

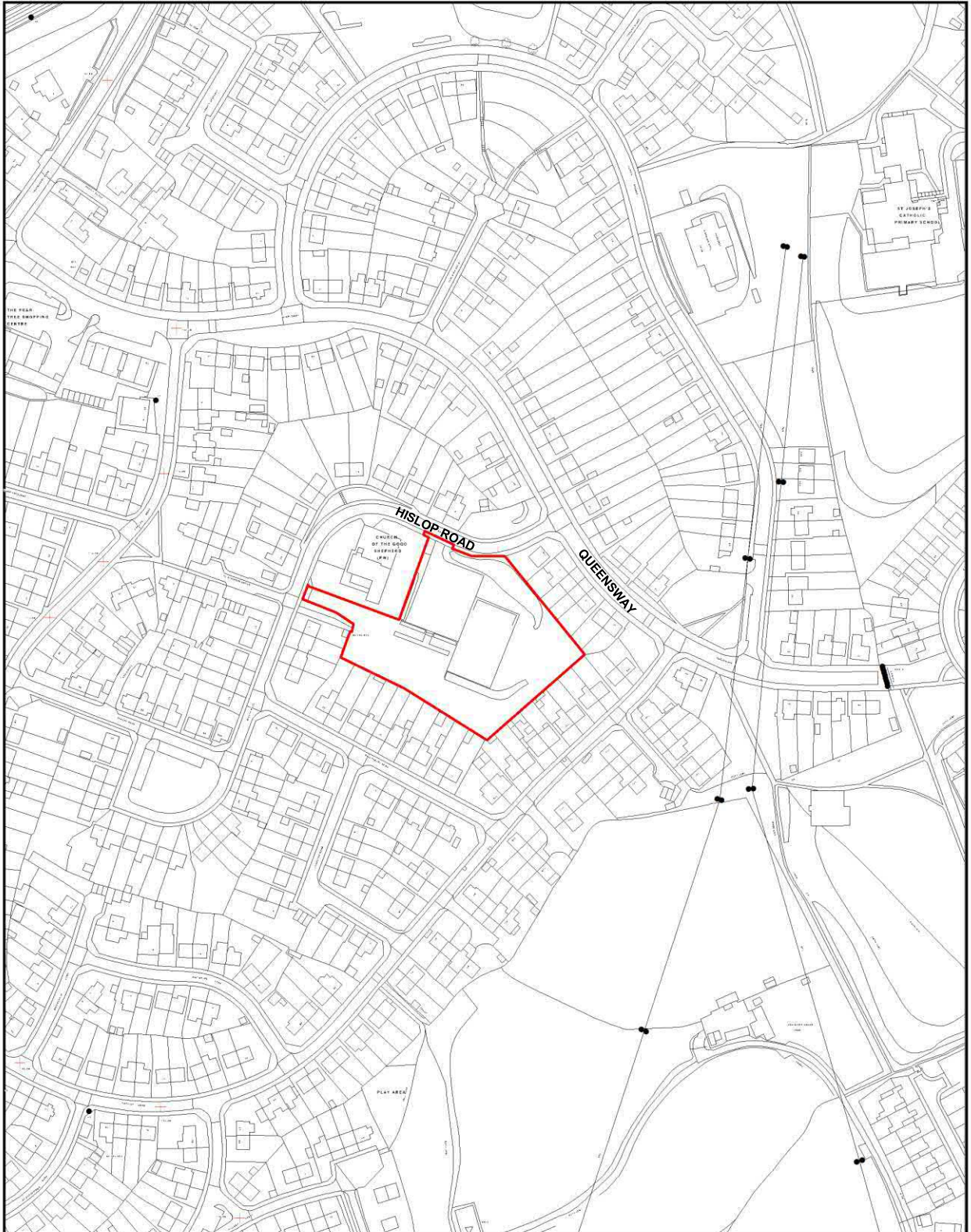


**Application No:** CH/20/002

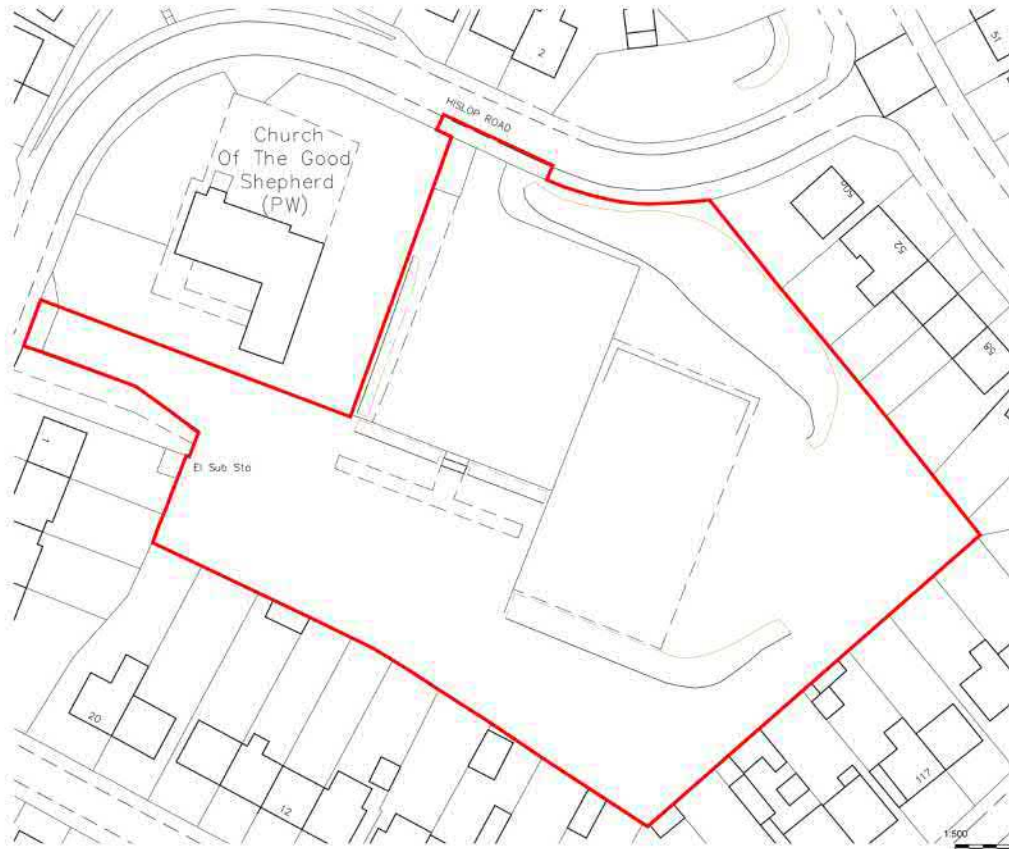
**Location:** Pear Tree Youth Centre, Hislop Road, Rugeley, WS15 1LS

**Proposal:** Erection of 18 dwellings with associated access, parking, open space, landscaping and drainage

**ITEM NO. 6.1**



# Location Plan



<p>Notes:</p> <ul style="list-style-type: none"> <li>1. All dimensions are in meters unless otherwise stated.</li> <li>2. All dimensions are to the centerline of the road unless otherwise stated.</li> </ul>	<p>Legend:</p> <ul style="list-style-type: none"> <li>▲ SITE BOUNDARY</li> <li>▲ SITE BOUNDARY AT THE INTERSECTION WITH HISLOP ROAD</li> </ul>	<table border="1"> <tr> <th>NO.</th> <th>DATE</th> <th>BY</th> <th>FOR</th> </tr> <tr> <td>1</td> <td>15/11/20</td> <td>BM</td> <td>PRELIMINARY</td> </tr> <tr> <td>2</td> <td>15/11/20</td> <td>BM</td> <td>FINAL</td> </tr> </table>	NO.	DATE	BY	FOR	1	15/11/20	BM	PRELIMINARY	2	15/11/20	BM	FINAL	<p>Project: HISLOP ROAD                  Purpose: LOCATION PLAN</p>	<p>Client: OWL PARTNERSHIPS</p>	<p>Scale: 1:500                  Date: 15/11/20                  Drawn by: BM                  Checked by: BM                  Title: LOCATION PLAN</p>	
NO.	DATE	BY	FOR															
1	15/11/20	BM	PRELIMINARY															
2	15/11/20	BM	FINAL															



# Site Plan



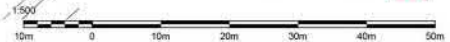
**ACCOMMODATION SCHEDULE**

BRACKEN+ 2B/4P	73.0m <sup>2</sup> / 786 sq.ft	11
DAWSON 3B/5P	82.7m <sup>2</sup> / 890 sq.ft	06
GUSCOTT 3B/5P	90.3m <sup>2</sup> / 972 sq.ft	01
<b>TOTAL</b>		<b>18</b>

-  Block Paving
-  Tarmac
-  Soft Landscape
-  POS
-  Tree to be removed
-  Root Protection Area
-  Extend of Tree Canopy
-  1200mm Retaining Wall

TOTAL AREA OF POS = 0.15 hectare  
 INCIDENTAL AMENITY SPACE AREA = 0.042 hectare

Note:  
 The "Sweep Width Analysis" of Bin lorry that it complies with 32 Tonne Refuse Vehicle that is min 11.2M Long



<p><b>NOTES:</b></p> <p>1. All dimensions are in meters unless otherwise stated.</p> <p>2. All areas are in square meters unless otherwise stated.</p> <p>3. All areas are in square meters unless otherwise stated.</p> <p>4. All areas are in square meters unless otherwise stated.</p> <p>5. All areas are in square meters unless otherwise stated.</p> <p>6. All areas are in square meters unless otherwise stated.</p> <p>7. All areas are in square meters unless otherwise stated.</p> <p>8. All areas are in square meters unless otherwise stated.</p> <p>9. All areas are in square meters unless otherwise stated.</p> <p>10. All areas are in square meters unless otherwise stated.</p>	<p><b>REVISIONS:</b></p> <table border="1"> <tr> <th>No.</th> <th>Description</th> <th>Date</th> </tr> <tr> <td> </td> <td> </td> <td> </td> </tr> <tr> <td> </td> <td> </td> <td> </td> </tr> </table>	No.	Description	Date							<table border="1"> <tr> <td>Project: (HISLOP ROAD) RUSSEY</td> <td>Client: BFL LAYOUT</td> <td>Scale: 1:500</td> <td>Drawn by: JAC</td> <td>Checked by: JAC</td> <td>Date: 14/07/2023</td> </tr> <tr> <td colspan="2">  </td> <td colspan="4">  </td> </tr> </table>	Project: (HISLOP ROAD) RUSSEY	Client: BFL LAYOUT	Scale: 1:500	Drawn by: JAC	Checked by: JAC	Date: 14/07/2023						
No.	Description	Date																					
Project: (HISLOP ROAD) RUSSEY	Client: BFL LAYOUT	Scale: 1:500	Drawn by: JAC	Checked by: JAC	Date: 14/07/2023																		
																							

# Street Scene Drawings



<p><b>Notes:</b></p> <ul style="list-style-type: none"> <li>Copyright in this drawing remains the property of BM3 Architectural Limited.</li> <li>Consent does not constitute an admission.</li> <li>BM3 shall not be liable for any misstatements.</li> </ul>	<p><b>Revisions:</b></p> <p>A STREET SCENES UPDATED TO MATCH SITE LEVELS.</p> <p>B SITE BOUNDARY LINE UPDATED AT THE SOUTHERN AND NORTHERN BOUNDARY.</p>	<p>DATE</p> <p>19.12.19</p>	<p>BY</p> <p>BR</p>	<p>CHKD BY</p> <p>JJ</p>	<p>PROJECT</p> <p>INGLOP ROAD</p> <p>RUGLEY</p>	<p>STREET SCENE A - C</p>	<p>CLIENT</p> <p><b>OWL PARTNERSHIPS</b></p> <p><b>BM3</b></p>			
		<p>DATE</p> <p>20.12.19</p>	<p>BY</p> <p>BR</p>	<p>CHKD BY</p> <p>JJ</p>				<p>SCALE</p> <p>1:200</p>	<p>DATE</p> <p>DEC 2019</p>	<p>JOB NO.</p> <p>7095</p>

BM3 Architectural Limited, Birmingham, B2 9XJ. Tel: 0121 622 0000. Fax: 0121 622 0001. Email: info@bm3.co.uk

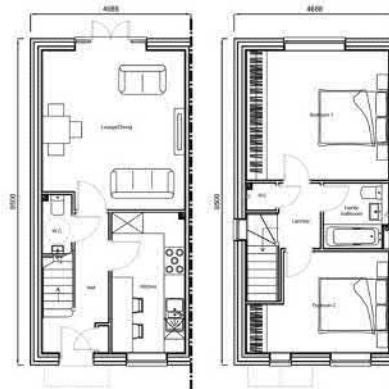
# Proposed Plans and Elevations

**ITEM NO. 6.5**



**Materials Schedule**

- 1 Walls: Red Multi Brick
- 2 Roof and Canopy: Dark Grey Roof Tiles
- 3 Windows: White uPVC
- 4 Fascia Board: White uPVC
- 5 Rainwater Goods: Black uPVC
- 6 Door: Britley 'Bede' or similar grained effect 'White'
- 7 Brick Course Lintels and Cills

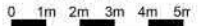


**GROUND FLOOR**  
FLOOR AREA: 36.52sqm  
TOTAL FLOOR AREA: 73.04sqm

**FIRST FLOOR**  
FLOOR AREA: 36.52sqm

PLANNING

Scale 1:100



<p>Notes</p> <p>1. Consult the architect or surveyor for prices of materials and quantities.</p> <p>2. All dimensions are in millimetres unless otherwise stated.</p> <p>3. All dimensions are to the face of work.</p>	<p>Material</p> <p>A - Mixed GCL, Updated Tile Block.</p>	<p>Date</p> <p>18/12/14</p>	<p>By</p> <p>RB</p>	<p>Page</p> <p>32</p>	<p>Total Pages</p> <p>120</p>	<p>Project</p> <p>REDFORD ROAD</p>	<p>Planning</p> <p>House Type</p> <p>The Redford</p>		
						<p>Client</p> <p>11/2/04</p>	<p>Drawn</p> <p>GR</p>		





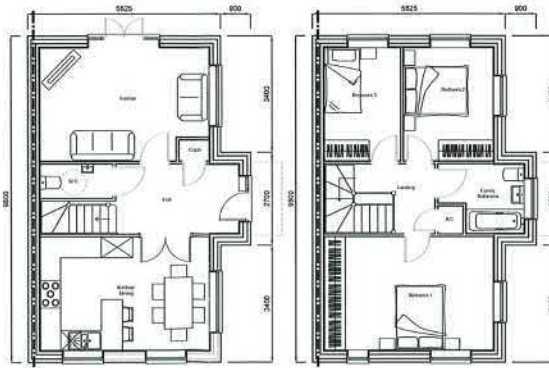
# Proposed Plans and Elevations

**ITEM NO. 6.7**



**Materials Schedule**

- ① Walls: Red Multi Brick
- ② Roof and Canopy: Dark Grey Roof Tiles
- ③ Windows: White uPVC
- ④ Fascia Board: White uPVC
- ⑤ Rainwater Goods: Black uPVC
- ⑥ Door: Birley 'Bede' or similar grained effect 'White'
- ⑦ Brick Course Linels and Cills

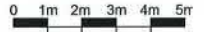


**GROUND FLOOR**  
 FLOOR AREA: 45.16sqm  
 TOTAL FLOOR AREA: 90.28sqm

**FIRST FLOOR**  
 FLOOR AREA: 45.16sqm

PLANNING

Scale 1:100



Date: 13/09/2018 Drawn: [Name] Checked: [Name]	No: 13/09/2018 Rev: 01	Date: 13/09/2018 Rev: 01	Title: [Title]	Project: [Project]	Client: [Client]		

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<b>Contact Officer:</b>	<b>Audrey Lewis</b>
<b>Telephone No:</b>	<b>01543 464 528</b>

**PLANNING CONTROL COMMITTEE**

**4 MARCH 2020**

<b>Application No:</b>	CH/20/002
<b>Received:</b>	07-Jan-2020
<b>Location:</b>	Pear Tree Youth Centre, Hislop Road, Rugeley, WS15 1LS
<b>Parish:</b>	Rugeley
<b>Description:</b>	Erection of 18 dwellings with associated access, parking, open space, landscaping and drainage
<b>Application Type:</b>	Full Planning Application

**RECOMMENDATION:**

Approve subject to the attached conditions and the completion of a section 106 to secure:

- (i) SAC contribution.
- (ii) In respect to the Affordable Housing Provision:
  - (a) Not to sell or part with any of the approved units other than to a registered provider approved by the Council or via the Chargee, following the normal process.
  - (b) To hold the approved units and to offer them on an affordable rent and shared ownership basis and not to allow any of the units to be sold on the open market.
  - (c) Not to allow or permit occupation of all or any of the approved units other than to a person in Need of Housing with a local connection together with his/her dependants.
  - (d) To liaise with the Council and agree a lettings plan.

**Reason(s) for Recommendation:**

Reason for Grant of Permission

In accordance with paragraph 38 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.

**Conditions (and Reasons for 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 part of the development hereby approved shall be undertaken above ground level until details of the materials to be used for the external surfaces have been submitted to and approved by the Local Planning Authority.

Reason

In the interests of visual amenity and to ensure compliance with Local Plan Policies CP3, CP15, CP16, RTC3 (where applicable) and the NPPF.

3. No development shall take place until details of the finished floor levels of the buildings (in relation to surrounding land) and any other changes to the levels of the land within the site have been submitted to and agreed in writing by the Local Planning Authority. Development shall be implemented in accordance with the agreed details.

Reason

In the interests of visual amenity and to ensure compliance with Local Plan Policy CP3.

4. No trees or hedges shown as retained on Dwg No.c-1732-03, 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.

5. The approved landscape works shall be carried out in the first planting and seeding season following the occupation of any buildings or the completion of the development whichever is the sooner.

Reason

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

6. 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.

7. Prior to the occupation/ use of any dwelling or building, 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.

8. The site landscape, following completion of establishment, shall be managed in accordance with the approved Management Plan, unless otherwise agreed in writing by the Local Planning Authority (pursuant to Condition No.7 above).

Reason

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

9. Prior to the commencement of any construction or site preparation works including any actions likely to interfere with the biological function of the retained trees and hedges, approved protective fencing shall be erected in the positions shown on the approved Tree & Hedge Protection layout drawing. 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, CP12, CP14 and the NPPF.

10. No dwelling hereby approved shall be occupied until a scheme for the fitting of that dwelling with electric charging points for electric vehicles has been submitted to and approved in writing by the Local Planning Authority and the works comprising the approved scheme have been completed. The works shall thereafter be retained for the lifetime of the development unless otherwise

approved in writing by the Local Planning authority.

Reason

In the interests of improving air quality and combatting climate change in accordance with policy CP16 and the National Planning Policy Framework.

11. The development hereby permitted shall be implemented in accordance with the approved details for the disposal of foul and surface water, before the development is first brought into use.

Reason:

This is to ensure that the development is provided with a satisfactory means of drainage as well as to prevent or to avoid exacerbating any flooding issues and to minimise the risk of pollution.

12. No dwelling hereby permitted shall be completed above ground floor level until a scheme for the provision of bird boxes has been submitted to and approved in writing by the Local Planning Authority. The dwellings shall be completed in accordance with the approved scheme.

Reason

In the interests of enhancing bird breeding habitat in accordance with Policy CP12 of the Local Plan and paragraphs 170 and 175, of the NPPF.

13. Prior to the commencement of any construction works, a Construction Environmental Management Plan (CEMP) shall be submitted to, and approved in writing by, the Local Planning Authority. The approved management plan shall include details relating to construction access, hours of construction, routing of HGV's, delivery times and the location of the contractor's compounds, cabins, material storage areas and contractors parking and a scheme for the management and suppression of dust from construction activities including the provision of a vehicle wheel wash. All site operations shall then be undertaken strictly in accordance with the approved CEMP for the duration of the construction programme.

Reason

To avoid indiscriminate parking and obstruction of the highway in the interests of highway safety, in accordance with the objectives of Paragraph 108 of the NPPF 2019.

14. No dwelling hereby permitted shall be occupied until the parking area for that dwelling has been provided. The parking area shall thereafter be retained at all times for its designated purpose.

Reason

In the interests of highway safety, in accordance with the objectives of Paragraph 108 of the NPPF 2019.

15. Where a parking space or private access falls toward the public highway a surface water drainage interceptor, connected to a surface water outfall, shall be provided across the parking space or private access immediately to the rear of the highway boundary.



Reason

In the interests of highway safety, in accordance with the objectives of Paragraph 108 of the NPPF 2019.

16. Prior to first use of development an bin screening scheme shall be submitted to and approved by the Local Planning Authority. Thereafter, it shall be implemented in accordance with the approved details and retained as such for the lifetime of the development.

Reason

To provide a necessary facility, in accordance with Local Plan Policy CP3.

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

Design & Access Statement

Planning Statement

Location Plan Drg No. D04 Rev B

Site Layout Drg No. D02 RevN

Enclosure Plan Drg No. D03 Rev F

Construction Environmental Management Plan Drg No. 12A

House Type: The Bracken+ Drg No. D10 Rev A

House Type: The Dawson Drg No. D11 Rev B

House Type: The Guscott Drg No. D12 Rev B

Tree Survey Report (Updated 12 February 2020)

Detailed Landscape Proposals Drg No. c-1756-01 Rev B

Survey of existing trees Drg No. c-1732-02 Rev A

Tree Protecton & removal plan Drg No. c-1732-03

Ground Investigation Report (February 2020)

Drainage Statement (11 February 2020)

Foul Sewerage Design (received 13 February 2020)

Drainage & Levels Strategy (February 2020)

Road Safety Initiatives

Phase 1 Preliminary Site Assessment

Phase 2 Site Investigation

Biodiversity Enhancement Statement

Habitat Assessment Stage 1 Screening

Ecological Walkover (M18.153.R.001A)

Topographical Survey

Drainage & Levels Strategy Drg No.9999-C-100

Reason

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

18. The development shall not commence until an Arboricultural Method Statement has been submitted to and approved in writing by the Local Planning Authority. The Arboricultural Method Statement, shall amongst other things, clearly distinguish between 'Tree Protection Fencing' and 'Root Barriers', and show the boundary/ line of these two forms of protection. The Statement shall also provide details of the means of construction for the area shown as 'Special Measures on Drawing THL-0761-7 'Tree Protection Plan'. The development

shall thereafter be carried out in strict accordance with the details of the approved Arboricultural Method Statement.

**Reason**

In the interest of protecting the character of the area in accordance with Policy CP3 of the Canock Chase Local Plan.

19. The boundary treatment to the site shall be implemented in accordance with Drg No.s D03 Rev F & c-1756-01 Rev B), which shall allow the passage of hedgehogs through the site. The boundary treatment, shall thereafter be retained for the lifetime of the development.

**Reason**

In the interests of ensuring that hedgehogs are able to use the garden spaces for foraging habitat in accordance with Policy CP12 of the Local Plan and paragraphs 175 of the National Planning Policy Framework.

20. If demolition and refurbishment are to be undertaken between the beginning of March and the end of August in any year, there must first be a check undertaken of the building for nesting birds and if birds are nesting then no work shall be undertaken until the young have fledged. Clearance of the site must be undertaken in accordance with the requirements of the Ecological Walkover Survey (M18.153.R.001A).

**Reason**

In the interests of conserving habitats and biodiversity accordance with Policy CP12 of the Local Plan and paragraphs 170 and 175 of the NPPF.

21. 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 14:00 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.

22. No development shall begin until the following elements of the surface water drainage design has been submitted to and approved by the Local Planning Authority in consultation with the Lead Local Flood Authority. The design must be in accordance with the overall strategy and principles set out in the submitted documents.

The design must demonstrate:

- Surface water drainage system(s) designed in accordance with national and local standards, including the non-statutory technical standards for sustainable drainage systems (DEFRA, March 2015).
- SuDS design to provide adequate water quality treatment, in accordance with the CIRIA SuDS Manual Simple Index Approach and SuDS treatment design criteria.
- Detailed design (plans, network details and calculations) in support of any

surface water drainage scheme, including details on any attenuation system, and the outfall arrangements. Calculations should demonstrate the performance of the designed system for a range of return periods and storm durations inclusive of the 1 in 1 year, 1 in 30 year, 1 in 100 year and 1 in 100 year plus climate change return periods.

- Plans illustrating flooded areas and flow paths in the event of exceedance of the drainage system. Site layout and levels should provide safe exceedance routes and adequate access for maintenance.
- Provision of an acceptable management and maintenance plan for surface water drainage to ensure continued performance of the system for the lifetime of the development. This should include a schedule of required maintenance activities and frequencies, and the contact details for the organisation responsible for carrying out these duties.
- Evidence of permission to discharge to the surface water sewer system.

**Reason**

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

23. The development hereby approved shall comprise of no fewer than 18 affordable housing units comprising all of the affordable rental units being charged at 80% of market rent.

**Reason**

The proposal removes Green Space Network and is only acceptable on the grounds that the public benefit for provision of 100% affordable rented homes outweighs the loss of Green Space Network in accordance with paragraphs 97-98 of the NPPF.

**Notes to the Developer:**

Staffordshire Police

The developer's attention is drawn to the comments of Staffordshire Police and the desirability of attaining Secured by Design accreditation.

**Consultations and Publicity**

***External Consultations***

National Grid

No comments received.

Crime Prevention Officer

Suggestions provided to allow the scheme to acquire secure by design (SBD) accreditation.

### Natural England

Natural England notes that your authority, as competent authority, has undertaken an appropriate assessment of the proposal in accordance with Regulation 63 of the Conservation of Species and Habitats Regulations 2017 (as amended). Natural England is a statutory consultee on the appropriate assessment stage of the Habitats Regulations Assessment process.

Your authority has concluded that the adverse effects arising from the proposal are wholly consistent with the effects detailed in the Cannock Chase SAC evidence base and that these effects can be satisfactorily mitigated by the measures set out in the Strategic Access Management and Monitoring Measures agreed with ourselves.

Having considered the assessment Natural England advises that we concur with the assessment conclusions.

We advise that an appropriate planning condition or obligation is attached to any planning permission to secure these measures.

### County Flood Risk Management (SUDS)

No objection subject to a condition.

### Severn Trent Water Ltd

Having checked the area around the development, the reported drainage incidents appear to relate to blockages in the sewer, as opposed to hydraulic issues causing problems/flooding.

Looking at the proposed development, 18 houses would generate approximately 0.3 litres/second (twice normal dry weather flow) for foul sewage, which is a very small amount of additional flow.

Regards to surface water, having looked at the submitted drainage proposal, it would appear flows are being attenuated via use of a pond and presume the outlet of the basic will have a heavily restricted discharge that would be governed by the LLFA. However, please note, before we would consider a connection to the public sewer for surface water discharge we would request that soakaways are investigated. If these are proven to not be feasible on site (with satisfactory evidence) we would consider a connection to the public surface water sewer with flows restricted.

No objections, subject to the imposition and implementation of a condition for the disposal of foul and surface water flows to be submitted to and approved by the Local Planning Authority.

### Further Comments on Amended Plans (18 February 2020)

I can advise we have no objections to the discharge of the drainage related condition. To confirm; foul sewage is to discharge to the public foul sewer at manhole 2002, and surface water, as soakaways are not feasible for site, is to discharge to the public surface water sewer at manhole 2005 with flows restricted to 4.5litres/second.

Please note for the use or reuse of sewer connections either direct or indirect to the public sewerage system the applicant will be required to make a formal application to the Company under Section 106 of the Water Industry Act 1991. They may obtain



copies of our current guidance notes and application form from either our website ([www.stwater.co.uk](http://www.stwater.co.uk)) or by contact our Development Services Team (Tel: 0800 707 6600). Please provide a copy of this email when making your application.

Environment Agency

No comments received.

South Staffordshire Water Plc

No water mains assets affected by this scheme so would look to install new water assets to supply the development through the normal application for new connections process.

Please note that we do not keep records of individual water services, so this site may well require the existing water service to be disconnected prior to the development being undertaken.

Landor Society

No comments received

Rugeley Town Council

No comment received

***Internal Consultations***

Environmental Protection Officer

The mitigation measures proposed are proportionate for the size/ scale of the proposed housing development, which include charging points for each dwelling.

Parks & Open Spaces

No objections subject to conditions.

CIL Officer

In respect of the above application, based on the CIL additional information form submitted, the chargeable amount for this development would be £71,696.20. However, the applicant has indicated on form 1 that they wish to apply for social housing relief, as this development is 100% affordable. If the applicant is granted social housing relief for this development the chargeable amount for this development will be £0.00.

In the event that the development is granted social housing relief, the applicant will need to enter into a Section 106 agreement to mitigate the impact on the Special Area of Conservation.

Waste & Recycling Officer

The status of the main development road would need to be established whether it is to be adopted or not by the highways authority. The assumption within this consideration is that it is to be adopted. The minimum width requirement is 5m. Smaller widths may be considered if parking restrictions are to apply. Evidence should be requested that a swept width analysis has been successfully carried out, using a 32 tonne refuse collection vehicle model (with a minimum length of 11.2m) to verify the road/ access layout.

Bin collection point to the south west of the development (between plots 17 & 18) must be of a sufficient size to accommodate 8 No. 240 Lt wheelie bins.

Bin collection points should be constructed to a sufficient size and quality for the number of bins required and consideration given to their proper environmental screening.

### Strategic Housing

The development would provide 18 units of affordable homes for rent which are in high demand in the district. Family homes are in particularly high demand so 11 x 2 bed houses and 7 x 3 bed houses would contribute to meeting the needs of those on the Council's housing waiting list.

### Policy Officer

The proposal is for the development of 18 no. affordable housing sites with associated open space on the Former Peartree Youth Centre Site. It is a mixed brownfield/greenfield site having being formerly occupied by a youth centre building with remaining hardstanding areas and an associated area of green space.

### National Planning Policy

In terms of national policy the following elements of the NPPF are particularly relevant:

Paragraph 59 identifies the Government's objective of significantly boosting the supply of homes and that the needs of specific groups are met.

Paragraph 118 a)-d) identifies key considerations for planning decisions to take into account for making effective use of land.

Paragraphs 96-97 outline the protections afforded to open spaces, sports and recreational building and land and outlines that these should not be built upon unless specified provisions are met (para 97 a)-c)). The definition of open space is provided in the NPPF as 'all open space of public value, including not just land, but also areas of water...which offer important opportunities for sport and recreation and can act as a visual amenity.'

### Local Planning Policy

The site would represent a windfall site within the urban area of Rugeley/ Brereton, not currently being identified in the Strategic Housing Land Availability Assessment. Local Plan (Part 1) Policy CP1 identifies that the urban areas of the District, including Rugeley 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 there is an allowance for windfall housing sites to contribute to the District's housing requirements and positive consideration will be given to them (subject to other policy provisions). It would partly represent development of a brownfield site, which is particularly supported by Policy CP5 and CP16 of the Local Plan (Part 1).

The green space element of the site is designated as part of the Green Space Network (Local Plan (Part 1). Policy CP5). Policy CP5 states that 'existing open spaces across the whole range of formal and informal typologies are identified as 'Green Space Network' on the Policies Map.' The policy then outlines the national policy provisions afforded to all open spaces (see above under 'national policy'). The policy also outlines

that 'there will be a presumption against the loss of other green space network sites and community buildings (that are not subject to the above national policy requirements) unless they are surplus and clearly no longer required to meet demand for any of the identified purposes or:

- The wider sustainability benefits or major community benefits delivered by the proposal outweigh the loss (taking into account the value of the site)
- Appropriate mitigation measures and/or replacement space/facilities, equivalent or better in terms of quantity, quality and accessibility can be provided to compensate for the loss of the site and its value.'

Policy CP7 of the Local Plan (Part 1) identifies the need for affordable housing within the District and that schemes of 15 dwellings or more should provide 20% on site provision. It is noted that this scheme is proposing to provide 100% affordable housing. The proposed tenure and dwelling size mix should be considered in consultation with the District's Housing Strategy Team having regard to the Developer Contributions and Housing Choices SPD (2015).

Policy CP12 of the Local Plan (Part 1) outlines the considerations to be given to the ecological value of sites.

With regards to the detailed design of the scheme, regard should be paid to Policy CP3, Policy CP16 and the Design SPD, Parking Standards, Travel Plans and Developer Contributions for Sustainable Transport (2005) (contains parking standards) overall.

As a residential development scheme the proposal is CIL liable. Given that a net increase in dwellings is proposed the development also needs to mitigate its impacts upon the Cannock Chase SAC (Local Plan Part 1 Policy CP13). Should the development be liable to pay CIL charges then this would satisfy the mitigation requirements, as per Local Plan Part 1 Policy CP13, the Developer Contributions SPD (2015) and the Council's Guidance to Mitigate impacts upon Cannock Chase SAC (2017). However, should exemption from CIL be sought (as a social housing scheme) then a Unilateral Undertaking would be required to address impacts upon the Cannock Chase SAC in accordance with the Council's policy/guidance.

Any site specific requirements may be addressed via a Section 106/ 278 if required, in accordance with the Developer Contributions and Housing Choices SPD (2015) and the Council's most up to CIL Regulation 123 list.

#### Conclusion

The proposal will contribute to additional housing supply within the urban areas on a partly brownfield site, making a particular contribution to affordable housing supply in accordance with Policies CP1, CP6 and CP7 of the Local Plan (Part 1).

The proposed loss of the green space element of the site needs to be considered in the context of the policy provisions outlined above (it is noted that the youth centre ceased use in 2008 and was demolished in 2011). If the site is considered an 'open space' as per the NPPF then the national policy provisions apply (as detailed in Local Plan (Part 1) Policy CP5). If the site is not considered to be an 'open space' then the site is still protected as a Green Space Network site and those policy provisions would apply. In

both instances the applicant is required to demonstrate that the site is surplus to requirements. It is noted that the applicant has set out that their approach to the development of the Green Space Network and proposed improvements to the site including public access in the Planning Statement.

