the adopted Site Wide Development Brief SPD for the site. We pay particular regard to the provisions within the SPD for including the vista through the site, which formed an integral component of the St Modwen Masterplan for 700 dwellings. The SPD was produced after many hours of joint discussion and ultimate agreement. at that stage.

Additionally, and most importantly the basis for establishing the site-wide capacity of 900 dwellings and put to the Local Plan Inspector was the 2013 Statement of Common Ground, which for Common Farm made an allowance for only 15 dwellings to come forward (paragraph 4 of the SoCG) as that sought to follow the principles of

the Development Brief for that part of the site. Whilst we acknowledge that proposals change and the SoCG was indicative, should ultimately it be determined, as the Officer Report now does that Common Farm can deliver above 15 units (and in the case of this application significantly in excess), then in our view this should be recorded in the committee report as a material consideration which ultimately means an increase in the overall capacity of the whole site in excess of 900 dwellings is should appropriately take place. To do otherwise will inappropriately penalise landowners on other areas of the site and restrict the wider sites true capacity. Acknowledging the 900 figure should not be seen as a maximum ceiling in these circumstances, we view as a positive component of the site, in ultimately meaning less reliance on Green Belt land through the Local Plan process.

Officer Response

Officers would respond that although the adopted Site Wide Development Brief SPD, the Indicative Masterplan and the Statement of Common Ground (2013) are important material considerations any assessment of the current application must have regard to planning policy as it stands at the time of determination. This includes the NPPF, with its emphasis on significantly boosting the supply of houses, and which was revised in 2018 with a greater achieving appropriate densities and making effective use of land.

In this the current scheme allows for the retention of the vista through the site although it is recognised that this is narrower than that shown on the Indicative Masterplan (which is after all 'indicative' in nature).

In addition Officers note that the wider site's capacity is for 900 dwelling and that the owners of the wider site (excluding the current application site) are in the process of delivering 700 no. new dwellings as part of the Strategic Allocation for 900 dwellings in the adopted Local Plan. 119 dwellings have also been developed at a separate site (known as Bilberry Chase) within the wider allocation. As such the current proposal for 52 dwellings is well within the capacity of the allocation (taking the overall site total to 871 dwellings) and there will be some remaining capacity (circa 30 dwellings) for the wider site to still accommodate.

Each application has to be determined on its own merits at the time it is determined. As such any proposal that would subsequently come forward for the wider site would have to determined on its own merits at that time. The 900-dwelling-capacity represents the current. adopted Local Plan policy position at this time. It may be that it could be demonstrated that the wider site could accommodate more than the current 900 dwellings in the allocation but that would need to demonstrated at the time of any future application, taking into account the most up to date planning policy context at that time (and/or considered via a review of the current Local Plan policy).

Second Letter of Representation

I would like to take this opportunity as a local resident to provide some comments on the application that has been submitted for the 56 dwellings on land adjacent the Pye Green Road and Limepit Lane road junction, that I would appreciate you raise with the wider planning committee members for consideration in advance or at the Planning Control Committee meeting on site, this Wednesday 16 January 2019.

In no particular order:

1. Highways Issues. It is noted that there appears to be no concerns raised by Highways as to the design of the access/egress points from this development onto the local road network, and that any specific Road Safety Audit was not deemed necessary. For those of us who use these roads on a regular basis and as a local resident who gets to witness the existing chaotic situation during typical rush-hour periods, I am surprised that Highways feel the roads have the capacity given the current situation and can be used safely. Particular points to note:
 - a. Road speeds. Currently signed at 30mph however there are numerous instances where vehicles have been recorded in excess of 50mph along Limepit Lane (on the wrong side of the carriageway as they are overtaking parked cars);
 - b. Dwellings fronting onto Limepit Lane park their cars fully on the road, obstructing traffic flow, sight lines etc. and during peak flow hours, there have been instances where vehicles queue back from the lights to Sycamore Green;
 - c. The number of recently approved dwellings to the west of Pye Green Road will be 900+, (generating in excess of approx. 1800 vehicle movements / day). The local road network does simply not have the capacity to take even a small fraction of this volume;
 - d. The design for the proposed 56 units provides two access points so access is split between Pye Green Road and Limepit Lane. Whilst the entrance to Pye Green Road is existing, a new entrance onto Limepit Lane needs to be formed in close proximity to the lights and an already busy local road. Why not utilise just the existing entrance?

2. Layout Issues. In addition to the highways and access concerns as outlined at 1d (above), there are several comments / concerns that I feel need addressing with regards to the site layout as follows:
 - a. The proposed layout generates a high density development, estimated to be in excess of 30 dwellings / ha, greater than any adjacent residential area and not in keeping with the surrounding context;
 - b. Through the combination of two access points and development being immediately adjacent and fronting Pye Green Road, the existing hedgerow that forms a valuable element both visually and ecologically, will be lost. This hedgerow is valuable in terms of creating a sense of place and ruralising or softening the urban environment and forms a transition element of this semi-rural environment;
 - c. The notes make reference to entrances being formed by change of surface or brick piers, totally unacceptable with regards to an entrance in this location. Entrances should be denoted through enhanced planting etc.
 - d. Numerous properties have rear gardens that face onto the adjacent public open spaces rather than face onto them, ignoring a valuable outlook for potential buyers and not providing natural surveillance of key areas;

- e. Under current guidance from the NHBC, the majority of trees within the site are not possible in the locations shown due to proximity to built elements. So on plan what appears to be a well landscaped scheme will be reduced to a token element. Trees within rear gardens are not practical and given the small size of the gardens, will be removed by owners as their retention is not enforceable. A fully detailed and considered landscape scheme is required for this Site;
- f. Parking provision within the development appears from a quick review to meet the bare minimum of the required standards, and as such will become a problem that is experienced on adjacent estates and local roads;
- g. The north-east corner of the Site has 6 properties that back onto the adjacent and new Barratt Homes development (off Haycock Road) with existing properties overlooking rear gardens. This is simply a case of bad design and over development. A better approach would be the removal over these 6 proposed units and replacement with more open space, providing a proper and considered connection with the adjacent open space; and
- h. Little consideration appears to have been given to the actual usage of the POS within the development, rather this area is simply a transitional space.

