

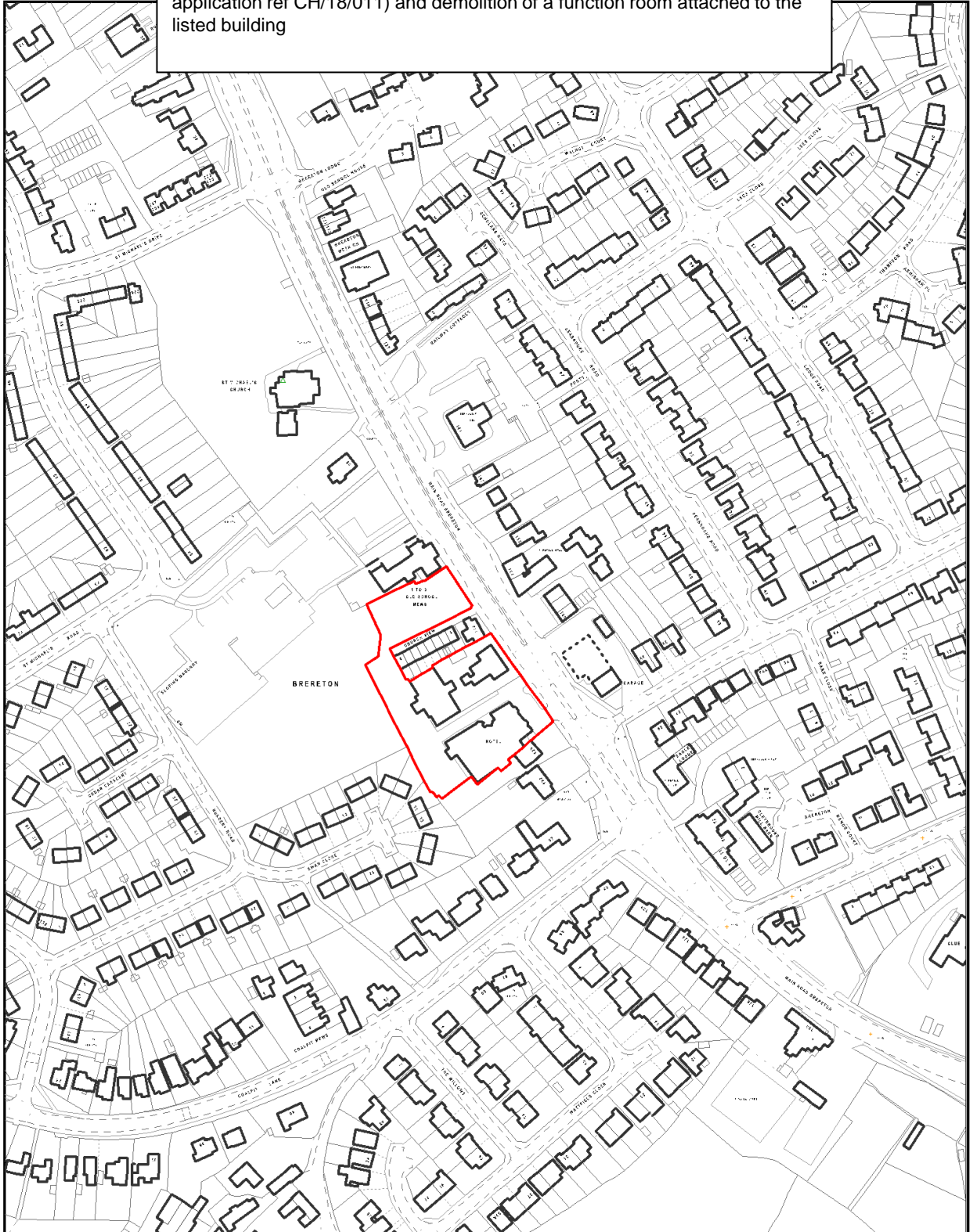


CH/18/016

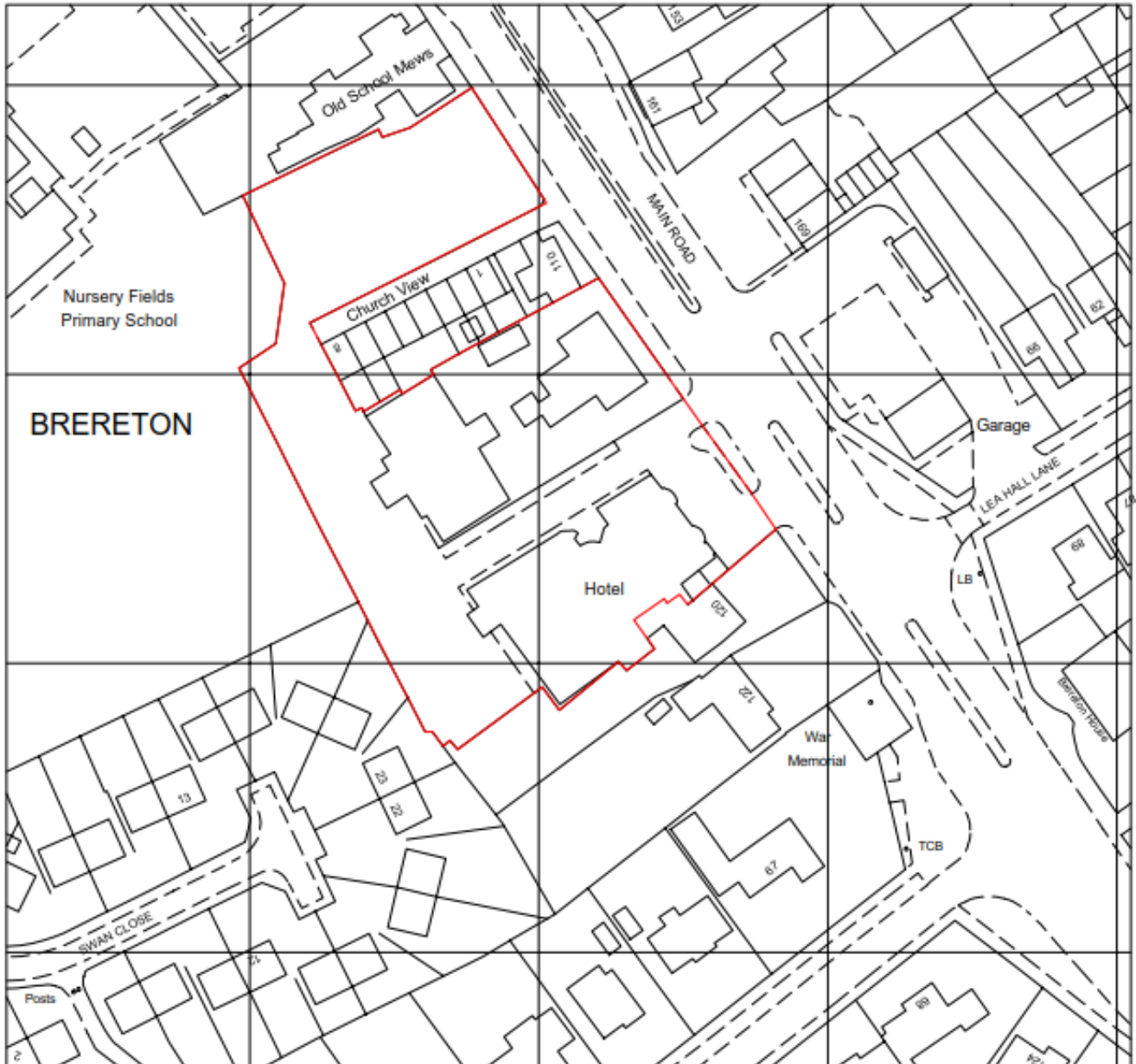
Cedar Tree Hotel, 118 , Main Road, Breerton, RUGELEY, WS15 1DY

Change of use of the Grade II listed Cedar Tree Hotel to provide 9 no. residential apartments, change of use of the annex to create 2 no. dwellings and development of the hotel car parks to create 16 no. new dwellings. The development will include demolition of an existing squash court (as separate application ref CH/18/011) and demolition of a function room attached to the listed building

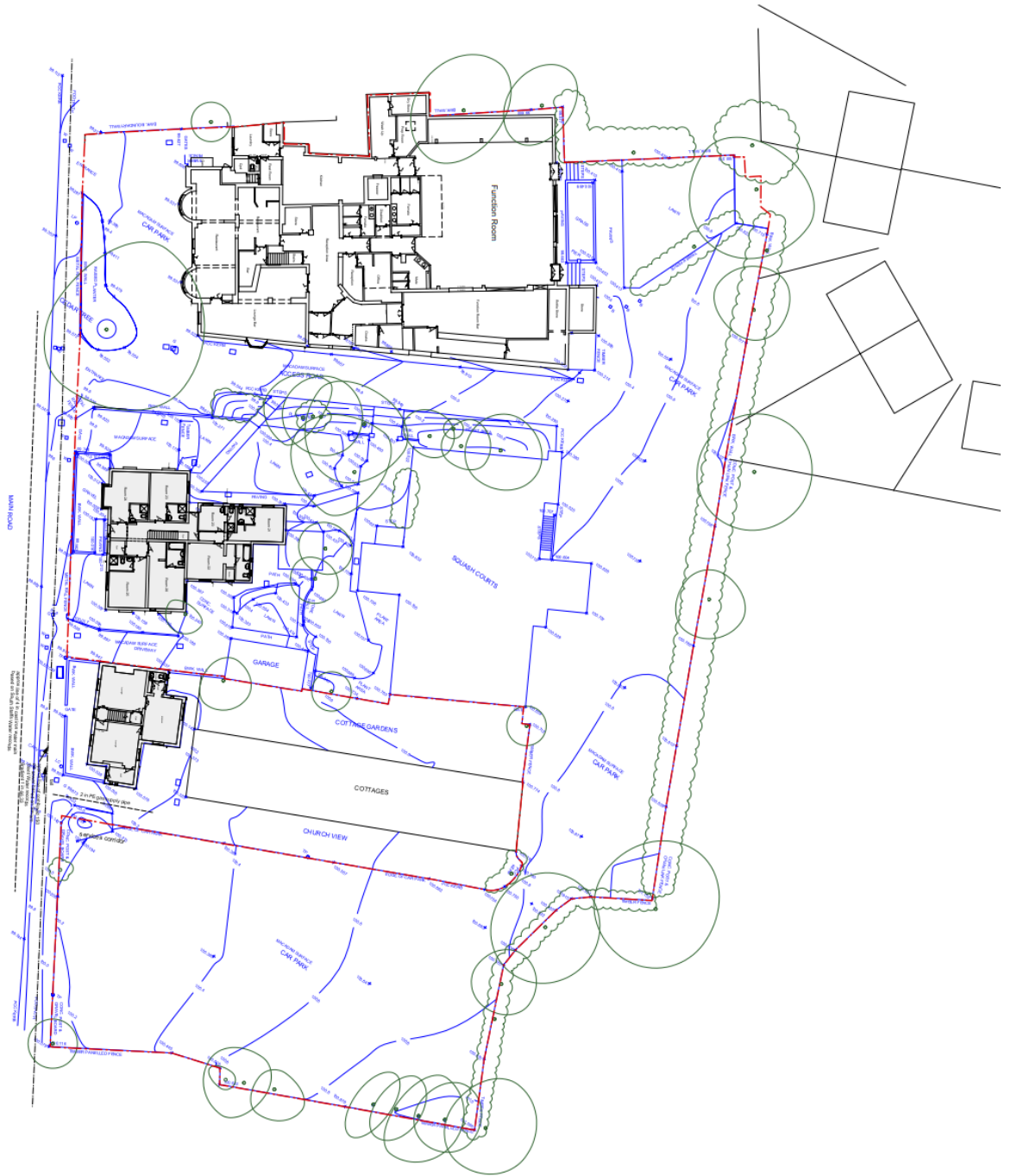
ITEM NO. 6.1



Location Plan



Existing Site Survey



DATE	17.07.2018
PROJECT	Proposed Site Development - Cedar Tree Hotel - Rugby
TITLE	Existing Site Survey

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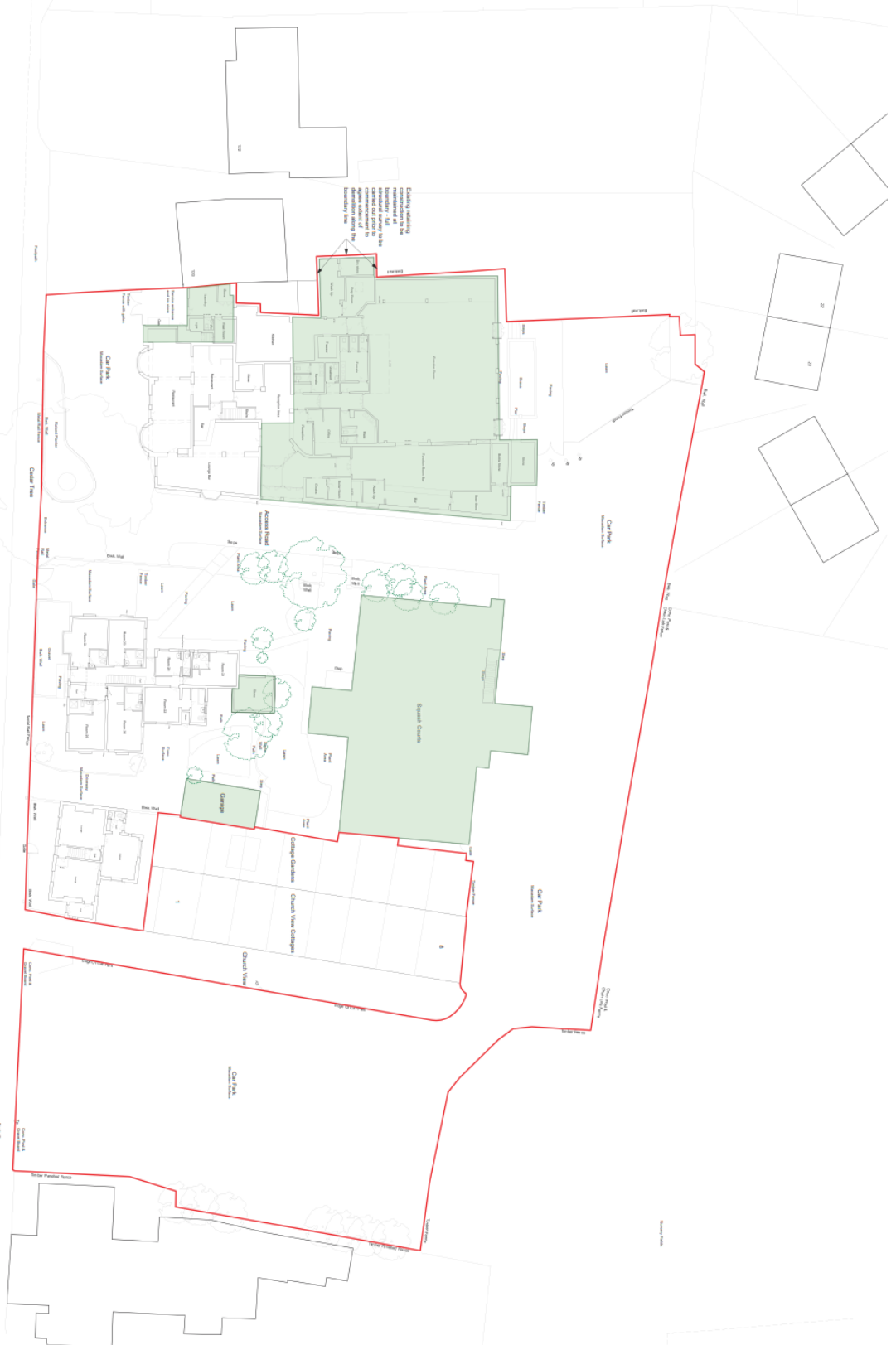
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Demolition Plan



Existing structures to be demolished are indicated by the green shading. The red line indicates the site boundary. The plan shows several buildings, including a large central structure, a smaller building to the left, and a large rectangular building at the bottom. Landscaping is shown with tree symbols. The site is bounded by Cedar Tree Lane to the north and south, and other unnamed streets to the east and west.