The PPG17 assessment (2009) of open spaces identifies this site as an 'institutional' space with restricted access. Institutional spaces are a sub-group of the 'Outdoor Sports Grounds' and typically represent land attached to schools or colleges. 'Restricted access' is defined as "sites that are privately owned and/ or out of bounds to the general public. However they may be accessible to a small group of people.' This would correlate with the applicant's description of the site as land formally associated with the youth centre use. The Council has undertaken an update of the Open Space Assessment and additional documents have been added to the Local Plan Evidence base.

#### Environmental Services

No response received.

#### Landscaping Officer

I have the following comments:-

- The amended tree survey has now identified all the trees within and adjacent to the site.
- The document has included the recommendations previously made regarding the trees to the site frontage. It has also assessed that the new access road would impact on trees adjacent the church boundary and that due to their low quality they should be removed and replaced with new.
- Tree protection details and fence alignment are acceptable.
- Tree protection fence indicated to rear of plots 13-18 where proposed fence with retaining structure. The levels plan appears to indicate regraded slope in the tree protection area. Both are potentially incompatible with the tree protection. Method statement will be required to say how can be achieved without impacting on retained trees.

#### Site Layout -

- Note that the plan does not accord with the tree removal retention plan. Shows tree to right of new entrance way (to be removed) then omits all those on the northern boundary that are to be retained.
- Layout fronting plots 15-18 differs from that on shown on the landscape plan.
- Layout indicated is preferable to that on the landscape plan.

#### Enclosure plan -

- As noted previously - Play area should use the correct type bow top fence with vertical bars not estate railings that have horizontal bars. Details may be conditioned.
- Fence with retaining structure - no details. Latter required as noted above regarding conflict with tree protection. This appears to conflict with details shown on the drainage strategy and levels drawing. Which is correct?
- 1.10m retaining wall indicated to west side of plot 5 - no details
- As noted previously, is the proposed gravel board part of the proposed 1.8m close board fence?
- All rear garden boundaries need to incorporate hedgehog access points.



- As noted previously - Where frontage of plot 18 meets open space area, recommend that a section of fence (estate type) runs from the rear garden fence to the back of highway to clearly demarcate and separate private/public space. Similar treatment is recommended adjacent plot 04 and along edge of private drive especially if retain single proposed access to play area.

#### Play Area

- Amended details generally acceptable

#### Levels & drainage strategy

- Suds Pond – Now described as attenuation basin. Needs to have gently graded slopes not 1:4 to ease maintenance and allow easy safe access all round. Details should be conditioned.
- Rear gardens plots 13-18 indicates use of 450mm log roll and graded garden (issue with tree protection – see above) but conflicts with details on enclosure plan m latter states rear boundary to be retaining structure and fence. Which? Landscaping.
- Tree plating and drainage conflict at site entrance. Recommend the 3 birch trees planted as line Adjacent to Hislop Road to avoid proposed drains.
- Ground preparation – Note 2 makes reference to accompanying 'Arboricultural Impact Assessment' for full guidance. No document provided with this application.
- All other details are acceptable.

#### Biodiversity enhancements

As noted previously – The site is set within a residential area and basically isolated from other open space areas. That said, the enhancements proposed are good, but no provision has been made for birds. Each dwelling needs to include an inbuilt bird box (Can be conditioned and must be for life of development) as there are no suitable mature trees within the site. Additionally, all garden boundary fences should contain hedgehog access points, especially those linking to the habitat area, but also each other to provide maximum foraging ground (Can be conditioned and must be for life of development).

#### Services

As noted previously – There are no details of electric/gas supplies so unable to comment on any impacts.

#### SUMMARY

Details of all fences and walls to be conditioned.

Clarification of treatment to rear plots 13-18 required and appropriate drawings correcting.

Method statement regarding retaining structure/ fence/ regrading as noted, to be conditioned.

Details of attenuation pond to be conditioned.

Inclusion and retention of hedgehog access points as noted, to be conditioned. Inbuilt bird box provision and retention, as noted, to be conditioned.

Landscape scheme to amend as noted.

### School Organisation

I would advise that the above planning application would not result in an education contribution and is therefore acceptable from an education perspective.

The response is based on the information contained within the planning application and should the number and/ or mix of dwellings change we would wish to be consulted so that a revised contribution can be calculated.

The majority of Staffordshire schools include residence in the school's catchment area as a high priority within their admission arrangements. Even where this is not the case schools still give high priority to children who live in the local area.

The location of a housing development in relation to schools in the local area is taken into consideration when assessing the mitigation required for education provision.

Based on the location of the proposed development we have considered the impact on school places at the following school(s):

Chase View Community School  
The Hart School

To understand the impact of this development on education infrastructure analysis has been undertaken using:

- Pupil Number on Roll;
- Net capacity/funding agreement of the schools;
- Pupil projections which include committed developments

In determining whether there is a need for the developer to mitigate the impact of this development it was calculated that 18 dwellings would require 4 primary school places. These are based on a pupil product ratio (PPR) 0.03 per dwelling per year group. Using 7 year groups for Primary, 5 for secondary and '1 for Post 16 places. Where appropriate all 1 bedroom dwellings have been deducted from the dwellings numbers and at secondary level only. all RSL dwellings have also been deducted in line with our Education Planning Obligations Policy.

There are projected to be a sufficient number of school places to mitigate the impact of this development at both primary and secondary phases of education.'

Please note that we reserve the right to amend this response should circumstances materially change from this analysis to the point that education contributions are finalised within the 8106 Agreement.

### County Highways

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

The site was visited on 22/01/2020.

The proposal is for the erection of 18No.dwallngs with associated access, parking, open space and drainage.

The Highway Authority has not previously been consulted on this site and has not been approached for pre-application advice.

The site was previously occupied by Pear Tree Youth Centre and would have generated traffic movements under that Use Class Order.

Interrogation of the County Council's road traffic accident data has revealed no accidents in the vicinity of the proposed access.

Vehicle parking in accordance with the Authority's parking standards is being provided. The proposed access road is to be adopted.

### ***Response to Publicity***

The application was advertised by way of neighbour letters and site notice. Thirty-two letters of representation have been received on the following grounds:

- The application site is on land designated as green space network.
- The previous owners of the land CISWO, a mineworkers' charity should primarily have offered the land to the community for recreational purposes, as it was always designed for.
- The proposal would worsen drainage and flooding problems. The existing drainage infrastructure would not cope with the additional pressure that the new houses would place upon it.
- The existing houses have experienced problems with sewerage in gardens and living rooms.
- Vehicular access at the Hislop Queensway junction would be dangerous.
- The proposal would generate an additional 36 cars, increasing traffic congestion and reducing highway safety.
- The proposed access is too small for entry by large vehicles, such as fire engines once the on-street parking on Hislop Road is allowed for. The applicant's site layout plan ignores on-street parking when demonstrating that large vehicles would be able to access the site road.
- Loss of view.
- The application site comprised contaminated land, which may not be suitable for residential purposes.
- This estate is already overdeveloped and infrastructure is stretched to breaking point.

- Concerns relating to the existing sewerage network and its ability to cope.
- Social housing concerns of the surrounding residents, whom have purchased their properties.
- The area should be developed for one of the following; a small youth activity' and/ or leisure centre, social meeting place, sheltered housing, day centre for the elderly.
- The proposal would increase anti-social behaviour.

### **Relevant Planning History**

1. CH/04/0383 Residential development – Outline. Refuse - 22/12/2004.
2. CH/09/0180 Residential development of former garage court sites (outline with all matters reserved) Approval with conditions - S106 - 14/10/2009.
3. CH/12/0035 Residential development - erection of a 3 bedroom detached house Full - Approval with conditions - 23/05/2012.
4. CH/12/0297 Residential development - erection of a 3 bedroom detached house Full - Approval with conditions - 19/10/2012.
5. CH/13/0214 Householder Prior Notification - Conservatory to rear of property. Approved - 29/07/2013.
6. CH/14/0260 Non-material amendment to planning consent CH/12/0431 to substitute dining room Approved - 28/07/2014

### **1 Site and Surroundings**

- 1.1 The site is located on land to the south and east of Hislop Road, approximately 1km to the south of the town of Rugeley. It is approximately 0.66 hectares in size, has two areas of hardstanding that were previously occupied by buildings (Pear Tree Youth Centre), and used as an outside play space. The remainder of the site comprises of semi-improved grassland, scrub and boundary chain link fences, trees and shrubs.
- 1.2 There are two current (albeit closed off by secure measures) vehicle access points into the site from Hislop Road; one at the north of the site, the other opposite to St Edward's Green cul-de-sac to the east.
- 1.3 The site is bordered by a number of residential properties and their associated gardens, and the building and grounds of the Church of the Good Shepherd and Hislop Road to the north and west.
- 1.4 The wider area is dominated by two-storey residential properties.



- 1.5 Levels drop across the site in a northerly direction with a planted 3.5m slope down to the houses to the north fronting on to Queensway.
- 1.6 The site is designated as Green Space Network. It is located within a Mineral Safeguarding Area. It is neither within, nor adjacent to a conservation area nor are there any statutorily, or locally listed buildings on or near the site.

## **2 Proposal**

- 2.1 The proposal is for 18 affordable rented homes. The applicant has entered into a Contract with Platform Housing Group to deliver the 18 homes for Platform with commencement of construction planned immediately to commence after a positive planning determination. Homes England will allocate Affordable Housing Grant Funding to assist the 100% affordable housing nature of this project.
- 2.2 The density of the proposed development is 35 dwellings per hectare (excluding the proposed open area from the development area calculation). Each dwelling would be traditional in design constructed with red brick and have a pitched, tiled, roof with ridge heights between 7.7m-8.0m.
- 2.3 Each dwelling will have a garden varying in size per plot within the range size of 48.8sqm-201.95sqm.
- 2.4 Rear boundaries would be formed by a combination 1.8m timber fences or brick walls. Site boundaries with neighbouring dwellings would be formed by 1.8m fences.
- 2.5 Parking is proposed as a combination of on-plot or allocated on street. 36 No. parking spaces would be provided (2 spaces per dwelling).
- 2.6 Vehicle access would be provided from Hislop Road on the northern site boundary making use of an existing access point and will extend into the site to form a cul-de-sac. The road and parking spaces would be tarmac. An access drive and turning area would be block paved. A separate pedestrian/ cycle access to Hislop Road would be retained to the south of the Church of the Good Shepherd.
- 2.7 An area of 0.15ha would be retained to the north of the proposed access road and would be a multi-purpose open space (LAP) to include a soft play area (based on natural play features) and SUDS feature which will include species rich wetland grass. Biodiversity enhancements would be provided through wildflower mix, species rich meadow planting and species rich woodland planting on the northern bank.
- 2.8 An additional 0.04ha of amenity space would be provided throughout the site as wildflower areas to improve biodiversity value.
- 2.9 The application is accompanied with a Design and Access Statement, Ecology Survey, Habitats Regulation Assessment, Tree Survey, Stage 1 Road Safety Audit, Drainage Statement, Preliminary Phase 1 Site Assessment, Phase 2 Site Investigation Report and Construction Environmental Management Plan.

### 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) and the Minerals Local Plan for Staffordshire (2015-2030).
- 3.3 Relevant Policies within the Local Plan Include:
- CP1: - Strategy
  - CP2: - Developer Contributions
  - CP3: - Shaping Design
  - CP6: - Housing Land
  - CP7: - Housing Choice
  - CP10: - Sustainable Transport
  - CP16: - Climate Change
- 3.4 The relevant policy in the Minerals Plan is: -  
Policy 3.2: - Minerals Safeguarding.
- 3.5 National Planning Policy Framework
- 3.6 The NPPF (2019) 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 states that there should be "presumption in favour of sustainable development" and sets out what this means for decision taking.
- 3.7 The NPPF (2019) confirms the plan-led approach to the planning system and that decisions must be made in accordance with the Development Plan unless material considerations indicate otherwise.
- 3.8 Relevant paragraphs within the NPPF include paragraphs: -
- 11-14: The Presumption in favour of Sustainable Development.
  - 47-50: Determining Applications.
  - 59, 64: Delivering a Sufficient Supply of Homes.
  - 91, 92, 94, 96, 97, 97 -98: Promoting Healthy and Safe Communities
  - 100, 101: Open Space and Recreation
  - 108, 109, 110: Local Green Space Networks
  - 117, 118: Promoting Sustainable Travel
  - 124, 127, 128, 130: Making Effective Use of Land
  - 148, 150, 155, 163, 165: Achieving Well-Designed Places
  - 170, 175: Climate Change and Flood Risk
  - 178, 179, 180: Biodiversity
  - 212, 213: Ground Condition and Pollution
  - Implementation for Sustainable Transport

### 3.9 Other relevant documents include: -

Design Supplementary Planning Document, April 2016.  
Cannock Chase Local Development Framework Parking Standards, Travel Plans and Developer Contribution

## 4 Determining Issues

### 4.1 The determining issues for the proposed development include:-

- i) Principle of development – loss of green space network.
- ii) Design and impact on the character and form of the area.
- iii) Impact on residential amenity.
- iv) Impact on highway safety.
- v) Impact on nature conservation.
- vi) Drainage and flood risk.
- vii) Education.
- viii) Air quality
- ix) Mineral safeguarding.
- x) Crime and the fear of crime.
- xi) Waste and recycling facilities.
- xii) Ground conditions and contamination.
- xiii) Affordable Housing.

### 4.2 Principle of the Development – Loss of Green Space Network

4.2.1 Both the NPPF and Cannock Chase Local Plan 2014 Policy CP1 advocate a presumption in favour of sustainable development unless material considerations indicate otherwise. The site is a windfall 'greenfield' site located within the urban area of Rugeley/ Brereton. Although the Local Plan has a housing policy it is silent in respect of its approach to windfall sites on both greenfield and previously developed land. As such in accordance with Policy CP1 of the Local Plan the proposal falls to be considered within the presumption in favour of sustainable development, outlined in paragraph 11 of the NPPF.

4.2.2 However, paragraph 177 of the NPPF makes it clear: -

‘The presumption in favour of sustainable development does not apply where development requiring appropriate assessment (under habitat Regulations) because of its potential impact on a habitats site is being planned or determined’.

4.2.3 Policy CP13 of the Local Plan recognises that any project involving net new dwellings will have an impact on the SAC and as such should be subject to an appropriate assessment under the Habitat Regulations. This being the case it can only be concluded that the presumption in favour of sustainable development does not apply to the current application and that the proposal should be considered having regard to the development plan and other material considerations.

4.2.4 The site, in part lies within the Green Space Network and therefore the proposal is subject to Policy CP5 of the Cannock Chase Local Plan and paragraph 101 of the NPPF.

4.2.5 Policy CP5 of the Local Plan states: -

“There will be a presumption against the loss of other green space network sites and community buildings (that are not subject to the above national policy requirements) unless they are surplus and clearly no longer required to meet demand for any of the identified purposes, or

- The wider sustainability benefits or major community benefits delivered by the proposal outweigh the loss (taking into account the value of the site);
- Appropriate mitigation measures and/ or replacement space/ facilities equivalent or better in terms of quantity, quality and accessibility, can be provided to compensate for the loss of the site and its value.

4.2.6 Paragraph 100 of the NPPF also goes on to state: -

The Local Green Space designation should only be used where the green space is:

- a) in reasonably close proximity to the community it serves;
- b) demonstrably special to a local community and holds a particular local significance, for example because of its beauty, historic significance, recreational value (including as a playing field), tranquillity or richness of its wildlife; and
- c) local in character and is not an extensive tract of land.

With paragraph 101 adding: -

“Policies for managing development within a Local Green Space should be consistent with those for Green Belts”

4.2.7 In this respect it is noted that the part of the site which falls within the Green Space Network designation was connected to the former youth club. As such it is clear that the site was included within the Green Space Network designation primarily on its recreational value, and not because of its beauty, historic significance, tranquillity or richness of its wildlife.

4.2.8 Officers note that the outdoor play space has not been used for at least 12 years due to closure in 2008 and demolition of the former Pear Tree Youth Club in 2011. Given that the associated play area’s primary purpose that is of providing opportunities for outside recreation in connection to the youth club, has now disappeared its recreational value has been reduced. However, this does not mean that the green space is surplus and clearly no longer required to meet demand for outdoor recreation.

4.2.9 As such the proposal could only be policy compliant if the wider sustainability/ community benefits delivered by the proposal outweigh the loss, and appropriate mitigation measures and/ or replacement facilities equivalent or better in terms of quantity, quality and accessibility, can be provided to compensate for the loss of the site and its value.

4.2.10 Turning to the issue of wider sustainability/ community benefits it is noted that the scheme would provide 18 affordable dwellings. This would make a substantial contribution towards meeting the objectively assessed need for affordable housing in the district. To put this in perspective attention is drawn to Table 1 below which shows the delivery of affordable housing units over the past few years based on returns from the Registered Providers (plus the Council new build).

4.2.11 In addition the proposed dwellings would also be in close proximity to Rugeley town centre and the railway station and therefore would be within a highly sustainable location where day to day needs can be met by means of travel other than the private car. Furthermore, it is also noted that part of the Green Space Network would be retained to provide a 0.15 ha multipurpose (LAP) to include a soft play area (based on natural play features) and a SUDS feature which would include species rich wetland grass. Biodiversity enhancements would be provided through wildflower mix, species rich meadow planting and species rich woodland planting on the northern bank.

Table 1: Delivery of Affordable Housing Units based on returns from the Registered Providers (plus the Council new build).

Year	Affordable Housing Units Completed in District	Of which in Rugeley
2015/16	22	0
2016/17	125	37 (23 were Council)
2017/18	190	24
2018/19	70	12 (8 were Council)

4.2.12 It is therefore considered that not only would the wider sustainability/ community benefits of the proposal in providing 18 affordable homes for rent in a sustainable location outweigh the loss of the Green Space Network but that the new play facilities and biodiversity improvements would be better in terms of quality and accessibility and therefore would more than compensate for the loss of the site and its value.

4.2.13 As such, the loss of the Green Space Network is considered acceptable and in accordance with Policy CP5 and paragraphs 97, 98 and 101 of the NPPF.

4.2.14 However, although a proposal may be considered to be acceptable in principle it is still required to meet the provisions within the development plan in respect to matters of detail. The next part of this report will go to consider the proposal in this respect.

### 4.3 Design and the Impact on the Character and Form of the Area

4.3.1 In respect to issues in relation to design 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.

4.3.2 Relevant policies within the NPPF in respect to design and achieving well-designed places include paragraphs 124, 127, 128 and 130. Paragraph 124 makes it clear that the creation of high quality buildings and places is fundamental to what the planning and development process should achieve.

4.3.3 Paragraph 127 of the NPPF, in so much as it relates to impacts on the character of an area goes on to state: -

Planning policies and decisions should ensure that developments:

- a) will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;
- b) are visually attractive as a result of good architecture, layout and appropriate and effective landscaping;
- c) are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities);
- d) establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit;

4.3.4 Finally Paragraph 130 states planning permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions, taking into account any local design standards or style guides in plans or supplementary planning documents. Conversely, where the design of a development accords with clear expectations in plan policies, design should not be used by the decision taker as a valid reason to object to development.

4.3.5 In this respect it is noted that Appendix B of the Design SPD sets out clear expectations and guidance in respect to space around dwellings.

4.3.6 Having taken all of the above into account it is considered that the main issues in respect to design and the impact on the character and form of the area are: -

- (i) Overall layout
- (ii) Density

- (iii) Materials, scale and external appearance of the dwellings
- (iii) Landscaping

- 4.3.7 The proposed dwellings are two storey and the number of bedrooms range from two-three. The design would be modern traditional designs that are similar to the range of dwellings found within the wider Rugeley & Brereton area. Streetscene elevations have been provided which also demonstrates that the dwellings would appear in keeping with the character of the area.
- 4.3.8 In general, the layout meets the guidance for space around dwellings as set out in the Council's Design SPD, providing rear amenity areas in accordance with the minimum requirements.
- 4.3.9 The scheme proposes hard landscaping and soft landscaping comprising new tree and shrub planting to assimilate the development into the surrounding area, which is subject to the imposition of conditions. An area of open green space and play area would also be provided to the north of the site.
- 4.3.10 As such, it is considered that the proposal, subject to the attached conditions would be in accordance with Policy CP3 of the Local Plan and paragraph 127 of the NPPF.

#### 4.4. Impact on Residential Amenity

- 4.4.1 Policy CP3 of the Local Plan states that the following key requirements of high quality design will need to be addressed in development proposals and goes on to include [amongst other things] the protection of the "amenity enjoyed by existing properties". This is supported by the guidance as outlined in Appendix B of the Design SPD which sets out guidance in respect to space about dwellings and garden sizes.
- 4.4.2 Paragraph 127(f) of the NPPF states that planning policies and decisions should ensure that developments [amongst other things] create places with a high standard of amenity for existing and future users.
- 4.4.3 In general the Design SPD sets out guidance for space about dwellings, stating that for normal two storey to two storey relationships there should be a minimum distance of 21.3m between principal elevations (front to front and rear to rear) and 12m between principal elevations and side elevations. Furthermore, the Design SPD sets out minimum rear garden areas, recommending 40-44sqm for 1 or 2 bed dwellings, 65sqm for 3 bed dwellings and 80sqm for 4 bed dwellings.
- 4.4.4 However, it should always be taken into account that these distances are in the nature of guidance. When applying such guidance consideration should be given to the angle of views, off-sets and changes in levels.
- 4.4.5 Officers can confirm that the proposal meets the guidance set out within the Design SPD for space about dwellings.
- 4.4.6 Given the above it is considered that subject to the attached conditions, a high standard of residential amenity would be achieved for all existing and future



occupiers of the development and the neighbouring properties and the proposal is considered in accordance with Policy CP3 and paragraph 127(f) of the NPPF.

#### 4.5 Impact on Highway Safety

4.5.1 Paragraph 109 of the NPPF states that development should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe adding at paragraph 110: -

Within this context, applications for development should:

- a) give priority first to pedestrian and cycle movements, both within the scheme and with neighbouring areas; and second so far as possible to facilitating access to high quality public transport, with layouts that maximise the catchment area for bus or other public transport services, and appropriate facilities that encourage public transport use;
- b) address the needs of people with disabilities and reduced mobility in relation to all modes of transport;
- c) create places that are safe, secure and attractive – which minimise the scope for conflicts between pedestrians, cyclists and vehicles, avoid unnecessary street clutter, and respond to local character and design standards;
- d) allow for the efficient delivery of goods, and access by service and emergency vehicles; and
- e) be designed to enable charging of plug-in and other ultra-low emission vehicles in safe, accessible and convenient locations.

4.5.2 In order to inform the application the applicant has submitted a Stage 1 Road Safety Audit.

4.5.3 The objections raised on the grounds of increased traffic congestion, access and lack of parking are noted. However, the County Highways Authority has raised no objections to the proposal, subject to the imposition of the attached conditions. It is also noted that the proposal meets the Council's standards for parking provision.

4.5.4 It is therefore considered that the proposal would not have an unacceptable impact on highway safety and that its residual cumulative impacts on the road network would not be severe, in accordance with paragraph 109 of the NPPF.

#### 4.6 Impact on Nature Conservation Interests

4.6.1 Policy and guidance in respect to development and nature conservation is provided by Policy CP12 of the Local Plan and paragraphs 170 and 174 of the NPPF.

4.6.2 Policy CP12 of the Local Plan states that the District's biodiversity and geodiversity assets will be protected, conserved and enhanced via

'the safeguarding from damaging development of ecological and geological sites, priority habitats and species and areas of importance for

enhancing biodiversity, including appropriate buffer zones, according to their international, national and local status. Development will not be permitted where significant harm from development cannot be avoided, adequately mitigated or compensated for;

- support for the protection, conservation and enhancement of existing green infrastructure to facilitate robust wildlife habitats and corridors at a local and regional scale (particularly to complement Policy CP16);
- supporting and promoting initiatives for the restoration and creation of priority habitats and recovery of priority species and the provision of new spaces and networks to extend existing green infrastructure;
- supporting development proposals that assist the delivery of national, regional and local Biodiversity and geodiversity Action plan (LBAP/GAP) targets by the appropriate protection, incorporation and management of natural features and priority species;
- the promotion of effective stewardship and management across the district to contribute to ecological and geological enhancements.'

4.6.3 Paragraph 170 of the NPPF states [amongst other things] that

- 'Planning policies and decisions should contribute to and enhance the natural and local environment by:
- protecting and enhancing valued landscapes, sites of biodiversity or geological value and soils (in a manner commensurate with their statutory status or identified quality in the development plan); [and]
- minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures;'

4.6.4 Paragraph 174 goes on to state

When determining planning applications, local planning authorities should apply the following principles:

- a) if significant harm to biodiversity 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;
- b) development on land within or outside a Site of Special Scientific Interest, and which is likely to have an adverse effect on it (either individually or in combination with other developments), should not normally be permitted. The only exception is where the benefits of the development in the location proposed clearly outweigh both its likely impact on the features of the site that make it of special scientific interest, and any broader impacts on the national network of Sites of Special Scientific Interest;

- c) development resulting in the loss or deterioration of irreplaceable habitats (such as ancient woodland and ancient or veteran trees) should be refused, unless there are wholly exceptional reasons and a suitable compensation strategy exists; and
- d) development whose primary objective is to conserve or enhance biodiversity should be supported; while opportunities to incorporate biodiversity improvements in and around developments should be encouraged, especially where this can secure measurable net gains for biodiversity.

#### On –Site nature Conservation Issues

- 4.6.5 The application is accompanied with an Ecological Walkover Survey, which concludes that the site does not support any rare habitats, however, it provides habitat that is not common in the local area due to the density of residential properties. It is recommended that clearance of site should take place with a precautionary approach with an ecological watching brief present during the clearance of areas of grassland and scrub, which may be suitable habitat for reptiles. This would allow any reptiles found during vegetation clearance to be moved to avoid injury or death. Clearance should also take place outside of bird breeding season.
- 4.6.6 In addition to the above it is recommended that conditions are attached to any permission granted to ensure that a proportion of the dwellings are fitted with inbuilt bird boxes and that boundary treatment of the site allows for the free passage of hedgehogs.
- 4.6.7 Subject to the imposition of suitable conditions, it is therefore considered that the proposal would not have an adverse impact upon ecological interests and would provide opportunities to provide benefits to biodiversity in the form of wildflower grassland creation, an ecology enhancement zone with regular management and the creation of invertebrate houses.

#### Impact on Cannock Chase SAC

- 4.6.8 Under Policy CP13 development will not be permitted where it would be likely to lead directly or indirectly to an adverse effect upon the integrity of the European Site network and the effects cannot be mitigated. Furthermore, in order to retain the integrity of the Cannock Chase Special Area of Conservation (SAC) all development within Cannock Chase District that leads to a net increase in dwellings will be required to mitigate adverse impacts. The proposal would lead to a net increase in dwellings and therefore is required to mitigate its adverse impact on the SAC. Such mitigation would be in the form of a contribution towards the cost of works on the SAC and this is provided via a S106, as the scheme is 100% affordable housing it would not be CIL liable.

#### 4.7 Drainage and Flood Risk

- 4.7.1 The site is located in Flood Zone 1 on the Environment Agency's Flood Zone Maps, and therefore is in the zone least at risk of flooding.

4.7.2 In this respect it is noted that paragraph 155 of the NPPF states 'inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk (whether existing or future)' adding 'where development is necessary in such areas, the development should be made safe for its lifetime without increasing flood risk elsewhere'.

4.7.3 In addition to the above it is paragraph 165 of the NPPF states 'Major developments should incorporate sustainable drainage systems unless there is clear evidence that this would be inappropriate. The systems used should:

- a) take account of advice from the lead local flood authority;
- b) have appropriate proposed minimum operational standards;
- c) have maintenance arrangements in place to ensure an acceptable standard of operation for the lifetime of the development;

4.7.4 There have been a number of objections received on the grounds of flooding.

4.7.5 Additional information has been obtained pertaining to drainage of the site, including:

- Drainage statement
- Foul and surface water drainage calculations
- Ground investigations (Soakaway test)
- Levels and Drainage Strategy Plan

4.7.6 The Lead Local Flood Authority, South Staffordshire Water and Severn Trent have no objections. In response to objection in respect to problems with drainage Severn Trent has stated that the sewerage problems have been caused by blockages in the sewer, as opposed to hydraulic issues causing problems with flooding.

4.7.7 Subject to the attached conditions it is considered that the proposal would be acceptable with regard to drainage and flood-risk, in accordance with the requirements of the NPPF and Policy CP16 of the Local Plan.

#### 4.8 Education

4.8.1 Policy CP2 states that all housing development will be required to contribute towards providing the infrastructure necessary for delivery of the Local Plan informed by viability assessment. It goes on to state that contributions will be secured primarily via (i) rates set out in a community Infrastructure Levy (CIL) charging schedule and (ii) Section 106 planning obligations.

4.8.2 In addition to the above paragraph 94 of the NPPF states: -

'It is important that a sufficient choice of school places is available to meet the needs of existing and new communities. Local Planning authorities should take a proactive, positive and collaborative approach to meeting this requirement, and to development that will widen choice in education. They should:

- (a) give great weight to the need to create, expand or alter schools through the preparation of plans and decisions on applications; and
- (b) work with school promoters, delivery partners and statutory bodies to identify and resolve key planning issues before applications are submitted.'

4.8.3 In determining whether there is a need for the developer to mitigate the impact of this development the school organisation officer was consulted and advised that the above planning application would not result in an education contribution and is therefore acceptable from an education perspective.

#### 4.9 Air Quality

4.9.1 The proposal by its very nature together with the traffic that it would generate has the potential to impact on air quality. In this respect it should be noted that Paragraph 181 of the NPPF states

'Planning policies and decisions should sustain and contribute towards compliance with relevant limit values or national objectives for pollutants, taking into account the presence of Air Quality Management Areas and Clean Air Zones, and the cumulative impacts from individual sites in local areas. Opportunities to improve air quality or mitigate impacts should be identified, such as through traffic and travel management, and green infrastructure provision and enhancement. So far as possible these opportunities should be considered at the plan-making stage, to ensure a strategic approach and limit the need for issues to be reconsidered when determining individual applications. Planning decisions should ensure that any new development in Air Quality Management Areas and Clean Air Zones is consistent with the local air quality action plan.'

4.9.2 The Environmental Protection Officer concludes that the mitigation measures proposed are proportionate for the size/scale of the proposed housing development, which include charging points for each dwelling.

4.9.3 As such, subject to the imposition of this condition, it is considered that the proposal would be acceptable in respect of air quality and meets the requirements of Policy CP16 of the Local Plan and paragraph 181 of the NPPF.

#### 4.10 Mineral Safeguarding

4.10.1 The site falls within a Mineral Safeguarding Area (MSAs). Paragraph 206, of the National Planning Policy Framework (NPPF) and Policy 3 of the Minerals Local Plan for Staffordshire (2015 – 2030), both aim to protect mineral resources from sterilisation by other forms of development.

4.10.2 Policy 3.2 of the new Minerals Local Plan states that:

Within a Mineral Safeguarding Area, non-mineral development except for those types of development set out in Appendix 6, should not be permitted until the

prospective developer has produced evidence prior to determination of the planning application to demonstrate:

- a) the existence, the quantity, the quality and the value of the underlying or adjacent mineral resource; and
- b) that proposals for non-mineral development in the vicinity of permitted mineral sites or mineral site allocations would not unduly restrict the mineral operations.

4.10.3 The proposal is in accordance with the development plan and located within an urban area. It would not sterilise any mineral deposits and therefore falls within the criteria of Table 7: Exemptions Criteria for Mineral Safeguarding of the Minerals Local Plan for Staffordshire.

#### 4.11 Crime and the Fear of Crime

4.11.1 Section 17 of the Crime and Disorder Act 1998 places a duty on each local authority 'to exercise its various functions with due regard to the likely effect of the exercise of those functions on, and the need to do all that it reasonably can do to prevent crime and disorder in its area to include anti-social behaviour, substance misuse and behaviour which adversely affects the environment'.

4.11.2 In addition to the above paragraph 127(f) of the NPPF states planning policies and decisions should ensure that development create places which [amongst other things] create places that are safe and where crime and disorder, and the fear of crime, do not undermine quality of life, social cohesion and resilience.

4.11.3 The Crime Prevention Officer comments are noted and it is considered that the proposal is acceptable in respect to its design and its impact on crime prevention. The comments provided for obtaining 'Secure By Design' Accreditation shall be attached to the decision notice.

#### 4.12 Waste and Recycling Facilities

4.12.1 Policy CP16(1) (e) 'Climate Change and Sustainable Resource Use' of the Cannock Chase Local Plan states that development should contribute to national and local waste reduction and recycling targets according to the waste hierarchy'. One of the ways of achieving this is by ensuring development can be adequately serviced by waste collection services and that appropriate facilities are incorporated for bin collection points (where required).

4.12.2 A swept path analysis for large refuse vehicles has been provided. The Waste and Recycling Officer has agreed this is acceptable and has no objections to the proposed scheme.

#### 4.13.2 Ground Conditions and Contamination

4.13.1 The site is located in a general area in which coal mining has been a significant factor and therefore there are potential issues in respect to land stability.

4.13.2 In this respect paragraph 170 of the NPPF states: -

“Planning policies and decisions should contribute to and enhance the natural and local environment by [amongst other things]:

- e) preventing new and existing development from contributing to, being put at unacceptable risk from, or being adversely affected by, unacceptable levels of soil, air, water or noise pollution or land instability. Development should, wherever possible, help to improve local environmental conditions such as air and water quality, taking into account relevant information such as river basin management plans; and
- f) remediating and mitigating despoiled, degraded, derelict, contaminated and unstable land, where appropriate.

4.13.3 In addition to the above paragraph 178 of the NPPF states: -

Planning policies and decisions should ensure that:

- a) a site is suitable for its proposed use taking account of ground conditions and any risks arising from land instability and contamination. This includes risks arising from natural hazards or former activities such as mining, and any proposals for mitigation including land remediation (as well as potential impacts on the natural environment arising from that remediation);
- b) after remediation, as a minimum, land should not be capable of being determined as contaminated land under Part IIA of the Environmental Protection Act 1990; and
- c) adequate site investigation information, prepared by a competent person, is available to inform these assessments.