I am for development, providing it is well considered and reflects the semi-rural character of the area and not be detrimental to it. Overall, I would appreciate if these concerns were raised and addressed where possible with all interested parties.

Officer Response

Officers would respond that these issues have been addressed in the officer report where it is clear that a balanced recommendation has been arrived having had regard to various competing demands on the site. The issues raised have been considered within the above report. In particular: -

- (i) The recommendation includes a condition to be attached to any permission granted for a revised landscaping scheme.
- (ii) In respect to parking provision and highway safety and capacity the Highway Authority has not objected to the proposal.
- (iii) The scheme meets the Council's space about dwellings standards and a high standard of amenity would be attained.

Amendments to the Contributions Package and Subsequent Changes to the Officer Report

Following publication of the officer report the issue of developer contributions has been revisited in respect to (i) the clawback provisions in relation to the SANGS claw back provision and the payment of CIL and (ii) the amount of CIL required taking into account the index linked annual rise.

Suitable Alternative Natural Green Space was a means of mitigating impacts on the Cannock Chase SAC by on site provision of an alternative green space which people can use which would reduce visitor pressure on the SAC. However, this approach has now been superseded by the introduction of the Community Infrastructure Levy, which is in effect top sliced to provide monies for direct mitigation on the SAC. As such, it is considered that it would be inappropriate to require the developer to pay the claw back towards SANGS.

Notwithstanding the above CIL is only top sliced on those dwellings for market houses and for those affordable units required under policy (i.e. up to 20% provision). Given that affordable housing above the 20% policy requirement is subject to social housing relief the CIL payment is not subject to top slicing towards SAC mitigation. Given that affordable housing above the 20% policy requirement is subject to social housing relief and the applicant is proposing 44 % affordable housing on site this would mean a greater proportion of the development than the usual 20% would be CIL exempt and SAC mitigation is required for this additional 24%.

As such there is a requirement for the developer to make a contribution (of £221 per dwelling towards the impact of the occupation of these units on the SAC. The normal procedure for this payment is via a section 106 agreement. This payment would equate to £2, 873.00.

However, due to social housing relief on the amount of social housing above the 20% policy requirement there would be a requirement for the developer to make up the shortfall.

The Community Infrastructure Levy is subject to annual increases. Taking into account the annual increase the CIL rate will rise from £45.87 per square metre to £49.11 per square metre for 2019. As such, the amount of CIL payable would equate to £90,313.29.

The above amounts would lead to an extra £2270.71 available which it is recommended is out towards the cost of the education contribution which would increase from £132,548.00 to £134,818.71.

As such the summary of contributions outlined in paragraph 4.14.4 of the Officer report should be amended to read as follows: -

Charge	Cost	Proposal
Community Infrastructure Levy	£90,313.29	£90,313.29
S106 Education	£265,096.00	£134818.71
SAC Section 106 contribution	£2, 873.00	£2,873.00

Allotments	£4,275.00	£2,138.00
Total Cost	£375,930.00	£230,143.00
Cost Per Dwelling	£7,229.00	£4,426.00

In respect to the payment of CIL the applicant has asked for the following payment structure.

Community Infrastructure Levy (CIL)

Requested to be payable over 3 instalments:

- 1st Instalment – 25% payable within 60 days of commencement date
- 2nd Instalment – 25% payable within 240 days of commencement date
- 3rd Instalment – 50% payable within 365 days of commencement date

However, Officers note that the council's policy requires the following payment schedule is adhered to: -

- 1st - Instalment -25% payable within 60 days of commencement date.
- 2nd- Instalment -75% within 240 days of commencement date

In addition to the above the following amendments should be made to Officer report:

Paragraph 1.6

The wider land west of Pye Green Road site has a capacity for up to 900 dwellings.

Paragraph 3.3.1

Members should note that the Hednesford Neighbourhood Plan was adopted on 28th November 2018

Paragraph 4.2.3 should be amended to include the following: -

'The adopted development brief was partly updated by a Statement of Common Ground (2013) as part of the Local Plan (Part 1) examination in public which identified updates to the illustrative layout and overall capacity for the site (see planning policy comments).'

Paragraph 14.5 should be amended to read

"In respect to CIL it should be noted that 25% (£22578.32) would be allocated to the parish council"

Paragraph 4.13.5 should be amended such that the last sentence is deleted.

Paragraph 4.13.8 should be amended to read: -

“Given the above the applicants have stated that they are able to provide £132,548.00 towards the provision of education facilities which would sit alongside the £90,313.29 CIL contribution. As a number of education projects fall under the Regulation 123 list the County Council will have the right to bid to spend CIL receipts received from this and other schemes in the District on improving the District’s educational facilities.”