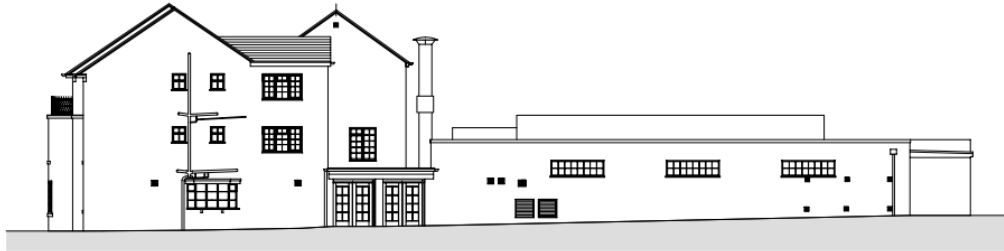
DATE: Nov 2017
 PROJECT: 17.01.12B
 SCALE: 1:2000A1

PROJECT: The Cedar Tree Hotel
 PROPOSAL: Proposed site development - Cedar Tree Hotel - Boreton
 DRAWING: Demolition Plan

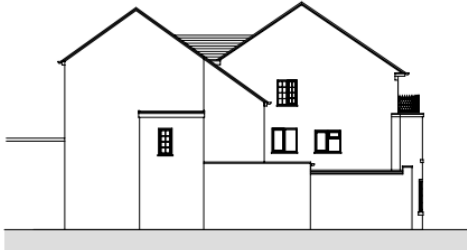
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Hotel Existing Elevations



North West Elevation



South East Elevation



North East Elevation



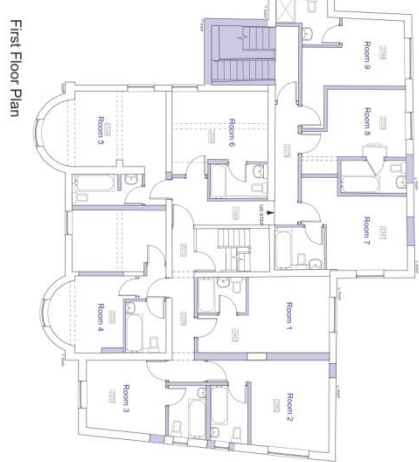
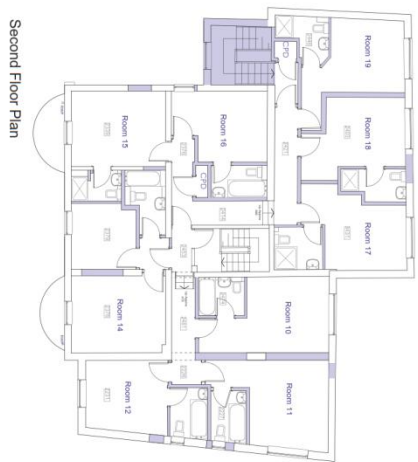
South West Elevation (Main Hotel Building not showing function room)



South West Elevation (Complete)

Hotel Existing Floor Plans

Areas in purple to be removed



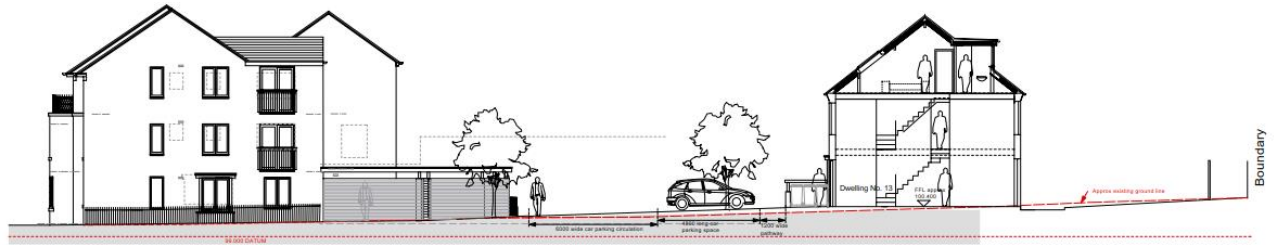
DATE: Sep 2017
 DRAWING NO: 17.01.07B
 SCALE: 1:100@A1

THE CEDAR TREE HOTEL
 PROJECT: Proposed Site Development - Cedar Tree Hotel - Brecon
 TITLE: Cedar Tree Hotel Conversion - Existing Plans

North arrow pointing towards the top right of the page.

Hotel Proposed Elevations

Materials and finishes notes:
 - As otherwise noted.
 - All to use dark timber cladding in
 to grey stone/grey metalwork
 - All to be painted timber to SE
 - All to be in black UPVC.
 - Tiles to kitchen / bathrooms



Proposed North West Elevation / Site section



Proposed South East Elevation

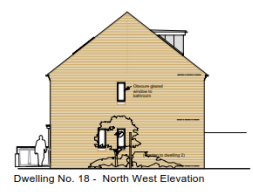
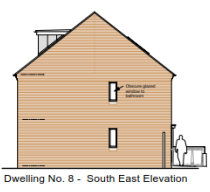
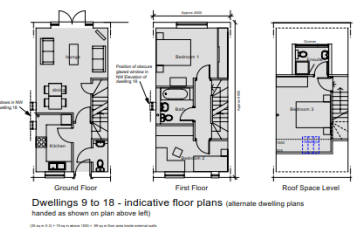
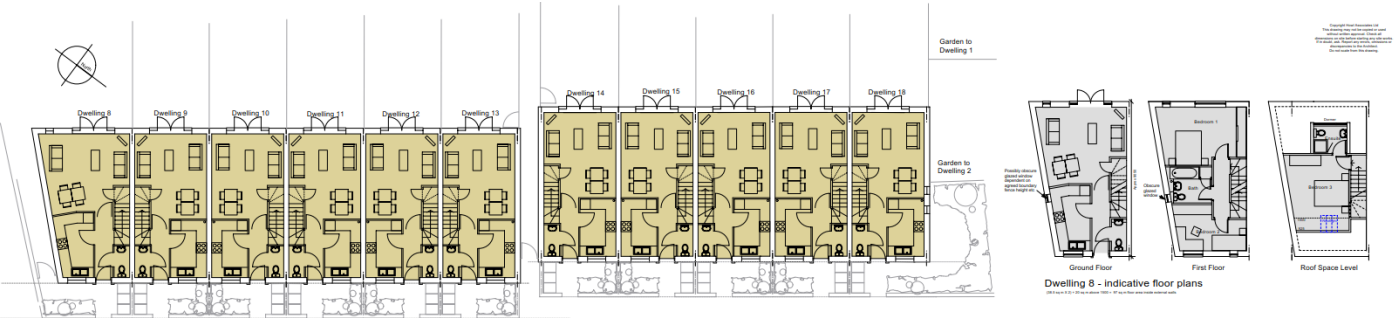


Proposed North East Elevation

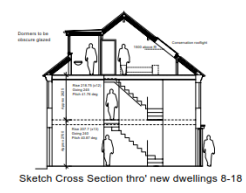


Proposed South West Elevation from Communal Parking Area

Dwellings 8- 18 Plans and Elevations



- Materials for new dwellings 8 - 18**
- Conservation Rooflights to roof space bedroom
 - Consolidated brickwork detail to eaves. Black privo re goods
 - Facing brickwork to walls with brick off detail to windows in agreement with planning authority
 - Natural Slates to Roofs
 - UPVC doors, door surrounds and windows



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Architects

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Application No: CH/18/016

Received: 12 January 2018

Location: Cedar Tree Hotel, 118 , Main Road, Brereton,

Parish: Brereton and Ravenhill

Ward: Brereton and Ravenhill

Description: Change of use of the Grade II listed Cedar Tree Hotel to provide 9 no. residential apartments, change of use of the annex to create 2 no. dwellings and development of the hotel car parks to create 16 no. new dwellings. The development will include demolition of an existing squash court (as separate application ref CH/18/011) and demolition of a function room attached to the listed building

Recommendation: Approve subject to the attached conditions and signing of a section 106 agreement

Reason for Granting Permission

In accordance with paragraphs (186-187) of the National Planning Policy Framework the Local Planning Authority has worked with the applicant in a positive and proactive manner to approve the proposed development, which accords with the Local Plan and/ or the National Planning Policy Framework.

Reason for Committee Decision: The application has been called into Planning Committee by Brereton and Ravenhill Parish Council.

Conditions

1. The development to which this permission relates must be begun not later than the expiration of three years beginning with the date on which this permission is granted.

Reason

To comply with the requirements of Section 91 of the Town & Country Planning Act 1990.

2. Prior to commencement of development a schedule of repair works to the Listed Building, including details of repairs to existing windows, new window design and a timetable for their implementation, shall be submitted to and approved in writing by the Local Planning Authority. The work shall be carried out in accordance with the approved schedule and timetable.

Reason

To safeguard the character and appearance of the Listed Building in accordance with Local Plan Policy CP15.

3. Prior to commencement of development details including samples of external materials including paving materials, design details of lighting, rooflights, bin and bike stores shall be submitted to and approved in writing by the Local Planning Authority.

Reason

To safeguard the setting of the Listed Building in accordance with Local Plan Policy CP15.

4. Prior to commencement of the development, construction details of the driveway serving the dwellings No.s 8-18 indicated on drawing No.17.01.13B shall be submitted to and approved in writing by the Local Planning Authority. The details shall show that the driveway shall be made up to public highway adoptable standard. The driveway shall thereafter be maintained as such for the life of the development.

Reason

To comply with parking standards set out in Cannock Chase District Council's July 2005 Parking Standards, Travel Plans & Developer Contributions for Sustainable Transport Supplementary Planning Document.

5. Prior to first occupation of the proposed dwellings the parking areas / driveways indicated in drawing number 17.01.13B shall be completed and surfaced in a porous bound material, which shall thereafter be retained for resident parking / access only, for the life of the development.

Reason

In the interests of highway safety.

6. No development shall commence until a Construction Vehicle Management Plan (CVMP) including details of site compound, types of vehicles, provision for parking of vehicles for site operatives and visitors, loading and unloading of plant and materials, and storage of plant and materials used in constructing the development has been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall thereafter be implemented prior to any works commencing on site.

Reason

In the interests of highway safety.

7. Prior to commencement of the development, details of the bike store indicated broadly in drawing number 17.01.13B at the rear of the former Cedar Tree Hotel building shall be submitted to and approved in writing by the Local Planning Authority. The cycle parking facilities shall thereafter be installed and retained for those purposes only, for the life of the development.

Reason

To comply with parking standards set out in Cannock Chase District Council's July 2005 Parking Standards, Travel Plans & Developer Contributions for Sustainable Transport Supplementary Planning Document.

8. Prior to commencement of the proposed development, details for a minimum of two cycle parking spaces per dwelling in secure and covered stores within each site curtilage for dwelling numbers 1-18 (as indicated in in drawing number 17.01.13B) shall be submitted to and approved in writing by the local planning authority. The cycle parking facilities shall thereafter be installed and retained for those purposes only, for the life of the development.

Reason

To comply with parking standards set out in Cannock Chase District Council's July 2005 Parking Standards, Travel Plans & Developer Contributions for Sustainable Transport Supplementary Planning Document.

9. Prior to first occupation of the development the section of the existing access from Main Road Brereton (A460) to the south eastern side of the development (access to hotel kitchen), made redundant as a consequence of the proposed development, shall be permanently closed with part of the access crossing reinstated as footway with a full-height kerb.

Reason

In the interests of highway safety.

10. Prior to commencement of the development, a new site access from Main Road Brereton (A460) to the north western side of the development (adjacent to dwelling number 3) shall be completed within the limits of the public highway as a vehicular dropped crossing.

Reason

In the interests of highway safety.

11. The development hereby permitted shall not be commenced until such time as a satisfactory foul and surface water design has been submitted to and approved in writing, by the Local Planning Authority

This shall include:

Surface water drainage system(s) designed in accordance with the non-statutory technical standards for sustainable drainage systems (DEFRA, March 2015).

Appropriate SuDS components to provide adequate water quality treatment and a reduction of discharge rates where possible.

Detailed design (plans, network details and calculations) in support of any surface water drainage scheme, including details in any attenuation system, and 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 2 year, 1 in 30 year, 1 in 100 year and 1 in 100 year plus climate change return periods.

ITEM NO. 6.17

Provision of an acceptable management and maintenance plan for the lifetime of the development. This shall include a schedule of required maintenance activities and frequencies, and contact details for the organisation responsible for carrying out these duties.

Finished floor levels to be set at a minimum of 150mm above surrounding ground levels.

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 be subsequently agreed, in writing, by the Local Planning Authority.

Reason

To prevent flooding by ensuring the satisfactory storage of/ disposal of surface water from the site.

12. Construction hours and deliveries to the site shall not take place outside of the hours of 08:00 hours to 18:00 hours Monday to Friday, 08:00 hours to 13:00 hours on Saturday and at no time on Sundays and Bank Holidays.

Reason

To ensure that the proposed development does not prejudice the enjoyment by neighbouring occupiers of their properties and to ensure compliance with the Local Plan Policy CP3 - Chase Shaping, Design and the NPPF.

13. No part of the development hereby approved shall commence until details of the Special Surface Construction for the area within the vicinity of the protected cedar tree (to front and side of the hotel including existing access road) have been submitted to and approved in writing by the Local Planning Authority. Details shall include existing and proposed levels, construction sections, material specifications, timescale and method statement for implementing the works.

Reason

To ensure the retention and long term health of the protected cedar tree which makes a major contribution to the visual amenity of the area. In accordance with Local Plan Policies CP3 - Chase Shaping, Design, CP15 – Historic Environment and the NPPF.

14. The Special Surface Construction pursuant to Condition 13 above shall be implemented in accordance with the approved details and method statement, unless otherwise agreed in writing by the Local Planning Authority.

Reason

To ensure the retention and long term health of the protected cedar tree which makes a major contribution to the visual amenity of the area. In accordance with

Local Plan Policies CP3 - Chase Shaping, Design, CP15 – Historic Environment and the NPPF.

15. No trees or hedges shown as retained on Drg. no. 17.01.13B, shall be cut down, topped, lopped, uprooted or removed without the prior written permission of the Local Planning Authority nor shall they be wilfully damaged or destroyed. Any trees or hedges which are cut down, topped, lopped or uprooted without permission of the Local Planning Authority or become seriously damaged or diseased or die shall be replaced in the next planting season with similar size and species unless the Local Planning Authority gives written consent to any variation.

Reason

The existing vegetation makes an important contribution to the visual amenity of the area. In accordance with Local Plan Policies CP3 & CP15.

16. No part of the development including demolition shall commence or any actions likely to interfere with the biological function of the retained trees and hedges shall take place, until details for tree and hedge protection have been submitted to and approved by the Local Planning Authority. Details shall include the position and construction of all fencing, the care & maintenance of the trees & hedges within and appropriate method statements.

Reason

The existing vegetation makes an important contribution to the visual amenity of the area. In accordance with Local Plan Policies CP3 & CP15.

17. Prior to the commencement of any demolition, site preparation or construction works including any actions likely to interfere with the biological function of the retained trees and hedges, approved protective fencing pursuant to Condition 16 above shall be erected to the approved layout & any form of work within the Root Protection Areas shall be carried out to the approved method statements. Within the enclosed area known as the Tree Protection Zone, no work will be permitted without the written consent of the Local Planning Authority. No storage of material, equipment or vehicles will be permitted within this zone. Service routes will not be permitted to cross the Tree Protection Zones unless written consent of the Local Planning Authority is obtained. The Tree Protection Zone will be maintained intact and the vegetation within maintained until the cessation of all construction works or until the Local Planning Authority gives written consent for variation.

Reason

To ensure the retention and protection of the existing vegetation which makes an important contribution to the visual amenity of the area. In accordance with Local Plan Policies CP3 & CP15.

18. No part of the development hereby approved, including demolition, shall commence until details of the construction access road onto Main Road between 110 Main Road and Old School Mews and the compound area, together with parking areas for users of the site, have been submitted to and approved in writing by the Local Planning Authority. Details shall include but not be limited to construction and material specifications, access arrangements onto the public highway including any appropriate reinstatement details together with the location of site compound and facilities including vehicle and pedestrian access routes.

Reason

To ensure the retention and long term health of the protected cedar tree which makes a major contribution to the visual amenity of the area. In accordance with Local Plan Policies CP3 & CP15.

19. The construction access road and site compound, pursuant to Condition 18 above shall be carried out in accordance with the approved details and programme of works unless otherwise agreed in writing by the Local Planning Authority.

Reason

To ensure the retention and long term health of the protected cedar tree which makes a major contribution to the visual amenity of the area. In accordance with Local Plan Policies CP3 & CP15.

20. No part of the development hereby approved, including demolition shall commence until details of the parking arrangements for vehicles using the site, including the properties at Church View, throughout the demolition and construction phases have been submitted to and approved in writing by the Local Planning Authority. The approved arrangements shall be implemented and maintained throughout the demolition and construction phases.

Reason

In the interests of highway safety in accordance with Local Plan Policy CP3.