4.13.4 Finally paragraph 179 of the NPPF makes it clear that where 'a site is affected by contamination or land stability issues, responsibility for securing a safe development rests with the developer and/or landowner'.

4.13.5 The Environmental Protection Officer has no objections to the scheme.

4.13.6 It is therefore considered that subject to the attached conditions, the proposal is acceptable in respect to the requirements of paragraphes 179 and 178 of the NPPF.

#### 4.14 Affordable Housing

4.14.1 Under Policy CP2 the proposal would be required to provide a contribution towards affordable housing. However, as the scheme would comprise 100% affordable housing, the development is considered to be compliant with policy requirements.

4.14.2 The Strategic Housing Manager confirms that there is a high demand in the District for affordable family homes. This development of 18 homes would make a significant contribution to meeting this need.



**5 Human Rights Act 1998 and Equalities Act 2010*****Human Rights Act 1998***

- 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.

***Equalities Act 2010***

- 5.2 It is acknowledged that age, disability, gender reassignment, pregnancy and maternity, religion or belief, sex and sexual orientation are protected characteristics under the Equality Act 2010.

By virtue of Section 149 of that Act in exercising its planning functions the Council must have due regard to the need to:

Eliminate discrimination, harassment, victimisation and any other conduct that is prohibited;

Advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;

Foster good relations between persons who share a relevant protected characteristic and persons who do not share it

It is therefore acknowledged that the Council needs to have due regard to the effect of its decision on persons with protected characteristics mentioned.

Such consideration has been balanced along with other material planning considerations and it is considered that the proposal is acceptable in respect to the requirements of the Act. Having had regard to the particulars of this case officers consider that the proposal would not conflict with the aim of the Equalities Act

**6 Conclusion**

- 6.1 The applicant (Owl Partnerships Ltd & Inside Land Group Ltd) is seeking consent for a full application for the erection of 18 No. houses all of which would comprise of affordable housing.
- 6.2 The site lies within the Green Space Network and therefore the proposal is subject to Policy CP5 of the Cannock Chase Local Plan and paragraph 101 of the NPPF. However, it is considered that the wider sustainability/ community benefits of the proposal outweigh the loss of the Green Space Network and its replacement with a multi-purpose open space and biodiversity improvements would be better in terms of quantity, quality and accessibility.

- 6.3 As such, the loss of Green Space Network is considered acceptable and in accordance with Policy CP5 and paragraphs 97, 98 and 101 of the NPPF.
- 6.4 It is considered that the proposal would provide a range of affordable homes of high quality design and would be in-keeping with the wider area.
- 6.5 It is therefore recommended that the application be approved subject to completion of a S106 Agreement and the attached conditions.

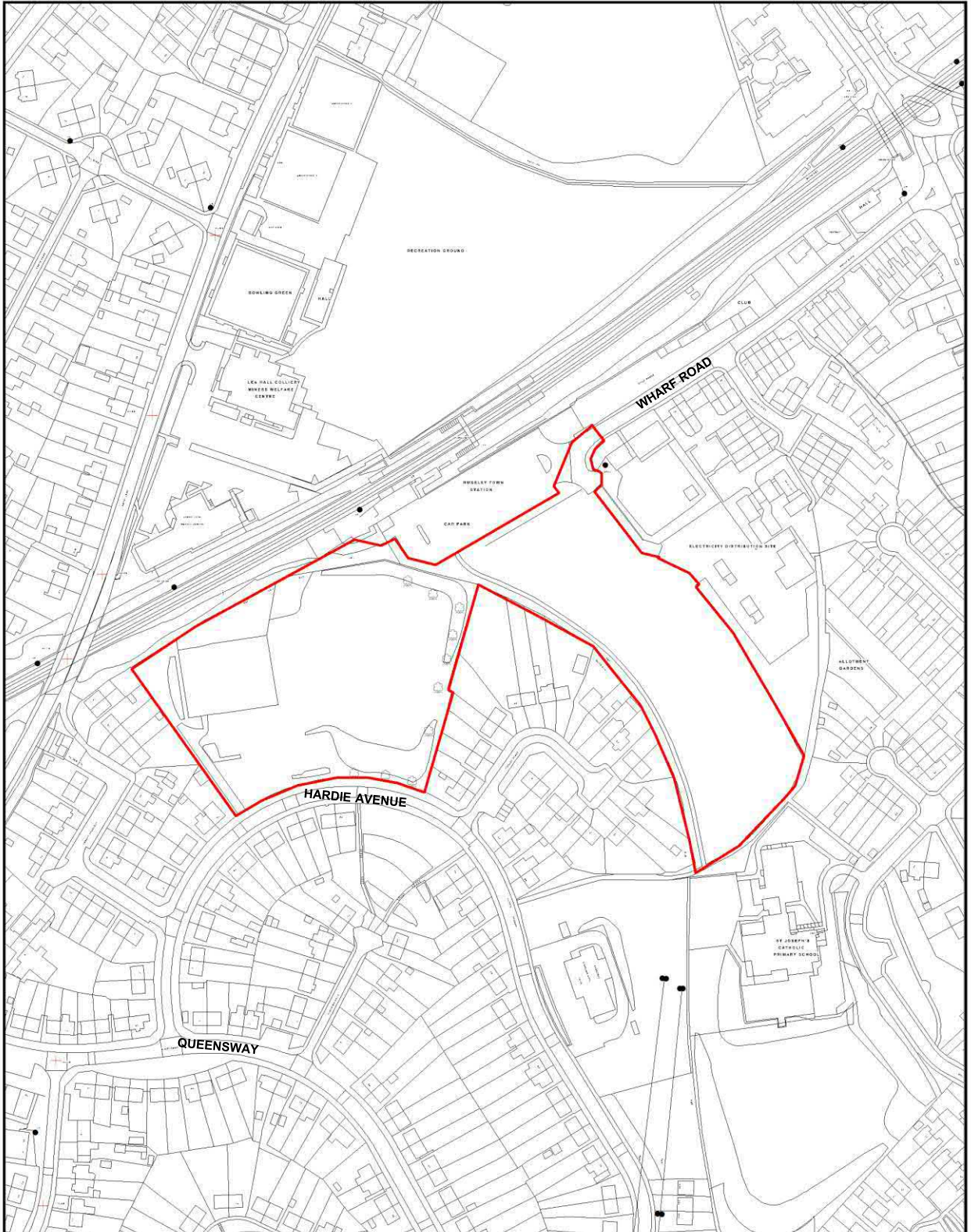


**Application No:** CH/19/374

**Location:** Land between Wharf Road and Hardie Avenue, Rugeley, WS15 1NX

**Proposal:** Construction of 79 houses.

**ITEM NO. 6.40**





# Location Plan



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Scale 1:1250

REVISIONS	DATE
B RED LINE ADJUSTED TO CONVEYANCE PLAN	6/4/19
A RED LINE REVISED AT ENTRANCE	15/01/19



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JESSUP/THE WREKIN HOUSING TRUST  
RESIDENTIAL DEVELOPMENT  
WHARF ROAD, RUGELEY  
**LOCATION PLAN**

scale@A3	date	drawn	drawing
1:1250	MAR 18	SPF	15041/1B

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# Site Plan









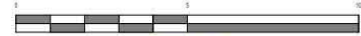






# Proposed Elevations

**ITEM NO. 6.46**



Scale 1:100



Front Elevation



Rear Elevation



Side Elevation



Side Elevation

MATERIALS	
WALLS:	Facing brickwork & render with contrasting brick detail
ROOF:	Grey Interlocking concrete tiles at 30° pitch.
WINDOWS:	White Upvc frame.
<p>8 PLOTS ADDED      13/06/19 A DRAWING RE-NUMBERED      CPD7/19 REVISION      DATE</p>	

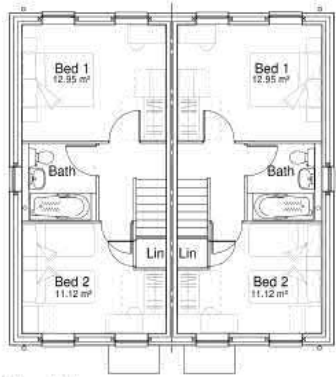
  
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JESSUP THE WREKIN HOUSING TRUST			
RESIDENTIAL DEVELOPMENT			
WHARF ROAD, RUGELEY			
ELEVATIONS: PLOTS 19-20, 57-58 AND 68-73			
scale@A3	date	drawn	drawing
1:100	DEC 18	TEP	15041/32B

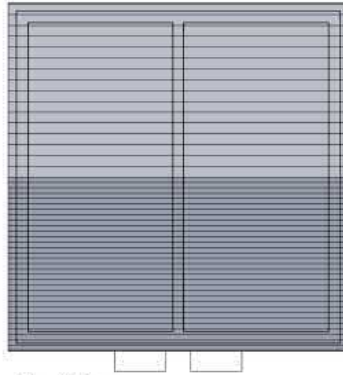
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# Proposed Floor Plans

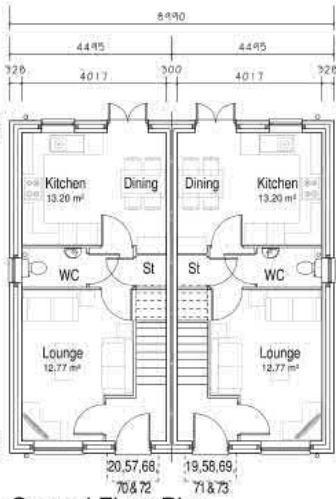
**ITEM NO. 6.47**



First Floor



Roof Plan



Ground Floor Plan



Scale 1:100

## House Type 2C - 2B 4P

Floor Area 68.77 Sq M Plot 19-20,57-58,68-73

B PLOT NUMBERS REVISED 12/06/19  
 A PLOT NUMBERS REVISED 09/07/18  
 REVISION DATE

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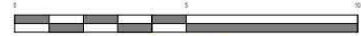
JESSUP THE WREKIN HOUSING TRUST  
 RESIDENTIAL DEVELOPMENT  
 WHARF ROAD, RUGELEY  
 PLANS: PLOTS 19-20,57-58 & 68-73

scale/043	date	drawn	checked
1:100	DEC 18	TEP	15041/14B

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# Proposed Elevations

**ITEM NO. 6.48**



Scale 1:100



Front Elevation



Rear Elevation

MATERIALS	
WALLS:	Facing brickwork with contrasting brick detail
ROOF:	Grey Interlocking concrete tiles at 30° & 50° pitch.
WINDOWS:	White Upvc frame.
B PLOT NUMBERS REVISED	13/09/14
A PLOT NUMBERS REVISED	09/07/14
REVISION	DATE

  
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JESSUP/THE WREKIN HOUSING TRUST  
 RESIDENTIAL DEVELOPMENT  
 WHARF ROAD, RUGELEY  
 ELEVATIONS: PLOTS 11-12, & 23-24

scale/A3	date	drawn	drawing
1:100	DEC 18	TEP	15041/28B

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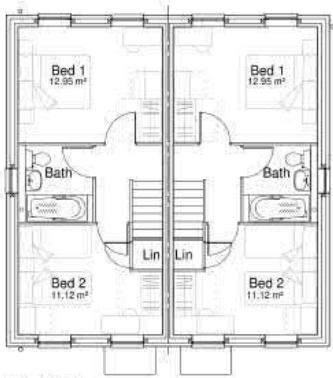
Side Elevation



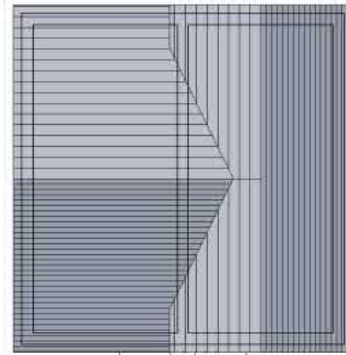
Side Elevation

# Proposed Floor Plans

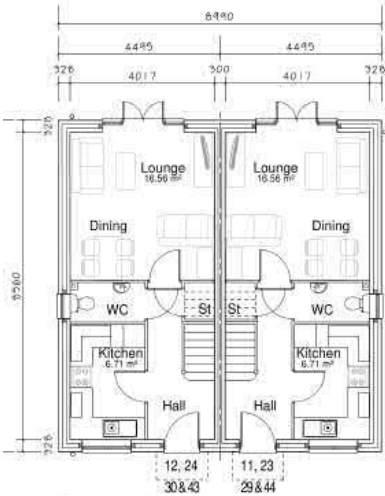
**ITEM NO. 6.49**



First Floor



Roof Plan



Ground Floor Plan

## House Type 2A - 2B 4P

Floor Area 68.77 Sq M Plots 11-12, 23-24  
29-30 & 43-44

B PLOT NUMBERS REVISED 12/06/18  
A PLOT NUMBERS REVISED 09/07/18  
REVISION: DATE

  
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JESSUP/THE WREKIN HOUSING TRUST  
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WHARF ROAD, RUGELEY

PLANS: PLOTS 11-12, 23-24, 29-30 & 43-44

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Scale 1:100

# Proposed Elevations

**ITEM NO. 6.50**



Front Elevation



Rear Elevation



Side Elevation



Side Elevation



Side Elevation



Scale 1:100

## MATERIALS

WALLS: Facing brickwork & render with contrasting brick detailing  
 ROOF: Grey interlocking concrete tiles at 50° & 30° pitch  
 WINDOWS: White UPVC frame.

**IF DRAWING RE-ARMED  
 IN PLOTS, MARKED REVISION  
 REVISION**

13/06/14  
 09/07/14  
 DATE

  
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LESS THE WREKIN HOUSING TRUST  
 RESIDENTIAL DEVELOPMENT  
 WHARF ROAD, RIDGELEY  
 ELEVATIONS: PLOTS 1-6

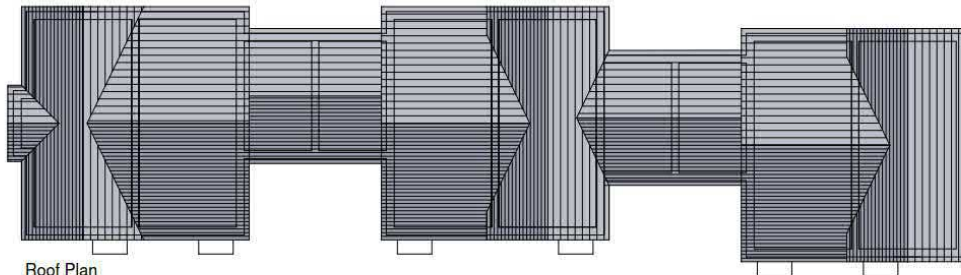
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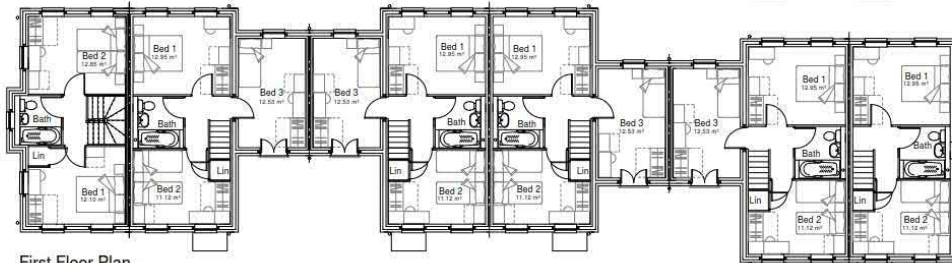


# Proposed Floor Plans

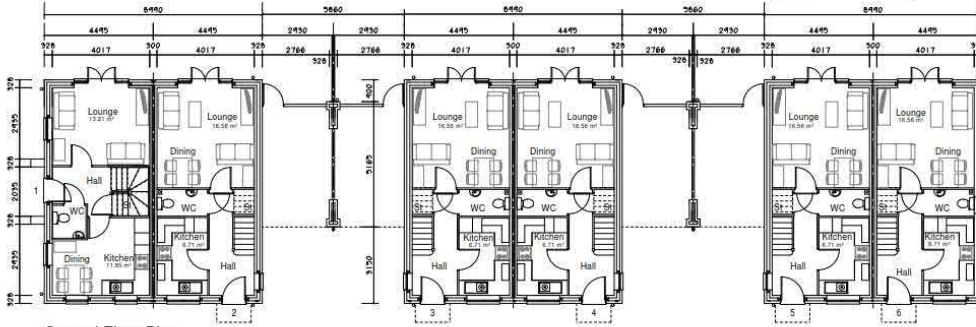
**ITEM NO. 6.51**



Roof Plan



First Floor Plan



Ground Floor Plan



House Type 2B - 2B 4P	Floor Area 69.68 Sq.M	Plot 1
House Type 3A - 3B 5P	Floor Area 82.77 Sq.M	Plot 2,3,5
House Type 3F - 3B 5P	Floor Area 82.77 Sq.M	Plot 4
House Type 2A - 2B 4P	Floor Area 68.77 Sq.M	Plot 6

4 PLOTS REVISION 13/06/14 DATE

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LESS UP THE WREKIN HOUSING TRUST  
RESIDENTIAL DEVELOPMENT  
WHARF ROAD, RUGELEY  
PLANS: PLOTS 1-6

1:100 DATE DEC 18 DRAWN TEP CHECKED 15/04/18/BA

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<b>Contact Officer:</b>	<b>Audrey Lewis</b>
<b>Telephone No:</b>	<b>01543 464 528</b>

**PLANNING CONTROL COMMITTEE**

**4 MARCH 2020**

<b>Application No:</b>	CH/19/374
<b>Received:</b>	16-Oct-2019
<b>Location:</b>	Land between Wharf Road and Hardie Avenue, Rugeley, WS15 1NX
<b>Parish:</b>	Brereton and Ravenhill Rugeley
<b>Description:</b>	Construction of 79 houses
<b>Application Type:</b>	Full Planning Application

**RECOMMENDATION:**

It is recommended that the application is approved subject to the attached conditions and the signing of a section 111 agreement to secure:-

1. Affordable Housing Provision:
  - (a) Not to sell or part with any of the approved units other than to a registered provider approved by the Council or via the Chargee, following the normal process.
  - (b) To hold the approved units and to offer them on an affordable rent and shared ownership basis and not to allow any of the units to be sold on the open market.
  - (c) Not to allow or permit occupation of all or any of the approved units other than to a person in Need of Housing with a local connection together with his/her dependants.
  - (d) To liaise with the Council and agree a lettings plan.
2. SAC mitigation.
3. Education contribution.
4. Commuted sum towards the provision of a 3G pitch at Rugeley Leisure Centre.



**Reason(s) for Recommendation:**

Reason for Grant of Permission

In accordance with paragraph 38 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.

**Conditions (and Reasons for 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 materials shall be used for the external surfaces of the development other than those specified in the approved Schedule of Materials.

Reason

In the interests of visual amenity and to ensure compliance with Local Plan Policy CP3 and the NPPF.

3. No trees or hedges shown as retained, 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.

4. The approved landscape works shall be carried out in the first planting and seeding season following the occupation of any buildings or the completion of the development whichever is the sooner.

Reason

In the interest of visual amenity of the area. In accordance with Local Plan Policy CP3 and the NPPF.

5. 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.

6. The site landscape, following completion of establishment, shall be managed in accordance with the approved Landscape Management Plan Wharf Road (reference LMP 16/1/20), received 17 January 2020, 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.

7. Prior to the commencement of any construction or site preparation works including any actions likely to interfere with the biological function of the retained trees and hedges, approved protective fencing shall be erected in the positions shown on the approved Tree & Hedge Protection layout drawing.

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, CP12, CP14 and the NPPF.

8. Before the first occupation of any dwelling the scheme of electric charging points hereby approved, so far as it relates to that dwelling, shall be implemented in accordance with the details shown in drawing reference 15041/6B and 15041/7B. Thereafter the works comprising the implemented scheme shall be retained for the lifetime of the development unless otherwise approved in writing by the Local Planning Authority.

**Reason**

In the interests of improving air quality and combatting climate change in accordance with policy CP16 and the National Planning Policy Framework.

9. No building or use hereby permitted shall be occupied until the sustainable drainage scheme for the site has been completed in accordance with the approved details shown in the following documents and drawings: -

Flood Risk Assessment & Drainage Strategy February 2015 & Addendum Received 6 December 2019.

Storm Sewer Design Received 17 January 2020.

Soakaway 1, 2 & 3 Received 17 January 2020.

Infiltration Test Report Received 17 January 2020.

Severn Trent Development Enquiry Result 17 January 2020.

Drainage Plans 19086-102 Rev B and 103 B received 17 January 2020.

Future Exceedence Flows 19086-106 Rev A

The sustainable drainage scheme shall be managed and maintained thereafter in accordance with the agreed management and maintenance plan as contained in the Addendum to the Flood Risk Assessment and Drainage Strategy including Sustainable Urban Drainage Assessment Rev A.

Reason

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

10. The development hereby approved shall be completed in accordance with the scheme for the provision of bat & bird boxes as shown in drawing reference 15041/6B and received 17 January 2020. No dwelling hereby approved shall be occupied until the works comprising the approved scheme, in so far as they relate to that dwelling, have been implemented.

Reason

In the interests of enhancing bat breeding habitat in accordance with Policy CP12 of the Local Plan and paragraphs 170, 175, 177, 179 of the NPPF.

11. 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 14:00 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.

12. No development above ground level of plots identified in the noise report as requiring noise insulation shall be undertaken until a noise insulation and ventilation scheme for protecting those dwellings from noise has been submitted to and approved by the Local Planning Authority. All works which form part of the scheme shall be completed before any of the dwellings are occupied.

Reason

To ensure a satisfactory standard of residential environment and to ensure compliance with the Local Plan Policy CP3 - Chase Shaping, Design and the NPPF.

13. No development hereby approved shall commence until

(i) The ground gas monitoring in accordance with the

- recommendations of the Phase II Site Appraisal (Reference B18451), prepared by Patrick Parsons and dated April 2019 has been undertaken; and
- (ii) A report has been submitted to and approved in writing by the Local Planning Authority, outlining: -

- (a) The results of the ground gas monitoring; and if necessary
- (b) Any remediation required; and
- (c) A scheme for verification that the remediation outlined in (a) has been undertaken.

Thereafter no dwelling shall be occupied unless the the results of ground gas monitoring indicate that no remediation work is necessary or verification that the necessary remediation work has been completed has been received and acknowledged in writing by the Local Planning Authority.

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 Local Plan Policy CP3 and the NPPF.

14. If during development, contamination not previously identified is found to be present at the site, no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until either;

A site investigation has been designed and undertaken in accordance with details approved in writing by the Local Planning Authority, a risk assessment has been produced and a method statement detailing remediation requirements using the information obtained from the site investigation has been approved by the Local Planning Authority; or

If the above has been previously undertaken, the developer has submitted and obtained written approval from the Local Planning Authority for an addendum to the method statement detailing how this unsuspected contamination shall be dealt with.

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 Local Plan Policy CP3 and the NPPF.

15. The Construction Management Plan shall be adhered to for the duration of the construction phase.

Reason

To avoid indiscriminate parking and obstruction of the highway in the interests of highway safety, and the protection of amenity to comply with Cannock Chase Local Plan Policies CP3, T6 and T10 and the objectives of Paragraph 108, 109 and 127(f) of the NPPF.

16. No dwelling hereby permitted served by Hardie Avenue shall be occupied until the access to the dwelling, within the limits of the public highway, has been completed.

Reason

In the interests of highway safety and to comply with Staffordshire County Council requirements for access, to comply with Cannock Chase Local Plan Policies T6 & T10 and the objectives of Paragraph 108-9 of the NPPF.

17. No dwelling hereby permitted shall be occupied until the external parking area for that dwelling have been provided. The external parking area shall thereafter be retained at all times for their designated purposes.

In the interests of highway safety, to comply with Cannock Chase Local Plan Policies T6 & T10 and the objectives of Paragraph 108-9 of the NPPF.

18. Where a private access falls toward the public highway a surface water drainage interceptor, connected to a surface water outfall, shall be provided across the access immediately to the rear of the highway boundary.

In the interests of highway safety, to comply with Cannock Chase Local Plan Policies T6 & T10 and the objectives of Paragraph 108-9 of the NPPF.

19. The development shall be undertaken in strict accordance with the recommendations set out in Paragraphs 4.2 to 4.3 of the Phase 1 Preliminary Ecological Appraisal of Wharf Road referenced Wharf1218\_PEA and dated December 2018.

Reason

To ensure that in the event of any changes to the ecology of the site between the grant of planning permission and the commencement of development can be taken into consideration and appropriate mitigation/ compensation measures put in place in accordance with Policy CP13 of the Local Plan and Paragraph 175 of the National Planning Policy Framework.

20. Any fencing, or other form of boundary treatment, shall be erected in accordance with Drawings 15041/6B and 10541/7B so to allow the passage of hedgehogs through the site. The boundary treatments shall thereafter be retained for the lifetime of the development.

Reason

In the interests of ensuring that hedgehogs are able to use the garden spaces for foraging habitat in accordance with Policy CP12 of the Local Plan and paragraphs 175 of the National Planning Policy Framework.

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

Design & Access Statement

Schedule of Materials dated 6 September 2019

Affordable Housing Statement  
 Landscape Management Plan  
 Aboricultural Report 23 July 2019  
 Noise Assessment August 2019  
 Transport Assessment 7 August 2019  
 Phase II Site Appraisal April 2019  
 Construction Management Plan October 2019  
 Air Quality Assesment October 2019  
 Dust Procedure June 2017  
 Phase 1 Preliminary Ecological Appraisal December 2018  
 Reptile Survey August 2019  
 Flood Risk Assessment & Drainage Strategy February 2015 & Addendum  
 Received 6 December 2019  
 Storm Sewer Design Received 17 January 2020  
 Soakaway 1, 2 & 3 Received 17 January 2020  
 Infiltration Test Report Received 17 January 2020  
 Severn Trent Development Enquiry Result 17 January 2020  
 Drainage details received 17 January 2020.  
 Finished Floor Levels Drawing

Drg No.s:

15041/1B, 2H, 3, 4, 5, 7B, 6B,  
 15041/8A, 9A, 10B, 11A, 12A, 13A, 14B, 15B, 16B, 17C, 18C, 19B, 20B, 21B,  
 22B, 23B, 24B, 25C, 26B, 27C, 28B, 29B, 30B, 31B, 32B, 33B, 34B, 35B,  
 36C, 37B, 38B, 39B, 40B, 41B, 42B, 43B, 44BC & 46.  
 19086/102 Rev B, 103 Rev B, 105 & 106 Rev A  
 ADL281, ADL281-1  
 19086/104, 107

Reason

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

22. Before construction works of any kind are commenced on site a Construction Management Plan shall be submitted to, and approved in writing by, the Local Planning Authority. The submitted Construction Management Plan shall include the following details:

- The routing of construction vehicles to and from the site including measures to mitigate the impact on the local highway network. The measures shall include the timing of movements to avoid traffic congestion;
- Parking facilities for vehicles of site personnel, operatives and visitors;
- Arrangements for the loading and unloading of plant and materials;
- Areas of storage for plant and materials used during the construction of the proposed development;
- A wheel cleaning regime to prevent the deposition of deleterious material on the public highway during the construction of the proposed development. The Construction Management Plan shall be adhered to for the duration of the construction phase.

Reason

To avoid indiscriminate parking and obstruction of the highway in the interests of highway safety, to comply with Cannock Chase Local Plan Policies T6 &

T10 and the objectives of Paragraph 108-9 of the NPPF 2019.

23. The development hereby approved shall comprise of no fewer than 79 affordable housing units comprising all of the affordable rental units being charged at 80% of market rent.

**Reason**

The proposal removes a disused Sports Pitch and Green Space Network and is only acceptable on the grounds that the public benefit for provision of 100% affordable rented homes outweighs the loss of Green Space Network in accordance with paragraphs 97-98 of the NPPF.

**Notes to the Developer:**

**IMPORTANT INFORMATIVES**

Coal Informative:

The proposed development lies within a coal mining area which may contain unrecorded coal mining related hazards. If any coal mining feature is encountered during development, this should be reported immediately to the Coal Authority on 0345 762 6848.

Further information is also available on the Coal Authority website at:

[www.gov.uk/government/organisations/the-coal-authority](http://www.gov.uk/government/organisations/the-coal-authority)

County Highways Informatives

a) This consent will require approval under Section 7 of the Staffordshire Act 1983 and will require a Section 38 of the Highways Act 1980. The developer should be advised to contact Staffordshire County Council to ensure that approvals and agreements are secured before commencement of works.

b) Please note that prior to the accesses off Hardie Avenue being constructed you require Section 184 Notice of Approval from Staffordshire County Council. The link below provides a further link to 'vehicle dropped crossings' which includes a 'vehicle dropped crossing information pack' and an application form for a dropped crossing. Please complete and send to the address indicated on the application form which is Network Management Unit, Staffordshire County Council, 2 Staffordshire Place, Tipping Street, Stafford. ST16 2DH. (or email to [nmu@staffordshire.gov.uk](mailto:nmu@staffordshire.gov.uk))

<http://www.staffordshire.gov.uk/transport/staffshighways/licences/>

c) Condition 17 above will require revisions to existing pedestrian guard railing and associated traffic calming features. These off-site highway works shall require a legal agreement with Staffordshire County Council and the applicant is therefore requested to contact Staffordshire County Council in respect of securing the Agreement.

Any soakaways shall be located a minimum of 5.0m rear of the highway boundary.

d) The applicant is advised that with reference to Condition 21 above the Highway Authority consider the provision of a garden shed to be acceptable.

**Cadent Informative:**

All developers are required to contact Cadent's Plant Protection Team for approval before carrying out any works on site and ensuring requirements are adhered to.

Email: [plantprotection@cadentgas.com](mailto:plantprotection@cadentgas.com) Tel: 0800 688 588

**Staffordshire Police**

The developer's attention is drawn to the comments of Staffordshire Police and the desirability of attaining Secured by Design accreditation.

**Consultations and Publicity*****External Consultations*****Staffordshire Wildlife Trust**

No comments received.

**Historic England**

No comments.

**Brereton & Ravenhill Parish Council**

Thank you for consulting Brereton and Ravenhill Parish Council ["BRPC"] on the above application.

BRPC opposes it for the following reason. Wharf Road could not take the traffic that the 65 additional houses that would be accessed through it would create. Parking on Wharf Road effectively means that it is a single-carriageway road, something that causes significant difficulties at present and would cause much greater difficulties if the road had to take the traffic of 65 of the proposed new houses. Parking on the road could not be significantly restricted without unfairness to existing residents and other users, which include a popular and much needed Horn End Nursery and the Rugeley Rifle Club. [There is scope for a very limited increase in parking restrictions at the Brereton Road and of Wharf Road and at its junction with Hindley View; but that would still leave most of the road effectively single carriageway] Wharf Road simply does not have the capacity to meet the traffic generated by 65 additional houses.

The transport assessment is woefully inadequate for what is a very obvious problem which local people experience on a daily basis.

From previous discussions with officers, it seems that consideration of the highways implications was limited to the junction of Wharf Road and Brereton Road. It is important that full consideration is given to the impact on Wharf Road itself.

As the photograph in the Design and Access Statement confirms of the "site entrance" at head of Wharf Road confirms Rugeley town station car park is very well used. If it were not continue in use without interruption, considerable inconvenience will be caused to local people. This applies to the period of construction as well as the final form of the development. The description of the car park as a part of the site places its continued use as a car park with at least its current number of needed spaces in



jeopardy. it would, therefore, in any event, be important that the construction of the access shown on plan 19086-104 does not take place or otherwise interrupt the use of the access to the station car park on working days.

#### Western Power Distribution

Network plan attached of the area, which shows numerous assets in the proposed development area that will need to be diverted.

Our issues with this proposal is potential damage to the cables running in the area and future access for maintenance especially those to the north of the site adjacent to the railway line as well as a small section to the bottom right hand corner of the site.

Recommend speaking to Beckie Downing from over potential encroachment of our Rugeley Town Primary Substation as well as building properties in close proximity to a Primary Substation.

#### Historic Environment Record Assistant

We do not wish to offer any comments.

#### Fire Safety Officer

##### Vehicle Access

Appropriate supplies of water for fire fighting and vehicle access should be provided at the site, as indicated in Approved Document 8 Volume 1 requirement BS, section 11.

I would remind you that the roads and drives upon which appliances would have to travel in order to proceed to within 45 metres of any point within the property, should be capable of withstanding the weight of a Staffordshire firefighting appliance (G.V.W. of 17800 Kg).

#### Automatic Water Suppression Systems (Sprinklers)

I wish to draw to your attention Staffordshire Fire and Rescue Service's stance regarding sprinklers.

In the Interest of preventing deaths and injuries from fires within domestic dwellings Staffordshire Fire and Rescue Service strongly recommend the provision of a sprinkler system to a relevant standard.

Early consultation with the Fire Service when designing buildings which incorporate sprinklers may have a significant impact on reducing fire deaths and injuries in domestic premises and financial implications for all stakeholders.

Further information can be found at [www.bafsa.org.uk](http://www.bafsa.org.uk) - the website of the British Automatic Fire Sprinklers Association Ltd.

#### Cadent

No objections subject to informative.

#### Crime Prevention Staffordshire Police HQ

No objections, information to be attached to decision notice to applicant, in order to obtain secure by design accreditation (SBD).

### County Flood Risk Management (SUDS)

Thank you for consulting us on the above application. We have reviewed the updated information from Mucklow and Harris and are now satisfied with the proposals. We therefore have no objection to the granting of planning permission.

We would however recommend that the following pre-occupation condition is added to ensure that the proposals are implemented in accordance with the details contained within the submitted documents.

### Severn Trent Water Ltd

The submitted drainage plan shows all foul sewage is proposed to discharge to the public foul sewer at manhole 4403, and all surface water is proposed to discharge to the public surface water sewer, at a proposed discharge rate of 4.9litres/second to manhole 4402. For your information, before we would consider a connection to the public sewer for surface water discharge we would request that soakaways are investigated. If these are proven to not be feasible on site (with satisfactory evidence) we would consider a connection to the public surface water sewer with flows restricted to the proposed discharge rate of 4.9 litres/second. We therefore would ask that the drainage related condition is not discharged at this stage.