21. Prior to commencement of development an Arboricultural Method Statement shall be submitted to and approved in writing by the Local Planning Authority. The work shall be carried out fully in accordance with the submitted details including timetable and to BS 3998 Tree Work & BS 5837 Trees in Relation to Construction, unless otherwise approved in writing by the Local Planning Authority.

Reason

To ensure the retention and appropriate maintenance of the existing protected cedar tree, which makes an important contribution to the visual amenity of the area. In accordance with Local Plan Policies CP3 & CP15.

22. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and re-enacting that Order with or without modification), no development within Part 1 of Schedule 2 to the Order shall be carried out without an express grant of planning permission, from the Local Planning Authority, namely:

- The enlargement, improvement or other alteration of the dwellinghouse;
- The enlargement of the dwellinghouse consisting of an addition or alteration to its roof;
- Any other alteration to the roof of the dwellinghouse;
- The erection or construction of a porch outside any external door of the dwelling;
- The provision within the curtilage of the dwellinghouse of any building or enclosure, swimming or other pool required for a purpose incidental to the enjoyment of the dwellinghouse as such, or the maintenance, improvement or other alteration of such a building or enclosure;
- The provision within the curtilage of the dwellinghouse of a hard surface for any purpose incidental to the enjoyment of the dwellinghouse as such;
- The erection or provision within the curtilage of the dwellinghouse of a container for the storage of oil for domestic heating; or
- The installation, alteration or replacement of a satellite antenna on the dwellinghouse or within the curtilage of the dwellinghouse.

Reason

The Local Planning Authority considers that such development would be likely to adversely affect the amenity of neighbouring occupiers and the character of the area. It is considered to be in the public interest to require an application to enable the merits of any proposal to be assessed and to ensure compliance with Local Plan Policy CP3 - Chase Shaping - Design and the NPPF.

23. The development hereby permitted shall be carried out in accordance with the following approved plans:

Combined Design & Access Statement and Heritage Impact Statement.

Bird & Bat Activity Survey

Arboricultural Impact Assessment

Proposed Pruning works received 9 January 2018

Drg No.s 17.01.01A, 02A, 03B, 04B, 05B, 06B, 07B, 08B, 09A, 10B, 11A, 12B, 13B, 14, 15, 16 & Sk05.

Drg No.s 001 Rev A, 002 Rev A, 003 Rev B, 004 Rev A, 004 Rev B, 005 Rev B, 006 Rev B & 007 Rev A.

Reason

For the avoidance of doubt and in the interests of proper planning.

24. The development hereby approved shall not commence until a scheme for the positioning of bird and bat boxes set out in section 5 of the Elite Ecology Bat and Bird Survey, dated September 2017 has been submitted to and approved in

writing by the Local Planning Authority . Within 6 months of the first occupation of the dwellings the scheme shall be implemented in full unless otherwise agreed in writing by the Local Planning Authority.

Reason

In order to mitigate against the loss of bird and bat roosting and nesting opportunities as a result of the development in accordance with Policy CP12 of the Cannock Chase Local Plan and paragraph 118 of the NPPF.

EXTERNAL CONSULTATIONS

Historic England

No objection.

Landor (Local History) Society

No objection, however states concern that the existing hotel, hotel annex and terraces on Church View may be impacted upon by the new buildings overcrowding them.

County Highways

No objection, subject to conditions.

Police

Objects to the proposal on the grounds that the proposal has a lack of off-street parking provision for existing residents in Church View Terrace. The limited parking arrangement may lead to anti social behaviour between residents and visitors.

Sustainable Drainage

Drainage design plans are required.

School Organisation

No objection, however, an education contribution would be required towards primary school provision.

South Staffs Water

No comments received.

Parish Council

Objects to the proposal on the following grounds:

- the development is in too close proximity to Church View and 2 Old School Mews.
- insufficient parking spaces for residents of Church View
- emergency vehicles would not be able to gain access to all properties in Church View, due the proposed fencing.
- two and a half storey dwellings are not appropriate in a Conservation Area and would appear out of keeping with Brereton Village.

- concerns regarding another access onto Main Road.
- if dwelling No3 was removed, it would provide more space to enter the access road.

Waste & Engineering

No objections subject to conditions to adopt the access road and provision of bin storage and collection points.

Minerals & Waste

No comments.

Historic England

No comments.

INTERNAL COMMENTS

Conservation Officer

The site has been the subject of approved schemes for development in recent years, which were similar to the current proposal. The latest approved scheme also included special arrangements for the construction access to avoid risk of harm to the cedar tree.

Part of the current scheme involves a resubmission of the previous proposals in the northern part of the site, the new dwellings adjacent to Church View and also the conversion of the hotel annex, which are broadly as previously approved. The main changes now are in the southern part of the site, the proposed conversion of the Listed hotel build to residential apartments, demolition of the ballroom and erection of 11 additional dwellings to the rear of the Listed Building with changes to the parking court layout. The proposed arrangements for construction access have also been changed.

The proposal is considered to preserve the Listed building and its setting and to preserve or enhance the character and appearance of the Main Road, Brereton Conservation Area in a sensitive and appropriate way.

Environmental Health

No objections, subject to conditions to provide a Construction & Traffic Management Plan and restriction in delivery and construction working hours.

Ecological Officer

No comments received.

Landscaping Officer

Recommends the imposition of conditions as per CH/11/246, subject to the pruning being limited to that stated in the arboricultural impact assessment.

Strategic Housing

On sites of 15 units and above, 20% is required for affordable housing so 5 units should be provided for affordable housing. It would be preferable if they were all social rented housing and there is a high demand for 2 bedroom housing in the District. It would be advisable for the developer to talk to local Registered Providers to see if they would be prepared to manage a small number of 1 bed flats in a block of 9 or a mixture of 1 bed flats and 3 bed houses.

RESPONSE TO PUBLICITY

Adjacent occupiers notified and a site notice posted. Ten letters of objection received on the following grounds:

- The proposed redevelopment of the site would remove parking for the existing residents of Church View, which would be detrimental to highway safety.
- Insufficient parking provision for residents of Church View, as each household has 2 cars each.
- The design layout and landscaping of the buildings will negatively affect the access to Church View, as no direct vehicular access would be provided.
- Emergency vehicles would not have direct vehicular access to residents in Church View.
- Detriment to highway safety.
- Cycle lanes would be blocked by vehicles parking on the road.
- The proposal would adversely affect the relationship between new and existing buildings, in relation to privacy, daylight and sunlight. The proposal would incorporate fences and shrubbery in front of the windows of the existing dwellings in Church View. In addition, the occupiers of the proposed flats would be able to see into the gardens of Church View.
- The proximity and height of the proposed scheme to 2 Old School Mews would not be appropriate.
- The construction of the proposal would cause noise disturbance, pollution and dust to the existing residents.
- Cumulative impact of the proposal would cause additional noise, waste, potentially anti-social behaviour and waste management issues.
- The old boundary wall and mature trees adjacent to 120 Main Road may be damaged by the proposed works.
- Devaluation of existing properties.
- Existing drains and manhole would be affected by the proposal.

PLANNING HISTORY

2322/4135 – modernisation and extension of hotel – approved 9/4/69

2483/4423 – extension to restaurant and lounge (to side) – approved 18/2/70

623/76 – use of building adjacent hotel as bedroom annex – approved 3/2/77

- 281/78 – 4 squash courts and dressing rooms – approved 15/6/78
- 15/84 – change of use residential to hotel bedrooms/gym – approved 7/3/84
- 143/84 – alterations to squash court to from shower and bar – approved 27/3/84
- CH/96/0259 – extension at 2nd floor and emergency stair – LBC approved 7/8/96
- CH/96/0260 – alterations and extensions to hotel – approved 7/8/96
- CH/97/0328 – boundary wall to front – LBC approved 24/9/97
- CH/97/0327 – ditto – approved 24/9/97
- CH/98/0240 – conversion 110/112 1 dwelling to two – refused 24/6/98
- CH/02/0052 – residential development 8 dwellings – withdrawn
- CH/03/0070 – change of use squash courts to function room and 4 bedrooms – approved 23/4/03
- CH/05/0164 – change of use garage to manager’s accommodation – approved 27/4/05
- CH/07/0523 – change of use of 110 to 6 hotel bedrooms – approved 29/8/07
- CH/08/0518 – demolition of function room and alterations to provide new hotel entrance and reception LBC – refused 22/12/08 (application related to listed building works in connection with current planning application) – refused 2008.
- CH/08/0517 – CAC for demolition of squash court – refused 22/12/08 (application in connection with current planning application) – refused 22/12/2008
- CH/08/0516 – Planning application for alterations of hotel including demolition of function room and squash court to accommodate construction of 14 dwellings - withdrawn 15/1/09
- CH/09/0259 - Alterations to hotel including demolition of function room together with demolition of squash court to accommodate construction of 14 two storey dwellings with accommodation in roof space – approved (pending S106) 16/11/09.
- CH/09/0291 – LBC Demolition of function room to rear. Alterations to provide new hotel entrance and reception including new canopy – approved 21/01/10

CH/09/0292 – Conservation area consent for demolition of squash court building – approved 21/01/10.

CH/11/0246 - Residential development - 3 terrace houses, a pair of semi-detached houses, conversion of hotel annex into 2 dwellings; demolition of store and canopy to rear of hotel and demolition of squash courts approved subject to conditions on 16 December 2011.

CH/11/0247 - Listed building consent for the demolition of store and canopy to rear of hotel approved subject to conditions on 19 September 2011

CH/11/0278 - Conservation area consent for the demolition of squash court building approved subject to conditions on 16 Dec 2011.

CH/18/011 - Demolition of existing squash court building approved subject to conditions on 5 April 2018.

CH/18/017 - Listed building consent for change of use of the Grade II listed Cedar Tree Hotel to provide 9 no. residential apartments, change of use of the annex to create 2 no. dwellings and development of the hotel car parks to create 16 no. new dwellings. The development will include demolition of an existing squash court (as separate application ref CH/18/011) and demolition of a function room attached to the listed building – Not yet determined.

1. SITE AND SURROUNDINGS

1.1. The application relates to the 3 storey Grade II Listed Cedar Tree hotel, two storey hotel annex, two storey squash court building and associated parking area within the site of the Cedar Tree Hotel on Main Road, Brereton. The site is within Brereton Conservation Area and is one of 6 listed buildings within it.

1.2. The hotel dates back to the 18th century and was remodelled in Regency style in the early 19th century. The three storey rendered building with pitched roof has distinctive two storey convex bays on either side of an entrance door with Tuscan columns. There have been various three storey extensions to its northern and western sides, which are of lesser architectural value and single storey buildings to the rear of the Listed buildings, which have predominantly flat roofs. The mature cedar tree on its frontage is of significant high amenity value and from which the hotel name derives. It is protected by a TPO stands in front of the listed building, and other trees, protected by virtue of their Conservation Area designation, stand within the site and around its boundaries.

1.3. The hotel annex was originally a pair of Victorian houses, which have been rendered and altered, however have retained natural slate roofs. The building

although not Listed is described as being of ‘particular interest’ within the Conservation Area appraisal.

- 1.4. The squash court is a modern 2 storey building in part render and brickwork with a flat roof, and was erected after permission in 1978.
- 1.5. A Conservation Area Appraisal for Brereton was adopted in 2009 and identified the squash court building as having a neutral impact on the character and appearance of the Conservation Area.
- 1.6. To the north of the annex building is another two storey Victorian building, No.110 Main Road, which is within separate ownership to the hotel. This building is described as ‘making a positive contribution’ to the area within the Conservation Area.
- 1.7. A row of Victorian terrace houses known as Church View Terrace is located between the northern-most car park area that serves the hotel and the principal hotel buildings, which effectively divides the site into two distinct areas. The properties along Church View Terrace have no parking within their respective curtilages although 4 of the properties have a legal right to park on the adjacent car park.

2.0 PROPOSAL

- 2.1 The proposal is for the change of use of the Grade II listed Cedar Tree Hotel to provide 9 no. residential apartments (2 x 1 bedrooms and 7 x 2 bedrooms), change of use of the annex to create 2 no. dwellings (3 bedrooms) and development of the hotel car parks to create 16 no. new dwellings (3 bedrooms). The development would include demolition of an existing squash court (as separate application ref CH/18/011) and demolition of a function room attached to the listed building (under planning application reference CH/18/017). The proposal embodies many elements of the earlier schemes, including demolition of the squash court building, conversion of the hotel annex and erection of five new dwellings on the northern car park area.
- 2.2 A new access road from Main Road would serve the five new dwellings to the north and west of Church View Terrace. The car parking court would provide spaces for both the five new dwellings and provide eight additional spaces for visitors or the residents of Church View Terrace. A similar arrangement with four parking spaces for Church View Terrace was accepted in the previous planning and Listed Building approvals (Ref CH/09/0291 and 0292).
- 2.3 The existing squash court building that lies to the south of the rear gardens of Church View Terrace is to be demolished. A new car parking court would be provided to serve 11 new dwellings, arranged on a north/south axis in two

terraces of five and six dwellings. The configuration for the car parking court allows emergency and service vehicles to turn around within the site.

- 2.4 The existing road access position would be moved slightly further to the north, providing an increased area for soft landscape/permeable paving within the root protection zone of the cedar tree. It is proposed that the vehicular access to the south of the cedar tree is extinguished to create a new landscaped area.
- 2.5 A pedestrian route would be maintained from the footway to the original entrance door to the listed building which would be re-opened. Two parking spaces would be retained within the frontage area that would be located on permeable paving for disabled drivers.
- 2.6 The listed building would be externally renovated to include restoration of the original sash windows, balconies and roof eaves. The extent of the re-rendering to be undertaken would be established with the Conservation Officer. The existing natural slate roofs would be restored as part of the work. The fenestration arrangement elevations to the later three storey additions would be altered to a simple contemporary design. The ground floor communal entrance area can be accessed from both the car parking court on the west side and the original entrance door to the listed building on the east side, which would be treated in a contemporary design.
- 2.7 Two of the ground floor apartments in the listed building would have external private space accessible from the apartment entrance area. These new elements would have brick facing to contrast with the rendered walls of the listed building and 'floating' flat roofs set above the top of the enclosing walls. The roofs would be finished with a grey membrane.
- 2.8 The hotel annex would be changed back to two dwellings. The windows facing the Main Road elevation would be replaced with timber sash windows. The original doorways would be reinstated on the front elevation. Minor alterations are proposed to the other elevations of the building to provide new windows and doors. Car parking spaces would be provided within the curtilage of each dwelling.
- 2.9 Three terraced houses would fill the existing gap along the Main Road frontage between 110 and The Old School Mews. The proposed housing is arranged as a terraced block, replicating 'solid to void' ratio on the adjacent buildings. Low profile conservation type roof-lights would be provided to the roof slopes facing Main Road with dormers to the rear. The rear dormers would serve ensuite facilities and would be fitted with obscure glazing.
- 2.10 Two dwellings would be provided to the west of Church View Terrace. They would be two storey to follow the scale of the adjacent cottages and stepped back slightly.

- 2.11 Storage for cycles, refuse and recycling bins would be provided as indicated on plan.
- 2.12 The layout and design of the majority of the new dwellings and associated car parking has been established in the previous approvals (Ref CH/09/0291 & 0292).
- 2.13 The proposed eleven new dwellings to the west of the listed building have been designed to follow the principles of the proposed housing to the north of Church View Terrace. The design utilises the space in the roof, which allows for a stepping down in scale between the three storey height of the listed building on the Main Road frontage and the single storey development in Swan Close to the west. Low profile conservation type roof-lights would be provided and rear dormers would be fitted with obscure glazing to serve ensuite bathroom facilities. The dwellings would be provided with small front gardens defined by low walls, railings and brick piers, which would include individual bin storage areas for each dwelling. These provide covered storage for 3 No. 240 litre wheelie bins.
- 2.14 Access would be provided to the rear of all the dwellings and it is proposed that cycle storage requirements would be addressed through a separate storage facility in the rear gardens of the dwellings.
- 2.15 Permeable paving would be used around the base of the cedar tree. Tarmac to access roads and carpark circulation area, with concrete block paving.
- 2.16 Garden areas would be typically approximately 40sqm.
- 2.17 The application is accompanied with a combined design and access statement and heritage impact statement, arboricultural impact assessment and bat and bird activity survey.

3.0 PLANNING POLICY

- 3.1 Section 38 of the Planning and Compulsory Purchase Act 2004 requires planning applications to be determined in accordance with the provisions of the Development Plan, unless material considerations indicate otherwise.
- 3.2 The Development Plan currently comprises the Cannock Chase Local Plan (2014).
- 3.3 Other material considerations relevant to assessing current planning applications include the National Planning Policy Framework (NPPF) and Supplementary Planning Guidance/Documents.

3.4 Cannock Chase Local Plan (2014):

- CP1 – Strategy
- CP2 – Developer Contributions
- CP3 – Chase Shaping – Design
- CP6 – Housing Land
- CP7 – Housing Choice
- CP12 – Biodiversity and Geodiversity
- CP13 – Cannock Chase Special Area of Conservation (SAC)
- CP15 – Historic Environment
- CP16 – Climate Change & Sustainable Resource Use

3.5 National Planning Policy Framework

3.6 The NPPF sets out the Government’s position on the role of the planning system in both plan-making and decision-taking. It states that the purpose of the planning system is to contribute to the achievement of sustainable development, in economic, social and environmental terms, and it emphasises a “presumption in favour of sustainable development”.

3.7 The NPPF confirms that a plan-led approach to the planning system and decisions must be made in accordance with the Development Plan. In particular, the following NPPF references are considered to be appropriate.

3.8 The relevant sections of the NPPF in relation to this planning application are as follows;

- 7, 11-14, 17, 49, 50, 56, 57, 58, 60, 61, 64, 69, 118 & 126-141

3.9 Other Relevant Documents

- Design Supplementary Planning Document (April 2016).
- Cannock Chase Local Development Framework Parking Standards, Travel Plans and Developer Contributions for Sustainable Transport.
- The adopted Main Road, Brereton Conservation Area Appraisal 2009 and Management Plan 2014.

4.0 DETERMINING ISSUES

4.1 The determining issues for the proposals are:

- Principle of development
- Design and impact on the character and form of the Conservation Area and Listed Building
- Impact on Protected Tree
- Impact on Residential Amenity

- Impact on Parking and Highway Safety
- Impact upon the Cannock Chase Special Area of Conservation
- Community Infrastructure Levy (CIL) and S106 requirements
- Affordable Housing S106 requirement
- Education S106 requirement

4.2 Principle of Development

4.3 This application follows the previous approvals for demolition of the squash court building and residential redevelopments CH/09/0259 for the "erection of 14 No dwellings" and CH/11/0246 for the "erection of 3 No. terrace houses, a pair of semi-detached houses, conversion of hotel annex into 2 dwellings; demolition of store and canopy to rear of hotel and demolition of squash courts".

4.4 The site is a largely brownfield site located within the urban area of Brereton. Most of the site has been previously identified within the Strategic Housing Land Availability Assessment (SHLAA) as a potential housing site in view of the previous planning consent, which has now expired.

4.5 In addition to the above the site is located within Brereton, which is a designated local service centre with a range of goods and services to serve the day to day needs of the community and with good transport links to local towns and areas of employment. As such the application site is located within a sustainable location.

4.6 The land is not allocated for any use within the Local Plan Policies Map. Policy CP1 identifies that the urban areas of the District, including Brereton, will be the focus for the majority of new residential development. It also identifies that a 'positive approach that reflects the presumption in favour of sustainable development' will be taken when considering development proposals. Policy CP6 also identifies that new housing will be focused in the urban areas, including windfall developments, which will receive positive consideration.' Other than this point the Local Plan is largely silent on the issue of housing on unallocated sites.

4.7 Paragraph 49 of the NPPF states that "housing applications should be considered in the context of the presumption in favour of sustainable development. What the presumption means in practice is set out in Policy CP1 of the Local Plan and Paragraph 14 of the NPPF which states

"For decision taking this means

approving development proposals that accord with the development plan without delay; and

where the development plan is absent, silent or relevant policies are out-of-date, granting permission unless:

-any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as whole; or

-specific policies in this framework indicate development should be restricted.

4.8 The reference above to specific policies in the framework relates to those policies in the Framework relating to sites protected under the Birds and Habitats Directive and/ or designated as Sites of Special Scientific Interest, land designated as Green Belt, Local Green Space, an Area of Outstanding Natural Beauty, Heritage Coast or within a National Park, designated heritage assets and locations at risk of flooding or coastal erosion.

4.9 Officers can confirm that the site falls within the Brereton Conservation Area and the Cedar Tree is a listed building, and therefore there are policies within the Framework that indicate development should be restricted and the proposal will therefore need to pass the tests of the NPPF paragraphs 126-141 and Local Plan Policy CP15, to assess how the proposal would affect the designated heritage assets.

4.10 It is therefore considered that subject to matters with regard to the impacts upon the heritage assets being considered and addressed in full and the detailed design of the scheme overall, the proposal would be acceptable in principle.

4.11 Design and impact on the character and form of the Conservation Area and Listed Building

4.12 Policy CP3 of the local plan states development proposals should:

- be well-related to existing buildings and their surroundings in terms of layout, density, access, scale, appearance, landscaping and materials and
- successfully integrate with existing trees, hedges and landscape features of amenity value and employ measures to enhance biodiversity and green the built environment with new planting designed to enhance local distinctiveness.

4.13 In addition to the above Paragraph 128 of the NPPF states

"In determining applications, local planning authorities should require an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting. The level of detail should be proportionate to the assets' importance and no more than is sufficient to understand the potential impact of the proposal on their significance. As a minimum the relevant historic environment record should have been

consulted and the heritage assets assessed using appropriate expertise where necessary.'

4.14 Paragraph 129 of the NPPF goes on to state: -

'Local planning authorities should identify and assess the particular significance of any heritage asset that may be affected by a proposal (including by development affecting the setting of a heritage asset) taking account of the available evidence and any necessary expertise. They should take this assessment into account when considering the impact of a proposal on a heritage asset, to avoid or minimise conflict between the heritage asset's conservation and any aspect of the proposal.'

4.15 In this respect it is noted that the applicant has submitted a combined Design and Access Statement and heritage Impact Statement outlining the architectural detailing and historical development of the site.

4.16 The design of the new dwellings would match the existing neighbouring dwellings by retaining a simple design, with high quality materials that would be sympathetic to the conservation area.

4.17 The dwellings which face Main Road have taken design cues from the neighbouring school, whilst maintaining a similar size and scale as the surrounding dwellings.

4.18 The hotel annex would be re-instated back to two dwellings, with improvements to the windows facing the Main Road elevation, being replaced with timber sash windows and original doorways reinstated on the front elevation. The alterations to the other elevations of the building would upgrade the building to provide new windows and doors.

4.19 The listed building would be externally renovated to include restoration of the natural slate roofs, rendering, original sash windows, balconies and roof eaves.

4.20 It is noted that the Council's Conservation Officer has reviewed the information and has stated that the proposal would 'preserve the Listed building and its setting' and would 'preserve or enhance the character and appearance of the Main Road, Brereton Conservation Area in a sensitive and appropriate way'.

4.21 As such it is concluded that the overall the design of the new dwellings are appropriate for their setting and the development as a whole would enhance the setting of the Listed Building and the Conservation Area in accordance with Local Plan Policies CP3 and CP15 and Section 12 of the NPPF.

- 4.22 Impact on the Protected Cedar Tree and Other Trees Within the Site
- 4.23 There are a number of trees within the site and in particular the protected cedar which forms a local land mark and which gave the hotel its name. In order to inform the application the applicant has submitted an Arboricultural Impact Assessment, prepared by Wharton Tree and ecology Consultants.
- 4.24 The proposed development proposes to move vehicle movements further away from the protected cedar tree in order to preserve it. The expanse of tarmac car parking area, which has perished over time and in a bad state of repair would be removed. Repair and maintenance of this area could be undertaken without permission and some of this area would be replaced with new permeable paving to surfaces around the cedar tree, which would improve water supply to the roots of the tree. There would also be additional landscaping provided where there were previously tarmac areas. It is considered that these works would preserve and enhance the setting of the tree, as well as the listed building.
- 4.25 Minor pruning to raise the canopy of the cedar tree to allow clear access below for waste collection vehicles would be undertaken in accordance with the arboricultural impact assessment and therefore appropriate conditions have been attached to the consent to ensure no damage is done to the tree.
- 4.26 The application has also identified a range of works to existing trees across the site, including some removal and pruning of trees to facilitate the development where the trees would result in conflict with the proposed dwellings, are necessary to allow the development to go ahead and, or, are of little value.
- 4.27 The Landscape Officer has reviewed the application and has no objections subject to the attached conditions.
- 4.28 It is thus, considered that the works would help to preserve the significant Cedar tree of high amenity value and where practicable retain existing trees in accordance with Local Plan Policies CP3 and CP15.
- 4.29 Impact on Residential Amenity
- 4.30 A core planning principle is that planning should always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings and this has been accommodated within Policy CP3 of the Local Plan and supported by the guidance as outlined in the Design SPD. This latter document sets out guidance in respect of separation distances between different type so of elevations and minimum garden areas in order to achieve a good standard of residential amenity.
- 4.31 In this respect it is noted that the proposed dwellings would comply with the 45/25 standard measured from the nearest habitable room windows of the

existing and proposed dwellings, and therefore the proposal is considered acceptable in respect to impacts on receipt of light, or overshadowing to neighbouring residents.

- 4.32 The proposed dwellings would generally on the whole comply with the facing distance requirements of 21.3m within the Design SPD, measured between facing habitable rooms of existing and proposed dwellings, with the exception of dwelling No.8, which would have a facing distance of 17m measured to the rear of No. 23 Swan Close. However, there is a mature tree and hedge line along the intervening boundary, which would provide sufficient screening between the existing and proposed dwelling to prevent loss of privacy.
- 4.33 The gardens sizes for the proposed 3 bedroom houses would be the minimum required for 2 bedroom houses (40-44sqm compared to 65sqm). However, the third bedrooms are provided in the roof space, which can normally be added under permitted development allowances and the garden sizes are comparable with the existing houses in Church View Terrace. Furthermore, a condition can be added to the approval to remove any further permitted development rights to enable any future development to be controlled.. Therefore officers consider that on balance the slight deficiency in garden sizes would not be sufficient to warrant refusal of the application.
- 4.34 It is therefore considered there would be no issues of overlooking, or impact upon the amenity of the existing or proposed occupiers and that overall a good standard of amenity would be attained for all existing and future occupiers of the site and its neighbouring properties in accordance with the Design SPD.
- 4.35 Impact on Parking and Highway Safety
- 4.36 Paragraph 32 of the NPPF states that Plans and decisions should take account of whether; -
- 'safe and suitable access to the site can be achieved for all people; and improvements can be undertaken within the transport network that cost effectively limit the significant impacts of the development. Development should only be prevented or refused on transport grounds, where the residual cumulative impacts of development are severe.'
- 4.37 The highways officer was consulted on the proposed redevelopment scheme and has no objections, subject to the imposition of suitable conditions.
- 4.38 The parking provision available to the residents in Church View Terrace has been increased from 4 No. from the past approval CH/11/246, to 8 No. unallocated spaces which would be available to visitors and/or the existing residents of Church View Terrace. The previous approval established that only 4 of these properties had a legal right to park on the land. It is therefore considered that the provision of one space for each of the existing residents of

Church View Terrace would be an improvement to the provision of off-street parking from that agreed in the previous approval.

- 4.39 The waste collections team were consulted on the application and had no objections to the scheme, subject to conditions and provided that the access to the rear of the site is constructed to an adoptable standard, in order to allow waste collection vehicles to access the bins of the proposed rear dwellings. This would also improve access for emergency vehicles to enter the site and can be accommodated once the proposed pruning to lift the crown of the Cedar tree is undertaken (part of the proposals to allow construction vehicles access to the rear of the site).
- 4.40 The site falls within flood zone 1 and there would be a net reduction in impermeable surfaces of 747 sq m and a suitable condition can be added for a drainage scheme attached to the permission.
- 4.41 Taking the above into consideration, it is concluded that the proposal is acceptable in respect to parking, highway safety and capacity and therefore accords with Policy CP3 of the Cannock Chase Local Plan and paragraph 32 of the NPPF.
- 4.42 Impact on the Cannock Chase Special Area of Conservation
- 4.43 Paragraph 118 of the NPPF states: when determining planning applications, local planning authorities should, amongst other things (not relevant to the determination of this application)
- "aim to conserve and enhance biodiversity by applying the following principles:
- if significant harm resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused"
- 4.44 The application site has a legal duty as a responsible authority under the Conservation of Habitats and Species Regulations 2010 (Habitat Regulations) to ensure that the decisions it makes on planning applications do not result in adverse effects on the integrity of the Cannock Chas Special Area of Conservation (SA), which has internationally protected status under the Regulations for its unique heathland habitat. The financial requirement for SAC Mitigation would be included in the calculation for the Community Infrastructure Levy.
- 4.45 In addition to the above the applicant has submitted a Bat and Bird Activity Survey, dated September 2017 prepared by Elite Ecology outlining the results of surveys undertaken on 25th August and 7th and 13th September and a bat

scoping survey of the buildings on 18th September. Although the survey did not find any evidence of use by bats it did find evidence of breeding birds the reports outlines mitigation and compensation measures, which include the provision of

no works to be carried out during the bird breeding season unless otherwise inspected by an ecologist.
instalment of 2 no integrated eco bat boxes
instalment of 4 robin and wren nest boxes
instalment of 2 Schwegler Sparrow terraces

4.46 Subject to the above being controlled by condition it is considered that the proposal would be acceptable in respect of its impact on nature conservation interest and in accordance with policy CP12 of the Local Plan and paragraph 118 of the NPPF.

4.47 Community Infrastructure Levy (CIL) and S106 requirements

4.48 The Council's CIL Charging Schedule was approved on 19 February 2015 and came into effect on the 1 June 2015. The CIL for all new residential development is £45.87 per square meter (plus indexation) of floorspace and is used to pay for infrastructure. The proposal is CIL liable as it provides 27 No. new residential units.

4.49 Affordable Housing S106 requirement

4.50 Local Plan Policy CP7 requires on developments for 15 dwellings or more a 20% on site affordable housing provision, which would equate to 5 No. dwellings for this scheme that would be secured via a S106 agreement. The comments of the Strategic Housing Officer are noted and it is considered that this could be secured through a Section 106 agreement.

4.51 Education S106 requirement

4.52 The School Organisation Team has identified that a development of this size would require additional school places and as a consequence identified there would be shortfall in primary school provision. Therefore a contribution to 4 primary school places would be required, which would be £44,124 (subject to change in cost multiplier) and could be secured via a S106 agreement.

4.53 Other Matters

4.54 Loss of access to Church View – the creation of a new vehicular access to the residential properties will also serve Church View.

4.55 Loss of parking for Church View – 8 parking spaces have been provided for visitors, or residents of Church View, which is an increase of 4 spaces compared to the previous approval.

- 4.56 Loss of privacy – there will be no direct overlooking windows facing the existing properties in Church View and any view would be at a somewhat oblique angle. As such any loss of privacy to existing occupiers would be acceptable in planning terms and marginal over and above that currently exists.
- 4.57 Noise and dust pollution during construction period – This would be controlled as far as is practicably possible through a construction method statements that could be controlled through condition.
- 4.58 Devaluation - this is not a material consideration.
- 4.59 Drains - Any works affecting drainage would be covered by private rights or through the Building Regulations legislation.

5.0 HUMAN RIGHTS ACT

- 5.1 The proposals set out in this report are considered to be compatible with the Human Rights Act 1998. The recommendation to approve the application accords with the adopted policies in the Development Plan which aims to secure the proper planning of the area in the public interest.

6.0 CONCLUSION

- 6.1 In conclusion, it is considered that the proposed development would enhance the Conservation Area by making good use of currently underused land. The proposed development, subject to the attached conditions would not have a significant adverse impact upon neighbouring dwellings as the proposal generally complies with the amenity standards outlined in the Residential Extensions Design Guide. The dwellings would be an appropriate design, size and scale given their surroundings and their setting within a Conservation Area in accordance with Local Plan Policies CP3 & CP15 – Historic Environment.
- 6.2 The alterations surrounding the Cedar Tree would not have an adverse impact upon the Listed Building, or the protected tree and would be in accordance with Local Plan Policy CP15.
- 6.3 It is therefore recommended that the application be approved subject to a S106 and the attached conditions.