### South Staffordshire Water Plc

We appear to have no assets affected by this scheme so would look to install new assets to supply the development through the normal application for new connections process.

### Network Rail

No comments received.

### Environment Agency

No comments received.

### Natural England

Natural England notes that your authority, as competent authority, has undertaken an appropriate assessment of the proposal in accordance with Regulation 63 of the Conservation of Species and Habitats Regulations 2017 (as amended). Natural England is a statutory consultee on the appropriate assessment stage of the Habitats Regulations Assessment process.

Your authority has concluded that the adverse effects arising from the proposal are wholly consistent with the effects detailed in the Cannock Chase SAC evidence base and that these effects can be satisfactorily mitigated by the measures set out in the Strategic Access Management and Monitoring Measures agreed with ourselves.

Having considered the assessment Natural England advises that we concur with the assessment conclusions.

We advise that an appropriate planning condition or obligation is attached to any planning permission to secure these measures.

### Sport England

No objections subject to a contribution towards sports provision at Rugeley Leisure Centre.

## ***Internal Consultations***

### Environmental Protection

Thank you for referring this matter for consideration. No adverse comments are offered in principle.

#### Air Quality

An air quality assessment has been submitted, which concludes that air quality will not pose a constraint to the development, which I can agree with.

The same report provides an air quality damage cost calculation, amounting to £53,835 and that expenditure on mitigation measures amounts to £43,450, of which £27,650 is on electric vehicle charging provision and £15,800 on Travel Plan measures, leaving an apparent shortfall of c£10,000. Although welcomed, the travel plan measures mainly consist of welcome pack and soft measures that are unlikely to have longevity. In addition, it is difficult to consider the provision of a multi-purpose room with internet access as an air quality mitigation measure, but rather as requirement of modern family living. As such, I consider the travel plan to only partially address incremental increases in emission and if no further long term mitigation measures can be identified, I recommend that contributions are sought towards sustainable travel infrastructure.

#### Noise

The noise report concludes that mitigation measures are required to address external noise. Acoustic performance of glazing, acoustically attenuated ventilation and building fabric is identified. As such, products should be chosen in accordance with recommendations in the report and agreed with Environmental Health prior to installation.

Some garden spaces are predicted to be between 50 and 55dBA. It would be desirable for measures such as appropriate fencing be incorporated to improve the external amenity value of the garden areas, preferably below 50dBA.

#### Construction Phase Issues

Issues of construction phase dust, vibration, noise, lighting and waste are addressed in a Construction Management Plan. The measures appear appropriate for the scheme, and should employed in full.

Construction hours are proposed to be 7:00 to 17:30 (Monday to Friday) and 7:00 to 14:00 (Saturday). I consider this to be too early in the day for an area surrounded by residential properties, and would suggest 8:00 to 18:00 (Mon-Friday) and 8:00 to 14:00 (Saturday).

#### Ground Contamination and Gas

The Patrick Parsons provides a summary of recommended mitigation and further assessment measures, including the need to complete ground gas monitoring. Allowance for ground gas protection measures should therefore be made until monitoring completed.

Mitigation measures for ground contamination should be undertaken in accordance with the recommendations and a validation report produced prior to discharge of condition.

### Parks & Open Spaces

And with reference to previous memo of 8 Nov 2019, I have the following comments:-

- Drainage  
Conflicts noted with proposed tree planting.  
Proposed use of central open area for 'surface water ponding'. How is this to function, given that no drainage inlet outlet shown. Potential conflict with landscaping/use of area
- Noted that footpaths in open space areas to be tarmacked. Method statements will be required to cover construction works within Root Protection Zones. Line of footpath to be agreed on site with CCDC.
- Landscape amendments required, as noted previously.  
Central area – requires tree planting.  
Submission of details to be conditioned
- Developer has advise that open space areas will managed through the housing association and not for adoption by CCDC. Management plan will be required together with maintenance schedule – to be conditioned.
- Method statement require for works within RPA's – Condition
- Bat and bird boxes to be inbuilt units not external and conditioned for retention for life of development.
- Hedgehog access points noted and to be conditioned for retention for life of development. Need to link all gardens and to adjacent open space/ natural areas.

### Summary

- Lack of appropriate play provision for the size of development as noted previously.
- Key issue of usability/functionability of open space remains, as noted previously.
- Aspects may be conditioned as noted above.

### Economic Development Officer

The proposal requires S106 contributions.

### Private Sector Housing

No comments received.

### Ecological Officer

No comments received.

### Property Services

No comments received.

### Strategic Housing

There is a high demand in the District for affordable family homes. This development of 79 homes comprising of 1 x 4 bedroom house, 19 x 3 bedroom houses and 59 x 2 bedroom houses will make a significant contribution to meeting this need. Properties will be allocated in accordance with the Council's choice based lettings policy.

### Planning Policy Unit

The National Planning Policy Framework (NPPF para 11) states that development proposals that accord with an up to date development plan should be approved without delay. Where there are no relevant development plan policies, or the policies which are most important for determining the application are out of date, planning permission should be granted, unless policies in the Framework that protect areas or assets of particular importance (e.g. Green Belt, AONB, habitats sites) provide a clear reason for refusal, or any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.

The development plan for Cannock Chase District consists of the Local Plan (Part 1), adopted Neighbourhood Plans and the Staffordshire County Council Waste and Minerals Local Plans. The views of Staffordshire County Council as the waste and minerals planning authority should be considered, as necessary. These policy comments are restricted to matters concerning the Local Plan (Part 1), Neighbourhood Plans and supporting guidance.

The Local Plan (Part 1) was adopted more than five years ago; it is now the subject of a review. This review is at an early stage in the process with consultation on 'Issues and Options' being undertaken recently (May-July 2019). Therefore limited weight can be afforded to it. The starting point for the determination of planning applications remains the adopted development plan (Local Plan (Part 1)).

The proposal is for 79 dwellings (all affordable dwellings), with associated landscaping and on site open space. The site represents a mixed greenfield/ brownfield site within the urban area of Rugeley/ Brereton. Part of the site lies within the Green Space Network (on former school playing fields). A 'Proposed Recreational Footpath/ Cycle Route' designation also crosses through part of the site. The site itself is not allocated for development on the Policies Map. However, it has been identified within the Strategic Housing Land Availability Assessment (SHLAA) as a developable site, which has previously benefitted from outline planning permission for 72 dwellings. It is therefore expected to form part of the overall housing land supply for the plan period.

### National Planning Policy Considerations

The provisions of the NPPF as a whole should be considered in the determination of this application. However, the most pertinent areas to consider are outlined further below.

Chapter 5 of the NPPF seeks to deliver a sufficient supply of homes and paragraph 59 reiterates the Government's objective of significantly boosting the supply of homes. Paragraph 64 sets out that a major development should provide at least 10% of the homes for affordable home ownership, unless this would exceed the level of affordable housing required in the area or significantly prejudice the ability to meet the identified affordable housing needs of specific groups.

Chapter 8 promotes healthy and safe communities and paragraph 91 outlines that planning decision should aim to achieve healthy, inclusive and safe places which promote social interaction, are safe and accessible and enable and support healthy lifestyles. Paragraphs 96-98 outline the approach to be taken to protect and enhance open space and recreation opportunities.

Chapter 9 promotes sustainable transport and paragraphs 108-111 in particular outline the measures that should be taken in relation to specific development proposals.

Chapter 11 seeks to make effective use of land and paragraph 118 states that planning decisions should give substantial weight to the value of using suitable brownfield land for homes and other identified needs. Paragraph 122 addresses the issue of densities and requires developments to make efficient use of land taking into account a range of considerations e.g. the local market and development character.

Chapter 12 sets out the national policy for achieving good design.

Chapter 14 sets out how the 'planning system should support the transition of a low carbon future in a change climate, taking account of flood risk and coastal change.'

Chapter 15 sets out how planning policies and decision should contribute to conserving and enhancing the natural environment.

#### Local Plan (Part 1) Policy considerations

Policy CP1 sets out the overall development strategy for the District, which is to focus the majority of development within the existing settlements whilst conserving and enhancing the landscape of the AONB, Hednesford Hills, Green Belt and green infrastructure. The urban areas are to accommodate most of the District's new housing and employment developments, distributed broadly in proportion to the existing scale of the settlement, with urban extensions.

Policy CP5 outlines how the Council will work with public, private and third sector partners to ensure that appropriate levels of infrastructure are provided to support social inclusion and healthy living. This includes facilities for health, education, sports and recreation, cemetery/crematorium, cultural and community uses, and local shopping. The policy states that 'All open spaces, sport and recreational facilities, both existing and proposed, are subject to the policies and requirements of national planning policy' which is reference to paragraphs 96-98 of the NPPF. These paragraphs outline that such spaces and buildings should not be built on unless one or more of the stipulated criteria are met. Given that the scheme involves the redevelopment of existing recreation facilities (playing fields) the views of Sport England should be sought. The policy also sets out the role of the Green Space Network, which part of this site is designated as, and that there will a presumption against the loss of the Green Space Network (in line with national provisions for the loss of open spaces).

Policy CP6 Housing Land addresses the housing development needs of the District. It outlines that the proportion of development across the District's urban areas is expected to be broadly in line with their existing size, with the addition of urban extensions to each settlement. It sets out that the release of land for housing will be managed to achieve the re-use of previously developed land within the build up areas and will be informed by monitoring, via the annual Strategic Housing Land Availability Assessment (SHLAA) and Authority Monitoring Report (AMR). The most recent SHLAA (2018) identifies this site as part of the housing land supply for the plan period, as a 'developable' site.

Policy CP7 is concerned with meeting the affordable housing needs and housing needs of specific groups within the District. It is noted that this is a 100% affordable housing

scheme, and therefore complies with the requirements of Policy CP7. Details of the potential housing mix, including affordable housing tenures should be considered with reference to the Council's Developer Contributions and Housing Choices Supplementary Planning Document (2015) and in consultation with the Housing Strategy team. In relation to the national policy for 10% of homes to be for affordable home ownership, the Council's evidence to date indicates that this would not meet local needs and therefore the preferred tenure mix as set out in this SPD is still appropriate .

Policy CP10 supports sustainable transport provision across the District, including walking and cycling routes. A number of proposed enhancements to recreational routes are allocated on the Policies Map, including one running through the development site. It is noted that the proposals seek to incorporate this route into the design and advice on this should be sought from the Councils' Parks and Open Space team and County Council Highways.

As a residential development scheme the proposal is CIL liable- advice on liability should be sought from the Planning Obligations Officer. Given that a net increase in dwellings is proposed the development also needs to mitigate its impacts upon the Cannock Chase SAC (Local Plan Part 1 Policy CP13). Should the development be liable to pay CIL charges then this will satisfy the mitigation requirements, as per Local Plan Part 1 Policy CP13, the Developer Contributions SPD (2015) and the Council's Guidance to Mitigate Impacts upon Cannock Chase SAC (2017). However, should exemption from CIL be sought then a Unilateral Undertaking would be required to address impacts upon the Cannock Chase SAC in accordance with the Councils policy/guidance.

Any site specific requirements may be addressed via a Section 106/278 if required, in accordance with the Developer Contributions and Housing Choices SPD (2015) and in consultation with the relevant infrastructure provider.

With regards to the detailed design of the scheme, regard should be paid to Policy CP3, Policy CP16, the Design SPD, and the Parking Standards, Travel Plans and Developer Contributions for Sustainable Transport SPD (2005) (contains parking standards).

Part of the site lies within the designated Brereton and Ravenhill Neighbourhood Area. The Parish Council have undertaken evidence base work and local consultations to inform their emerging neighbourhood plan, however no detailed plan has been produced for full public consultation to date. The plan is therefore still in its early stages and there is no publicly available draft plan to reference in relation this planning application to date. At the point of determination the most up to date position with regards to the neighbourhood plan should be considered.

#### Emerging Local Plan Considerations

The most recent Issues and Options consultation document outlines that the District's housing growth requirements will need to be updated along with the housing development strategy i.e. where new developments should be located within the District. As part of the options for housing growth requirements the Council is considering a range of options including meeting its own minimum housing needs of 5,112 dwellings (for the period 2018-2036) and a range of scenarios for helping to

contribute to the wider housing market area shortfall. These options consider a range of 5,612 dwellings up to 7,612 dwellings.

In terms of the Districts' capacity to meet these growth options, the document outlines that there are a number of strategic development options to consider. These include 'Option A' which utilizes the existing housing supply identified within the urban areas (circa 3,200 dwellings) and then seeks to identify any additional sites or supply (e.g. via higher densities) to maximize the contribution made from development within the urban areas. Over and above this, the Council will need to consider additional capacity from the former Rugeley Power Station and then potentially Green Belt site options. It is therefore important to maximize the capacity of urban sites for residential developments.

Other key areas of updated evidence which are of relevance to this application include a Housing Needs Assessment (2019) and updated assessments of Indoor Sports and Playing Pitch requirements (2019).

The Housing Needs Assessment identifies a continued need for affordable housing provision in the region of 110 dwellings per annum (circa 40% of overall minimum local housing need) for 2018-2036. This 100% affordable housing scheme would therefore help contribute to these needs.

The Indoor Sports and Playing Pitch assessments and strategies identify District wide requirements from 2018-2036. The redevelopment of the playing fields arising from this proposal should be considered in the context of this evidence, in consultation with Sport England.

#### CIL Officer

In respect of the above application, as the development is 100% affordable housing then they would be exempt from paying CIL. However, this exemption is not automatically applied and would require the applicant to complete and submit the attached forms to the Council before commencement of development at the latest, but preferably before the planning application has been decided.

#### Staffordshire County Minerals

No objection is, exempt from the requirements of Policy 3 of the Minerals Local Plan for Staffordshire, subject to standing advice for development proposals within mineral safeguarding areas.

#### Waste and Engineering Services

Waste Collection Points - size, quality and screening of bin collection points:

No designated waste collection points appear to be shown on the drawings adjacent to the 3no. private drives to the south east and 1no. to the north west of the proposed development.

All waste collection points must be positioned within 10m of an adopted metalled highway and at the same level.

Bin collection points should be constructed to a sufficient size and quality for the number of bins required and consideration given to their proper environmental screening.



On a fortnightly basis there can be up to two bins per property presented at the same time; therefore bin collection points should be constructed to accommodate this number, as a minimum.

Road Widths:

The minimum road width requirement is 5m. Smaller widths may be considered if parking restrictions are to apply.

Evidence should be requested that a swept width analysis has been successfully carried out, using a 32 tonne refuse collection vehicle model (with a minimum length of 11.2m) to verify the road layout.

### School Organisation

Would advise that the above planning application would result in an education contribution of £223,805 (index linked) to be sought from the developer to mitigate the impact on education from the development and would be acceptable from an education perspective subject to a S106 agreement which meets this requirement.

The response is based on the information contained within the planning application and should the number and/or mix of dwellings change we would wish to be consulted so that a revised contribution can be calculated.

In determining that this level of contribution is necessary and in accordance with CIL legislation, the requested education contribution is deemed to be:

- (a) necessary to make the development acceptable in planning terms;
- (b) directly related to the development; and
- (c) fairly and reasonably related in scale and kind to the development.

The majority of Staffordshire schools include residence in the school's catchment area as a high priority within their admission arrangements. Even where this is not the case schools still give high priority to children who live in the local area. The location of a housing development in relation to schools in the local area is taken into consideration when assessing the mitigation required for education provision.

To understand the impact of this development on education infrastructure analysis has been undertaken using:

- pupil number on roll;
- net capacity/funding agreement of the schools
- pupil projections which include committed developments.

In determining whether there is a need for the developer to mitigate the impact of this development it was calculated that 79 RSL dwellings would require 17 primary school places and 0 secondary and 0 Post 16 places. These are based on a pupil product ratio (PPR) of 0.03 per dwelling per year group. Using 7 year groups for Primary, 5 for secondary and 1 for Post 16 places. Where appropriate all 1 bedroom dwellings have been deducted from the dwellings numbers and at secondary level only, all RSL dwellings have also been deducted in line with our Education Planning Obligations Policy.

The contribution will be used towards the funding of additional Primary school places in Rugeley Town to mitigate the impact of local plan housing.

The primary school education contribution has been calculated as follows:

£13,165 x 17 places required for development = £223,805

Please note that we reserve the right to amend the amount of the requested education contributions should circumstances materially change from this analysis to the point that the use(s) of the education contributions are finalised within the S106 Agreement. Based on an agreed set of standard triggers the size of this development will necessitate payment of the education contribution on or before commencement.

### County Highways

The Highway Authority received a request for pre-application advice for residential development of this site in 2014. The Highway Authority advised there were no highway objections in principle.

The Highway Authority has previously received one consultation for this site. Application CH/15/0084 was received on 17/03/2015. The application was an outline application, including means of access, for the construction of 72no.dweillngs. The Highway Authority issued a conditional approval on 01/05/2015.

### Observations

The current application is full application for the construction of 79No.dweillngs. The Highway Authority considers this to be similar in scale/ density to application CH/15/0085.

The site is split with 65no. dwellings being served off Wharf Road and 14no. dwellings being served by Hardie Avenue. Wharf Road also serves the Railway Station Car Park.

A Transport Assessment was submitted in support of the application. The Highway Authority considers the site to be in a highly sustainable location.

Interrogation of the County Council's road traffic accident data has revealed one accident In Wharf Road in 2013. The severity was slight.

### Footpath Officer

The County Council's Definitive Map of Public Rights of Way shows that no public rights of way cross the application site.

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.

### ***Response to Publicity***

The application has been advertised by site notice, neighbour letter and newspaper notice. Four letters of representation have been received on the following grounds:

- Parking is already restricted in relation to the nearby railway station.
- Vehicular access for 65 houses via Wharf Road, would be near to Horn End nursery, the rifle club and terraced houses with no off-street parking facilities.
- Wharf Road provides access for 80+ houses built recently around Hindley View.
- Traffic leaving Wharf Road to join Brereton Road can only turn left onto Horse Fair which is always congested at peak times, this scheme would worsen the problem.
- There are too many houses being built, removing green space. More houses should be built on industrial estates.
- The proposed scheme would add to flooding problems.

### **Relevant Planning History**

1. CH/00/0172 Residential development use class c3 (outline). Approval with conditions - 18/07/2000.
2. CH/00/0173 Office and light industrial use class b1 (outline) Withdrawn - 13/07/2000.
3. CH/00/0174 Warehouse and distribution use class b8 (outline) Outline - withdrawn - 31/05/2000.
4. CH/00/0175 Residential institutions use class c2 (outline) Outline-approval with conditions - 18/07/2000.
5. CH/03/0066 Extension. Full - Approval with conditions. 28/02/2003.
6. CH/04/0334 Two temporary classrooms. Approved subject to conditions 28/05/2004.
7. CH/15/0084 Residential development:- erection of 72 dwellings (Outline including access) Outline - approval with conditions 29/05/2015.
8. CH/16/068 Residential Development: Erection of 1no. pair of semi-detached houses. Full - approval with conditions - 06/02/2016.
9. CH/16/068/A Discharge of conditions 2 (site investigation), 3 (noise mitigation), 5 (parking) Discharge of conditions - Full approval 24/04/2017.
10. CH/19/328 Prior Notification of a proposed larger home extension (6m x 3m) Approved - 11/10/2019
11. CH/92/0117 Construction of access road car park & footway. Approved subject to conditions 15/04/1992.
12. CH/94/0523 Construction of new station to include two platforms full - approval with conditions 11/09/1994.
13. CH/98/0553 Site signboard. Advert-grant with conditions 26/10/1998.
14. CH/99/0417 Extension to existing school. County Reg 3 - No objections 15/09/1999.

### **1 Site and Surroundings**

- 1.1. The application site comprises an irregular shape on plan and covers an area of approximately 2.7 hectares, consisting of 2 parcels of land comprising an area of vacant land to the east at the head of Wharf Road and the site of the former

Pear Tree School accessed off Hardie Avenue to the west. The site consists of a roughly level central area with embankments to the southwest and northeast, with the general topography of the area sloping to the northeast.

- 1.2. The Wharf Road site is covered with overgrown vegetation and a footpath running along the western boundary. Approximately 30% of the Pear Tree site is covered by hardstanding, comprising the school playground, the floor slabs of the previous school buildings and an access road.
- 1.3. The majority of the Wharf Road site boundary is defined by hedges and trees. The western perimeter of the Wharf Road site is defined by the rear gardens of existing houses fronting Curzon Place. The Pear Tree site is enclosed with metal fencing.
- 1.4. Rugeley railway station and car park have been constructed to the north of the site. There is a footbridge at the railway station, linking to a health centre, social club and playing fields. To the east is an electricity sub-station complex and residential properties off Newman Grove.
- 1.5. The surrounding area is otherwise predominantly residential with the Pear Tree Estate to the west and south. The houses comprise a mixture of semi detached and terraced two storey properties with render and facing brick materials and hipped and gable end roofs.
- 1.6. The application site is located within an area designated as Green Space Network. It is also located within a Mineral SafeGuarding Area, Coal Authority Low Risk Boundary and Environment Agency Historic Landfill Boundary/Landmark Contaminated Land Boundary.

## **2 Proposal**

- 2.1 The applicant (Wrekin Housing Trust) is seeking consent for a full application for the erection of 79 No. houses.
- 2.2 The site was granted outline planning permission (Ref CH/15/0084) for the erection of 72 dwellings including access.
- 2.3 As with the outline permission, it is proposed that an area of open space should form a central focus of the development layout on the western side of the site. In addition, the existing footpath, that follows the line of the former railway line will be improved as part of an open space landscape amenity corridor. In addition, a separate footpath is proposed along the eastern boundary of the former school site linking to Hardie Avenue.
- 2.4 The layout of the original outline application included 6050 m<sup>2</sup> of open space within the development site, as compared to this proposal, which provides 6006m<sup>2</sup>.
- 2.5 The proposed houses would comprise a mix of 2, 3 and 4 bedroom dwellings to meet housing need, comprising a 100% affordable housing scheme.

- 2.6 The dwellings would be designed in a contemporary style, incorporating brickwork and render, pitched tiled roofs. Windows and fascias would be white UPVC with black rainwater goods. A materials schedule has been submitted with the application.
- 2.7 Of the 79 dwellings, 65 would be accessed off Wharf Road. The remaining 14 plots would be accessed off Hardie Avenue.
- 2.8 As part of the works, the existing railway station access to the car park would be amended, in line with the details previously submitted and approved by the outline planning permission.
- 2.9 The scheme proposes 159 car parking spaces for the 79 houses. The four bedroom houses each having 3 No. spaces and the 2-3 bedroom houses each having 2 No. off-street parking spaces. A vehicle charging point would be provided to each house and space within the rear, secure gardens for cycle storage.
- 2.10 A Transport statement and framework travel plan from the outline permission has been reviewed in 2019 and is submitted as part of the application.
- 2.11 Additional information to include swept path analysis, and drainage information has been submitted and re-consultations undertaken.

### **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) and the Minerals Local Plan for Staffordshire (2015-2030).
- 3.3 Relevant Policies within the Local Plan Include:
- CP1: Strategy
  - CP2: Developer Contributions
  - CP3: Shaping Design
  - CP6: Housing Land
  - CP7: Housing Choice
  - CP10: Sustainable Transport
  - CP16: Climate Change
- 3.4 Policy 3.2 within the Minerals Plan is also relevant to this application.
- 3.5 National Planning Policy Framework
- 3.6 The NPPF (2019) 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 states that there should be

“presumption in favour of sustainable development” and sets out what this means for decision taking.

3.7 The NPPF (2019) confirms the plan-led approach to the planning system and that decisions must be made in accordance with the Development Plan unless material considerations indicate otherwise.

3.8 Relevant paragraphs within the NPPF include paragraphs: -

8:	Three dimensions of Sustainable Development.
11-14:	The Presumption in favour of Sustainable Development.
47-50:	Determining Applications.
59, 64:	Delivering a Sufficient Supply of Homes.
91, 92, 94, 96, 97, 97 -98	Promoting Healthy and Safe Communities Open Space and Recreation
100	Local Green Space Networks
108, 109, 110:	Promoting Sustainable Travel
117, 118:	Making Effective Use of Land
124, 127, 128, 130:	Achieving Well-Designed Places
148, 150, 155, 163, 165:	Climate Change and Flood Risk
170, 175	Biodiversity
178, 179, 180	Ground Condition and Pollution
212, 213	Implementation.

3.9 Other relevant documents include: -

Design Supplementary Planning Document, April 2016.

Cannock Chase Local Development Framework Parking Standards, Travel Plans and Developer Contributions for Sustainable Transport.

Cannock Chase District Council Playing Pitch Strategy (adopted 13<sup>th</sup> June 2019).

## **4 Determining Issues**

4.1 The determining issues for the proposed development include:-

- i) Principle of development – loss of playing field.
- ii) Design and impact on the character and form of the area.
- iii) Impact on residential amenity.
- iv) Impact on highway safety.
- v) Impact on nature conservation.
- vi) Drainage and flood risk.
- vii) Education.
- viii) Air quality.
- ix) Mineral safeguarding.
- x) Crime and the fear of crime.
- xi) Waste and recycling facilities.
- xii) Ground conditions and contamination.
- xiii) Affordable Housing.

## 4.2 Principle of the Development

4.2.1 Both the NPPF and Cannock Chase Local Plan 2014 Policy CP1 advocate a presumption in favour of sustainable development unless material considerations indicate otherwise. The site is a windfall site which is part 'greenfield' and part 'previously developed' land located within the urban area of Rugeley. Although the Local Plan has a housing policy it is silent in respect of its approach to windfall sites on both greenfield and previously developed land. As such in accordance with Policy CP1 of the Local Plan the proposal falls to be considered within the presumption in favour of sustainable development, outlined in paragraph 11 of the NPPF.

4.2.2 However, paragraph 177 of the NPPF makes it clear: -

‘The presumption in favour of sustainable development does not apply where development requiring appropriate assessment (under habitat Regulations) because of its potential impact on a habitats site is being planned or determined’.

4.2.3 Policy CP13 of the Local Plan recognises that any project involving net new dwellings will have an impact on the SAC and as such should be subject to an appropriate assessment under the Habitat Regulations. This being the case it can only be concluded that the presumption in favour of sustainable development does not apply to the current application and that the proposal should be considered having regard to the development plan and other material considerations.

4.2.4 The site, in part lies within the Green Space Network and therefore the proposal is subject to Policy CP5 of the Cannock Chase Local Plan and paragraph 101 of the NPPF.

4.2.5 Policy CP5 of the Local Plan states: -

“There will be a presumption against the loss of other green space network sites and community buildings (that are not subject to the above national policy requirements) unless they are surplus and clearly no longer required to meet demand for any of the identified purposes, or

- The wider sustainability benefits or major community benefits delivered by the proposal outweigh the loss (taking into account the value of the site);
- Appropriate mitigation measures and/ or replacement space/ facilities equivalent or better in terms of quantity, quality and accessibility, can be provided to compensate for the loss of the site and its value.

4.2.6 Paragraph 100 of the NPPF also goes on to state: -

The Local Green Space designation should only be used where the green space is:

- a) in reasonably close proximity to the community it serves;
- b) demonstrably special to a local community and holds a particular local significance, for example because of its beauty, historic significance, recreational value (including as a playing field), tranquillity or richness of its wildlife; and
- c) local in character and is not an extensive tract of land.

With paragraph 101 adding: -

“Policies for managing development within a Local Green Space should be consistent with those for Green Belts”

- 4.2.7 In this respect it is noted that the part of the site which falls within the Green Space Network designation was a playing field connected to the former school. As such it is clear that the site was included within the Green Space Network designation primarily on its recreational value, and not because of its beauty, historic significance, tranquillity or richness of its wildlife.
- 4.2.8 In respect to the loss of playing fields paragraph 97 of the NPPF states ‘Existing open space, sports and recreational buildings and land, including playing fields should not be built on unless:
- An assessment has been undertaken which has clearly shown the open space or land to be surplus to requirements; or
  - The loss resulting from the proposed development would be replaced by equivalent or better provision in terms of quantity and quality in a suitable location; or
  - The development is for alternative sports and recreational provision, the benefits of which clearly outweigh the loss of the current or former use.’
- 4.2.9 Officers note that the playing field has not been used for at least 5 years due to the closure of the former school. Given that the playing field’s primary purpose, that is of providing opportunities for outside sport and recreation in connection to the school, has now disappeared its recreational value has been reduced. However, this does not mean that the playing fields are surplus and clearly no longer required to meet demand for outdoor sport and recreation. Indeed the Cannock Chase District Council Playing Pitch Strategy (adopted 13<sup>th</sup> June 2019) identifies that there is a general shortfall of football pitch provision within the District and goes on to identify the opportunity and benefits of providing 3G synthetic turf pitch at Rugeley Leisure Centre.
- 4.2.10 As such the proposal could only be policy compliant if the wider sustainability/ community benefits delivered by the proposal outweigh the loss, and appropriate mitigation measures and/ or replacement facilities equivalent or better in terms of quantity, quality and accessibility, can be provided to compensate for the loss of the site and its value.
- 4.2.11 Turning to the issue of wider sustainability/ community benefits it is noted that the scheme would provide 79 affordable dwellings. This would make a substantial contribution towards meeting the objectively assessed need for affordable housing in the district. To put this in perspective attention is drawn to Table 1 below which shows the delivery of affordable housing units over the past



few years based on returns from the Registered Providers (plus the Council new build).

4.2.12 In addition the proposed dwellings would also be in close proximity to Rugeley town centre and the railway station and therefore would be within a highly sustainable location where day to day needs can be met by means of travel other than the private car. Furthermore, it is also noted that part of the Green Space Network would be retained to create an area of amenity space within the estate.

Table 1: Delivery of Affordable Housing Units based on returns from the Registered Providers (plus the Council new build).

Year	Affordable Housing Units Completed in District	Of which in Rugeley
2015/16	22	0
2016/17	125	37 (23 were Council)
2017/18	190	24
2018/19	70	12 (8 were Council)

4.2.13 In addition to the above it is noted that Sports England has raised no objection both on the previously approved outline permission (CH/15/0084) and to the current application subject to the payment of an off-site contribution to compensate for the loss of playing field towards a 3G pitch at Rugeley Leisure Centre. The applicant has agreed to make this contribution. In addition, a planning application (CH/20/043) has recently been submitted for the creation of a 3G Artificial Grass Pitch (AGP) at Rugeley Leisure Centre. The provision of a 3G pitch is identified within the Draft Playing Field Strategy as a major piece of sports infrastructure that would make a substantial contribution in addressing the current shortfall of football pitch provision.

4.2.14 It is therefore considered that not only would the wider sustainability/ community benefits of the proposal outweigh the loss of the playing pitch/ Green Space Network but that replacement 3G facilities would be better in terms of quantity, quality and accessibility and therefore would more than compensate for the loss of the site and its value.

4.2.15 As such, subject to a legal agreement to secure the commuted sum towards the provision of a 3G pitch, the loss of the playing field/ Green Space Network is considered acceptable and in accordance with Policy CP5 and paragraphs 97, 98 and 101 of the NPPF.

4.2.16 However, although a proposal may be considered to be acceptable in principle it is still required to meet the provisions within the development plan in respect to matters of detail. The next part of this report will go to consider the proposal in this respect.

### 4.3 Design and the Impact on the Character and Form of the Area

4.3.1 In respect to issues in relation to design 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.

4.3.2 Relevant policies within the NPPF in respect to design and achieving well-designed places include paragraphs 124, 127, 128 and 130. Paragraph 124 makes it clear that the creation of high quality buildings and places is fundamental to what the planning and development process should achieve.

4.3.3 Paragraph 127 of the NPPF, in so much as it relates to impacts on the character of an area goes on to state:-

Planning policies and decisions should ensure that developments:

- a) will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;
- b) are visually attractive as a result of good architecture, layout and appropriate and effective landscaping;
- c) are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities);
- d) establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit.

4.3.4 Finally Paragraph 130 states planning permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions, taking into account any local design standards or style guides in plans or supplementary planning documents. Conversely, where the design of a development accords with clear expectations in plan policies, design should not be used by the decision taker as a valid reason to object to development.

4.3.5 In this respect it is noted that Appendix B of the Design SPD sets out clear expectations and guidance in respect to space to dwellings.

4.3.6 Having taken all of the above into account it is considered that the main issues in respect to design and the impact on the character and form of the area are: -

- (i) Overall layout
- (ii) Density
- (iii) Materials, scale and external appearance of the dwellings
- (iii) Landscaping

4.3.7 The proposed scheme is similar in overall layout and scale to that of the lapsed outline permission CH/15/0084. The dwellings are two storey and provides a mixture of house types and the number of bedrooms range from two-four. The

design would be modern contemporary designs that are similar to the range of dwellings found within the wider Brereton area. Streetscene elevations have been provided which also demonstrates that the dwellings would appear in keeping with the character of the area.

- 4.3.8 In general, the layout meets the guidance for space around dwellings as set out in the Council's Design SPD, providing rear amenity areas in excess of the minimum requirements.
- 4.3.9 A palate of materials has also been provided, which includes Ibstock Smooth Red, Red Mixture and Sandstone Mixture. Tiles include Russell Galloway interlocking concrete in a slate grey colour. These are considered acceptable.
- 4.3.10 The scheme proposes hard landscaping and soft landscaping comprising new tree and shrub planting to assimilate the development into the surrounding area, which is subject to the imposition of conditions. A central area of open green space would also be provided similar to the size proposed by the lapsed outline permission.
- 4.3.11 The comments of the Parks and Open Spaces Officer in respect to the lack of provision of formal play areas, are noted. However, the guidance contained in the Developer Contributions Guide states that this is not a requirement for developments less than 100 dwellings. As such the proposal in this respect complies with the Council's own guidance and is deemed acceptable.
- 4.3.12 As such, it is considered that the proposal, subject to the attached conditions would be in accordance with Policy CP3 of the Local Plan and paragraph 127 of the NPPF.