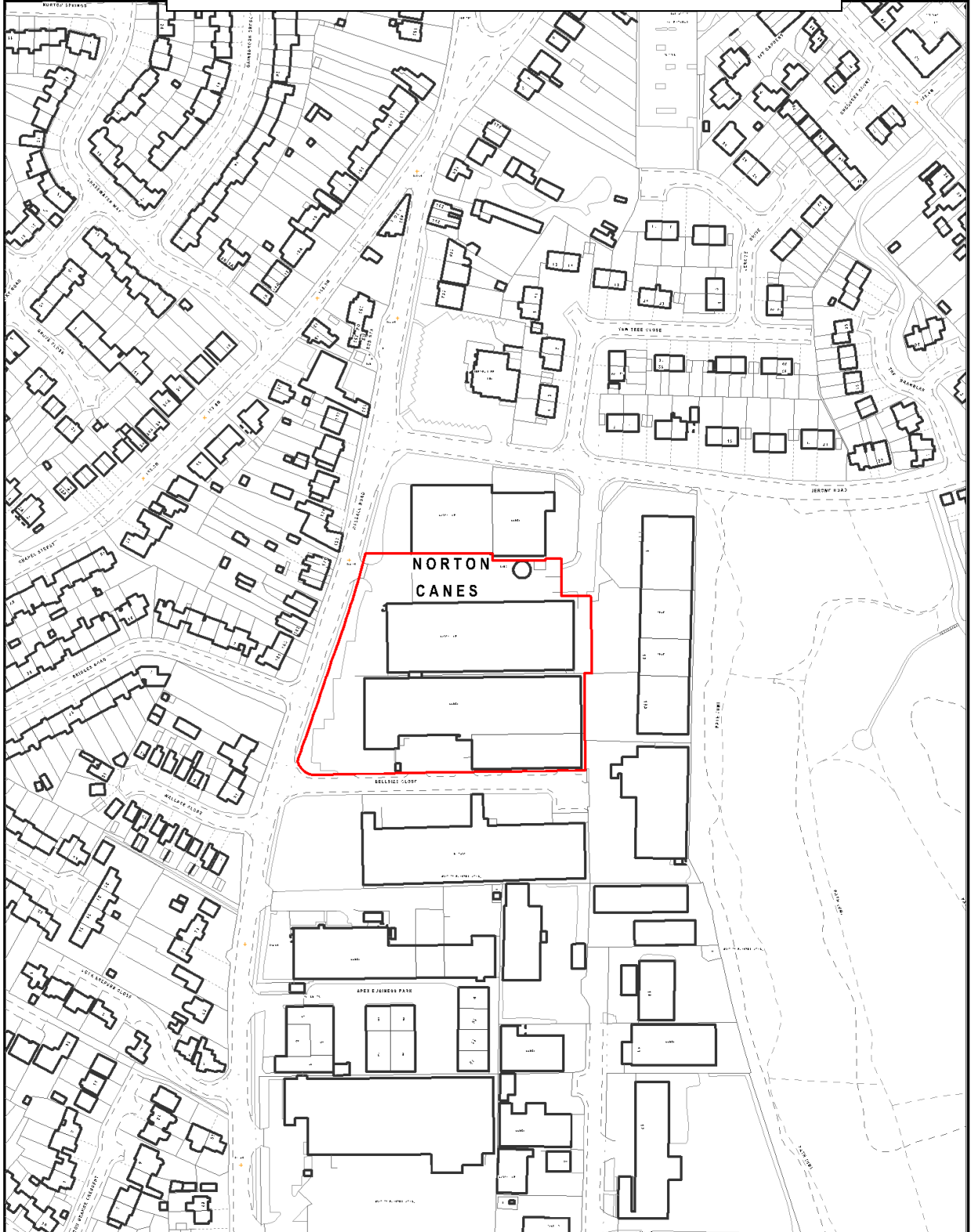


CH/17/476

Unit 17 To 20, Bellsze Close, Norton Canes, WS11 9TQ

Application for the removal of condition 5 of planning permission CH/15/0040 to allow 24 hour operation of the site

ITEM NO. 6.38



Location Plan

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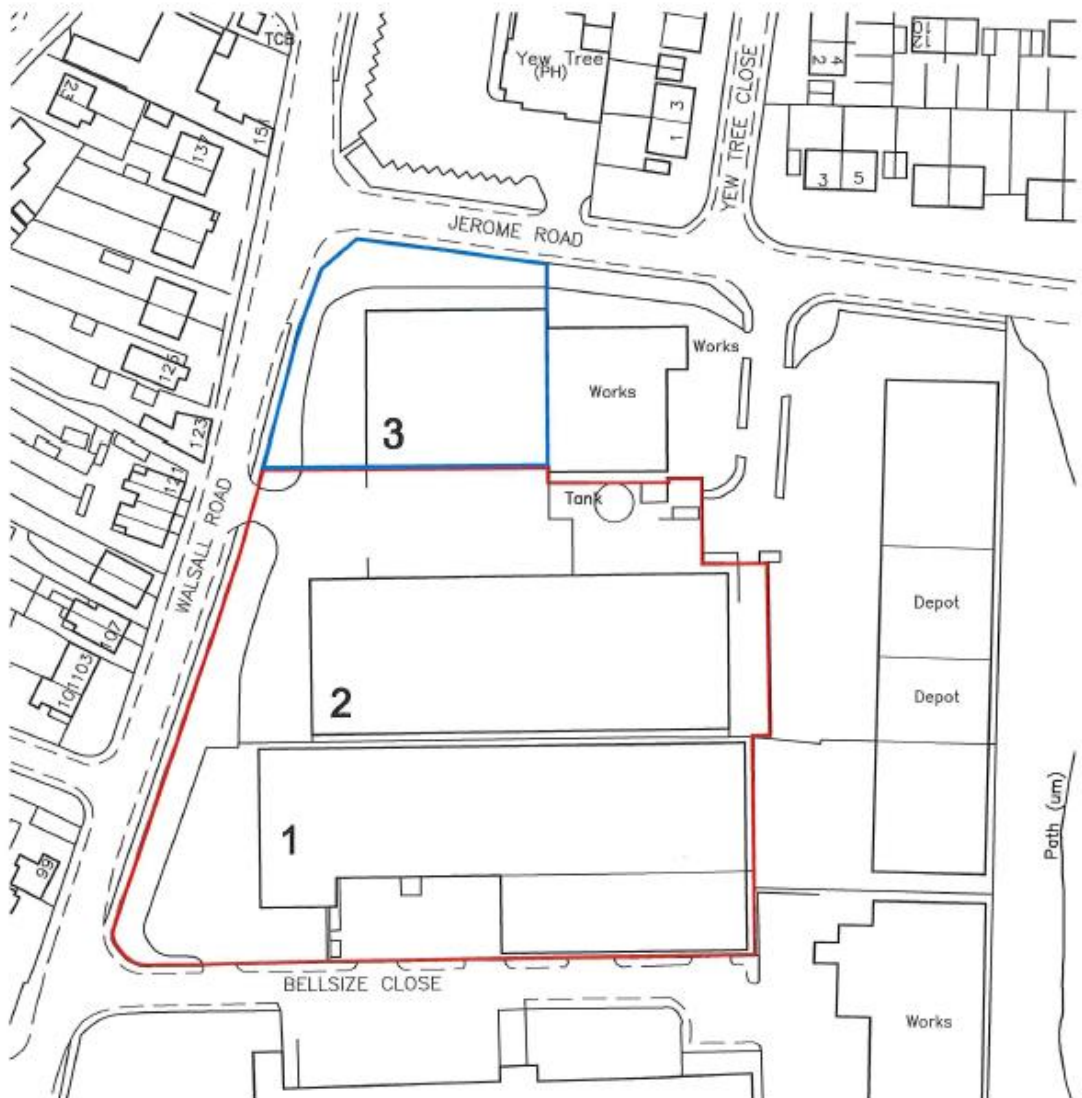
location
plan
1:1250

Plotted at A4



client
AER Stafford Ltd
Bellsze Close
Norton Canes
WS11 9TQ
project
November 2017

REV A
Red and blue lines
adjusted



Application No: CH/17/476

Received: 18-Dec-2017

Location: Unit 17 To 20, Bellsiz Close, Norton Canes,

Parish: Norton Canes

Ward: Norton Canes Ward

Description: Application for the removal of condition 5 of planning permission CH/15/0040 to allow 24 hour operation of the site

Application Type: Full Planning Application

RECOMMENDATION: Approve Subject to Conditions

Reason for Grant of Permission

In accordance with paragraphs (186-187) of the National Planning Policy Framework the Local Planning Authority has worked with the applicant in a positive and proactive manner to approve the proposed development, which accords with the Local Plan and the National Planning Policy Framework.

1. B2 Standard Time Limit
2. No heavy goods vehicles shall load, unload, arrive at or depart from the premises outside the hours of 07.00hrs to 19:00 hrs Monday to Friday, 07.00 hrs to 13:00 hrs on Saturdays and at no time on Sundays, Bank and Public Holidays.
3. No plant or machinery shall be operated external to any building on the site, no loading or unloading of vehicles and no movement of commercial vehicles to, or from, the site shall take place outside the hours of 07:00 hrs to 19:00 hrs Mondays to Fridays, 07:00 hrs to 13:00 hrs on Saturdays and at no time on Sundays, Bank and Public Holidays.
4. Approved Plans

EXTERNAL CONSULTATIONS

Norton Canes Parish Council

Concern has been raised relating to noise at the site during the night which would affect the neighbours in close proximity. There are already concerns relating to off site parking on the grass verges and in Bridges Road close to the junction. This would further exacerbate this problem particularly at times of change over of staff shifts. There is concern regarding the increase in traffic using the site and the pollution issues related to this.

INTERNAL CONSULTATIONS

Environmental Protection

No objection subject to conditions.

The Environmental Protection Team have received a number of complaints regarding the above premises about noise from machinery on site, however no statutory nuisance has been witnessed,

A visit was undertaken on the 22nd February 2018, at 23:00hours. A forklift truck was moving 2 pump trucks from unit 2 to unit 1 and returning back to unit 1.

A further evening visit was undertaken on the 8th March 2018, between 22:15 and 22:30 by officers of this department, from observations the site was quiet and there was no activity on the yard.

The Environmental Protection team will continue to monitor the site premises.

In the interest of the local residents I would recommend the following conditions to prevent further complaints:

- No plant or machinery shall be operated, no loading or unloading of vehicles and no movement of commercial vehicles to or from the site shall take place outside the hours of 7am to 7 pm Mondays to Fridays and 7am to 1pm Saturday. None of the above operations shall be carried out at any time on Sundays or public holidays.
- No heavy goods vehicles shall load, unload, arrive at or depart from the premises outside the hours of 7.00 am and 7.00 pm Monday to Friday and 7.00 am and 1.00 pm Saturdays.

RESPONSE TO PUBLICITY

Adjacent occupiers have been notified and a site notice posted. Three letters of objection have been received. Concerns have been raised regarding:-

- The residents do not want 24hr working with lorries already causing disruption and turfing [sic] road and paths up.
- The site is lit 24 hr a day with security lights which is totally unacceptable, plus the additional lights from fork lift trucks and trucks which have a high powered white light when reversing.
- The additional noise from fork lift trucks, trucks and people – trucks are left running or beeping as they reverse, noise from fork lift trucks loading and unloading and reversing. Residential properties opposite the site cannot have windows open at night due to the existing noise.

- The previous one way system should be reinstalled – this was put in place by the previous occupiers of the site. Trucks entered the premises by using Jerome Road and then the back gate yard, then drove onto Walsall Road. At present trucks are reversing into and out of the yard from the Walsall Road. It wont be long before there is a serious accident at the junction of Jerome Road.
- The workers stand outside the building at the front to smoke which disturbs neighbours.
- Staff not wearing hi-vis jackets
- Rubbish ending up on the neighbouring properties – black plastic and foam,
- The alarm system ringing early morning.

RELEVANT PLANNING HISTORY

- CH/15/0040 Insertion of mezzanine floor, alterations to main entrance, installation of 2 roller shutter doors, canopy and perimeter fencing. Approved (Units 1 & 2)
- CH/04/0051 Relaxation of condition to allow 24hr working Mon-Friday and midnight – 16:30 on Saturday. Approved (Unit 1)
- CH/96/0407 Relaxation of condition 1 of planning consent CH/94/0152 to remove restriction on working hours. Approved
- CH/93/0259 Proposed factory extension. Approved

1. **SITE AND SURROUNDINGS**

- 1.1. The application site relates to two detached warehouses / factory units situated on Walsall Road, Norton Canes.
- 1.2. The units measure some 3,287m² and are currently occupied by AER Stafford.
- 1.3. The units comprise of a brick and metal clad construction building with a two storey office building to the front of the northern building. The southern building is used to accommodate the industrial processes of the business. The third unit to the north of the red line does not form part of the application and has no restriction in terms of working hours.
- 1.4. Access is provided to the site off Walsall Road to the north-west corner of the site. A secondary access is located off Bellsiz Close to the south. Parking is provided to the front of the units for 70 vehicles.
- 1.5. The units are within a wider industrial estate and are flanked by units of a similar design but different sizes. There are residential dwellings opposite the site.

1.6 There is a strip of trees and hedges along the front boundary with the Walsall Road (in part).

2.0 SUPPORTING STATEMENT

2.1 In order to explain the context of the application the applicant has submitted the following information.

2.2 AER Stafford are converters of Foam, Rubber and Plastic with a packing area and assembly area, for the Automotive industry mainly (JLR) . The total work force of 244 split across 3 shifts, the main bulk is day shift:

Days including office staff - 08.00 till 16.30 =126 employees

Mornings and Afternoon rotating- 06.00 till 14.00 and 14.00 to 22.00 = 98 employees

Nights - 22.00 to 06.00 =20 employees

Total = 244 employees

2.3 The main factory is located within Unit 1. This unit is where the bulk of manufacturing, VAC forming of plastic parts and assembly work. In April 2017 a noise survey was conducted for the shop floor. The result was that hearing protection was only advised on 2 machines; low level ear protection was recommended.

2.4 Unit 2 is storage only, so there is no production machinery in the unit. Normal hours of working within this unit are 06.00 till 22.00. There is no forklift truck activity after 18.00. The only reason for staff entering Unit 2 is to fetch parts for packing.

2.5 Unit 3 (outside the red line) is still under development but again a noise survey has been conducted and found no need for hearing protection. Outside site 3 there is a compactor that is used to dispose of rubbish. This is set back toward the industrial estate 70 m away from the nearest residents' home.

2.6 All delivery's are between the hours of 08.00hrs to 16.30hrs and 08.00hrs till 13.00hrs on Monday to Friday. A booking in system is used for all delivery's and all suppliers have been informed.

2.7 Forklift truck activity is restricted to the hours of 06.00hrs till 22.00hrs and there is no night shift forklift truck activity after 22.00hrs.

2.8 AER Stafford used to be called Stafford Rubber until it went into liquidation in 2008. The company was brought out by the AVON Group and the company has been going since 1978.

3.0 PROPOSAL

3.1 The application seeks consent for the variation of condition 5 of planning permission CH/15/0040 to allow the site to operate on a 24 hour basis.

3.2 The applicant states that the site benefited from 24 hour working prior to the granting of planning permission CH/15/0040. This application granted permission for alterations to the building. However, in granting permission, the hours of operation were restricted. This was an oversight of the previous agent and is not satisfactory to the requirements of the business which needs 24hrs.

3.3 Condition 5 of planning permission CH/15/0040 states:-

“The premises shall not be open for business outside the hours of 07:00hrs to 22:00hrs on Mondays to Fridays, 07:00hrs to 16:30hrs on Saturdays and at no time on Sundays and public holidays.”

3.4 The applicant wishes to amend these hours to reflect the previous permission CH/04/0051 to allow:-

“Relaxation of condition to allow 24 hour working Monday to Friday and 12.00 midnight to 4.30 pm Saturday”

4. PLANNING POLICY

4.1 Section 38 of the Planning and Compulsory Purchase Act 2004 requires planning applications to be determined in accordance with the provisions of the Development Plan, unless material considerations indicate otherwise.

4.2 The Development Plan currently comprises the Cannock Chase Local Plan (2014)

4.3 Other material considerations relevant to assessing current planning applications include the National Planning Policy Framework (NPPF) and Supplementary Planning Guidance/Documents.

4.4 Cannock Chase Local Plan Part 1 (2014)

CP1- Strategy
CP3 - Chase Shaping – Design
CP8 – Employment Land

4.5 National Planning Policy Framework

4.6 The NPPF sets out the Government's position on the role of the planning system in both plan-making and decision-taking. It states that the purpose of the planning system is to contribute to the achievement of sustainable development, in economic, social and environmental terms, and it outlines the "presumption in favour of sustainable development".

4.7 The NPPF confirms that a plan-led approach to the planning system and decisions must be made in accordance with the Development Plan. In particular the following NPPF references are considered to be appropriate:

7, 11-14, 17, 20, 56, 123,

4.8 Other Relevant Documents

Design Supplementary Planning Document, April 2016.

Travel Plans and Developer Contributions for Sustainable Transport Supplementary Planning Document (2005).

National Planning Policy Guidance (NPPG)

5.0 DETERMINING ISSUES

5.1 The determining issues for the proposal are

- (i) Principle of the proposal
- (ii) Impact on residential amenity

5.2 Principle of the proposal

5.3 The application site is not located within any areas which are site allocated, or designated. The application site accommodates a business that has been established for 40 years. The business employs 244 staff working on a shift basis and requires 24 hour operations to ensure the competitive nature of the business is maintained. As such, the principle of the proposal is acceptable.

5.4 Impact on Residential Amenity

5.5 The site is surrounded on three sides by industrial units. However, to the west is a row of residential dwellings that face onto Walsall Road, at a distance of 17m (at nearest point). Beyond the industrial estate to the north and east lies residential development however, these are 20m and 100m distant respectively and separated by further industrial units.

5.6 National Planning Practice Guidance (NPPG) states (Paragraph 003) that Local planning authorities' plan-making and decision taking should take account of the acoustic environment and in doing so consider:

- whether or not a significant adverse effect is occurring or likely to occur;
- whether or not an adverse effect is occurring or likely to occur; and
- whether or not a good standard of amenity can be achieved.

In line with the Explanatory Note of the Noise Policy Statement for England, this would include identifying whether the overall effect of the noise exposure is, or would be, above or below the significant observed adverse effect level and the lowest observed adverse effect level for the given situation. As noise is a complex technical issue, it may be appropriate to seek experienced specialist assistance when applying this policy.

5.7 In addition to the above although it is noted that paragraph 20 of the NPPF states that "local authorities should plan proactively to meet the development needs of business" paragraph 17 also makes it clear that a core planning principle is that planning should "always seek to secure a good standard of amenity for all existing and future occupants of land and buildings" with Policy CP3 of the Local Plan stating that the amenity enjoyed by existing properties should be protected.

5.8 In particular with respect to noise, paragraph 123 of the NPPF states

Planning policies and decisions should aim to

avoid noise from giving rise to significant adverse impacts on health and quality of life as a result of new development.

mitigate and reduce to a minimum other adverse impacts on health and quality of life arising from noise from new development, including through the use of conditions.

recognise that development will often create some noise and existing businesses wanting to develop in continuance of their business should not have unreasonable restrictions put on them because of changes in nearby land uses since they were established"

5.9 In this instance, the Council's Environmental Health Team has been consulted on the application. Officers confirm that whilst there have been complaints relating to noise from machinery being operated, no statutory nuisance has been witnessed. Therefore, Officers raise no objections to the proposal subject to conditions to protect the amenity of the neighbouring residents. Officers also stated that they would continue to monitor the site.

- 5.10 The condition suggested by the Environmental Health Officer, with the suggested modification would ensure that the business needs of the premises would be satisfied whilst still ensuring some measure of control to ensure that the occupiers of the surrounding premises maintain a good standard of residential amenity.
- 5.11 As such it is considered that subject to the attached conditions the proposal on balance would be acceptable.
- 5.12 Objections raised not already addressed above:
- 5.13 Objectors have stated that the site is lit 24 hr a day with security lights which is totally unacceptable, plus the additional lights from fork lift trucks and trucks which have a high powered white light when reversing. Officers have witnessed fork lift truck activity once during evening site visits to the premises. A condition has been recommended by Environmental Health Officers that prevents movement of commercial vehicles within the site between the hours of 19:00hrs and 07:00hrs.
- 5.14 Objectors have stated that "the previous one way system should be reinstalled", adding that "At present trucks are reversing into and out of the yard from the Walsall Road" and "It won't be long before there is a serious accident at the junction of Jerome Road". Officers would comment that this issue is not directly related to the issue for determination and therefore is not a material planning consideration for the determination of this application.
- 5.15 Objectors have stated "the workers stand outside the building at the front to smoke which disturbs neighbours". Officers would comment that this is not a material planning consideration for the determination of this application. However, officers would comment that neighbours should contact the company direct where employees are creating an unacceptable degree of nuisance during night time hours.
- 5.16 Objectors have stated that staff not wearing hi-vis jackets. Officers would comment that this is not a material planning consideration for the determination of this application.
- 5.17 Objectors have stated that rubbish is ending up on the neighbouring properties – black plastic and foam. Officers would comment that this is not a material planning consideration for the determination of this application.

5.18 Objectors have stated that the alarm system rings early in the morning. Officers note that this is not a material planning consideration for the determination of this application.

6.0 Human Rights Act

6.1 The proposals set out in this report are considered to be compatible with the Human Rights Act 1998. The proposal could, potentially, interfere with an individuals' right if peaceful enjoyment of his or her property as specified in Article 8 and Article 1 of the First Protocol, however, the issues arising have been considered in detail in the report and it is considered that, on balance, the proposals comply with Local plan Policy and are proportionate.

7.0 Conclusion

7.1 Given the previous 24 hour use of the well established business together with the conditions and continued monitoring of the site, the proposals would not result in demonstrable harm to the neighbouring occupiers of the site and are therefore acceptable. As such the variation of condition 5 to allow 24 hour operations in accordance with the amended conditions is considered to be acceptable and in accordance with Local Plan Policies CP1, CP3, CP8 and the NPPF.

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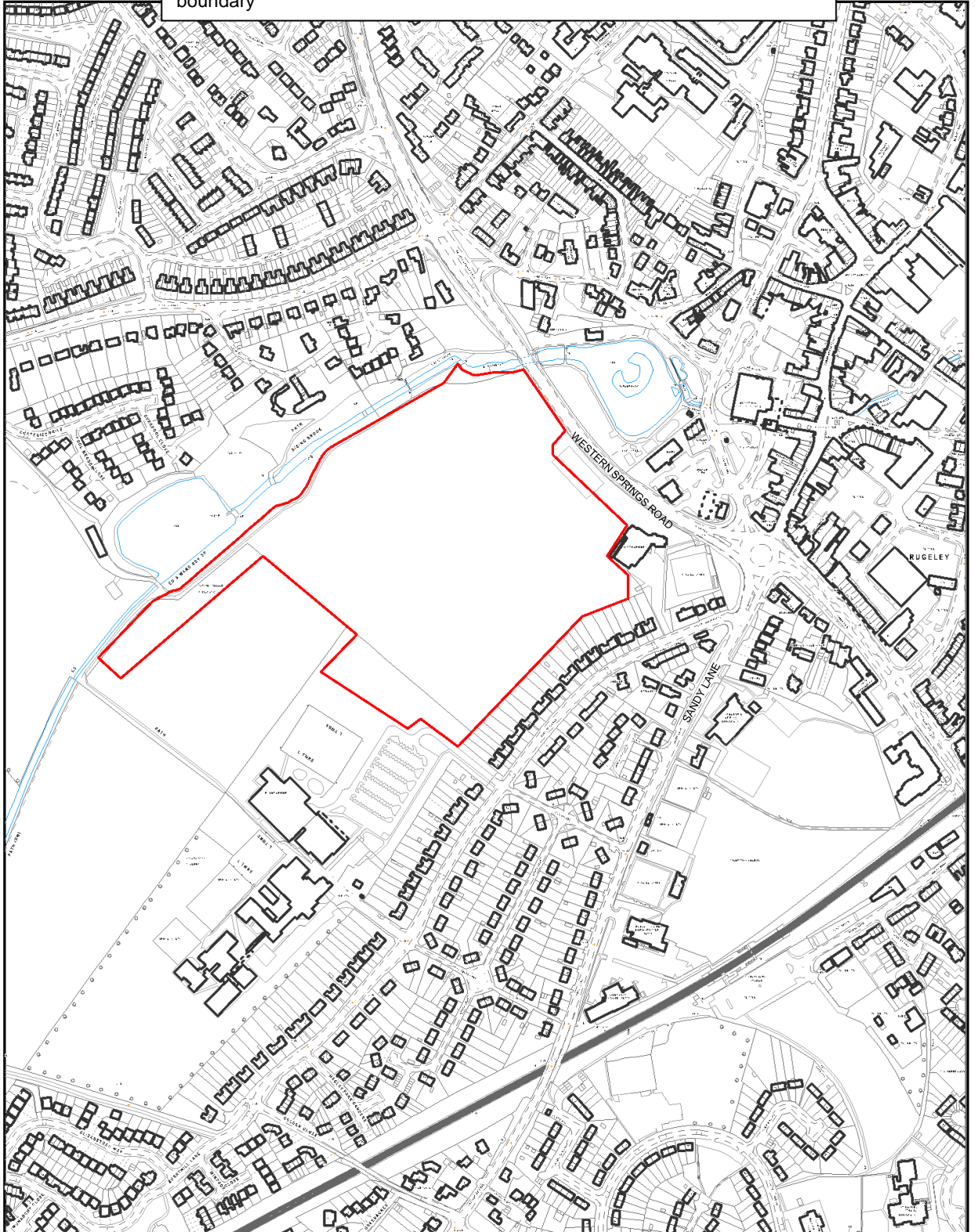


CH/18/095

Land to the east of Western Springs Road (Hagley Playing fields), Rugeley, WS15 2GD

Application to vary condition 28 of planning permission CH/16/139 to enable a minor material change comprising the removal of steps to skate park from dam crest and removal of footpath around the southern and eastern boundary

ITEM NO. 6.49



Application No: CH/18/095

Received: 3 March 2018

Location: Land to the East of Western Springs Road (Hagley Playing Fields), Rugeley

Parish: Rugeley

Ward: Hagley

Description: Application to vary condition 28 of planning permission CH/16/139 to enable a minor material change comprising the removal of steps to the skate park from dam crest and removal of footpath around the southern and eastern boundary.

Recommendation: Approve subject to the attached conditions

Reason for Granting Permission

In accordance with paragraphs (186-187) of the National Planning Policy Framework the Local Planning Authority has worked with the applicant in a positive and proactive manner to approve the proposed development, which accords with the Local Plan and/ or the National Planning Policy Framework.

Reason for Committee Decision: The land is managed by the Council and the recommendation is contrary to the representation received by the Town Council.

Conditions

1. The development to which this permission relates must be begun not later than the expiration of three years beginning with the date on which this permission is granted.

Reason

To comply with the requirements of Section 91 of the Town & Country Planning Act 1990.

2. No trees or hedges shown as retained on the approved drawings shall be cut down, topped, lopped, uprooted or removed without the prior written permission of the Local Planning Authority nor shall they be wilfully damaged or destroyed.

Any trees or hedges which, within a period of 5 years from completion of the development are cut down, topped, lopped or uprooted without permission of the Local Planning Authority or become seriously damaged or diseased or die shall be replaced in the next planting season with similar size and species unless the Local Planning Authority gives written consent to any variation.

Reason

The existing vegetation makes an important contribution to the visual amenity of the area. In accordance with Local Plan Policies CP3, CP14, CP12 and the NPPF.

3. Within 3 months of the date of this permission a scheme detailing the external environment-landscape, including planting, fencing, walls, surface treatment & construction details for the site shall be submitted to and approved by the Local Planning Authority. The details shall be in the form as specified in Annex C of the Supplementary Planning Guidance 'Trees, Landscape and Development'.

Reason

In the interest of visual amenity of the area and in accordance with Local Plan Policies CP3, CP12, CP14 and the NPPF.

4. The approved landscape works shown pursuant to Condition 3 above shall be carried out in the first planting and seeding season following the completion of the development.

Reason

In the interest of visual amenity of the area. In accordance with Local Plan Policies CP3, CP12, CP14 and the NPPF.

5. No part of the development hereby approved shall commence until a plan showing the phasing of the landscape works has been submitted to and approved by the Local Planning Authority.

Reason

In the interest of visual amenity of the area. In accordance with Local Plan Policies CP3, CP12, CP14 and the NPPF.

6. The approved landscape works shown pursuant to Condition 5 above shall be carried out in accordance with the timetable detailed on the approved phasing plan unless otherwise agreed in writing by the Local Planning Authority.

Reason

In the interest of visual amenity of the area in accordance with Local Plan Policies CP3, CP12, CP14 and the NPPF.

7. Any trees or plants which within a period of five years from the date of planting die, are removed or become seriously damaged or diseased, shall be replaced in the following planting season with others of similar size and species unless the Local Planning Authority gives written consent to any variation.

Reason

In the interests of visual amenity of the area. In accordance with Local Plan Policies CP3, CP12, CP14 and the NPPF.

8. Within 2 months of the date of this permission a Landscape Management Plan shall be submitted to and approved by the Local Planning Authority. The plan shall stipulate the future management and maintenance of the proposed and existing landscape features including all trees and hedges within and overhanging the site.

Reason

In the interests of visual amenity of the area. In accordance with Local Plan Policies CP3, CP12, CP14 and the NPPF.

9. The site landscape, following completion of establishment, shall be managed in accordance with the approved Management Plan pursuant to Condition 8 above, unless otherwise agreed in writing by the Local Planning Authority.

Reason

In the interests of visual amenity of the area. In accordance with Local Plan Policies CP3, CP12, CP14 and the NPPF.

10. The development hereby approved shall be implemented in accordance with the Tree Protection Information as per the memorandum from AECOM, dated 6th January 2017 and drawings 60478026-LAN-DR-004 and 005

Reason

The existing vegetation makes an important contribution to the visual amenity of the area in accordance with Local Plan Policies CP3, CP12, CP14 and the NPPF.

11. The approved protective fencing erected in the positions shown pursuant to Condition 10 above shall be retained for the duration of the construction phase.

Reason

The existing vegetation makes an important contribution to the visual amenity of the area in accordance with Local Plan Policies CP3, CP12, CP14 and the NPPF.

12. Within the enclosed area known as the Tree Protection Zone, no work shall be permitted without the written consent of the Local Planning Authority. No storage of material, equipment or vehicles will be permitted within this zone. Service routes will not be permitted to cross the Tree Protection Zones unless written consent of the Local Planning Authority is obtained. The Tree Protection Zone will be maintained intact and the vegetation within maintained until the cessation of all construction works or until the Local Planning Authority gives written consent for variation.

Reason

To ensure the retention and protection of the existing vegetation which makes an important contribution to the visual amenity of the area. In accordance with Local Plan Policies CP3, CP12, CP14 and the NPPF.

13. Details of all arboricultural work shall be submitted to and approved in writing by the Local Planning Authority within 21 days of the date of this permission. Details shall include a method statement and schedule of works.

Reason

The existing vegetation makes an important contribution to the visual amenity of the area and in accordance with Local Plan Policies CP3, CP12, CP14 and the NPPF.

14. The approved arboricultural work (pursuant to Condition 14 above) shall be carried out fully in accordance with the submitted details including timetable and to BS 3998 Tree Work & BS 5837 Trees in Relation to Construction, unless otherwise approved in writing by the Local Planning Authority.

Reason

To ensure the retention and appropriate maintenance of the existing vegetation which makes an important contribution to the visual amenity of the area. In accordance with Local Plan Policies CP3, CP12, CP14 and the NPPF.

15. The remedial works specified in the report which accompanied the application shall be carried out in full before any other part of the development hereby permitted is commenced.

Reason

In order to enable the development to proceed in a safe environment and to protect the health and safety of its occupiers and to ensure compliance with the NPPF.

16. The submitted Construction Management Plan, dated March 2016, shall be implemented and adhered to for the duration of the construction phase.

Reason

In order to comply with para 32 of the NPPF.

17. The temporary site access shall be permanently closed at the end of the construction phase and the access reinstated as verge/footway to the satisfaction of the Local Planning Authority.

Reason

In order to comply with para 32 of the NPPF.

18. Within 21 days of the date of this permission a report outlining the findings of the archaeological investigation shall be submitted to the Local Planning Authority.

19. Reason

In the interests of recoding the archaeology of the site in accordance with Local Plan Policy CP15 and the NPPF.

20. The development shall be carried out in accordance with the scheme for on-site wheel cleaner and road cleaning measures detailed in the approved Construction Management Plan Mar 16 (V2)

Reason

In the interests of ensuring that no mud and debris from the development site and associated vehicles does not adversely impact on the local highway network.

21. Within 2 months of the date of this permission a scheme showing the layout of sports pitches shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include a timetable for implementation of the scheme. The sports pitches shall not be constructed other than substantially in accordance with the standards and methodologies set out in the guidance note "Natural Turf for Sport" (Sport England, 2011) and Rugby Football Union and Football Association technical specifications.

Reason

To ensure the location and quality of pitches is satisfactory, that flood risk is minimised.