#### 4.4. Impact on Residential Amenity

- 4.4.1 Policy CP3 of the Local Plan states that the following key requirements of high quality design will need to be addressed in development proposals and goes on to include [amongst other things] the protection of the "amenity enjoyed by existing properties". This is supported by the guidance as outlined in Appendix B of the Design SPD which sets out guidance in respect to space about dwellings and garden sizes.
- 4.4.2 Paragraph 127(f) of the NPPF states that planning policies and decisions should ensure that developments [amongst other things] create places with a high standard of amenity for existing and future users.

#### Space about Dwellings

- 4.4.3 In general the Design SPD sets out guidance for space about dwellings, stating that for normal two storey to two storey relationships there should be a minimum distance of 21.3m between principal elevations (front to front and rear to rear) and 12m between principal elevations and side elevations. Furthermore, the Design SPD sets out minimum rear garden areas, recommending 40-44sqm for 1 or 2 bed dwellings, 65sqm for 3 bed dwellings and 80sqm for 4 bed dwellings.

4.4.4 However, it should always be taken into account that these distances are in the nature of guidance. When applying such guidance consideration should be given to the angle of views, off-sets and changes in levels.

4.4.5 Officers can confirm that the proposal meets the guidance set out within the Design SPD for space about dwellings.

#### Noise

4.4.6 The site is in part near to the Rugeley- Birmingham train line and in particular the train station and hence could potentially be subject to noise from trains.

4.4.7 In order to inform the application the applicant has submitted an acoustic report, which has subsequently been assessed by the Environmental Health Officer (EHO). The noise report concludes that mitigation measures are required to address external noise such as acoustic performance of glazing, acoustically attenuated ventilation, building fabric and fencing. The EHO has no objections subject to a condition to secure the required noise mitigation measures. .

4.4.8 The applicant has also submitted a construction management plan demonstrating how issues such as construction traffic, dust, vibration, noise, lighting and waste are to be managed during the construction phase, as well as construction hours. It is recommended that this is secured through a condition attached to any permission granted.

4.4.9 Given the above it is considered that, subject to the attached conditions a high standard of residential amenity would be achieved for all existing and future occupiers of the development and the neighbouring properties and the proposal is considered in accordance with Policy CP3 and paragraph 127(f) of the NPPF.

#### 4.5 Impact on Highway Safety

4.5.1 Paragraph 109 of NPPF states that development should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe adding at paragraph 110:-

Within this context, applications for development should:

- a) give priority first to pedestrian and cycle movements, both within the scheme and with neighbouring areas; and second so far as possible to facilitating access to high quality public transport, with layouts that maximise the catchment area for bus or other public transport services, and appropriate facilities that encourage public transport use;
- b) address the needs of people with disabilities and reduced mobility in relation to all modes of transport;
- c) create places that are safe, secure and attractive – which minimise the scope for conflicts between pedestrians, cyclists and vehicles, avoid unnecessary street clutter, and respond to local character and design standards;
- d) allow for the efficient delivery of goods, and access by service and emergency vehicles; and

- e) be designed to enable charging of plug-in and other ultra-low emission vehicles in safe, accessible and convenient locations.
- 4.5.2 In order to inform the application the applicant has submitted a Transport Assessment prepared by Waldeck Consultancy.
- 4.5.3 Furthermore, the submitted plans make provision for the existing footpath, that follows the line of the former railway line to be improved as part of an open space landscape amenity corridor. In addition, a separate footpath is proposed along the eastern boundary of the former school site linking to Hardie Avenue. As such, the site would have good access to public transport, and improve walking and cycling facilities in the area.
- 4.5.4 There have been several objections raised on the grounds of congestion and lack of parking. However, the proposal meets the Council's parking standards and the County Highways Authority has raised no objections to the proposal, subject to the imposition of the attached conditions. In addition, the scheme is not dissimilar to that of the lapsed outline permission CH/15/0084.
- 4.5.5 It is therefore considered that the proposal would not have an unacceptable impact on highway safety and that its residual cumulative impacts on the road network would not be severe, in accordance with paragraph 109 of the NPPF.

#### 4.6 Impact on Nature Conservation Interests

- 4.6.1 Policy and guidance in respect to development and nature conservation is provided by Policy CP12 of the Local Plan and paragraphs 170, 174, 177, 179 of the NPPF.
- 4.6.2 Policy CP12 of the Local Plan states that the District's biodiversity and geodiversity assets will be protected, conserved and enhanced via

'the safeguarding from damaging development of ecological and geological sites, priority habitats and species and areas of importance for enhancing biodiversity, including appropriate buffer zones, according to their international, national and local status. Development will not be permitted where significant harm from development cannot be avoided, adequately mitigated or compensated for;

- support for the protection, conservation and enhancement of existing green infrastructure to facilitate robust wildlife habitats and corridors at a local and regional scale (particularly to complement Policy CP16);
- supporting and promoting initiatives for the restoration and creation of priority habitats and recovery of priority species and the provision of new spaces and networks to extend existing green infrastructure;
- supporting development proposals that assist the delivery of national, regional and local Biodiversity and geodiversity Action plan (LBAP/GAP) targets by the appropriate protection, incorporation and management of natural features and priority species;

- the promotion of effective stewardship and management across the district to contribute to ecological and geological enhancements.'

#### 4.6.3 Paragraph 170 of the NPPF states [amongst other things] that

- 'Planning policies and decisions should contribute to and enhance the natural and local environment by:
- protecting and enhancing valued landscapes, sites of biodiversity or geological value and soils (in a manner commensurate with their statutory status or identified quality in the development plan); [and]
- minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures;'

#### 4.6.4 Paragraph 174 goes on to state

When determining planning applications, local planning authorities should apply the following principles:

- a) if significant harm to biodiversity 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;
- b) development on land within or outside a Site of Special Scientific Interest, and which is likely to have an adverse effect on it (either individually or in combination with other developments), should not normally be permitted. The only exception is where the benefits of the development in the location proposed clearly outweigh both its likely impact on the features of the site that make it of special scientific interest, and any broader impacts on the national network of Sites of Special Scientific Interest;
- c) development resulting in the loss or deterioration of irreplaceable habitats (such as ancient woodland and ancient or veteran trees) should be refused, unless there are wholly exceptional reasons and a suitable compensation strategy exists; and
- d) development whose primary objective is to conserve or enhance biodiversity should be supported; while opportunities to incorporate biodiversity improvements in and around developments should be encouraged, especially where this can secure measurable net gains for biodiversity.

#### 4.6.5 The application is accompanied with a Reptile Survey and Phase 1 Preliminary Ecological Appraisal (December 2018), which concludes that the majority of the site is of low to moderate ecological value. No reptiles were found during the survey. However, given the nature of the site, the Reptile Survey Report concluded that there is still a very small possibility that these species may be present on site in very small numbers or could move into the habitats at some

point in the future. The Ecological Appraisal also stated that whilst there was no evidence of badgers on the site it cannot be ruled out that badgers could take up residence between the granting of the planning permission and the commencement of construction works. Furthermore the report notes that and the hedgerows on site are suitable for breeding birds. As such the report recommends that all clearance of site should take place outside of bird breeding season. Clearance should also be undertaken following a method statement and under ecological supervision. If any reptile species or protected species are discovered at any time then all work should cease immediately and the advice of a licensed ecologist sought.

- 4.6.6 Subject to the imposition of suitable conditions, it is therefore considered that the proposal would not have an adverse impact upon ecological interests. In addition it is noted that the proposal includes the provision of bird and bat boxes to and holes within fencing to allow for the passage of hedgehogs which would help to facilitate improvement of biodiversity on the site.
- 4.6.7 Under Policy CP13 development will not be permitted where it would be likely to lead directly or indirectly to an adverse effect upon the integrity of the European Site network and the effects cannot be mitigated. Furthermore, in order to retain the integrity of the Cannock Chase Special Area of Conservation (SAC) all development within Cannock Chase District that leads to a net increase in dwellings will be required to mitigate adverse impacts. The proposal would lead to a net increase in dwellings and therefore is required to mitigate its adverse impact on the SAC. Such mitigation would be in the form of a contribution towards the cost of works on the SAC and this is provided via a S111, as the scheme is 100% affordable housing it would not be CIL liable.
- 4.6.8 Having had regard to all the above it is concluded that the proposal would be acceptable in respect to its impacts on biodiversity.

#### 4.7 Drainage and Flood Risk

- 4.7.1 The site is located in Flood Zone 1 on the Environment Agency's Flood Zone Maps, and therefore is in the zone least at risk of flooding.
- 4.7.2 In this respect it is noted that paragraph 155 of the NPPF states 'inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk (whether existing or future)' adding 'where development is necessary in such areas, the development should be made safe for its lifetime without increasing flood risk elsewhere'.
- 4.7.3 In addition to the above it is paragraph 165 of the NPPF states 'Major developments should incorporate sustainable drainage systems unless there is clear evidence that this would be inappropriate. The systems used should:
- a) take account of advice from the lead local flood authority;
  - b) have appropriate proposed minimum operational standards;
  - c) have maintenance arrangements in place to ensure an acceptable standard of operation for the lifetime of the development;



- 4.7.4 There has been one objection received on the grounds of flooding.
- 4.7.5 Additional information has been obtained pertaining to drainage of the site, including:

Flood Risk Assessment & Drainage Strategy February 2015 & Addendum  
Storm Sewer Design  
Soakaway 1, 2 & 3  
Infiltration Test Report  
Severn Trent Development Enquiry Result  
Drainage details  
Existing Exceedance Flows.

- 4.7.6 Re-consultations have been undertaken with the relevant statutory consultees – Severn Trent, South Staffs Water and the Lead Local Flood Authority and subject to the attached conditions they have no objections to the proposal.
- 4.7.7 As such, it is considered that the proposal is acceptable with regard to drainage and flood-risk, in accordance with the NPPF and Policy CP16 of the Local Plan.

#### 4.8 Education

- 4.8.1 Policy CP2 states that all housing development will be required to contribute towards providing the infrastructure necessary for delivery of the Local Plan informed by viability assessment. It goes on to state that contributions will be secured primarily via (i) rates set out in a community Infrastructure Levy (CIL) charging schedule and (ii) Section 106 planning obligations.
- 4.8.2 In addition to the above paragraph 94 of the NPPF states: -

'It is important that a sufficient choice of school places is available to meet the needs of existing and new communities. Local Planning authorities should take a proactive, positive and collaborative approach to meeting this requirement, and to development that will widen choice in education. They should:

- (a) give great weight to the need to create, expand or alter schools through the preparation of plans and decisions on applications; and
- (b) work with school promoters, delivery partners and statutory bodies to identify and resolve key planning issues before application are submitted.'

- 4.8.3 In determining whether there is a need for the developer to mitigate the impact of this development it was calculated that 79 RSL dwellings would require 17 primary school places and 0 secondary and 0 Post 16 places. These are based on a pupil product ratio (PPR) of 0.03 per dwelling per year group. Using 7 year groups for Primary, 5 for secondary and 1 for Post 16 places. Where appropriate all 1 bedroom dwellings have been deducted from the dwellings numbers and at secondary level only, all RSL dwellings have also been deducted in line with our Education Planning Obligations Policy.

The contribution will be used towards the funding of additional Primary school places in Rugeley Town to mitigate the impact of local plan housing.

The primary school education contribution has been calculated as follows:

£13,165 x 17 places required for development = £223,805

4.8.4 Therefore, this contribution would be secured via the S111 Agreement.

#### 4.9 Air Quality

4.9.1 The proposal by its very nature together with the traffic that it would generate has the potential to impact on air quality. In this respect it should be noted that Paragraph 181 of the NPPF states

'Planning policies and decisions should sustain and contribute towards compliance with relevant limit values or national objectives for pollutants, taking into account the presence of Air Quality Management Areas and Clean Air Zones, and the cumulative impacts from individual sites in local areas. Opportunities to improve air quality or mitigate impacts should be identified, such as through traffic and travel management, and green infrastructure provision and enhancement. So far as possible these opportunities should be considered at the plan-making stage, to ensure a strategic approach and limit the need for issues to be reconsidered when determining individual applications. Planning decisions should ensure that any new development in Air Quality Management Areas and Clean Air Zones is consistent with the local air quality action plan.'

4.9.2 An air quality assessment has been submitted with the application, which concludes that air quality would not pose a constraint to the development and which the Environmental Protection Officer agrees with.

4.9.3 Regardless to this, the same report provides an air quality damage cost calculation, which proposes to provide electric charging points for the new dwellings. As such, subject to the imposition of this condition, it is considered that the proposal would be acceptable in respect of air quality and meets the requirements of Policy CP16 of the Local Plan and paragraph 181 of the NPPF.

#### 4.10 Mineral Safeguarding

4.10.1 The site falls within a Mineral Safeguarding Area (MSAs) for Coal and Fireclay. Paragraph 206, of the National Planning Policy Framework (NPPF) and Policy 3 of the Minerals Local Plan for Staffordshire (2015 – 2030), both aim to protect mineral resources from sterilisation by other forms of development.

4.10.2 Policy 3.2 of the new Minerals Local Plan states that:

Within a Mineral Safeguarding Area, non-mineral development except for those types of development set out in Appendix 6, should not be permitted until the prospective developer has produced evidence prior to determination of the planning application to demonstrate:

- a) the existence, the quantity, the quality and the value of the underlying or adjacent mineral resource; and

- b) that proposals for non-mineral development in the vicinity of permitted mineral sites or mineral site allocations would not unduly restrict the mineral operations.

4.10.3 The proposal is in accordance with the development plan and located within an urban area. It would not sterilise any mineral deposits and therefore falls within the criteria of Table 7: Exemptions Criteria for Mineral Safeguarding of the Minerals Local Plan for Staffordshire.

#### 4.11 Crime and the Fear of Crime

4.11.1 Section 17 of the Crime and Disorder Act 1998 places a duty on each local authority 'to exercise its various functions with due regard to the likely effect of the exercise of those functions on, and the need to do all that it reasonably can do to prevent crime and disorder in its area to include anti-social behaviour, substance misuse and behaviour which adversely affects the environment'.

4.11.2 In addition to the above paragraph 127(f) of the NPPF states planning policies and decisions should ensure that development create places which [amongst other things] create places that are safe and where crime and disorder, and the fear of crime, do not undermine quality of life, social cohesion and resilience.

4.11.3 The Crime Prevention Officer comments are noted and it is considered that the proposal is acceptable in respect to its design and its impact on crime prevention. The comments provided for obtaining 'Secure by Design' Accreditation shall be attached to the decision notice.

#### 4.12 Waste and Recycling Facilities

4.12.1 Policy CP16(1) (e) 'Climate Change and Sustainable Resource Use' of the Cannock Chase Local Plan states that development should contribute to national and local waste reduction and recycling targets according to the waste hierarchy'. One of the ways of achieving this is by ensuring development can be adequately serviced by waste collection services and that appropriate facilities are incorporated for bin collection points (where required).

4.12.2 Further information has been received with regard to swept path analysis for large refuse vehicles. The Waste and Recycling Officer has agreed this is acceptable, however, details are still required to be provided for bin storage facilities on bin collection dates for the scheme. The applicant has been asked to provide further details for this element of the scheme, at the time of compiling the report for the agenda. The Officer will update Committee Members via a Committee Update Sheet, as to whether satisfactory provision for this aspect has been achieved.

#### 4.13. Ground Conditions and Contamination

4.13.1 The site is located in a general area in which coal mining has been a significant factor and therefore there are potential issues in respect to land stability.

4.13.2 In this respect paragraph 170 of the NPPF states: -

“Planning policies and decisions should contribute to and enhance the natural and local environment by [amongst other things]:

- e) preventing new and existing development from contributing to, being put at unacceptable risk from, or being adversely affected by, unacceptable levels of soil, air, water or noise pollution or land instability. Development should, wherever possible, help to improve local environmental conditions such as air and water quality, taking into account relevant information such as river basin management plans; and
- f) remediating and mitigating despoiled, degraded, derelict, contaminated and unstable land, where appropriate.

4.13.3 In addition to the above paragraph 178 of the NPPF states: -

Planning policies and decisions should ensure that:

- a) a site is suitable for its proposed use taking account of ground conditions and any risks arising from land instability and contamination. This includes risks arising from natural hazards or former activities such as mining, and any proposals for mitigation including land remediation (as well as potential impacts on the natural environment arising from that remediation);
- b) after remediation, as a minimum, land should not be capable of being determined as contaminated land under Part IIA of the Environmental Protection Act 1990; and
- c) adequate site investigation information, prepared by a competent person, is available to inform these assessments.

4.13.4 Finally paragraph 179 of the NPPF makes it clear that where 'a site is affected by contamination or land stability issues, responsibility for securing a safe development rests with the developer and/or landowner'.

4.13.5 The applicant has submitted a Phase II Site Appraisal. The Environmental Protection Officer states that the Patrick Parsons Phase II Appraisal provides a summary of recommended mitigation and further assessment measures, including the need to complete ground gas monitoring. Allowance for ground gas protection measures should therefore be made until monitoring completed.

4.13.6 It is therefore considered that subject to the attached conditions, the proposal is acceptable in respect to the requirements of paragraphs 179 and 178 of the NPPF.

#### 4.14 Affordable Housing

4.14.1 Under Policy CP2 the proposal would be required to provide a contribution towards affordable housing. However, as the scheme would comprise 100% affordable housing, the development is considered to be compliant with policy requirements.

4.14.2 The Strategic Housing Officer confirms that there is a high demand in the District for affordable family homes. This development of 79 homes comprising of 1 x 4 bedroom house, 19 x 3 bedroom houses and 59 x 2 bedroom houses would make a significant contribution to meeting this need.

## **5 Human Rights Act 1998 and Equalities Act 2010**

### ***Human Rights Act 1998***

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.

### ***Equalities Act 2010***

5.2 It is acknowledged that age, disability, gender reassignment, pregnancy and maternity, religion or belief, sex and sexual orientation are protected characteristics under the Equality Act 2010.

By virtue of Section 149 of that Act in exercising its planning functions the Council must have due regard to the need to:

Eliminate discrimination, harassment, victimisation and any other conduct that is prohibited;

Advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;

Foster good relations between persons who share a relevant protected characteristic and persons who do not share it

It is therefore acknowledged that the Council needs to have due regard to the effect of its decision on persons with protected characteristics mentioned.

Such consideration has been balanced along with other material planning considerations and it is considered that the proposal is acceptable in respect to the requirements of the Act. Having had regard to the particulars of this case officers consider that the proposal would not conflict with the aim of the Equalities Act

## **6 Conclusion**

6.1 The applicant (Wrekin Housing Trust) is seeking consent for a full application for the erection of 79 No. houses all of which would comprise of affordable housing.

6.2 The site, in part lies within the Green Space Network and therefore the proposal is subject to Policy CP5 of the Cannock Chase Local Plan and paragraph 101 of the NPPF. However, it is considered that the wider sustainability/ community benefits of the proposal outweigh the loss of the playing pitch/ Green Space

Network and its replacement with 3G facilities at Rugeley Leisure centre would be better in terms of quantity, quality and accessibility.

- 6.3 As such, subject to a legal agreement to secure the commuted sum towards the provision of a 3G pitch, the loss of the playing field/ Green Space Network is considered acceptable and in accordance with Policy CP5 and paragraphs 97, 98 and 101 of the NPPF.
- 6.4 It is considered that the proposal would provide a range of affordable homes of high quality design and would be in-keeping with the wider area.
- 6.5 It is therefore recommended that the application be approved, subject to the no new issues being raised, following completion of a S111 Agreement and the attached conditions.

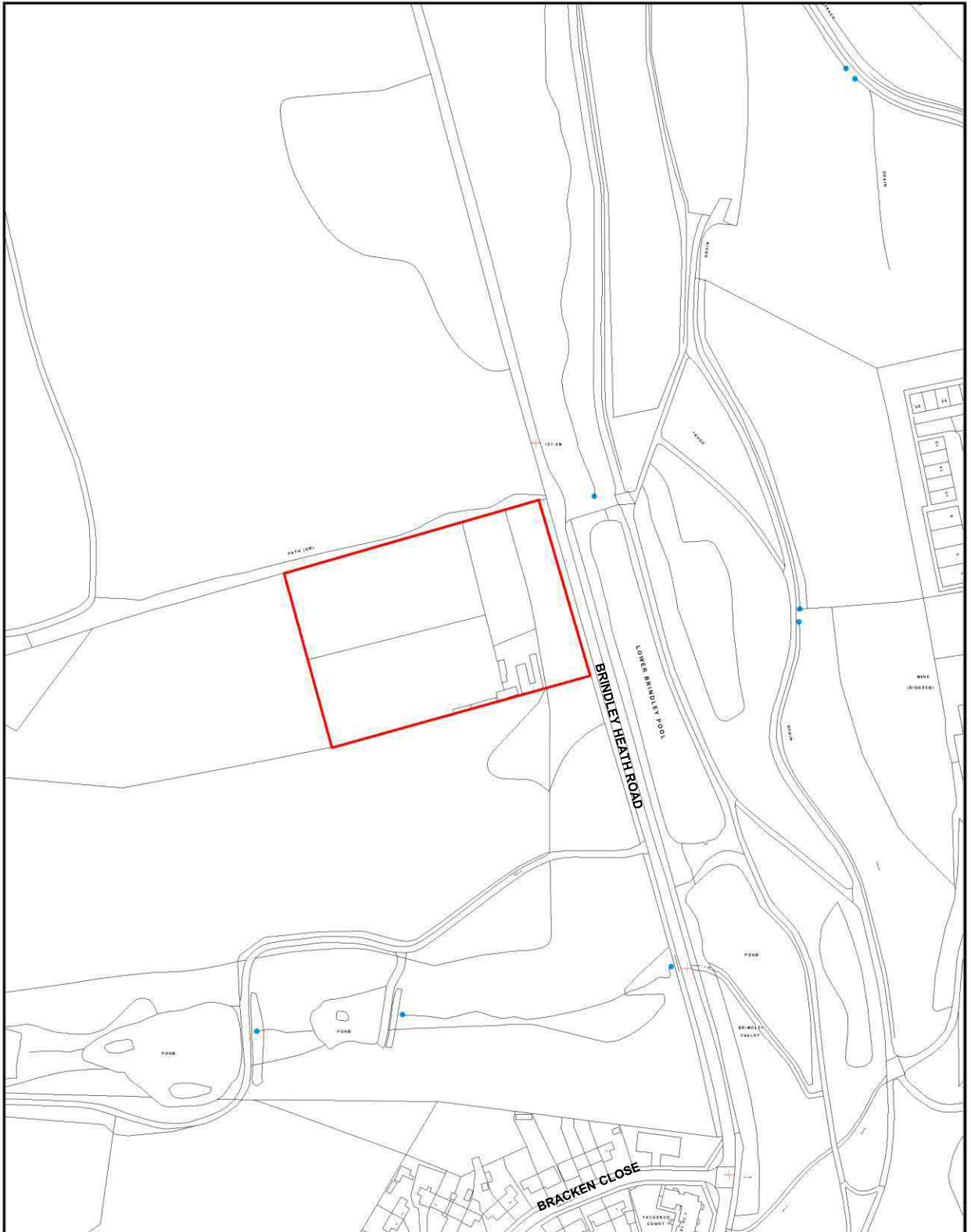


**Application No:** CH/19/426

**Location:** Land off Brindley Heath Road, Hednesford

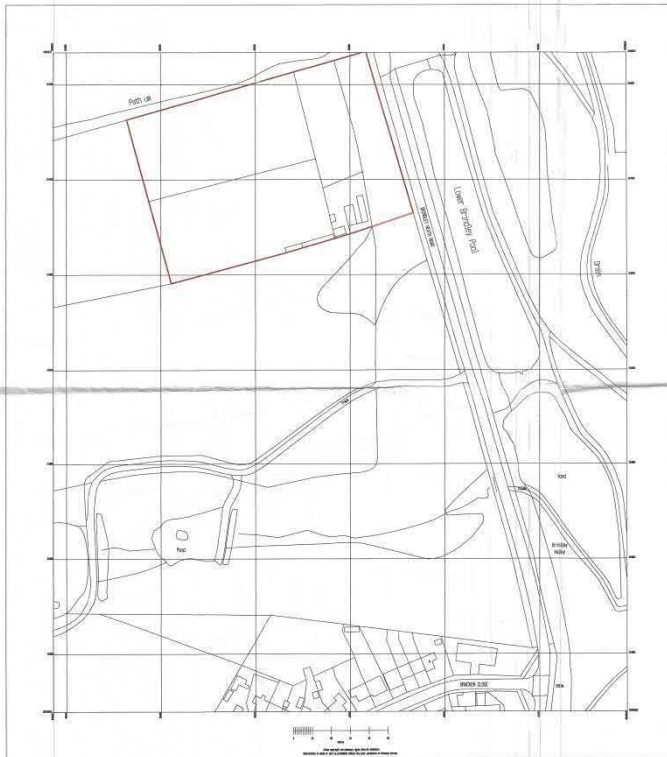
**Proposal:** Erection of 1 No 2-bed bungalow (re submission of CH/18/373)

**ITEM NO. 6.90**

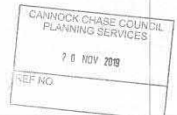




# Location Plan



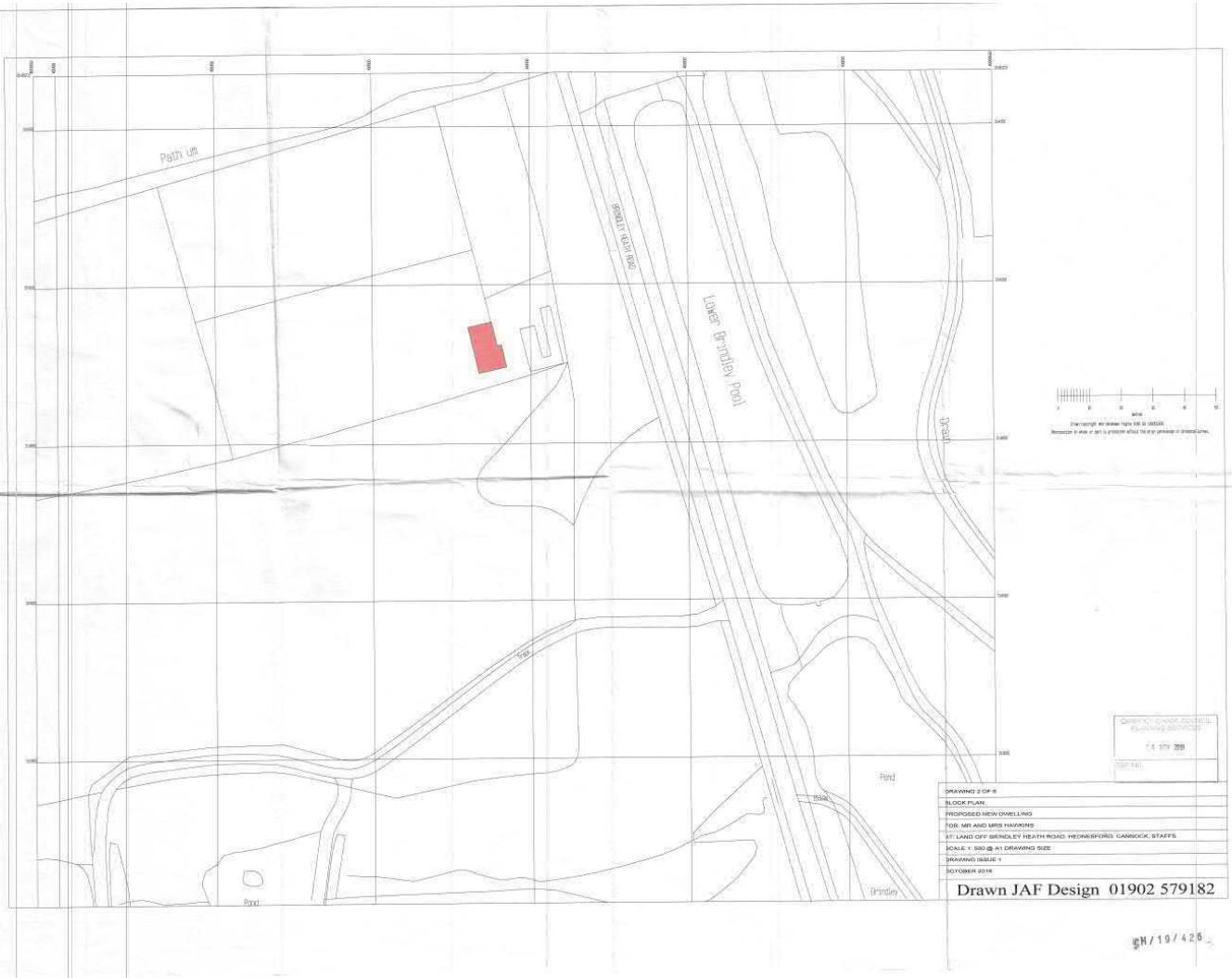
QH/19/426



DRAWING 1 OF 1
SITE PLAN
PROPOSED NEW DWELLING
AT LAND OFF BRINDLEY HEATH ROAD, HEDNESFORD, CANNOCK, STAFFS.
SCALE 1:1250 @ A2 DRAWING SIZE
DRAWING ISSUE 1
OCTOBER 2018

Drawn JAF Design 01902 579182

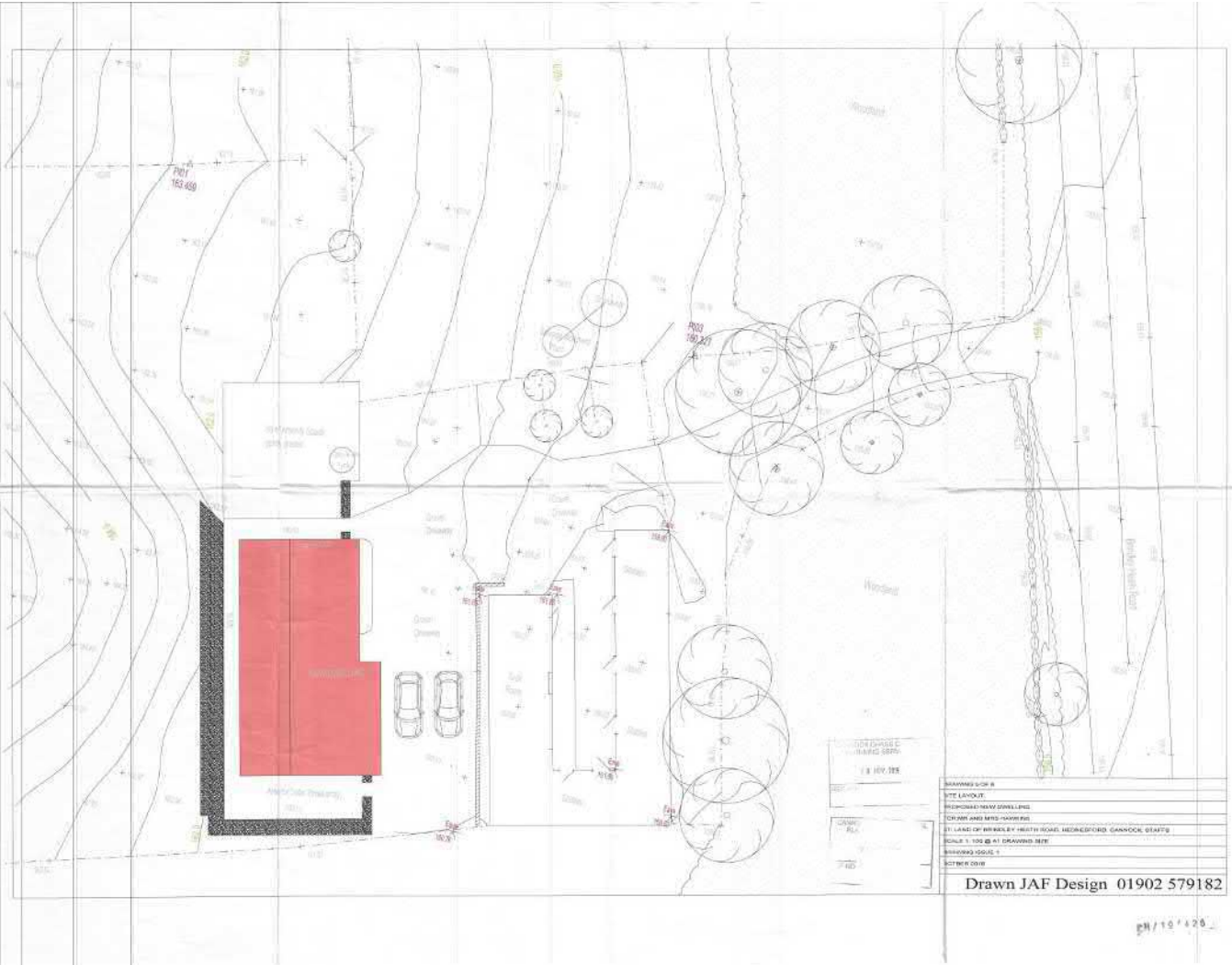
# Block Plan



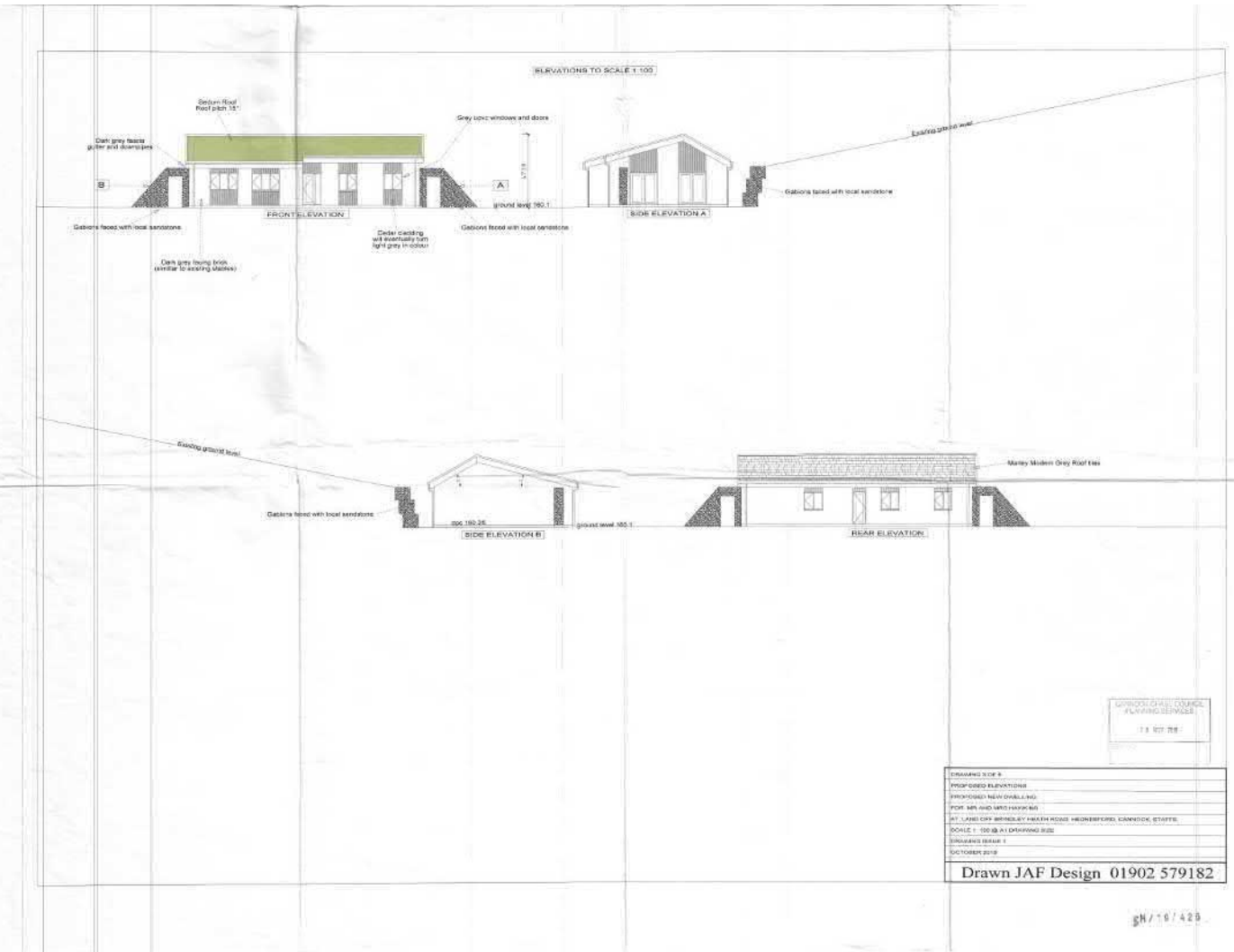
DRAWING 2 OF 8  
BLOCK PLAN  
PROPOSED NEW DWELLING  
FOR MR AND MRS HAWKING  
AT LAND OFF BRINDLEY HEATH ROAD, HEONSFORD, GARROCK, STAFFS  
SCALE: 1:50 @ A1 DRAWING SIZE  
DRAWING ISSUE 1  
NOVEMBER 2018  
Drawn JAF Design 01902 579182