22. The existing rugby and football pitches shall not be taken out of use until access to alternative pitches of the necessary quality (to be previously agreed with the RFU and FA) have been identified and upgraded to a condition fit for use and access is secured.

Reason

To ensure the current users of pitches on the site have suitable alternative pitches to provide continuity of play until the replacement pitches are constructed and fit for use.

23. Within 21 days of the date of this permission the following details shall be submitted to and agreed in writing with the Local Planning Authority:

Paving/surfacing details

Footpath closure/diversion details including – signage requirements, implementation and phasing of works associated with the footpath re-opening.

Thereafter the development shall be undertaken in accordance with the approved details.

Reason

To ensure that the design, appearance and function of the approved development is acceptable in accordance with Local Plan Policy CP3 and the NPPF.

24. The development shall be undertaken in accordance with the actions, recommendation and mitigation works set out in the following documents:

Environmental Action Plan - March 2016;

Recommendations for habitat work and mitigation to support a population of white-clawed crayfish and enhance the wider Biodiversity Alert Site along the Rising Brook and its corridor habitats as part of the Rugeley Flood Alleviation Scheme - December 2015.;

Preliminary Bat Roost Assessment Report - February 2016.

Reason

In the interests of safeguarding the environment and ecology of the site and wider area in accordance with Local Plan Policies CP3, CP12 and the NPPF.

The development hereby permitted shall be carried out in accordance with the following approved plans and documents:

Recommendations for habitat work and mitigation to support a population of white-clawed crayfish and enhance the wider Biodiversity Alert Site along the Rising Brook and its corridor habitats as part of the Rugeley Flood Alleviation Scheme - December 2015.;

Environmental Action Plan - March 2016;

Preliminary Bat Roost Assessment Report - February 2016.

Construction Management Plan Mar 16 (V2)

Archaeological Evaluation - Report No. 1446.

WAT-DR001- Site Location Plan

WAT-DR-012-T04 Proposed Layout Revision A05*(approved subject to the terms indicated in condition 26)

WAT-DR-013-A01 Embankment Sections

WAT-DR-018-101 Footpath diversions

WAT-DR-019-I01 Construction traffic movement to site

WAT-DR-020-I02 Construction Phase Plan (1 of 5) Initial Phase

WAT-DR-021-I02 Construction Phase Plan (2 of 5) Phase 1

WAT-DR-022-I02 Construction Phase Plan (3 of 5) Phase 2

WAT-DR-023-I02 Construction Phase Plan (4 of 5) Phase 3

WAT-DR-024-I02 Construction Phase Plan (5 of 5) Phase 4

WAT-DR-030-A01 Outlet Headwall

WAT-DR-035-A01 Inlet Headwall

WAT-DR-040-A02 Orifice Structure
WAT-DR-045-A02 Proposed Spillway
WAT-DR-046-A01 Proposed Spillway Details

LAN-DR-007 Landscape Master Plan Revision U* (approved subject to the terms indicated in condition 26)

25. Notwithstanding the details of the approved plans, this permission relates only to the removal of the footpath and the steps and to no other details shown on the Drawings marked by an * in condition 25.

Reason

For the avoidance of doubt and in the interests of proper planning as the full landscape details have not been approved and therefore need to be submitted for approval.

IMPORTANT INFORMATIVES

Flood Risk Team

Any structures/works within the channel (e.g. pipes, headwalls, trash screens, penstocks) of the Rising Brook upstream of Western Springs Road will require consent under the terms of the Land Drainage Act 1991.

Severn Trent Water

We advise that there may be a public sewer located within the application site and encourage the applicant to investigate this. Please note that public sewers have statutory protection and may not be built close to, directly over or be diverted without consent. If there are sewers which will come into close proximity of the works, the applicant is advised to contact Severn Trent Water to discuss the proposals and we will seek to assist with obtaining a solution which protects both the public sewer and the building.

Please note, when submitting a Building Regulations application, the Building Control Officer is required to check the sewer maps supplied by Severn Trent and advise them of any proposals located over or within 3 metres of a public sewer. In many cases under the provisions of Building Regulations 2000 Part H4, Severn Trent can direct the Building Control Officer to refuse building regulations approval.

Rights of Way Officer

The attention of the developer is drawn to the existence of Public Footpath which runs within the boundary to the proposed development site, and the requirement that any planning permission given does not construe the right to divert, extinguish or obstruct any part of the public path.

If the path does need diverting as part of these proposals the developer would need to apply to your Council under section 257 of the Town and Country Planning Act 1990 to divert the footpath to allow the development to commence. The County Council will need to be formally consulted on the proposal to divert this footpath. The applicants should be

reminded that the granting of planning permission does not constitute authority for interference with the right of way or its closure or diversion. For further information the applicant should be advised to read section 7 of DEFRA's Rights of Way Circular (1/09).

It is important that users of the path are still able to exercise their public rights safely and that the path is reinstated if any damage to the surface occurs as a result of the proposed development. We would ask that trees and hedges are not planted alongside the footpath unless the developer and any subsequent landowners are informed that the maintenance of the trees and hedges is their responsibility.

The County Council has not received any application under Section 53 of the Wildlife and Countryside Act 1981 to add or modify the Definitive Map of Public Rights of Way, which affects the land in question. It should be noted, however, that this does not preclude the possibility of the existence of a right of way at common law, or by virtue of a presumed dedication under Section 31 of the Highways Act 1980.

It may, therefore, be necessary to make further local enquiries and seek legal advice in respect of any physically evident route affecting the land, or the apparent exercise of a right of way by members of the public.

EXTERNAL CONSULTATIONS

Rugeley Town Council

The town council wish to register an objection.

Hagley field has always been a well used field by local people for recreation and dog walking. In addition it has been (and will be again), the site of community fairs, Charter Fair, fireworks, fun runs etc. Desire lines created by users previously criss-crossed the field and marked where the public wished to walk. These were fine in dry weather but during rainy weather, became unmanageable muddy paths that were not suitable for pushchairs/ wheelchair users etc.

The skate park has been greatly missed by the community and will again be well used when the site is reopened. By not having steps off the dam to the skate park, desire lines will again feature but this time there will be additional wear and tear on the land as the footpath will pass over the new dam. By having steps in place at the right location, erosion of the dam crest will not take place and users will be able to pass from the Hart School to the skate park without causing degradation of the bank.

The footpath around the southern and eastern sides of the site would also allow for access for all to enjoy the site and walk away from the main field (which may at times be waterlogged as a result of the flood works) from the housing estates into Rugeley and access Elmore Park and the heritage trail.

Sport England

The loss of the proposed paths would not be so significant as to merit an objection as there were no paths before and I'm assuming access to the pitches were via the orange track from the leisure centre car park for pitch users.

What has changed is the bunds provide a form of barrier for moving around the site but that said they don't block access via the orange path.

Environment Agency

The Environment Agency has no objections to the variation off condition 28 of the planning permission reference CH/16/139 with regards to fluvial flood risk and also the amendment to remove the steps and path from the dam crest are unlikely to have any impact on the biodiversity of the site.

County Council Minerals

No objection.

Staffordshire County Council Footpaths

The application documents as they stand are not clear in what is being proposed here. The application states that one of its intents is to 'remove a footpath along the southern and eastern boundary of the site'. The only public right of way in the vicinity is Public Footpath No22 Rugeley Town which runs parallel to the south-eastern boundary before dog legging to meet Burnhill Lane to the south. This right of way is currently temporarily closed to allow the work on the site area to take place.

If this application is to remove this public right of way as in "extinguish" it, this cannot be done via the planning process. An application would have to be made to the Highways authority (the County Council) and the correct legal process undergone.

Local Lead Flood Authority

No comments to make.

INTERNAL CONSULTATIONS

Environmental Health

No objections.

Trees, Landscape and Countryside

It is noted that the red line boundary on Dwg 012 has been moved extended outwards to the northwest side of the brook course adjacent to the weir/bridge to cater seemingly for the extended sheet piling.

- No planning justification has been presented for the omission of the steps and footpath. Justification required.
- The EA has previously noted that the potential scour effect of water flowing over the dam and adjacent the steps would be detrimental to the dam itself. However the section of the dam where the steps would be located is not the overflow/spill section, that being located on the western end of the dam. If water was overtopping adjacent to the steps there would be far bigger issue all round to deal with. Given there is a surfaced path across the top of the dam then one or more desire lines will be formed to the skate park with the resultant ware and erosion. It will not be possible to prevent these forming with the resultant erosion and ongoing maintenance liability.
- Maintenance vehicle access to the skate park was originally around the western side of the youth centre from Burnthill Lane but due to the dam construction was to be from the exiting maintenance gate of Weston Springs Road near the brook course.

There is no reference to this on the revised drawings, how is vehicle maintenance access to be achieved?

- The proposed footpath along the western boundary followed an existing very well used public footpath linking to Burnthill Lane. The one on the southern boundary would be a continuation of that still proposed from the Youth centre to link up with the western path. This would avoid people cutting across the corner of the field and down embankments. All in all giving some enhancement to the usability of the site given that there has been little other enhancement compared to what was proposed.
- The drawing indicated the use of *Acer saccharinum* species (Sugar Maple) adjacent Weston Springs Road. Not suitable species in this particular location, change to *Tilia cordata* (Small leaved lime)
- Additional trees were removed to facilitate development on basis would be compensatory planting – not details indicated or provided!

Summary

- Landscape drawing is not acceptable re tree species
- Loss of steps to skate park will lead to likely additional maintenance requirements as well as limiting access.
- Maintenance vehicle access issue.
- Loss of proposed enhancements/mitigation overall without suitable justification.

RESPONSE TO PUBLICITY

The application was advertised by neighbour letter, site notice and by newspaper advert. No letters of representation have been received.

RELEVANT PLANNING HISTORY

CH/16/139: - An application for the construction of scheme of flood alleviation including the creation of an earth embankment, laying out of a vehicular maintenance track, footpath diversion, landscaping, provision of replacement sports pitches and associated development was approved in June 2016 subject to several conditions including condition 28 which required the development to be carried out in accordance with the approved plans and documents.

CH/16/139/A: - Discharge of conditions 3 (landscape details), 5 (landscape phasing), 10 (tree protection), 12 (special surface construction details), 14 (arboricultural work), 16 (tree protection), 20 (access), 22 (archaeological investigation), 23 (cleaning measures), 25 (alternative pitch access), & 26 (details) for planning permission CH/16/139

1. SITE AND SURROUNDINGS

1.1 The application site comprises the Hagley Park Playing Fields which are located to the west of Rugeley town centre. The site was formerly maintained as football and rugby pitches but recently has been subject to works involved in the creation of a flood defence system pursuant to planning permission CH/16/139.

- 1.2 To the east of the site is a youth centre, bowling-green and skate park. Immediately beyond these are the A460 Western Springs Road; the Rising Brook and associated fringing woodland to the north and agricultural fields to the west.
- 1.3 The site area is approximately 9ha and the principal access to the site is via the A460.
- 1.4 There is a public footpath that runs along the southern boundary of the site and the Chase Heritage Trail runs along the western boundary.
- 1.5 To the north of the suite across Western Springs Road lies Elmore Park which falls within the Sheepfair and Bow Street Conservation Area. Adjacent to the western boundary of the site are two grade II listed structures, a bridge and a Grotto.
- 1.6 The site is designated as Green Belt in the Cannock Chase Local Plan (Part 1) and is located within a Minerals Safeguarding Area.

2. PROPOSAL

- 2.1 The applicant is seeking, under Section 73 of the Town and Country Planning Act 1990, a variation of condition 28 (approved plans) to facilitate a minor material amendment to planning permission CH/16/139 which would include removal of

- (i) the proposed steps to skate park from dam crest; and
- (ii) the proposed footpath around the southern and eastern boundary

from the approved scheme.

- 2.2 In order to inform the application the applicant has provided the following statement:

"In respect to the skate park, the main reason for their exclusion from the scheme is from a safety perspective and in accordance with the requirements of the All Reservoir Panel Engineer appointed under the Reservoir Act 1975. With the steps retained, the possibility of erosion of the embankment is increased locally around the stairs due to the steps generating turbulent flow conditions when the embankment is overflowing. This could ultimately lead to failure of the dam.

Turning to the removal of a part of the footway, it should be noted that this is not in any event properly delineated and as such this revision does not result in a significant change to 'on the ground' conditions. Nor does it significantly prohibit or prevent access to the surrounding public footpath network. Further to this, the landowner and future undertakers of the footpath Staffordshire County Council have originally accepted the footpath design have since stated that the footpath should not be constructed as they are unable to guarantee its maintenance and as such could become a future health and safety issue.

The plans showing the removal of the steps and footpath have been presented to and discussed with both the Cannock Chase District Council project team and the public. Public consultation, since the removal of these elements, has

not resulted in any complaints or negative feedback from previous discussions with CCDC it was understood that given the project challenges these revisions would be acceptable and could be progressed without risk.

Notwithstanding the reasons as set out above the proposed revisions do not reduce the effectiveness of or limit the deliverability of a scheme of flood alleviation on the Rugeley Playing Fields site. These elements of the scheme are also not essential in respect of mitigation and are therefore not required to make the development acceptable in planning terms. As such, it is considered that the proposed changes are acceptable and the LA are invited to grant the Section 73 application, such that the development can be completed in this regard.

3. PLANNING POLICY

- 3.1 Section 38 of the Planning and Compulsory Purchase Act 2004 requires planning applications to be determined in accordance with the provisions of the Development Plan, unless material considerations indicate otherwise.
- 3.2 The Development Plan currently comprises the Cannock Chase Local Plan (2014).
- 3.3 Other material considerations relevant to assessing current planning applications include the National Planning Policy Framework (NPPF) and Supplementary Planning Guidance/Documents.

Cannock Chase Local Plan Part 1 (2014)

- 3.4 Relevant policies within the Cannock Chase Local Plan include: -

CP1: -	Strategy
CP3: -	Chase Shaping – Design
CP5: -	Social Inclusion and Healthy Living
CP10: -	Sustainable Transport
CP11: -	Centres Hierarchy
CP12: -	Biodiversity and Geodiversity
CP14: -	Landscape Character
CP15: -	Historic Environment
CP16: -	Climate Change and Sustainable Resource Use
RTC11: -	Flood Alleviation Measures

3.5 National Planning Policy Framework

- 3.6 The NPPF sets out the Government’s position on the role of the planning system in both plan-making and decision-taking. It states that the purpose of the planning system is to contribute to the achievement of sustainable development, in economic, social and environmental terms, and it outlines the “presumption in favour of sustainable development”.

3.7 The NPPF confirms that a plan-led approach to the planning system and decisions must be made in accordance with the Development Plan. In particular the following NPPF references are considered to be appropriate.

3.8 Relevant sections and paragraphs of the NPPF include: -

Paragraphs 7, 8	Three dimensions of sustainable development.
Paragraph 14	The presumption in favour of sustainable development.
Paragraph 17	Core planning principles.
Paragraphs 56, 57, 58, 60, 61, 64	Design.
Paragraphs 70, 74	Promoting Healthy Communities
Paragraphs 79, 80, 81, 87, 90	Green Belt.
Paragraphs 109, 118, 120 and 123	Conserving and Enhancing the Natural Environment.
Paragraphs 126, 131, 133	Conserving and Enhancing the Historic Environment.

3.9 Other Relevant Documents

Other relevant documents include: -

Design Supplementary Planning Document, April 2016.
Planning Policy Statement -A sporting Future fro the Playing Fields of England

4. DETERMINING ISSUES

4.1 When planning permission is granted, development must take place in accordance with the permission and conditions attached to it, and with any associated legal agreements. However, new issues may arise after planning permission has been granted, which require modification of the approved proposals. Where these modifications are not fundamental or substantial, but still material in nature, a developer may seek to obtain approval for the changes through the provision of Section 73 of the 1990 Town and Country Planning Act.

4.2 An application can be made under section 73 of the Town and Country Planning Act 1990 to vary or remove conditions associated with a planning permission. One of the uses of a Section 73 application is to seek a minor material amendment, where there is a relevant condition that can be varied (Paragraph: 013 Reference ID: 17a-013-20140306 of the Planning Practice Guidance).

4.3 Section 73(2) of the 1990 Act states: -

On such an application the local planning authority shall consider only the question of the conditions subject to which planning permission should be granted, and—

- (a) if they decide that planning permission should be granted subject to conditions differing from those subject to which the previous permission was granted, or that it should be granted unconditionally, they shall grant planning permission accordingly, and

- (b) if they decide that planning permission should be granted subject to the same conditions as those subject to which the previous permission was granted, they shall refuse the application.