CARRINGTON CONSULTING  
PLANNING AND DESIGN  
14 MAY 2018  
01902 579182

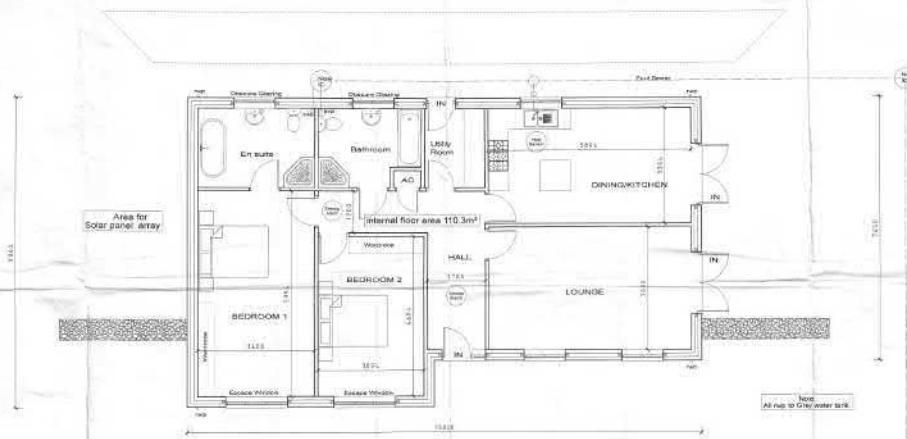
# Site Plan



# Proposed Elevations



# Proposed Floor Plans



GROUND FLOOR PLAN VIEW  
SCALE 1:50

PLAN VIEW OF ROOF  
SCALE 1:200



gH/19/428

ENVIRONMENTAL & SOCIAL  
PLANNING DIVISION  
11 NOV 2018

To: Services  
Town and Parish

DRAWING OF:	
PROPOSED PLAN VIEW:	
PROPOSED AREA ENCLAVES:	
FOR MR AND MRS SAUNDERS:	
AT LAND OFF MONLEY HEATH ROAD, HEDNESFORD, CHAMROCK STAFFS.	
SCALE: 1:50 (GND) DRAWING SIZE:	
DRAWING NO. 1:	
OCTOBER 2018	
Drawn JAF Design 01902.579182	

<b>Contact Officer:</b>	<b>Claire Faulkner</b>
<b>Telephone No:</b>	<b>01543 464 337</b>

**PLANNING CONTROL COMMITTEE**

**4 MARCH 2020**

<b>Application No:</b>	CH/19/426
<b>Received:</b>	12-Dec-2019
<b>Location:</b>	Land off Brindley Heath Road, Hednesford
<b>Parish:</b>	Brindley Heath
<b>Description:</b>	Erection of 1 No. 2-bed bungalow (re-submission of CH/18/373)
<b>Application Type:</b>	Full Planning Application

**RECOMMENDATION:**

Refuse for the following reasons:-

- (i) The site is located within the West Midlands Green Belt, wherein there is a presumption against inappropriate development, which should only be approved in 'very special circumstances'. Paragraph 144 of the NPPF states that local planning authorities should ensure substantial weight is given to any harm to the Green Belt. Furthermore very special circumstances will not exist unless the potential harm to the Green Belt by reason of inappropriateness and any other harm resulting from the proposal is clearly outweighed by other considerations.

The proposed dwelling does not accord with any of the categories of development outlined in paragraph 145 of the NPPF and therefore constitutes inappropriate development in the Green Belt.

Furthermore, the harm by reason of inappropriateness, the harm to the character of the Cannock Chase Area of Outstanding Natural Beauty and harm to highway safety would not be clearly outweighed by the benefits of crime prevention/ animal welfare put forward by the applicant such that very special circumstances would exist to support approval of the proposal.

- (ii) The proposed dwelling and intensification of the site would detract from the rural, semi-natural character of this part of the Cannock Chase Area of Outstanding Natural Beauty contrary to Policies CP3 and CP14 of the Local Plan and section 172 of the NPPF.

- (iii) The proposed dwelling by virtue that it would result in the intensification of a substandard single width access off of Brindley Heath Road which is subject to a 60mph speed limit would result in conflicting traffic movements and therefore have an unacceptable impact on highway safety, contrary to paragraph 109 of the National planning Policy Framework.

**Reason(s) for Recommendation:****Reason for Refusal of Planning Permission**

In accordance with paragraph (38) 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. However, in this instance the proposal fails to accord with the Local Plan and the National Planning Policy Framework.

**Consultations and Publicity*****External Consultations***Brindley Heath Parish Council

Objection.

The proposal is considered to be inappropriate in the Green Belt and harmful to the Cannock Chase AONB.

Cannock Chase AONB Unit

Objection.

According to the Design and access Statement, this is an existing equestrian small holding, extending to around 3 acres, with 5 stables, tack room, barn and ancillary buildings. There is also a small free-range chicken pen.

The site is off Brindley Heath Road, around 240m north of the edge of the built-up area of Pye Green. The site is located within the AONB falling within the character type Sandstone Hills and Heaths as described in the Review of the AONB Landscape Character Framework (2017), and it lies approximately 75m to the south of the Special Area of Conservation at Brindley Heath.

Brindley Heath, is an area of open heathland and a focus for visitors to the AONB. The AONB Management Plan cites the open heathland as one of the special qualities of Cannock Chase AONB that should be protected from detrimental impacts. The proposed development comprises a detached bungalow, and justification for 'exceptional circumstances' that might warrant approval, is made on the grounds of security.

The protection afforded to the landscape and scenic beauty of the AONB by NPPF (Para 172) and Local Plan policies, and the complimentary manner in which Green Belt Policies strive to maintain openness are important matters of principle. The AONB had



a strong in-principle objection to application CH/18/373, on the grounds of the harm that would be caused to the AONB (and Green Belt) by development through intensification of development on the site. The AONB's position is unchanged, that the principle of development would be harmful to the AONB, and whilst we are sympathetic to concerns regarding security raised by the applicant, we consider that these could be addressed by other landscape sensitive security measures.

Staffordshire Wildlife Trust

No response to date

Historic England (8th Floor)

No comment

Natural England

No response to date

Travel Management and Safety

Objection.

The site is located off Brindley Heath Road which is subject to a 60mph speed limit. The access to the site is via a single track road, with a gate located on the boundary, which will not allow two way movements on the access.

The proposal is for the erection of a 2 x bed detached bungalow on an equestrian facility which houses stables, a tack room, barn and ancillary buildings. The property will provide 2 parking spaces which comply with Cannock District Council's parking standards for a 2 x bed house. However, I have concerns over the potential for conflict over the vehicle access which will not allow 2 vehicles to pass on entering and leaving the site. This will be rectified if the access is improved.

***Internal Consultations***

Development Plans and Policy Unit

The application site is on the edge of fields to the north of Brindley Heath settlement and set back from Brindley Heath Road behind a tree belt. It is sited in both the Cannock Chase Area of Outstanding Natural Beauty (AONB) and the Green Belt. The site appears to contain a mix of storage containers used as an agricultural small holding.

The site is listed in the Strategic Housing Land Availability Assessment 2018 background document as reference 0342, classed as a site unavailable or suitable for residential development due to the AONB and Green Belt designations.

The National Planning Policy Framework (NPPF) 2019 states that development proposals that accord with the development plan should be approved without delay. Where there are no relevant development plan policies, or the policies which are most important for determining the application are out of date, planning permission should be granted, unless policies in the Framework that protect areas or assets of particular importance (e.g. Green Belt, AONB, habitats sites) provide a clear reason for refusal, or any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole. Paragraphs 133 ~ 147 in the NPPF set out the purpose of the Green Belt and what

types of development are appropriate within it, Policy CP1 in the Cannock Chase Local Plan — Local Plan (Part 1) 2014 supports this stance.

The NPPF (2019) paragraph 172 states that great weight should be given to conserving the landscape in the AONB. Policy CP3 in the Local Plan requires high quality design and integration with the existing environment, while Policy CP14 provides additional guidance on appropriate development in the AONB and Green Belt.

The proposal should show how it forms appropriate development within the Green Belt to a design in keeping with its surroundings and preserve the landscape and character of the AONB. The Design SPD (Supplementary Planning Document) also provides additional guidance on appropriate design. The Design SPD also contains a section on Green Belt and AONB development.

The Cannock Chase Local Plan (Part 1) 2014 was adopted more than five years ago; it is therefore the subject of a review. This review is at an early stage in the process with consultation on 'Issues and Options' being undertaken recently (May-July 2019). Therefore limited weight can be afforded to it. The starting point for the determination of planning applications remains the adopted development plan (Local Plan (Part 1)). If it is a market housing residential development scheme the proposal may be CIL liable. Given that a net increase in dwellings is proposed the development also needs to mitigate its impacts upon the Cannock Chase SAC (Local Plan Part 1 Policy CP13). Should the development be liable to pay CIL charges then this will satisfy the mitigation requirements, as per Local Plan Part 1 Policy CP13, the Developer Contributions SPD (2015) and the Council's Guidance to Mitigate impacts upon Cannock Chase SAC (2017). However, should full exemption from CIL be sought then a Unilateral Undertaking would be required to address impacts upon the Cannock Chase SAC in accordance with the Council's policy/ guidance. Any site specific requirements may be addressed via a Section 106/ 278 if required, in accordance with the Developer Contributions and Housing Choices SPD (2015) and the Council's most up to CIL Infrastructure list.

The tree belt will protect most views of the wider AONB from the proposed development, but a judgement will need to be made on whether or not the dwelling meets the exception requirements set out in the NPPF for a new development.

#### Environmental Health

No adverse comments

I have no objections to this proposal. However, I would request that the applicant undertakes ground gas monitoring to determine whether gas protection measures are required for the property. Alternatively, the applicant may install gas protection measures as a precautionary measure without undergoing monitoring.

The report, and proposals for any mitigation measures should be submitted to Environmental Health for approval prior to commencement.

This measure is required due to the proximity of made ground within 250 metres of the proposal site.

#### Strategic Housing

No response to date

CIL Officer

Based on the proposed plan view, which indicates the internal floor area would be 110.03m<sup>2</sup>, the chargeable amount for this development would be £5,675.35. Please note this figure was calculated under the assumption that the planning application will be decided in 2020, in which the fee per square metre would be £51.58.

**Response to Publicity**

The application has been advertised by site notice and neighbour letter with no letters of representation received to date.

**Relevant Planning History**

CH/18/373: Erection of a 2 bed detached bungalow. Refused for the following reason:-

- (i) The site is located within the West Midlands Green Belt, wherein there is a presumption against inappropriate development, which should only be approved in 'very special circumstances'. Paragraph 144 of the NPPF states that local planning authorities should ensure substantial weight is given to any harm to the Green Belt. Furthermore very special circumstances will not exist unless the potential harm to the Green Belt by reason of inappropriateness and any other harm resulting from the proposal is clearly outweighed by other considerations.

The proposed dwelling does not accord with any of the categories of development outlined in paragraph 145 of the NPPF and therefore constitutes inappropriate development in the Green Belt.

Furthermore, the harm by reason of inappropriateness and the harm to the character of the Cannock Chase Area of Outstanding Natural Beauty would not be clearly outweighed by the benefits of crime prevention put forward by the applicant such that very special circumstances would exist to support approval of the proposal.

- (ii) The proposed dwelling and intensification of the site would detract from the rural, semi-natural character of this part of the Cannock Chase Area of Outstanding Natural Beauty contrary to Policies CP3 and CP14 of the Local Plan and section 172 of the NPPF.

CH/08/0781: Retention of field shelter (resubmission) Approved

CH/08/0574: Retention of field shelter. Refused

CH/00/592: Retention of temporary stores to be used as hay barn. Approved

**1 Site and Surroundings**

- 1.1 The application site forms part of a 3 acre equestrian facility located off Brindley Heath Road, Cannock.
- 1.2 The application site lies approx. 240m from Bracken Close which forms the edge of the built up area of Pye Green.
- 1.3 The trees and existing buildings screen the majority of the site from the adjacent highway with only limited views into the site surrounding the vehicular access. The application site benefits from some outbuildings which are used for keeping of horses, other small holding animals and farm machinery.
- 1.4 The site is situated within the Green Belt and Area of Outstanding Natural Beauty (AONB).
- 1.5 The application site is located within a Mineral SafeGuarding Area for Bedrock Sand and Superficial Sand and Gravel deposits. The site is located within a low risk boundary as designated by the Coal Authority.

**2 Proposal**

- 2.1. The application is for the construction of 1 detached single storey dwelling and associated parking and amenity space.
- 2.2 The proposed new dwelling would comprise a two bedroom bungalow with a footprint of 135m<sup>2</sup>. The proposed dwelling would be constructed to a height of 4.8m to the ridge.
- 2.3 An area of 86m<sup>2</sup> of amenity space is proposed to the side of the dwelling and a driveway adjacent to accommodate 2+ vehicles.
- 2.4 The materials proposed would reflect the surrounding environment with cedar cladding to the external elevations and a sedum roof covering. The topography of the site would result in the proposed dwelling being built into the landscape with sandstone filled gabions to retain the land on three sides of the dwelling.
- 2.5 The proposed development would remove two of the existing outbuildings.

**3 Supporting Information**

- 3.1 The applicant has stated that:-
  - (i) The application site is part of a 3 acre equestrian facility with 5 stables, tack room, barn and ancillary buildings. There is also a small free range chicken pen.
  - (ii) The site is suffering from a plague of burglaries, fence damage, gate damage and loss of farm machinery:-

- a) On numerous occasions the premises have been broken into (including through damaging the main gate, cutting through the fence and accessing through the adjoining premises);
  - b) On one of these occasions the intruders killed a number of chickens;
  - c) On another occasion, the intruders caused non-life threatening harm to our horses (cutting manes and tails and inflicting wounds on the rear legs of the horses);
  - d) There have been thefts of property including a generator and horse rugs, and
  - e) In addition there have been a number of horse thefts within the local area.
- (iii) The site owners have owned the site for 19 years and would like to move onto the site to offer a security presence:-
  - (iv) Mr Hawkins (applicant) has spent a number of nights sleeping in the existing buildings to deter intruders. This is not ideal given his age and state of physical health.
  - (v) The proposal would remove the two containers currently on the site and build a two bedroom bungalow designed to sit into the hill with a low pitch sedum roof.
  - (vi) The applicant feels that living on the site is the only long-term solution to address these issues and to ensure the welfare of the animals.

## **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) and the Minerals Local Plan for Staffordshire (2015-2030).
- 4.3 Relevant Policies within the Local Plan Include:
  - CP1 - Strategy – the Strategic Approach
  - CP2 - Developer contributions for Infrastructure
  - CP3 - Chase Shaping – Design
  - CP6 - Housing Land
  - CP7 - Housing Choice
  - CP13 - Cannock Chase Special Area of Conservation (SAC)
  - CP14- Landscape Character and Cannock Chase Area of Outstanding Natural Beauty (AONB)

4.4 The relevant policies within the Minerals Plan are

3.2 Mineral Safeguarding.

4.5 National Planning Policy Framework

4.6 The NPPF (2019) 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 states that there should be "presumption in favour of sustainable development" and sets out what this means for decision taking

4.7 The NPPF (2019) confirms the plan-led approach to the planning system and that decisions must be made in accordance with the Development Plan unless material considerations indicate otherwise.

4.8 Relevant paragraphs within the NPPF include paragraphs: -

8:	Three dimensions of Sustainable Development
11-14:	The Presumption in favour of Sustainable Development
47-50:	Determining Applications
124, 127, 128, 130:	Achieving Well-Designed Places
143 – 145	Proposals affecting the Green Belt
172	Conserving and Enhancing the Natural Environment
212, 213	Implementation

4.9 Other relevant documents include: -

Design Supplementary Planning Document, April 2016.

Cannock Chase Local Development Framework Parking Standards, Travel Plans and Developer Contributions for Sustainable Transport.

Hednesford Neighbourhood Plan 2017-2028.

## **5 Determining Issues**

5.1 The determining issues for the proposed development include:-

- i) Principle of the development in the Green Belt;
- ii) Impact on the character and form of the area and AONB
- iii) Impact upon residential amenity,
- iv) Impact on highway safety,
- v) Nature conservation
- vi) Drainage and flood risk
- vii) Mineral Safeguarding
- viii) Waste and recycling
- ix) Ground conditions and contamination
- x) Weighting Exercise to Determine Whether Very Special Circumstances Exist

## 5.2 Principle of the Development

5.2.1 The site is located within the West Midlands Green Belt, wherein there is a presumption against inappropriate development, which should only be approved in 'very special circumstances'. Paragraph 144 of the NPPF states that local planning authorities should ensure substantial weight is given to any harm to the Green Belt by reason of inappropriateness and any other harm resulting from the proposal is clearly outweighed by other considerations.

5.2.2 The stages in taking decisions on applications within the Green Belt are as follows.

- a) In the first instance a decision has to be taken as to whether the proposal constitutes appropriate or inappropriate development.
- b) If the proposal constitutes inappropriate development then it should not be allowed unless the applicant has demonstrated that 'very special circumstances' exist which would justify approval.
- c) If the proposal is determined to constitute appropriate development then it should be approved unless it results in significant harm to acknowledged interests.

5.2.3 Local Plan Policy CP1 & CP3 require that development proposals at locations within the Green Belt to be considered against the NPPF and Local Plan Policy CP14. Local Plan Policy CP14 relates to landscape character and AONB rather than to whether a proposal constitutes appropriate or inappropriate development.

5.2.4 Whether a proposal constitutes inappropriate development is set out in Paragraphs 145 & 146 of the NPPF. Paragraph 145 relates to new buildings. The lists contained within these paragraphs are closed and therefore are fixed. The proposal could be considered as not inappropriate provided it meets one of the exceptions in paragraphs 145 and 146.

5.2.5 Paragraph 145 states: -

"A local planning authority should regard the construction of new buildings as inappropriate in the Green Belt. Exceptions to this are:

- a) buildings for agriculture and forestry;
- b) the provision of appropriate facilities (in connection with the existing use of land or a change of use) for outdoor sport, outdoor recreation, cemeteries and burial grounds and allotments; as long as the facilities preserve the openness of the Green Belt and do not conflict with the purposes of including land within it;
- c) the extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building;
- d) the replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces;
- e) limited infilling in villages;

- f) limited affordable housing for local community needs under policies set out in the development plan (including policies for rural exception sites); and
- g) limited infilling or the partial or complete redevelopment of previously developed land, whether redundant or in continuing use (excluding temporary buildings), which would:
  - not have a greater impact on the openness of the Green Belt than the existing development; or
  - not cause substantial harm to the openness of the Green Belt, where the development would re-use previously developed land and contribute to meeting an identified affordable housing need within the area of the local planning authority.

5.2.6 However, in this case it is clear that the construction of a new dwelling does not fall within one of the provisions accepted on the list within paragraph 145 of the NPPF. As such, the proposed construction of a dwelling in this location constitutes inappropriate development in the Green Belt contrary to the NPPF paragraph 145.

5.2.7 Paragraph 143 of the NPPF makes it clear that "inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances". Furthermore paragraph 144 states when "considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt" adding "Very special circumstances will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations". The test of whether Very Special Circumstances therefore requires an assessment of all potential harms and benefits of the proposal. This report will therefore now go on to consider other material considerations to establish the weight to be attributed to the various factors and then will conclude with the weighing exercise to determine whether very special circumstances exist.

### 5.3 Design and the Impact on the Character and Form of the Area and the AONB

5.3.1 The site is located within the Cannock Chase Area of Outstanding Natural Beauty. Paragraph 172 of the NPPF sets out that great weight should be given to conserving the landscape and scenic beauty of an AONB. This is continued in Local Plan Policy CP14 which states:

“Development proposals including those for appropriate development within the Green Belt ... must be sensitive to the distinctive landscape character and ensure they do not have an adverse impact on their setting through design, layout or intensity.”

5.3.2 In respect to issues in relation to design 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.

5.3.3 Relevant policies within the NPPF in respect to design and achieving well-designed places include paragraphs 124, 127, 128 and 130. Paragraph 124 makes it clear that the creation of high quality buildings and places is fundamental to what the planning and development process should achieve.

5.3.4 Paragraph 127 of the NPPF, in so much as it relates to impacts on the character of an area goes on to state: -

Planning policies and decisions should ensure that developments:

- a) will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;
- b) are visually attractive as a result of good architecture, layout and appropriate and effective landscaping;
- c) are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities);
- d) establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit;

5.3.5 Finally Paragraph 130 states planning permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions, taking into account any local design standards or style guides in plans or supplementary planning documents. Conversely, where the design of a development accords with clear expectations in plan policies, design should not be used by the decision taker as a valid reason to object to development.

5.3.6 Given the above, it is noted that the application site abuts an open field to the south and a recently planted plantation to the west. However, along the northern boundary the site is screened by a hedgerow and along the eastern part of the site it is comprised of a woodland belt. As such any views of the site from the adjacent highway and the surrounding public rights of way are well screened, particularly in the summer months.

5.3.7 The rural openness of the application site and the immediate area is a key part of the character of the landscape of the AONB. Whilst it is noted that the design of the proposed dwelling sits within the topography of the wider site to reduce the impact on the open countryside it would alter the levels of the site, introduce residential volume to the site and increase the intensification of the use of the land all of which would contribute to the erosion of this protected landscape character. The proposal would therefore be harmful to the landscape and scenic

beauty of the AONB and contrary to Local Plan Policies CP3 and CP14 and in accordance with paragraph 172 of the NPPF great weight should be given to conserving the landscape and scenic beauty of an AONB.

#### 5.4. Impact on Residential Amenity

5.4.1 Policy CP3 of the Local Plan states that the following key requirements of high quality design will need to be addressed in development proposals and goes on to include [amongst other things] the protection of the "amenity enjoyed by existing properties". This is supported by the guidance as outlined in Appendix B of the Design SPD which sets out guidance in respect to space about dwellings and garden sizes.

5.4.2 Paragraph 127(f) of the NPPF states that planning policies and decisions should ensure that developments [amongst other things] create places with a high standard of amenity for existing and future users.

5.4.3 There are no adjacent occupiers to the site that would be impacted by the proposal. The impact on the future occupiers of the site would benefit from a modest dwelling with adequate amenity space and parking provision.

5.4.4 As such it is concluded that the proposal would secure a high standard of amenity for the future occupiers in accordance with paragraph 127(f) of the NPPF.

#### 5.5 Impact on Highway Safety

5.5.1 Paragraph 109 of NPPF states that development should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

5.5.2 The Highway Authority was consulted on the proposal and raised objections to the development proposed. The site is located off Brindley Heath Road which is subject to a 60mph speed limit. The access to the site is via a single track road, with a gate located on the boundary, which would not allow two way movements on the access and would therefore increase the potential for conflict over the vehicle access which would not allow 2 vehicles to pass on entering and leaving the site. This would be rectified if the access is improved as part of any future proposal submitted.

5.5.3 However, it is noted that trees in the woodland belt running alongside the eastern side of the site grow in close proximity of the existing site access. Therefore any widening of the access would result in the loss of trees and in increase the visibility of the existing and proposed buildings on the site to the detriment of the character and form of the AONB. As such the widening of the access to accommodate the requirements of the Highway Authority would be unacceptable on landscape grounds.

5.5.4 The proposal is for the erection of a 2 x bed detached bungalow on an equestrian facility which houses stables, a tack room, barn and ancillary

buildings. The property would provide 2 parking spaces which would comply with Cannock District Council's parking standards for a 2 x bed house.

5.5.5 In conclusion it is considered that given that the substandard access to the site and that it could not be improved without causing harm to the AONB, the proposal have an unacceptable impact on highway safety, contrary to paragraph 109 of the National Planning Policy Framework

## 5.6 Impact on Nature Conservation Interests

5.6.1 The application site is not subject to any formal or informal nature conservation designation and is not known to support any species that is given special protection or which is of particular conservation interest.

5.6.2 As such the site has no significant ecological value and therefore the proposal would not result in any direct harm to nature conservation interests.

5.6.3 Under Policy CP13 development will not be permitted where it would be likely to lead directly or indirectly to an adverse effect upon the integrity of the European Site network and the effects cannot be mitigated. Furthermore, in order to retain the integrity of the Cannock Chase Special Area of Conservation (SAC) all development within Cannock Chase District that leads to a net increase in dwellings will be required to mitigate adverse impacts. The proposal would lead to a net increase in dwellings and therefore is required to mitigate its adverse impact on the SAC. Such mitigation would be in the form of a contribution towards the cost of works on the SAC and this is normally provided through CIL. However, in this instance, the applicant has indicated that the proposal would be a self build and therefore CIL exempt. As such, the SAC mitigation provision would be required through a S106 agreement.

5.6.4 Given the above it is considered that the proposal, subject to the S106 agreement, would not have a significant adverse impact on nature conservation interests either on, or off, the site. In this respect the proposal would not be contrary to Policies CP3, CP12 and CP13 of the Local Plan and the NPPF.

## 5.7 Drainage and Flood Risk

5.7.1 The site is located in Flood Zone 1 on the Environment Agency's Flood Zone Maps.

5.7.2 In this respect it is noted that paragraph 155 of the NPPF states 'inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk (whether existing or future)' adding 'where development is necessary in such areas, the development should be made safe for its lifetime without increasing flood risk elsewhere'.

5.7.3 In this respect it is noted that the application proposes foul sewerage to be directed to a sewage treatment plant located adjacent the access drive. As such it is deemed that the proposed drainage strategy is acceptable subject to conditions. Further, the proposed dwelling would be constructed on an area of existing hardstanding and would replace two existing containers. As such, there

would not be any increase in surface water runoff as a consequence of the siting of the proposed dwelling.

## 5.8 Mineral Safeguarding

5.8.1 The site falls within a Mineral Safeguarding Area (MSAs) for Coal and Fireclay. Paragraph 206, of the National Planning Policy Framework (NPPF) and Policy 3 of the Minerals Local Plan for Staffordshire (2015 – 2030), both aim to protect mineral resources from sterilisation by other forms of development.

5.8.2 Policy 3.2 of the new Minerals Local Plan states that:

Within a Mineral Safeguarding Area, non-mineral development except for those types of development set out in Appendix 6, should not be permitted until the prospective developer has produced evidence prior to determination of the planning application to demonstrate:

- a) the existence, the quantity, the quality and the value of the underlying or adjacent mineral resource; and
- b) that proposals for non-mineral development in the vicinity of permitted mineral sites or mineral site allocations would not unduly restrict the mineral operations.

## 5.9 Waste and Recycling Facilities

5.9.1 Policy CP16(1) (e) 'Climate Change and Sustainable Resource Use' of the Cannock Chase Local Plan states that development should contribute to national and local waste reduction and recycling targets according to the waste hierarchy'. One of the ways of achieving this is by ensuring development can be adequately serviced by waste collection services and that appropriate facilities are incorporated for bin collection points (where required).

5.9.2 Officers note that there is provision for the collection of waste and recycling facilities on Brindley Heath Road although again this would add to the harm to the character of the AONB.

## 5.10 Ground Conditions and Contamination

5.10.1 The site is located in a general area in which there is the potential for ground gas affecting any dwelling built. The comments of the Environmental Health Officer are noted and it is considered that subject to a suitably worded condition this matter could be satisfactorily addressed..

## 5.11 Weighting Exercise to Determine Whether Very Special Circumstances Exist

Applicants Very Special Circumstances

5.11.1 In support of the application the applicant has stated that the application site forms part of a 3 acre equestrian facility with 5 stables, tack room, barn and ancillary buildings. The applicant goes on to state that there is also a small free range chicken pen and that the site is suffering from a plague of burglaries, fence damage, gate damage and loss of farm machinery. On numerous

occasions the premises have been broken into which has resulted in the deaths of a number of chickens, and non-life threatening harm to the horses (cutting manes and tails and inflicting wounds on the rear legs of the horses). In addition there have been a number of horse thefts within the local area.

5.11.2 The site owners have stated that they have owned the site for 19 years and would like to move onto the site and to build a two bedroom bungalow designed to sit into the hill with a low pitch sedum roof.

5.11.3 Officer would respond that whilst “functional need” ( including issues of animal welfare) has the potential to be a “very special circumstance” this is normally only given significant weight where 24hour supervision is required, for example where the enterprise is large, or where supervision of foaling is required for substantial parts of the year (e.g. breeding facility). Officers would add that although the theft of machinery and harm to livestock is unfortunate there are means of securing a site to prevent or reduce the incidence of theft, for example the installation of CCTV, provision of secure gates, or potentially moving those parts at most risk to another site, such as a supervised livery or a site with more natural surveillance.

5.11.4 As such officers conclude that only limited weight should be afforded to the issue of crime, the fear of crime and the functional need for a dwelling on the site to reduce the potential for crime.

5.11.5 In accordance with the provisions of paragraph 144 of the NPPF substantial weight should be given to the harm to the Green Belt by reason of inappropriateness and to the openness of the Green. In addition moderate weight should be given to the harm to the rural, semi-natural character of the AONB and moderate weight to the harm to highway safety by virtue of the intensification of the substandard access.

5.11.6 In conclusion it is considered that the limited weight that should be attached to the functional need of crime prevention/ animal welfare does not clearly outweigh the substantial weight to be attributed to the harm to Green Belt, moderate weight to the harm to the AONB and moderate weight to the detriment of highway safety.

5.11.7 As such it is officers’ opinion that the test of very special circumstances has not been met and that the application should be refused.

## **5 Human Rights Act 1998 and Equalities Act 2010**

### ***Human Rights Act 1998***

5.1 The proposals set out in this report are considered to be compatible with the Human Rights Act 1998. The recommendation to refuse accords with the policies of the adopted Local Plan and the applicant has the right of appeal against this decision.

***Equalities Act 2010***

- 5.2 It is acknowledged that age, disability, gender reassignment, pregnancy and maternity, religion or belief, sex and sexual orientation are protected characteristics under the Equality Act 2010.

By virtue of Section 149 of that Act in exercising its planning functions the Council must have due regard to the need to:

Eliminate discrimination, harassment, victimisation and any other conduct that is prohibited;

Advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;

Foster good relations between persons who share a relevant protected characteristic and persons who do not share it

It is therefore acknowledged that the Council needs to have due regard to the effect of its decision on persons with protected characteristics mentioned.

Such consideration has been balanced along with other material planning considerations and it is considered that the proposal is acceptable in respect to the requirements of the Act. Having had regard to the particulars of this case officers consider that the proposal would not conflict with the aim of the Equalities Act.

**6 Conclusion**

- 6.1 The proposal constitutes inappropriate development within the Green Belt. Inappropriate development in the Green Belt is, by definition harmful, and in accordance with the NPPF substantial weight should be given to any harm to the Green Belt. Furthermore, inappropriate development should only be approved where very special circumstances exist that would justify approval. Such circumstances should only exist where the harm to the Green Belt and any other harm is clearly outweighed by other considerations.
- 6.2 In addition to the harm to the Green Belt it is considered that the proposal would also be detrimental to the character of the AONB and to highway safety.
- 6.3 The case put forward by the applicant that the history of theft and harm to animals necessitates a dwelling on the site is considered to only carry limited weight.
- 6.4 In conclusion it is considered that the limited weight that should be attached to the functional need of crime prevention does not clearly outweigh the substantial weight to be attributed to the harm to Green Belt, moderate weight to the harm to the AONB and moderate weight to be attributed to the detriment of highway safety.
- 6.5 As such it is considered that the test of very special circumstances has not been met and that the application should be refused.

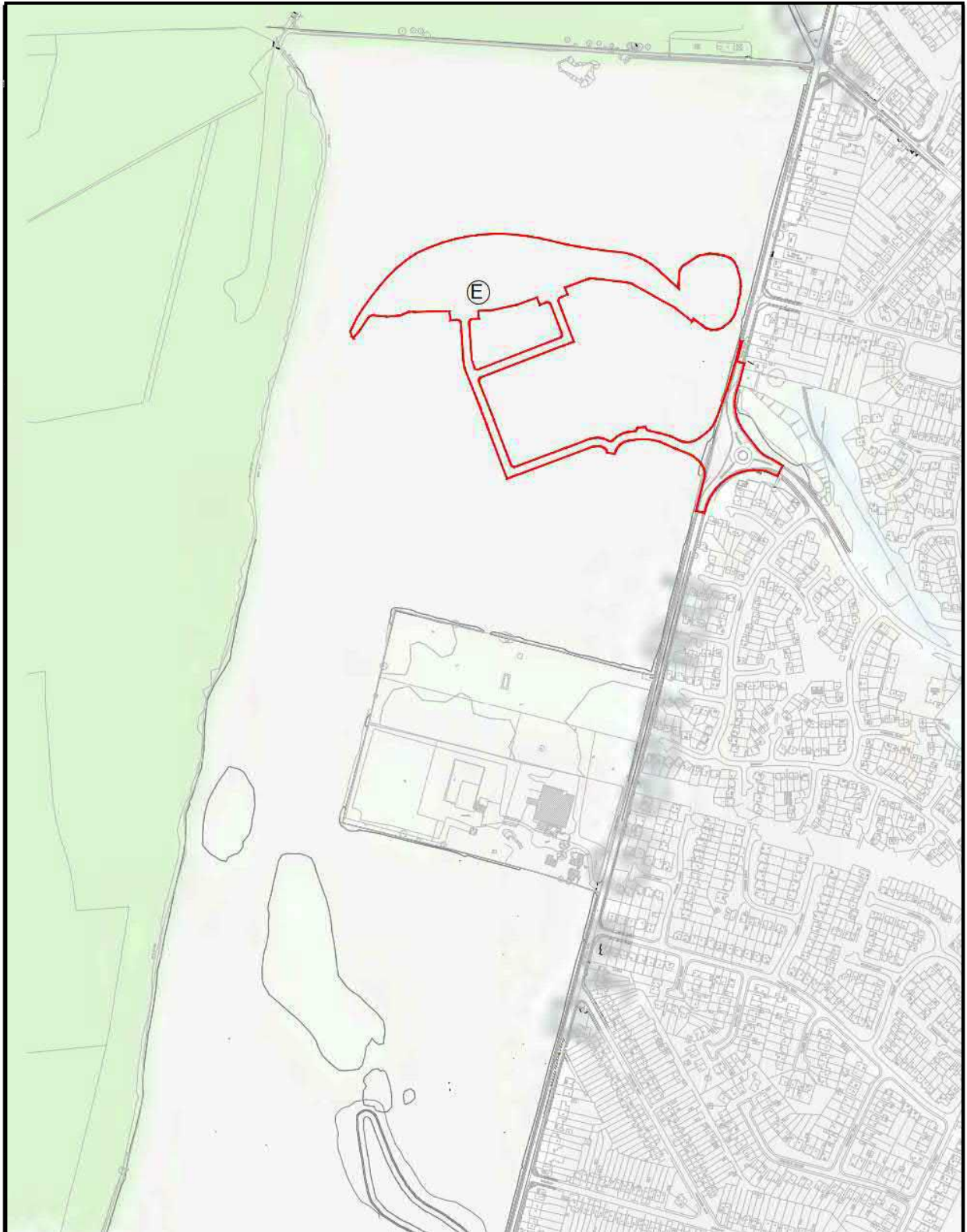


**Application No:** CH/19/422

**Location:** Land west of Pye Green Road, Cannock (Area E)

**Proposal:** Outline application for residential development - Up to 50 dwellings, open space landscaping, access (all other matters reserved)

**ITEM NO. 6.112**





# Location Plan

Rev	Date	By	Description
B	01/06/2019	mk	boundary update to meeting 18/09/2018
C	02/06/2019	mk	boundary update
D	03/06/2019	mk	boundary update
E	04/06/2019	mk	boundary update



# SGP

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Pye Green Road  
Cannock

Drawing Name:  
Location Plan - Area E

Drawing Stage: PLANNING

Subsidiary: S2 - Information

SGP File Ref: 14-033-01

14-033-01 06/08/2019 JC MK 1:5000 @A3 E

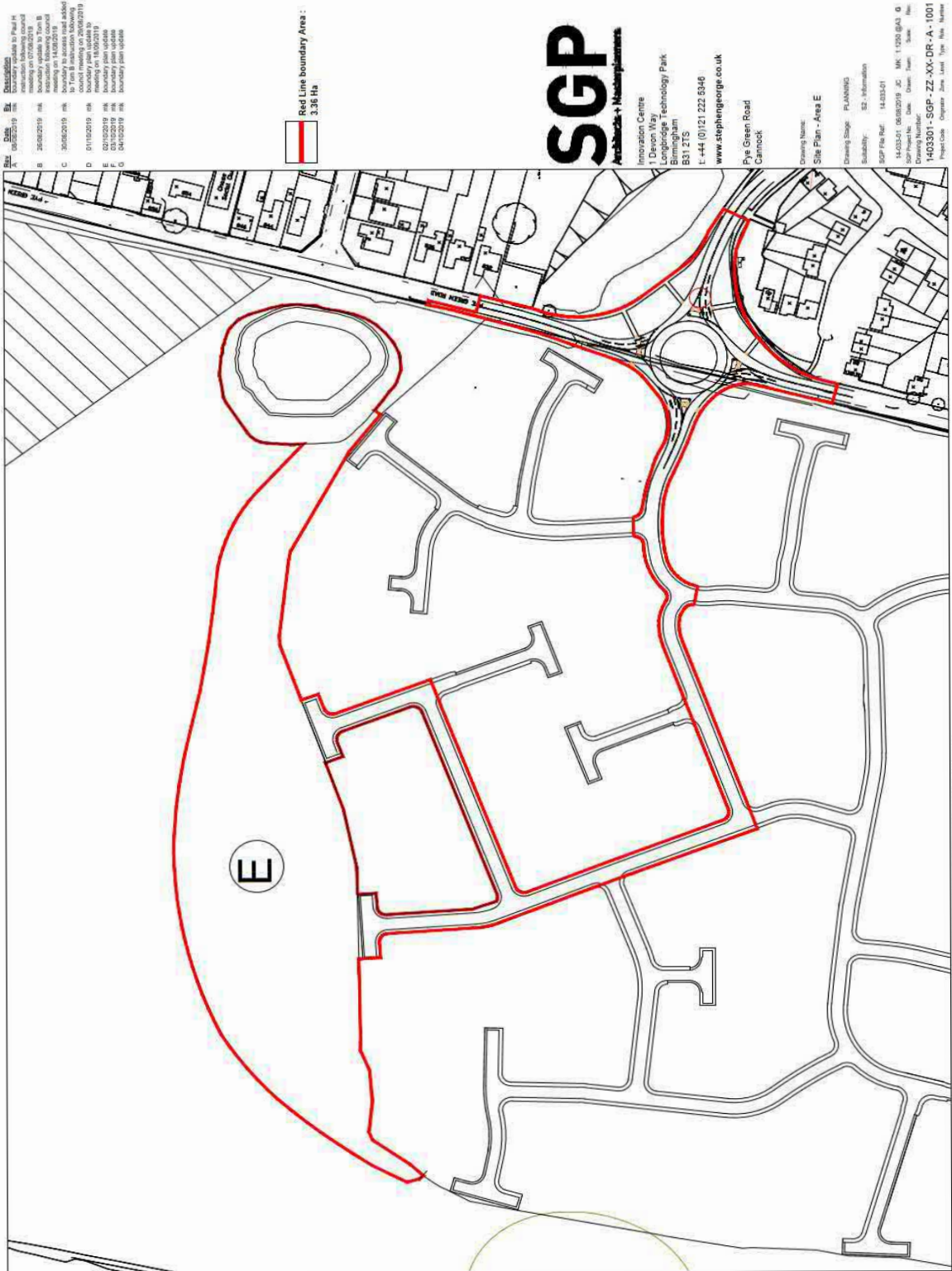
SGP Project No: Date: Drawn: Titled: Scale: Rev:

Drawing Number:  
1403301-SGP-ZZ-XX-DR-A-1004

Project Code - Originator: Zone: Level: Type: Road: Number:



# Site Plan



# Masterplan



Rev	Date	By	Description
1	01/05/2016	NA	Phase 1: Identify the potential
2	14/05/2016	NA	Identify the area
3	21/05/2016	NA	Proposed footpaths and cycleways
4	01/06/2016	NA	Area 1
5	01/06/2016	NA	Area 2
6	01/06/2016	NA	Area 3
7	01/06/2016	NA	Area 4
8	01/06/2016	NA	School site
9	01/06/2016	NA	Local Centre
10	01/06/2016	NA	Allotments

- G** Local Centre
- F** Primary School
- A** Sangs
- H** Allotments
- I** New Residential Area
- Existing Trees
- New Tree Planting (indicative)
- Existing Hedgerows
- Proposed Footpaths / Cycleways
- No build / formal open space uses within 400m of SAC

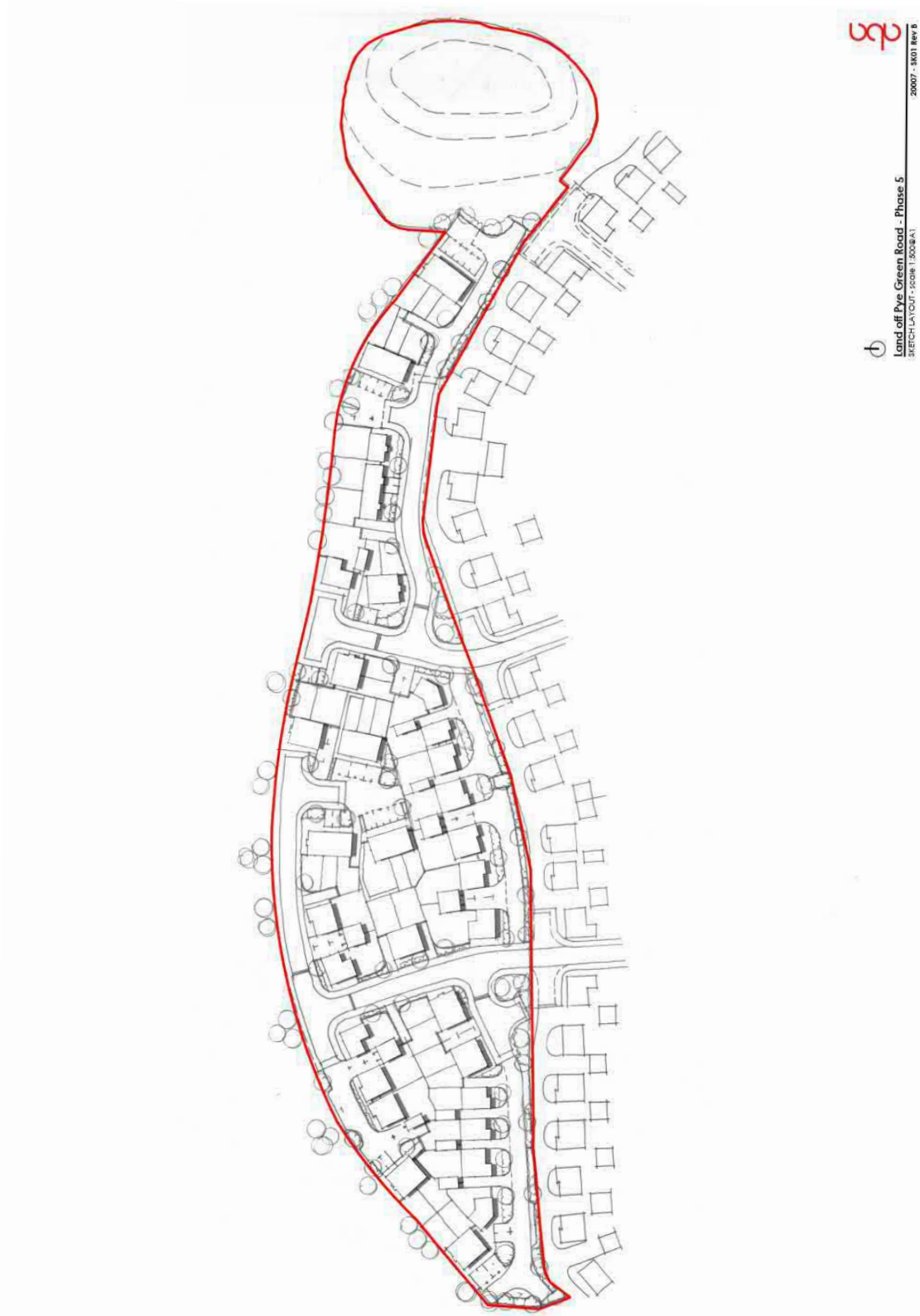
	name	size	units
A	SANGS	28.0 Ha	
B	Area 1	7.1 Ha	219
C	Area 2	4.6 Ha	177
D	Area 3	9.0 Ha	304
E	Area 4	1.9 Ha	80
F	School Site	1.5 Ha	
G	Mixed Use Local Centre	1.1 Ha	
H	Allotments	0.5 Ha	
I	Area	2.5 Ha	78
	Geo-Tech Constraint		
J	Barratt Phase 1 Development	3.6 Ha	119
K	Common Farm	1.8 Ha	52
L	Landowner	3.2 Ha	
	Site Wide Area	64.8 Ha	1029



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Drawing Name:  
 Illustrative Masterplan  
 Drawing Stage: PLANNING  
 Substage: 01 - Review & Comment  
 SGP File Ref: 14033-01-F01  
 14-03-2016 09:06:2016 HA 14 12001 QM1  
 Drawing Number:  
 1403301 - SGP - Z2 - XX - DR - A - F01

# Layout Plan



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<b>Contact Officer:</b>	<b>Richard Sunter</b>
<b>Telephone No:</b>	<b>01543 464 481</b>

**PLANNING CONTROL COMMITTEE**

**4 MARCH 2020**

<b>Application No:</b>	CH/19/422
<b>Received:</b>	05-Dec-2019
<b>Location:</b>	Land West of Pye Green Road, Cannock (Area E)
<b>Parish:</b>	Hednesford
<b>Description:</b>	Outline application for residential development – up to 50 dwellings, open space landscaping, access (all other matters reserved).
<b>Application Type:</b>	Outline Planning Permission

**RECOMMENDATION:**

Approve subject to the conditions attached to this report and the completion of a section 106 agreement to secure: -

1. The provision of 20% affordable housing.
2. The provision of an Education Contribution
3. The provision of funding for the implementation of the Travel Plan.
4. Provision of a Bus shelter
5. Provision of cycle parking at Hednesford Train Station

**Reason(s) for Recommendation:**

In accordance with paragraph 38 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.

**Conditions (and Reasons for Conditions):**

1. In the case of any reserved matters, application for approval must be made not later than the expiration of three years beginning with the date on which this permission is granted; and

The development to which this permission relates must be begun not later than the expiration of two years from the final approval of the reserved matters or, in the case of approval on different dates, the final approval of the last such matters to be approved.

**Reason**

To comply with the requirements of Section 92 of the Town & Country Planning Act 1990.

2. No part of the development hereby permitted shall be commenced until approval of the details of appearance, landscaping, layout and scale ('the reserved matters') has been obtained from the Local Planning Authority.

**Reason**

The permission is in principle only and does not authorise development to commence until all 'the reserved matters' have been approved. To ensure compliance with the requirements of Section 92 of the Town & Country Planning Act 1990.

**Highways**

3. Prior to first occupation of any dwelling the new roundabout on Pye Green Road as broadly indicated on submitted Drg. No.19534-09 Rev. A shall be completed.

**Reason**

To comply with the objectives of paragraph 108 of the National Planning Policy Framework.

4. Prior to first occupation of any dwelling the footway extension as broadly indicated on submitted Drg. No.19534-09 Rev. A shall be completed.

**Reason**

To comply with the objectives of paragraph 108 of the National Planning Policy Framework.

5. Prior to first occupation of any dwelling details indicating revisions to Area D turning heads affected by the proposed development shall be submitted to and approved in writing by the Local Planning Authority and thereafter completed in accordance with the approved drawings prior to first occupation of any dwelling.

**Reason**

To comply with the objectives of paragraph 108 of the National Planning Policy Framework.

6. Prior to first occupation of any dwelling the improvements at the Broadhurst Green/ Pye Green Road junction, as broadly indicated on submitted Drg.

No.19534-04, shall be completed.

Reason

To comply with the objectives of paragraph 108 of the National Planning Policy Framework.

7. The development hereby permitted shall not be commenced until a Construction Environmental and Traffic Management Plan has been submitted to and approved in writing by the Local Planning Authority. The Plan shall include details in respect to: -

- (i) the management and routing of construction traffic;
- (ii) delivery times;
- (iii) internal compound arrangements for construction traffic and site operatives;
- (iv) method of preventing mud being brought onto the highway
- (v) methods for the control of dust and vibration, including any method of piling

Reason

To comply with the objectives of paragraph 108 of the National Planning Policy Framework and to ensure that the standard of amenity of the occupiers of neighbouring residential properties is protected.

Drainage

8. The development hereby permitted shall not commence until drainage plans for the disposal of foul and surface water flows have been submitted to and approved by the Local Planning Authority. The development shall thereafter be implemented in accordance with the approved details before the development is first brought into use.

Reason

9. To ensure that the development is provided with a satisfactory means of drainage as well as to prevent or to avoid exacerbating any flooding issues and to minimise the risk of pollution

Ecology

10. No dwelling hereby permitted shall be completed above ground floor level until a scheme for the provision of bird boxes suitable for Swift, Starling and House Sparrow has been submitted to and approved in writing by the Local Planning Authority. The submitted scheme shall indicate the plots to be provided with bird boxes, which shall be integrated into the house in question, and their height and location. Any dwelling shown to be host to such a bird box shall be completed in accordance with the approved scheme. The bird boxes shall thereafter be retained for the lifetime of the development

Reason

In the interests of enhancing bird breeding habitat in accordance with Policy CP12 of the Local Plan and paragraphs 170 and 175, of the National Planning Policy Framework.

11. No fencing or other form of boundary treatment shall be erected until a scheme to allow the passage of hedgehogs through the site has been submitted to and approved in writing by the Local Planning Authority. Any fencing, or other form of boundary treatment, shall thereafter be erected in accordance with the approved scheme.

Reason

In the interests of ensuring that hedgehogs are able to use the garden spaces for foraging habitat in accordance with Policy CP12 of the Local Plan and paragraphs 175 of the National Planning Policy Framework.

Air Quality

12. No dwelling hereby approved shall be occupied until a scheme for the fitting of that dwelling with electric charging points for electric vehicles has been submitted to and approved in writing by the Local Planning Authority and the works comprising the approved scheme have been completed. The works shall thereafter be retained for the lifetime of the development unless otherwise approved in writing by the Local Planning authority.

Reason

In the interests of improving air quality and combatting climate change in accordance with Policy CP16 and the National Planning Policy Framework.

Ground Conditions

13. No development shall commence until: -
- (i) a scheme of intrusive site investigations in respect to the fissures on the site has been submitted to and approved in writing by the Local Planning Authority; and
  - (ii) the approved scheme of intrusive site investigations has been carried out and
  - (iii) a report of the findings arising from the intrusive site investigations has been submitted which shall identify
    - (a) a layout plan which identifies the location/ extent of the fissures, and the definition of suitable 'no build' areas; and
    - (b) a scheme of remedial/ mitigation works for the fissures for approval (if appropriate).

The development shall thereafter be carried out in accordance with the approved works and no dwelling shall be occupied until verification that the scheme of remedial/ mitigation works for the fissures has been implemented in full.

Reason

In order to ensure the safety and stability of the development, in accordance with paragraphs 178 and 179 of the National Planning Policy Framework.

14. No development shall commence until: -
- (i) a scheme of further ground investigations in respect of soil sampling, ground gas and groundwater monitoring in accordance with the



recommendations of Preliminary Geo-environmental Assessment, dated October 2019, and prepared by Atkins, the has been submitted to and approved in writing by the Local Planning Authority; and

- (ii) the approved scheme of ground investigations has been carried out; and
- (iii) a report of the findings, including the identification of any remedial/mitigation works arising from the ground investigations has been submitted to and approved in writing by the Local Planning Authority.

The development shall thereafter be carried out in accordance with the approved remedial/ mitigation works and no dwelling shall be occupied until verification that the scheme of remedial/ mitigation has been implemented in full.

Reason

In order to ensure the development is suitable for its intended residential use, in accordance with paragraphs 178 and 179 of the National Planning Policy Framework.

Archaeology

15. Prior to the commencement of the development hereby permitted, a written scheme of archaeological investigation ('the Scheme') shall be submitted for the written approval of the Local Planning Authority. The Scheme shall provide details of the programme of archaeological works to be carried out within the site, including post-excavation reporting and appropriate publication.

The archaeological site work shall thereafter be implemented in full in accordance with the approved written scheme of archaeological investigation.

The development shall not be occupied until the site investigation and post-excavation assessment has been completed in accordance with the written scheme of archaeological investigation and the provision made for analysis, publication and dissemination of the results and archive deposition has been secured.

Reason

In order to ensure that archaeology under the site is recorded. In accordance with paragraph 199 of the National Planning Policy Framework.

16. No development shall begin until a detailed surface water drainage design has been submitted to and approved by the Local Planning Authority in consultation with the Lead Local Flood Authority. The design must be in accordance with the overall strategy and principles set out in the submitted documents.

The design must demonstrate:

- Surface water drainage system(s) designed in accordance with national and local standards, including the non-statutory technical standards for sustainable drainage systems (DEFRA, March 2015).
- SuDS design to provide adequate water quality treatment, in accordance with the CIRIA SuDS Manual Simple Index Approach and SuDS treatment design criteria.
- Detailed design (plans, network details and calculations) in support of any surface water drainage scheme, including details on any attenuation system, and the outfall arrangements. Calculations should demonstrate the performance

of the designed system for a range of return periods and storm durations inclusive of the 1 in 1 year, 1 in 30 year, 1 in 100 year and 1 in 100 year plus climate change return periods.

- Plans illustrating flooded areas and flow paths in the event of exceedance of the drainage system. Site layout and levels should provide safe exceedance routes and adequate access for maintenance.
- Provision of an acceptable management and maintenance plan for surface water drainage to ensure continued performance of the system for the lifetime of the development. This should include a schedule of required maintenance activities and frequencies, and the contact details for the organisation responsible for carrying out these duties.

Reason

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

17. Notwithstanding the detail of any plan or document this permission is for up to 50 dwellings.

Reason

For the avoidance of doubt as to what is hereby approved.

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

19.

- 1403301-SGP-ZZ-XX-DR-A-1001 Site Plan Area E.
- 1403301-SGP-ZZ-XX-DR-A-1004 Location Plan Site E.
- Planning Statement- Land West of Pye Green Road, Residential Development Area E, Ref JBB7325, dtaed 26 November 2019.
- Design and access Statement- Area E Oct 2019.
- Ecological Appraisal, Dtaed October 2019.
- Noise Assessment, Site E, Environmental Noise Assessment Rev 3.0, 18 October 2019.
- Energy and Climate Change Statement, October 2019.
- Landscape and Visual Appraisal Rev C, October 2019.
- Preliminary Site Waste Management Plan Rev 1.2, October 2019.
- Travel Plan , David Tucker Associates. DN/NS/19534-05b Travel Plan\_Final-Area E.
- Flood Risk Assessment and Drainage Strategy, Rev 3.0,18 October 2019.
- Technical Note: Land West of Pye Green Road, Areas E and I FRA Addendum dated 12/02/2020 Project No 5117052.
- Technical Note: Land West of Pye Green Road Areas E and I Dated 21/01/2020.
- Preliminary Geo-Environmental Assessment, Rev 1.2, October 2019.
- Drg. No.19534-09 Rev. A roundabout on Pye Green Road
- Drg. No.19534-09 Footway extension

**Notes to the Developer:**Staffordshire County Council Highway Authority

The Highway Authority has advised that

- (a) Road construction details submitted following the granting of Reserved Matters Consent will require approval under Section 7 of the Staffordshire Act 1983 and will require a Section 38 of the Highways Act 1980.
- (b) The applicant is advised that the residential road layout should be designed for a maximum speed value of 20mph.
- (c) Swept path analysis for an 11.9m long refuse vehicle shall be provided in support of the Section 7 application.
- (d) Conditions 2 & 4 above requiring off-site highway works shall require a legal agreement with Staffordshire County Council and the applicant is therefore requested to contact Staffordshire County Council in respect of securing the Agreement.

Staffordshire Police

Staffordshire Police have advised

Further information on Secured by Design and accredited security products can be found at [www.securedbydesign.com](http://www.securedbydesign.com) and [www.soldsecure.com](http://www.soldsecure.com)

South Staffordshire Water

South Staffordshire Water has advised that it has water mains assets affected by this scheme and therefore you will be required to engage with them to divert this asset,

Cadent

Searches based on your enquiry have identified that there is apparatus in the vicinity of your enquiry which may be affected by the activities specified.

Can you please inform Plant Protection, as soon as possible, the decision your authority is likely to make regarding this application.

If the application is refused for any other reason than the presence of apparatus, we will not take any further action.

Please let us know whether Plant Protection can provide you with technical or other information that may be of assistance to you in the determination of the application.

Due to the presence of Cadent and/or National Grid apparatus in proximity to the specified area, the contractor should contact Plant Protection before any works are carried out to ensure the apparatus is not affected by any of the proposed works.

Your Responsibilities and Obligations

The "Assessment" Section below outlines the detailed requirements that must be followed when planning or undertaking your scheduled activities at this location.

It is your responsibility to ensure that the information you have submitted is accurate and that all relevant documents including links are provided to all persons (either direct labour or contractors) working for you near Cadent and/or National Grid's

apparatus, e.g. as contained within the Construction (Design and Management) Regulations.

This assessment solely relates to Cadent Gas Limited, National Grid Electricity Transmission plc (NGET) and National Grid Gas Transmission plc (NGGT) and apparatus. This assessment does NOT include:

- Cadent and/or National Grid's legal interest (easements or wayleaves) in the land which restricts activity in proximity to Cadent and/or National Grid's assets in private land. You must obtain details of any such restrictions from the landowner in the first instance and if in doubt contact Plant Protection.
- Gas service pipes and related apparatus
- Recently installed apparatus
- Apparatus owned by other organisations, e.g. other gas distribution operators, local electricity companies, other utilities, etc.

It is YOUR responsibility to take into account whether the items listed above may be present and if they could be affected by your proposed activities. Further "Essential Guidance" in respect of these items can be found on either the National Grid or Cadent website.

This communication does not constitute any formal agreement or consent for any proposed development work; either generally or with regard to Cadent and/or National Grid's easements or wayleaves nor any planning or building regulations applications.

Cadent Gas Limited, NGGT and NGET or their agents, servants or contractors do not accept any liability for any losses arising under or in connection with this information.

This limit on liability applies to all and any claims in contract, tort (including negligence), misrepresentation (excluding fraudulent misrepresentation), breach of statutory duty or otherwise. This limit on liability does not exclude or restrict liability where prohibited by the law nor does it supersede the express terms of any related agreements.

### Waste and Recycling

The development is advised that when designing the layout of the site at reserved matters stage regard should be had to the Council's Waste and Recycling Guidance Document. This is available on request.

## **Consultations and Publicity**

### ***External Consultations***

#### Hednesford Town Council

The council is pleased to see the range of dwellings proposed (including affordable housing) and their design layout and proximity to Poppyfields School.

There is still concern about the impact on local infrastructure. In particular highways and the need to improve the attractiveness of walking, cycling and public transport e.g. by provision of bus shelters and safe pedestrian access to them.

Recent and current residential and other developments on adjacent and nearby sites has resulted in considerable disruption, inconvenience and nuisance to residents in the vicinity.

The Town Council is aware that the Planning Authority is likely to impose conditions to regulate the operation of the site during construction and would expect that these will be enforced rigidly. For example ensuring that roads are kept clear of mud.

Western Power Distribution

No comments received.

County Flood Risk Management (SUDS)

No objections subject to the attached conditions.

School Organisation

I would advise that the above planning application would result in an education contribution of £540,457.60 (index linked) to be sought from the developer to mitigate the impact on education from the development and would be acceptable from an education perspective subject to a S106 agreement which meets this requirement.

This application follows on from a pre-application assessment in July 2019 for one planning application (Enquiry Phases E and I) of 210 dwellings including 168 Houses and 42 RSL dwellings. These dwellings have now been split across two separate planning applications totalling 158 dwellings:

Planning app number CH/19/421 is for 78 dwellings including 62 Houses and 16 RSL.  
Planning app number CH/19/422 is for 80 dwellings including 64 Houses and 16 RSL.

The planning applications have been considered separately and the response is based on the information contained within the planning application and the latest cost per dwelling. Should the number and/or mix of dwellings change we would wish to be consulted so that a revised contribution can be calculated.

In determining that this level of contribution is necessary and in accordance with CIL legislation, the requested education contribution is deemed to be: -

- (a) necessary to make the development acceptable in planning terms;
- (b) directly related to the development; and
- (c) fairly and reasonably related in scale and kind to the development.

The majority of Cannock schools include residence in the school's catchment area as a high priority within their admission arrangements, Poppyfield Primary Academy does not have a catchment area but still give high priority to children who live in the local area. The location of a housing development in relation to schools in the local area is taken into consideration when assessing the mitigation required for education provision.

Based on the location of the proposed development we have considered the impact on school places at the Poppyfield Primary Academy:

To understand the impact of this development on education infrastructure, the Pre-application assessment has been consulted along with an analysis using:

- The latest information available at the time of this analysis has been based upon pupil data as at academic year 2019/20 and projections which take into consideration residential planning applications that have been approved in the Pye Green area which will require mitigation through the provision of an additional 105 primary school places (15 places per year group) to provide a 1½ FE Primary School

In determining whether there is a need for the developer to mitigate the impact of this development it was calculated that 80 dwellings would require 26 Primary school places, and that 64 dwellings would require 0 secondary places and 0 Post 16 places. These are based on a pupil product ratio (PPR) 0.45 per dwelling per year group. Using 7 year groups for Primary, 5 year groups for secondary and 1 year group for Post 16 places. Where appropriate all 1 bedroom dwellings have been deducted from the dwellings numbers and at secondary level only, all RSL dwellings have also been deducted in line with our Education Planning Obligations Policy.

There are projected to be an insufficient number of school places in the local area to mitigate the impact of this development at primary and middle phases of education. The project to provide the additional places required has not yet been fully determined and therefore the contribution has been calculated utilising the latest project costs as per Q3 2019.

The Primary school education contribution has been calculated as follows:

£6,755.72 per dwelling based on 78 dwellings = £540,457.60 This proposed application will be required to contribute financially towards the provision of an additional 105 primary school places at Poppyfield Primary Academy.

Please note that we reserve the right to amend the use and the amount of the requested education contributions should circumstances materially change from this analysis to the point that the use(s) of the education contributions are finalised within the S106 Agreement.

Based on an agreed set of standard triggers the size of this development will necessitate two payments of the education contribution at the following point(s):

50% on commencement of the development.

50% on commencement of 50% of the development.

[Officer Note: Members should be aware that since this consultation response has been received the number of units proposed has dropped. Therefore the amount that would be required would drop proportionately. Ultimately the amount received would depend on the number and type of units approved at reserved matters].

Staffordshire County Council

No response received.

Police Crime Prevention Officer

Thank you for the above consultation document, I ask that Cannock Chase District Council consider my comments, which are site specific, and made in accordance with;

Section 17 of the 'Crime and Disorder Act 1998':

'places a duty on each local authority (Parish, District & County Council): 'to exercise its various functions with due regard to the likely effect of the exercise of those functions on, and the need to do all that it reasonably can to prevent crime and disorder in its area to include anti-social behaviour, substance misuse and behaviour which adversely affects the environment'.

National Planning Policy Framework:

Paragraph 91(b).

This paragraph looks towards healthy and safe communities. The paragraph includes:-

"Planning policies and decisions should aim to achieve healthy, inclusive and safe places which are safe and accessible, so that crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion"

Paragraph 127(f) includes;

'create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience'.

Paragraph 95 (a&b) includes;

"Planning policies and decisions should promote public safety and take into account wider security and defence requirements by:

- a) anticipating and addressing possible malicious threats and natural hazards, especially in locations where large numbers of people are expected to congregate. Policies for relevant areas (such as town centre and regeneration frameworks), and the layout and design of developments, should be informed by the most up-to-date information available from the police and other agencies about the nature of potential threats and their implications. This includes appropriate and proportionate steps that can be taken to reduce vulnerability, increase resilience and ensure public safety and security; and
- b) recognising and supporting development required for operational defence and security purposes, and ensuring that operational sites are not affected adversely by the impact of other development proposed in the area.

Cannock Chase District Council Local Plan Part 1 & Design SPD Designing Out Crime Policy Local Plan (Part 1) Policy CP3

Policy CP3 includes key design principles that includes;-

“Good design will give careful thought to how appropriate safety and security measures can be accommodated in a way sympathetic to the amenity of the local area.”