4.4 The determining issues for the proposal are whether the proposed variation to condition 28 (approved plans) to permit amendments to the approved scheme, namely the removal of the steps and footpath would be acceptable in respect of their impact on: -

- (i) the Green Belt
- (ii) the character and form of the area
- (ii) heritage assets
- (iii) highway safety and accessibility
- (ii) residential amenity
- (iv) ecology
- (v) minerals conservation
- (vi) the recreational value of the playing fields
- (v) the function of the flood defence scheme
- (vi) other considerations and issues raised by consultees

4.5 Impact on the Green Belt

4.5.1 The site is located within the West Midland Green Belt wherein there is a presumption against inappropriate development which should not be approved unless very special circumstances have been demonstrated (paragraph 87, NPPF).

4.5.2 Paragraph 89 and 90 of the NPPF define what types of development do not constitute inappropriate development in Green Belts. Paragraph 90 goes on to state that certain other forms of development are also not inappropriate provided that they preserve the openness of the Green Belt and do not conflict with the purposes of including land in Green Belt, adding 'these are' and goes on to identify several types of development including 'engineering operations'.

4.5.3 The flood alleviation scheme approved under planning reference CH/16/139 constituted an engineering operation. In addition it was also accepted that the works would maintain the inherent openness of the Green Belt and as such did not constitute 'inappropriate development'. The removal of the steps and footpath, by virtue of the size, scale and nature of the changes would not alter the overall conclusion accepted in the determination of the original application as outlined above.

4.6 Design and the Impact on the Character and Form of the Area

4.6.1 Policy CP3 of the Local Plan requires that, amongst other things, developments should be: -

- (i) well-related to existing buildings and their surroundings in terms of layout, density, access, scale appearance, landscaping and materials; and

- (ii) successfully integrate with existing trees; hedges and landscape features of amenity value and employ measures to enhance biodiversity and green the built environment with new planting designed to reinforce local distinctiveness.

4.6.2 Paragraph 61 of the NPPF goes on to state that

"Although visual appearance and architecture of individual buildings are very important factors, securing high quality and inclusive design goes beyond aesthetic considerations. Therefore, planning policies and decisions should address the connections between people and places and the integration of new development into the natural, built and historic environment."

4.6.3 In this respect it is noted that the removal of the proposed footpath and steps, by virtue of their small scale and nature would not have any significant detrimental impact on the character and form of the area.

4.6.4 It is therefore considered that, having had regard to the above the proposed alterations would be in accordance with Policy CP3 of the Cannock Chase Local Plan and the good design section of the NPPF.

4.7 Impact on Heritage Assets

4.7.1 Section 66 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 places a general duty as respects listed buildings in the exercise of planning functions stating: -

"In considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses."

4.7.2 Policy CP15 of the Local Plan states that the District's historic environment will be protected and enhanced via: -

The safeguarding of all historic sites, buildings, areas, archaeological remains, their settings and their historical landscape and townscape context, according to their national or local status from developments harmful to their significance in order to sustain character, local distinctiveness and sense of place.

Supporting and promoting development proposals that are sensitive to and inspired by the context and add value to the existing historic landscape and inspired by their context and add value to the existing historic environment, landscape and townscape character.

The local decision-making process will be based on an assessment of significance of heritage assets including their setting in relation to development proposals, primarily informed by the Historic Environment Record.

4.7.3 The relevant paragraphs in the NPPF in respect to designated and non-designated heritage assets are 128 to 134 inclusive. Paragraph 128 states that applicants should be required to "describe the significance of any heritage assets affected including the contribution to their setting" whilst Paragraph 129 goes on to state: -

"Local planning authorities should identify and assess the particular significance of any heritage asset that may be affected by a proposal (including by development affecting the setting of a heritage asset) taking account of available evidence and any necessary expertise. They should take this assessment into account when considering the impact of a proposal on a heritage asset, to avoid or minimise conflict between heritage assets conservation and any aspect of the proposal".

4.7.4 Paragraph 131 of the NPPF states that in determining planning applications, local planning authorities should take account of: -

the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;

the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and

the desirability of new development making a positive contribution to local character and distinctiveness.

4.7.5 In the determination of the original application for the flood alleviation proposal it was accepted that the proposal would not adversely impact on existing heritage assets. The removal of the steps and footpath, by virtue of the size, scale and nature of the changes would not alter the overall conclusion accepted in the determination of the original application as outlined above.

4.7.6 As such, having had regard to Section 66(1) of the 1990 Act, Policy CP15 and Section 12 of the NPPF, it is considered that the proposal, subject to the attached conditions is acceptable in respect to its impact on designated and non-designated heritage assets.

4.8 Impact on Residential Amenity

4.8.1 Policy CP3 of the Cannock Chase Local Plan states that one of the key requirements of high quality design that will need to be addressed in development proposals will be the need to

"Protect the amenity by enjoyed by existing properties including supporting mixed uses whilst avoiding incompatible ones"

4.8.2 Similarly, a core planning principle espoused by paragraph 17 of the NPPF is that planning should "always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings".

4.8.3 In this respect it is noted that the removal of the proposed footpath and steps, by virtue of their small scale and nature would not have any significant impact on the standard of residential amenity of the occupiers of neighbouring residential properties.

4.8.4 It is therefore concluded that the proposal would secure a good standard of amenity for the existing occupiers of neighbouring properties in accordance with Policy CP3 of the Cannock Chase Local plan and Paragraph 17 of the NPPF.

4.9 Impact on Highway Safety and Accessibility

4.9.1 In respect to highway safety and capacity Paragraph 30 of the NPPF states

Encouragement should be given to solutions which support reductions in greenhouse gas emissions and reduce congestion.

4.9.2 Furthermore, Paragraph 32 of the NPPF goes on to state: -

All developments that generate significant amounts of movement should be supported by a Transport Statement or Transport Assessment. Plans and decisions should take account of whether:

the opportunities for sustainable transport modes have been taken up depending on the nature and location of the site, to reduce the need for major transport infrastructure;

safe and suitable access to the site can be achieved for all people; and

improvements can be undertaken within the transport network that costs effectively limit the significant impacts of the development. Development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe.

4.9.3 Paragraph 35 of the NPPF states: -

- i. Plans should protect and exploit opportunities for the use of sustainable transport modes for the movement of goods or people. Therefore, developments should be located and designed where practical to
- ii. accommodate the efficient delivery of goods and supplies;
- iii. give priority to pedestrian and cycle movements, and have access to high quality public transport facilities;
- iv. create safe and secure layouts which minimise conflicts between traffic and cyclists or pedestrians, avoiding street clutter and where appropriate establishing home zones;
- v. incorporate facilities for charging plug-in and other ultra-low emission vehicles; and

vi. consider the needs of people with disabilities by all modes of transport.

4.9.4 Given the above it is noted that the inclusion of a footpath and steps, as per the original permission would provide benefits in promoting ease of access through the site, especially for people with disabilities. As such the inclusion of the steps and footpath provided some weight in favour of the application.

4.9.5 However, notwithstanding the above, the question remains whether the steps and footpath are necessary to make the overall proposal acceptable in planning terms. In this respect the comments made by the applicant reported in paragraph 2.2 of this report are noted, in particular that

- i. the footway at present is not properly delineated and as such the proposed deletion of it from the approved plans would not result in a significant change to 'on the ground' conditions; and
- ii. the deletion of the footpath and steps would not prohibit or prevent access to the surrounding public footpath network.
- iii. the landowner and future undertakers of the footpath, Staffordshire County Council, have since stated that the footpath should not be constructed as they are unable to guarantee its maintenance and as such could become a future health and safety issue.

4.9.6 In respect to the first point raised by the applicant this is supported by the representation made by Rugeley Town Council who acknowledge that originally there were 'desire lines created by users previously [which] criss-crossed the field and marked where the public wished to walk' and that although these paths 'were fine in dry weather but during rainy weather, became unmanageable muddy paths that were not suitable for pushchairs/ wheelchair users etc'. In addition the Landscape Officer recognised that: -

"The proposed footpath along the western boundary followed an existing very well used public footpath linking to Burnthill Lane. The one on the southern boundary would be a continuation of that still proposed from the Youth centre to link up with the western path. This would avoid people cutting across the corner of the field and down embankments. All in all giving some enhancement to the usability of the site given that there has been little other enhancement compared to what was proposed."

4.9.7 Given the above statements it is clear that the proposed tar mac footpaths were intended to be an enhancement to the access provision and not mitigation in respect to any harm resulting from the wider flood alleviation scheme. As such although it would be undeniably desirable to achieve such benefits they would not in themselves be essential to make the overall flood alleviation scheme acceptable in planning terms.

4.9.8 As such, although it is considered that it is beyond question that the steps and footpath would provide benefits in respect to access through the site and wider area and add value to the scheme, it is also considered that they are not essential to the scheme in respect to public access and their deletion would not harm access across the site as it currently stands.

4.9.9 As such, having had regard to the above policy tests it is concluded that the proposal to delete the steps and footpath from the original consent would, on balance, be acceptable in planning terms.

4.10 Impact on Ecology

4.10 Policy in respect to impact on ecology and the natural environment is provided by Policy CP12 'Biodiversity and Geodiversity' of the Local Plan and paragraphs 109, 118 and 120 'Conserving and Enhancing the Natural Environment' of the NPPF.

4.10.1 In this respect it is noted that the removal of the proposed footpath and steps, by virtue of their small scale and nature would not have any significant detrimental impact on the ecology of the site or wider area.

4.10.2 It is therefore considered that, having had regard to the above the proposed alterations would be in accordance with Policy CP12 of the Cannock Chase Local Plan and the paragraphs 109, 118 and 120 of the NPPF.

4.11 Minerals Conservation

4.11.1 The site is designated as a minerals conservation area. However, given that the wider scheme has been consented it is considered that the proposal would not have a significant impact on mineral planning objectives.

4.12 Impact on the Recreational Value of the Playing Fields

4.12 The flood defence scheme is located on the Hagley Park Playing Fields site and hence the impact on the usability of the playing fields was a major consideration in the determination of the original application.

4.12.1 In the officer report for the original application it was reported that Sport England oppose any application which results in the loss of playing field land unless it is satisfied that the application meets with one or more five specific exceptions and that these exceptions are incorporated within paragraph 74 of the NPPF.

4.12.2 The officer report went on to state

"As part of the proposals, the existing sports pitches will be enlarged and enhanced beyond their existing provision. In respect of the formal laid out pitches, the two existing pitches, which are currently 4,928m² and 7,896m²; will increase in size to 5,400m² and 8,400m² respectively. Moreover, two brand new pitches will be provided to the southern part of the site being some 6,000m² in site area, with undulating land on this part of the site being levelled to ensure a playable surface"

4.12.3 The report also noted that although Sport England had originally objected to the proposal they had removed their objection subject to the imposition of two conditions, given in full below: -

"The layout of sports pitches shall be submitted to and approved in writing by the Local Planning Authority (after consultation with Sport England). The sports pitches shall not be constructed other than substantially in accordance with the standards and methodologies set out in the guidance note "Natural Turf for Sport" (Sport England, 2011) and Rugby Football Union and Football Association technical specifications.

Reason

To ensure the location and quality of pitches is satisfactory, that flood risk is minimised.

The existing rugby and football pitches shall not be taken out of use until access to alternative pitches of the necessary quality (to be previously agreed with the RFU and FA) have been identified and upgraded to a condition fit for use and access is secured.

Reason

To ensure the current users of pitches on the site have suitable alternative pitches to provide continuity of play until the replacement pitches are constructed and fit for use.

- 4.12.4 The above conditions were attached to the original consent. The main issue in respect of this is that the provision of the steps and footpaths were not required as mitigation for any impact on the sports pitches by the statutory consultee.
- 4.12.5 As such it is concluded that although the footpath and steps provide some measure of enhancement to the recreational value of the playing fields they are not an essential part of the proposal and the wider flood alleviation scheme would therefore be acceptable in planning terms without such provision.
- 4.12.6 As such having had regard to the above the proposal to delete the steps and footpath is considered acceptable.

4.13 Impact on the Function of the Flood Defence Scheme

- 4.13.1 The main purpose of the original application was to provide a flood alleviation scheme to protect the town centre of Rugeley. The wider issues and policy surrounding this issue were discussed in the original officer report and the relevant policies are given in brief in the policy section of this report.
- 4.13.2 It is therefore important that the impact of the proposal on the effectiveness of the flood alleviation scheme is considered in the determination of this application. In this respect it is noted considered that the proposed deletion of the footpath around the southern and eastern boundary of the site would have no implication to the flood defences.
- 4.13.3 However, the applicant has stated: -

"In respect to the skate park, the main reason for their exclusion from the scheme is from a safety perspective and in accordance with the requirements of the All Reservoir Panel Engineer appointed under the Reservoir Act 1975. With the steps retained, the possibility of erosion of the embankment is increased locally around the stairs due to the steps generating turbulent flow conditions when the embankment is overflowing. This could ultimately lead to failure of the dam.

4.13.4 This proposition has been questioned by the Councils Landscape Officer who has stated

"The EA has previously noted that the potential scour effect of water flowing over the dam and adjacent the steps would be detrimental to the dam itself. However the section of the dam where the steps would be located is not the overflow/spill section, that being located on the western end of the dam. If water was overtopping adjacent to the steps there would be far bigger issue all round to deal with. Given there is a surfaced path across the top of the dam then one or more desire lines will be formed to the skate park with the resultant wear and erosion. It will not be possible to prevent these forming with the resultant erosion and ongoing maintenance liability. "

4.13.5 In response the agent AECOM has stated

"The dam and overflow have been designed so that the overflow can carry the 10,000 year flood, but to limit embankment height and achieve a balance of economy with safety, under very extreme floods up to the Probable Maximum Flood excess discharge is permitted to flow over the embankment, to satisfy requirements for the Safety Check Flood and allow certification under the Reservoir Act. The embankment profile and grassed surface of the embankment were omitted in the detailed design stages as these would cause scour erosion with potential for unacceptable damage to the downstream embankment face."

adding

"The inclusion of the stairs would not necessarily prevent the formation of other desire lines down to the skate park, and as such the risk of omitting the stairs is much the same. It should be noted that the ongoing maintenance risk for the embankment sites with the EA."

4.13.6 It is noted that the Environment Agency and the Local Lead Flood Authority have no objections to the proposal.

4.13.7 Given the above it is noted that although the steps could be considered desirable from accessibility point of view they are not an essential component of the flood defence scheme. In addition it should be borne in mind that the principle purpose of the original consent was to provide a flood defence to Rugeley town centre. As such it is considered, on balance, that any benefit from providing the steps is clearly outweighed by flood risk considerations.

4.14 Other Considerations and Issues Raised by Consultees

- 4.14.1 In respect to the submitted drawing indicating the use of *Acer saccharinum* species (Sugar Maple) adjacent Weston Springs Road not being a suitable species in that particular location, it is noted that this has no relevance to the issue for determination which is solely in respect of the removal of tar mac path around the site and the steps up the embankment. The fact that the species appears on the plans submitted can be readily rectified by a condition stating that any permission granted is in respect to the path and steps and no other details of the submitted/ approved plans.
- 4.14.2 The issue in respect to the suggestion that additional trees were removed to facilitate development on basis would be compensatory planting and that these are not details indicated or provided again as no relevance to the issue to be determined and should be pursued through the discharge of conditions mechanisms.
- 4.14.3 The issues raised by the County Council Footpath Officer are noted. However, it is clear that the application is to vary a condition on a planning application so that a proposal to provide tar mac paths is removed from the consented scheme. This should not be construed that any footpath that exists across the site will be extinguished.

5.0 HUMAN RIGHTS ACT

- 5.1 The proposals set out in this report are considered to be compatible with the Human Rights Act 1998. The recommendation to approve the application accords with the adopted policies in the Development Plan which aims to secure the proper planning of the area in the public interest.

6.0 CONCLUSION

- 6.1 The issue in the determination of this application is whether the removal of the proposal for a surfaced footpath around the site and steps across the embankment of the wall would be acceptable in planning terms.
- 6.2 In respect to all matters of acknowledged interest the proposal would cause no harm in planning terms. Although the elements proposed to be removed would provide an element of betterment/ enhancement to the area they are not considered essential or necessary to make the wider flood alleviation scheme acceptable. The variation of the condition is therefore considered acceptable.
- 6.3 The granting of permission under Section 73 provides a new consent in its own right which sits alongside the permission granted under the approved consent. The developer therefore can choose which consent that they wish to implement. As such the schedule of recommended conditions has been revised so that they would reflect the current situation.
- 6.4 It is therefore recommended that the application be approved subject to the attached conditions.