“The need to enhance crime prevention as part of new developments including building security and attractive design of surroundings (car parking etc.) to deter crime”

The Human Rights Act Article & Protocol 1, Safer Places: The Planning System and Crime Prevention and PINS 953.

In order to prevent crime and reduce the fear of crime I recommend that this development attains Police Secured by Design (SBD) accreditation. There is no charge for my advice or for the Secured by Design award, and once awarded the Police SBD logo can be used on advertising material.

Research shows that adopting SBD can reduce burglary by 50%, car crime and criminal damage by 25%, therefore the carbon costs of replacing door-sets and windows on SBD developments as a result of criminal activity is more than 50% less than on non SBD developments, the cost of installing SBD approved products equals 0.2% of the total build cost.

One of the most revealing elements of research into SBD is how much ‘safer’ residents feel if they occupy a dwelling on an accredited development, even if they are not aware of the award status. There are few other initiatives which can deliver a measurable reduction in fear like this.

SBD supports one of the Government's key planning objectives - the creation of safe, secure, quality places where people wish to live and work. SBD applies quality standards to a range of security measures and should be seen as a positive marketing opportunity.

SBD can contribute towards BREEAM assessments.

Entrance to the Development

Staffordshire Police have no objection relating to the proposed access.

I ask that we are consulted further when “reserved matters” are decided.

Further information on Secured by Design and accredited security products can be found at [www.securedbydesign.com](http://www.securedbydesign.com) and [www.soldsecure.com](http://www.soldsecure.com)

#### Coal Authority

The Coal Authority concurs with the recommendations of the Preliminary Geo-Environmental Assessment (October 2019) based on the professional opinions made by Atkins Limited; that coal mining legacy potentially poses a risk to the proposed development and that intrusive site investigation works should be undertaken prior to development in order to establish the exact situation regarding coal mining legacy issues on the site.

In order to ensure that sufficient information is provided by the applicant to demonstrate to the LPA that the site is safe and stable for the development proposed you may wish to consider the imposition of planning conditions that cover the issues set out below.



A condition should therefore require prior to the submission of the reserved matters:

- the submission of a scheme of intrusive site investigations for the fissures for approval;
- the undertaking of the approved schemes of intrusive site investigations.

As part of the reserved matters application

- The submission of a report of the findings arising from the intrusive site investigations;
- The submission of a layout plan which identifies the location/extent of the fissures, and the definition of suitable 'no build' areas;
- The submission of a scheme of remedial/mitigatory works for the fissures for approval; and

A condition should also require:

- The implementation of those identified remedial/mitigatory works.

The Coal Authority has no objection to the proposed development, subject to the imposition of a planning condition or conditions to secure the above.

The following statement provides the justification why the Coal Authority considers that a pre-commencement condition is required in this instance:

The undertaking of intrusive site investigations, prior to the commencement of development, is considered to be necessary to ensure that adequate information pertaining to ground conditions and coal mining legacy is available to enable appropriate remedial and mitigatory measures to be identified and carried out before building works commence on site. This is in order to ensure the safety and stability of the development, in accordance with paragraphs 178 and 179 of the National Planning Policy Framework.

#### County Highways

No objections subject to conditions and securing of a sum for the monitoring a Travel Plan.

#### Severn Trent Water Ltd

I can confirm that we have no objections to the proposals subject to the inclusion of conditions.

#### South Staffordshire Water Plc

I have viewed the application and from our existing asset records we appear to have a water mains assets affected by this scheme, this would need engagement by the developer with ourselves to look to divert this asset if it is affected by construction works.

Additionally we would look to install new water assets to supply the development through the normal application for new connections process.

Please note that we do not keep records of individual water services so this site may well require the existing water service to be disconnected prior to the development being undertaken.

Centrebus.co.uk

Would like to discuss how we could work together to achieve modal shift for home owners on the new site, including funding for Eves and Sun linking development with railway stations, business parks, out of town retail, hospital and the town centre for work and leisure.

NRSWA Enquiries,

An assessment has been carried out with respect to Cadent Gas Limited, National Grid Electricity Transmission plc's and National Grid Gas Transmission plc's apparatus. Please note it does not cover the items listed in the section "Your Responsibilities and Obligations", including gas service pipes and related apparatus. For details of Network areas please see the Cadent website (<http://cadentgas.com/Digging-safely/Dial-before-you-dig>) or the enclosed documentation.

Are My Works Affected?

Searches based on your enquiry have identified that there is apparatus in the vicinity of your enquiry which may be affected by the activities specified.

Can you please inform Plant Protection, as soon as possible, the decision your authority is likely to make regarding this application.

If the application is refused for any other reason than the presence of apparatus, we will not take any further action.

Please let us know whether Plant Protection can provide you with technical or other information that may be of assistance to you in the determination of the application.

Due to the presence of Cadent and/or National Grid apparatus in proximity to the specified area, the contractor should contact Plant Protection before any works are carried out to ensure the apparatus is not affected by any of the proposed works.

Your Responsibilities and Obligations

The "Assessment" Section below outlines the detailed requirements that must be followed when planning or undertaking your scheduled activities at this location.

It is your responsibility to ensure that the information you have submitted is accurate and that all relevant documents including links are provided to all persons (either direct labour or contractors) working for you near Cadent and/or National Grid's apparatus, e.g. as contained within the Construction (Design and Management) Regulations.

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- Gas service pipes and related apparatus
- Recently installed apparatus

- Apparatus owned by other organisations, e.g. other gas distribution operators, local electricity companies, other utilities, etc.

It is YOUR responsibility to take into account whether the items listed above may be present and if they could be affected by your proposed activities. Further "Essential Guidance" in respect of these items can be found on either the National Grid or Cadent website.

This communication does not constitute any formal agreement or consent for any proposed development work; either generally or with regard to Cadent and/or National Grid's easements or wayleaves nor any planning or building regulations applications.

Cadent Gas Limited, NGGT and NGET or their agents, servants or contractors do not accept any liability for any losses arising under or in connection with this information.

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#### County Historic Environmental Officer

Thank you for your consultation request regarding the proposed residential development of up to 80 dwellings, open space, landscaping, access (All other matters reserved) at the above site. This letter represents the response from Staffordshire County Council's Historic Environment Team regarding archaeological issues associated with the proposed scheme.

This application has been assessed in light of information contained on the Staffordshire Historic Environment Record (HER) and associated datasets, such as the Cannock Chase Historic Environment Character Assessment (HECA– visit the Staffordshire County Council website and search for Historic Environment Assessment), and an Archaeological Desk-based Assessment (ADBA) produced in support of the application.

The conclusions of the ADBA are largely in line with our previous advice on CH11/0395 in that there is some, albeit low, potential for below ground archaeological features to be impacted by the proposed development. The ADBA makes use of a report on archaeological trial trenching (and associated reports such as a Geophysical Survey) to the south of Area E carried out in 2018, and it is recommended that this exercise is continued into the current area to help us determine the potential archaeological interest and inform future mitigation. The trial trenching should reflect the sampling ratio followed by the previous work, and it should also bear in mind the results of the recent Chase Through Time Project (<https://historicengland.org.uk/research/current/discover-and-understand/landscapes/cannock-chase/>) which identified cropmarks of former ditched and embanked boundaries of uncertain date which appear to run into the northern part of Area E.

This work would most appropriately be secured via a condition on planning permission which states that:

- A) Prior to the commencement of the development hereby permitted, a written scheme of archaeological investigation ('the Scheme') shall be submitted for the

written approval of the Local Planning Authority. The Scheme shall provide details of the programme of archaeological works to be carried out within the site, including post-excavation reporting and appropriate publication.

- B) The archaeological site work shall thereafter be implemented in full in accordance with the written scheme of archaeological investigation approved under condition (A).
- C) The development shall not be occupied until the site investigation and post-excavation assessment has been completed in accordance with the written scheme of archaeological investigation approved under condition (A) and the provision made for analysis, publication and dissemination of the results and archive deposition has been secured.”

The work should be carried out sufficiently in advance of construction so that, should the evaluation results indicate the need for subsequent archaeological mitigation, this can be designed and fully implemented. This approach is supported by NPPF para 189 while any works which stem from the evaluation are supported by NPPF para 199.

All archaeological works must be undertaken by an appropriately experienced archaeological organisation (with suitably experienced personnel) working to the requirements of a brief prepared by this office and/or an approved Written Scheme of Investigation, the Chartered Institute for Archaeologists (CIfA) Code of Conduct and the relevant CIfA Standards and Guidance (2014).

### ***Internal Consultations***

#### Development Plans and Policy Unit

The National Planning Policy Framework (NPPF 2019, para 11) states that development proposals that accord with an up to date development plan should be approved without delay. Where there are no relevant development plan policies, or the policies which are most important for determining the application are out of date, planning permission should be granted, unless policies in the Framework that protect areas or assets of particular importance (e.g. Green Belt, AONB, habitats sites) provide a clear reason for refusal, or any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.

The development plan for Cannock Chase District consists of the Local Plan (Part 1), adopted Neighbourhood Plans and the Staffordshire County Council Waste and Minerals Local Plans. The views of Staffordshire County Council as the waste and minerals planning authority should be considered, as necessary. These policy comments are restricted to matters concerning the Local Plan (Part 1), Neighbourhood Plans and supporting guidance.

The Local Plan (Part 1) was adopted more than five years ago; it is now the subject of a review. This review is at an early stage in the process with consultation on 'Issues and Options' being undertaken recently (May-July 2019). Therefore limited weight can be afforded to it. The starting point for the determination of planning applications remains the adopted development plan (Local Plan (Part 1)).

The site is within the Hednesford Neighbourhood Area, for which a Neighbourhood Plan was adopted on 28th November 2018 and now forms part of the development plan for the District.

The Land to the West of Pye Green Development Brief (March 2011) contains useful background information and policy context on the wider Strategic Housing Site.

The site was taken out of the Green Belt for future development beyond the plan period upon adoption of the former 1997 Cannock Chase Local Plan and then allocated in the current 2014 Local Plan as a Strategic Housing Site. It is a green field site adjacent to the urban area of Hednesford. The wider site has also been identified within the Strategic Housing Land Availability Assessment (SHLAA) as a developable site.

National Planning Policy Considerations

The provisions of the NPPF as a whole should be considered in the determination of this application. However, the most pertinent areas to consider are outlined further below.

Chapter 5 of the NPPF seeks to deliver a sufficient supply of homes and paragraph 59 reiterates the Government's objective of significantly boosting the supply of homes. Paragraph 64 sets out that a major development should provide at least 10% of the homes for affordable home ownership, unless this would exceed the level of affordable housing required in the area or significantly prejudice the ability to meet the identified affordable housing needs of specific groups.

Chapter 8 promotes healthy and safe communities and paragraph 91 outlines that planning decision should aim to achieve healthy, inclusive and safe places which promote social interaction, are safe and accessible and enable and support healthy lifestyles. Paragraphs 96-98 outline the approach to be taken to protect and enhance open space and recreation opportunities.

Chapter 9 promotes sustainable transport and paragraphs 108-111 in particular outline the measures that should be taken in relation to specific development proposals.

Chapter 11, Paragraph 122 addresses the issue of densities and requires developments to make efficient use of land taking into account a range of considerations e.g. the local market and development character.

Chapter 12 sets out the national policy for achieving good design.

Chapter 14 sets out how the 'planning system should support the transition of a low carbon future in a change climate, taking account of flood risk and coastal change.'

Chapter 15 sets out how planning policies and decision should contribute to conserving and enhancing the natural environment.

Local Plan (Part 1) Policy considerations

Policy CP1 sets out the overall development strategy for the District, which is to focus the majority of development within the existing settlements whilst conserving and enhancing the landscape of the AONB, Hednesford Hills, Green Belt and green infrastructure. The urban areas are to accommodate most of the District's new housing

and employment developments, distributed broadly in proportion to the existing scale of the settlement, with urban extensions.

Policy CP5 outlines how the Council will work with public, private and third sector partners to ensure that appropriate levels of infrastructure are provided to support social inclusion and healthy living. This includes facilities for health, education, sports and recreation, cemetery/crematorium, cultural and community uses, and local shopping. The policy states that 'All open spaces, sport and recreational facilities, both existing and proposed, are subject to the policies and requirements of national planning policy' which is reference to paragraphs 96-98 of the NPPF.

Policy CP6 Housing Land addresses the housing development needs of the District. It outlines that the proportion of development across the District's urban areas is expected to be broadly in line with their existing size, with the addition of urban extensions to each settlement. It sets out that the release of land for housing will be managed to achieve the re-use of previously developed land within the build up areas and will be informed by monitoring, via the annual Strategic Housing Land Availability Assessment (SHLAA) and Authority Monitoring Report (AMR). The most recent SHLAA (2018) identifies this site as part of the housing land supply for the plan period.

Policy CP7 is concerned with meeting the affordable housing needs and housing needs of specific groups within the District. Details of the potential housing mix, including affordable housing tenures should be considered with reference to the Council's Developer Contributions and Housing Choices Supplementary Planning Document (2015) and in consultation with the Housing Strategy team.

Policy CP10 supports sustainable transport provision across the District, including walking and cycling routes. Advice on this should be sought from the Councils' Parks and Open Space team and County Council Highways.

As a residential development scheme the proposal may be CIL liable- advice on liability should be sought from the Planning Obligations Officer. Given that a net increase in dwellings is proposed the development may also need to mitigate its impacts upon the Cannock Chase SAC (Local Plan Part 1 Policy CP13). Should the development be liable to pay CIL charges then this will satisfy the mitigation requirements, as per Local Plan Part 1 Policy CP13, the Developer Contributions SPD (2015) and the Council's Guidance to Mitigate Impacts upon Cannock Chase SAC (2017). However, should exemption from CIL be sought then a Unilateral Undertaking would be required to address impacts upon the Cannock Chase SAC in accordance with the Councils policy/guidance. It is noted that SANGS has been put forward as part of the mitigation for these sites.

Any site specific requirements may be addressed via a Section 106/278 if required, in accordance with the Developer Contributions and Housing Choices SPD (2015) and in consultation with the relevant infrastructure provider.

With regards to the detailed design of the scheme, regard should be paid to Policy CP3, Policy CP16, the Design SPD, and the Parking Standards, Travel Plans and Developer Contributions for Sustainable Transport SPD (2005) (contains parking standards).

### Environmental Health

The applicant has submitted a number of supporting documents to address the following subject matter:

#### Air Quality

This is addressed briefly in the planning statement, which ascertains that the cumulative impact of phase 1 and proposed area E of the Pye Green development will not have a significant effect on air local quality, and that mitigation measures have been provided by financial contributions towards covered bus stops along Pye Road and cycle storage facilities at Hednesford Railway Station. Whilst I accept that the development will not significantly impact on an existing AQMA, it does form part of an overall cumulative impact of continuing development in the area. I would therefore request that a damage cost calculation is provided, together with an itemization of mitigation measures to ensure that mitigation measures are proportionate to the cumulative impact of the air quality impact of the development. Should such measures fall short of the calculated impact, then further measures will be required of the developer. On site energy efficiency/ renewable technologies may assist in this respect as would contributions towards sustainable transport infrastructure.

A Construction Environment Management Plan will also be required to address the impact of the construction phase of the development.

#### Noise

An Environmental Noise Assessment is provided, together with a summary within the planning statement. A ProPG noise risk assessment and acoustic design statement has also been included.

The site has been assessed for suitability for residential development with regard to environmental noise. Overall, the site is deemed suitable for residential development, however, a number of issues will need to be addressed. Road traffic along Pye Green Road was identified as being the current predominant source of noise.

The following table demonstrates that the normal attenuation provided by the fabric of houses with opened windows for ventilation will require additional mitigation measures in order to achieve the required noise level criteria in areas close to Pye Green Road. This may be achieved by good acoustic design.

In terms of internal noise, this should be initially addressed through appropriate orientation of buildings to avoid sensitive rooms directly facing the road. Confirmation of the site layout and dwelling designs are yet to be provided, and must include detailed noise break-in calculations to predict the resultant internal noise levels for agreement by this department prior to commencement.

Location	Period	Noise level criteria (dB)	Measured level (dB)	Attenuation provided by open window (dB)	Resulting level (dB)
Living rooms	Daytime (07:00-23:00)	35 (LAeq, 16hr)	53	-15	38
Bedrooms	Night-time (23:00-07:00)	30 (Average over 8 hour period)	45	-15	30
Bedrooms	Night-time (23:00-07:00)	42 (Maximum value to be exceeded by no more than 10 over 8 hour period)	63	-15	48
External Amenity Areas	Daytime (07:00-23:00)	55 LAeq, 16hr	53	N/A	53

#### Ground Conditions

The site has been subject to previous limited site investigations. The applicant therefore proposes to undertake further ground investigations, comprising soil sampling, ground gas and groundwater monitoring (likely leachate testing due to the depth of groundwater) to update the conceptual site model and confirm the pollutant linkages, particularly targeting known areas of infill materials. I agree that this is necessary.

#### Parks & Open Spaces

The site lies within the Forest of Mercia and abuts the Cannock Chase Area of Natural Beauty. The approved masterplan for the land to the west of Pye Green Road (up to 700 units) envisaged this area to be part of the SANGS area. Justification for this extension stated is that 'it is a genuine opportunity to endure the appropriate use of the land and will enable additional housing (up to 185 dwellings on the proposed new areas I & E) to come forward on none Green Belt land.... In addition, the proposal maintains the level of open space and SANGS provision as originally proposed and provides for further mitigation of the SAC via financial contribution as part of an overall CIL package likely to be worth approx £445K'. It is further noted that 'retention of the level of SANGS on site and a financial contribution of approximately £17,680 towards SAC mitigation' is one of the benefits of the proposal.

- The area in question has already been designed as SAC mitigation for the main development in terms of its layout as Sustainable Alternative Natural Green Space. The whole purpose of which was to draw people away from the over used areas on the Chase and especially the SAC's.



- The approved masterplan noted that 53% of the total site area (57.8Ha) was to be developed as SANGS (ie 30.9Ha) which would give significant benefits to the community.
- Whilst there has been several changes to the areas of residential development and reordering of phases due to ground conditions any reduction in the approved quantity of SANGS would not be acceptable. The SANGS provided a physical alternative space that can be used to accommodate all new and existing residents of the area without the need to travel onto the Chase or its SACs. If SANGS area is to be lost for development then payment of a sum via CIL will not provide anywhere near the same level of mitigation as the existing site will, simply on the basis that no new land locally will be available for public access and use.
- It is noted within the D&A statement under Section 3.5, Leisure that 'in addition the development is part of a wider site which includes 28ha of SANGS'. This is noted on the submitted unapproved illustrative masterplan Dwg. 0001-H which incorporates the proposed revisions. There are no details in respect of the 'Open Space landscaping & Associated infrastructure'. The SUDS balancing feature has already been constructed as part of the Phase D & E development (without any approved details?). However its inclusion within the SANGS area would be appropriate if it were designed to fit in naturally and not simply as an engineered basin. Its present form is not conducive to good integrated modern SUDS design especially in visual terms as well as habitat/usability wise.
- The proposed new access footpath to the bus stop on Pye Green Road will result in the loss of the exiting mature hedge that would then open up views of the whole site contrary to what is noted in the visual appraisals where the hedge is noted for its screening potential. A considerable amount of hedging has already been lost unnecessarily to facilitate development of Phases D & E. Any new footpath should be provided to the rear (west side) of the hedge as intended within the original proposals for the whole development. This then maintains the integrity and values of a mature and visually important feature along the Pye Green Road.
- The indicative layout does not bare any resemblance to the illustrative layouts within the D&A statement in fact the latter gives a totally different picture of what is proposed even down to the sketch views.
- The approved masterplan development incorporated provision of allotments which are to be located south of the school site and west of Area I. These were to be provided under the terms of the S106, by the completion of the 300 unit on the overall site. That trigger has now been passed yet no plans for the allotment provision have been submitted.
- The Design & Access statement refers to provision of facilities yet fails to mention the allotments – Why?
- The proposal does not indicate how it will link with or provide access to the adjacent remaining SANGS area. Good linkage and accessibility through the area would be essential.
- It is noted than on the submitted masterplan the location of the play area NEAP has been moved to the south into a narrow corridor between the Huntington Belt and area D, why? The play area needs to have easy access not just for people but maintenance wise and also to be overlooked from adjacent properties. Its original location to the north of the proposed Area I would be preferable especially given the potential adopted road bounding the north of Area I.

- The proposed footpaths/cycleway to the west and north of Phases D & E do not connect with the proposed or approved residential areas nor connect fully with or appropriately with adjacent access points on the boundary. This and the approved? Phase 2 SANGS scheme, would need to be revised if this proposal is to be approved.

## Summary

Objection to the loss of any approved SANGS area.

Objection to the proposed new footpath and associated hedge loss.

Loss of SANGS area is unacceptable and detrimental to the overall scheme.

D&A appears to be a generic statement in terms of the provision aspects that is not reflected within the indicative layout plan. It fails to mention all factors especially the allotments. Needs revising appropriately.

Masterplan layout needs to be revised re play areas and access paths.

## CIL Officer

In respect of the above application, as the application is outline it would not be liable for CIL at this stage. If this proposal is pursued to the Reserved Matters stage and if the Council approves it, the development will be liable to pay CIL on commencement.

## Waste and Engineering Services

Prior to seeking final planning approval the developers should take into account the requirements of Cannock Chase Council's 'CCC Waste and Recycling Service Developers Guide 2nd Edition v.2.3'. In particular the sections relating to private roads; road widths; container collection points and communal collection points / properties.

## Council Ecologist

No comments received.

## Economic Development

Economic Development are supportive of the application.

We are happy to see a range of housing, including 16 of the 80 being affordable - Economic Development would recommend that charging points for electronic vehicles be a consideration on the development, to accommodate the increase in this technology. We would also recommend consideration to fibre broadband prior to development taking place, to ensure this is in place.

## Strategic Housing

The site proposes up to 80 dwellings of which 20% (16 units) are for affordable housing. The tenure mix requirement is 80% rented and 20% shared ownership. The preferred housing mix is 10% x 1 bed, 60% x 2 bed house, 25% x 3 bed house and 5% x 4 bed house. If the one bed units are flats this would only equate to 2 dwellings. Within a block, a Registered Provider is unlikely to want to manage just two of the flats.

It would therefore be preferable if the 16 units consist of a mix of 2, 3 and 4 bed houses.

[Members should note that the number of units now applied for is up to 50 dwellings and not 80 as stated above.]

### ***Response to Publicity***

The application has been advertised by newspaper and site notice. A total of 26 letters of representation have been received raising the following issues: -

The application have been advertised by signs, in these days of social media may you also share this information on your Facebook and Instagram and twitter pages to the wider public please?

The development is going to add at least another 80 cars to the roads in this area. The road out the front is so busy these days. E have to wait for the 481 and 52 new houses to be built by the Jubilee Pub yet... and the Pye Green Road from Broadhurst Green to the new Rosehill Island is already a rat run. It is a 30mph limit yet there is no signage other than lamp posts-we have asked for a sign or signs and still wait. Not sure how some computer software can predict the traffic around here, when there could be 481 and 52 or at least double that with the ones under construction then another 80 with these proposals.

People should be aware that there are no trains to London from Rugeley now as this has been abandoned by West Midlands Rail who run the line, and the train service is wholly unreliable with eth current Cannock Chase MP Amanda Milling taking up rail users case with West Midlands Rail who were rewarded with the contract and now seem unable to work it.

How will people get Doctor's appointments in an already oversubscribed NHS locally? It already takes at least 40 attempts to get through at 8am at our Drs Practice without 481 houses yet to be built and then these 80. Will there be any hew GP surgeries. Regards to the junction at Pye Green Road-Broadhurst Green- Brindley Road close to the Tower Garage it looks like there will be recommendations for changed priorities-as this would appear to be a good move for slowing down traffic in the area- please can you confirm this –as some time ago there was talk of 2 islands being constructed.

How far is this building going towards the Pye Green Bridleway/ Communication Tower - looking at the ones that are being constructed now (481) by Barratts –they were only going to Tudor Road-are these 80 going higher up –it is unclear on the proposal.

The area has had significant development; with this development it will bring the total to over a thousand new dwellings/ buildings on an already heavily affected green open space.

The development on Limepit Lane has already significantly increased traffic volumes on Sycamore Green.

I would urge that CIL money from this development should be spent on local speed reduction calming measures.

Already this month I have had three near misses with speeding traffic on Sycamore Green.

We already have had increased parking in the area, extra need for local facilities (Doctors, Schools, and Dentists etc.).

80 residential premises = 92 extra vehicles using recognised 1.15 household. However we know it will be more.

Surface water flooding is already bad in the area, currently the development on Pye Green Road that has started is sending excess water to local roads.

The speed limit is 30mph along this stretch of road but there has been a traffic count recently and the average speed was we believe 59mph. It has become a race track at times.

There are no 30mph signs at all from Broadhurst Green up/ down the hill- just two speed camera signs.

The survey on transport in both these applications was done at a time when the schools broke up and people took their annual holidays.

There were two recent RTC at the junction with Pye Green Road/ Broadhurst Green/ Brindley Road at the Tower Garage.

We already have 481 houses squeezed into a small corner of a field with a balancing pond because of the "fault"- we were led to believe on numerous occasions that this was the final building- as there would be an open space with cycle routes and "recreation"- now we are faced with 158 more.

We are now badly blighted by speeding vehicles, litter and general low maintenance of our area. We have to plead for road sweepers-cutting hedges back and just general apathy up here at Pye Green. Even the bus stop was cleaned and it looks awful now- might as well left graffiti on it.

It is my understanding that the land proposed was deemed too high for residential dwellings and should be made into accessible public open space including walk and cycle ways and allotments.

Documents posted on Cannock Chase planning portal state a noise assessment was undertaken 6-8<sup>th</sup> August 2019. 3 days!! School/ factory summer holiday closures. Height of summer. Less traffic prior to current construction activity. How can 3 days quantify that there will not be a significant increase in noise. We are already experiencing the increase in noise, the removal of trees. Even if you plant more they take time to grow.

The wildlife from our immediate vicinity is now almost none existent. The more you build on land occupied by wildlife whether it is green belt or not, you are pushing wildlife away. The construction already underway finished this off.

Dust, additional traffic, large construction vehicles, construction workforce vehicles. Yes this will not last forever but when these are gone from the site it will be replaced with additional traffic from household vehicles, delivery vehicles. All this at a time when we are supposed to be combatting climate change.

Surface water flooding is already bad in the area. This is only going to increase. What is going to be put in place to combat further/ additional flooding in the area.

We moved to Pye green Road in May 2016 and we had searches done regarding possible future development of the farm land immediately opposite and were assured by our solicitors that no building work would be possible. This was confirmed by Mr George Adamson during a council election.

The last 12 months has been a nightmare, since the start of the development. We have struggled with noise, orange dust, water, mud and traffic lights outside our home. One of the reasons I bought my house was the views of the lovely green space opposite.

I fear this will drastically affect my house price.

I have been told that that the hedgerow in front of that green space has a TPO and I think enough green space has been ripped out for houses as it is.

Traffic has increased on Fisher Street.

The land allocated for the proposed development is too high for residential dwellings. The houses which are currently being built alongside the proposed development are not sympathetic to the local area, rooflines are excessive and the design of the development is not in keeping with neighbouring existing properties.

According to the Cannock Chase Development Brief for the Land West of Pye Green Road (updated 27/09/19) the land allocated for this proposed development is identified as "higher ground – built development to be avoided" (Page. 35). It is also identified on pages 37 and 40 of the same document that this land should be designated as "informal public open space".

The above also applies to the land which is currently being developed from the Rose Hill roundabout up to the bottom of Tudor Road. The site boundaries for this particular area exceed the original plans (dated 2016).

According to the Cannock Chase Local Housing Needs Assessment (updated 05/04/19) it is concluded that, in relation to new housing provision, "older person housing schemes will form an important part of the overall housing mix" (page 63). The same report suggests that meeting the increasing needs of older persons and Category M1, 2 and 3 housing provision was currently "unachievable" with existing stock as almost half of existing dwellings could not be adapted to meet these needs (page 65). The same report also summarises that it is important that new housing development within the area makes provision for the needs of these categories. However, it appears that not one single dwelling which meets these criteria has been provided on either the land west of Pye Green Road development or the Greenheath Road development. What a cramped, ugly development it is turning out to be - could they have squeezed any more houses in. How on earth did it get past Planning?

The above also applies to the land which is currently being developed from the Rose Hill roundabout up to the bottom of Tudor Road. The site boundaries for this particular area exceed the original plans (dated 2016). When development of this additional area

commenced I challenged the planning department on this point, however, my emails were systematically ignored (I have retained these emails, addressed to you). I would like to see details/ records of the planning consultation for this additional area please.

In light of the above, I would request to see the subsequent survey/ engineers report which re-categorises this land as suitable for residential development.

Also, in relation to the above, I would request a copy of the Council's land allocation quotas for new developments both in terms of the percentage of a new development to be retained for communal/ open space and the actual percentages allocated on land west of Pye Green Road development.

Over the course of the last week I have been talking to local residents regarding planning application CH/19/422 and nearly all of the people I spoke to were unaware of its existence. It appears that local residents have been notified of this application by means of 2 laminated A4 posters attached to lampposts approximately 100 yards apart. With this in mind, could you please confirm what the minimum standard requirements are for the council to notify residents of a major application and provide evidence of how/ when these requirements have been met by the council in relation to this particular application.

I wish to object to the above proposal for an additional 80 houses on land west of Pye Green Road; Area E. I consider this proposal unnecessary when combined with the existing extensive housing now under development (which itself appears to have expanded well beyond the original proposal and now extends beyond the roundabout on the Pye Green Road - how was this actually allowed to happen?).

In all, this will provide an unacceptable level of development immediately adjacent to Cannock Chase AONB. This not only provides further visual intrusion for residents in this area but also places additional demands on existing roads and other hard pressed infrastructure. We have already witnessed locally the negative effects of major new developments in this area in terms of additional on street parking, traffic volumes and potential traffic safety issues.

Finally, there is also the loss of a key buffer zone or "green wedge" between this oversized housing development and the AONB which could have both useful recreational potential and contribute to safeguarding of important wildlife habitats on the Chase.

The only and, in my opinion 'best', facility of this particular area is the available open spaces – don't take anymore away. Don't make us like Heath Hayes with labyrinthine like developments.

As we are so close to Cannock Chase which is classed as area of outstanding natural beauty. We did object to the building of houses on the Pye Green road which there is now 3 lots of developments going on. There are various brown field sites and other derelict places that could be redeveloped to meet the housing requirements. This is more costly to do than a brand new green field site which obviously will make the developers more money and is easier to do. If the objective is to provide more housing in the area the collective of the brown field sites will out way the development of the green field sites.

Enough of our green belt has been built on, with all the houses already built and all the houses on the Greenheath site enough is enough !

These houses are not for local people as you say in the B. S. that you put in the application they are for people outside the area and more tax for the council and more profit for the builder

Don't you think you have built enough houses in Pye Green it looks like we will have to change the name because there is no green space left. It wouldn't surprise me if you apply to build on the Chase you couldn't care less about what we think and the fact that you have ruined the area

Has anyone in the planning department considered the effect of increased traffic on the already busy Pye Green road? Another 80 houses together with the 750 houses already being built, allowing for just one car per house, the road just will not cope. The residents of Pye Green road will also be subjected to high levels of fumes in peak periods. It is obvious that as there are very few employment opportunities around Pye Green or Hednesford, residents of these new houses are going to use the main Pye Green road to travel to and from work. There is plenty of land in and around Cannock that could be used for housing, Pye Green is now full.

The over development of this site is quite worrying because of its closeness to an AONB.

The amount of ground water running off the site is concerning as it often floods the dip in Rose Hill and Pye Green Road.

The lack of public services should also be considered. The nearest GP is in Hednesford or Huntingdon which are already over subscribed; the lack of schooling, the new primary school is only single form entry and will not be fully opened for 4 more years.

Existing plans are allowing two further developments lower down Pye Green Road.

This land was a breathing space used extensively by wild life from the resident Cannock Chase deer, migratory geese to other smaller mammals and birds.

To further ruin the landscape, as well as the view, is a travesty and he strongly objects to further properties being built in that particular locale, whether they be houses or bungalows (which we understand should be being built, but currently aren't!).

As the gateway to the Chase surely there should be a transition between housing and the AONB.

I believe that in the local housing needs assessment it was identified that there was a need for single storey dwellings in this area but none of the developments have any of this type of property

The wildlife in the area will also be affected, we often see rabbits, deer and foxes in the fields and this will directly affect them.

Since the building commenced on Deers Rise there as been a flood between Hallem Road and the garden centre, also a large puddle appears just off the island heading

towards Broadhurst Green. Approximately 6 years ago a house was flooded in Tudor Road. I feel more houses could contribute to flooding, due the height of the land the rain would collect in the dip by Tudor Road. The original plans included the planting of trees, which is proven to help with floods.

None of the house are social housing or for the ageing population.

There were two recent RTC at the junction with Pye Green Road/ Broadhurst Green/ Brindley Road at the Tower.

### **Relevant Planning History**

CH/11/0395: -	Mixed use development. Outline-Approval With Conditions 06/24/2014.
CH/11/0395/A	Partial discharge of condition 11: Ground Risk
CH/11/0395/B	Discharge of Condition 21: Ecology and nature conservation mitigation measures. Discharge of Conditions - Full Approval 11/27/2015.
CH/11/0395/C	Discharge of Conditions 2 (Site Details), 4 (Landscaping), 6 (off-site Highway Works)
CH/17/262	Application for reserved matters approval for outline planning permission CH/11/ Res Mat - Approved with Conditions 12/05/2017.
CH/18/080	Reserved Matters application for phases 2 and 3 comprising 481 dwellings with as Full - Approval with Conditions 09/13/2018.
CH/19/224	Non Material Amendment to Reserved Matters consent (CH/18/080) for alteration of Approved 07/23/2019
CH/19/304	Suitable Accessible Natural Greens Space (SANGS) Phase 2 for development of site.

### **1 Site and Surroundings**

- 1.1 The application comprises part of an open agricultural field and part of a residential estate that is currently being constructed located to the west of Pye Green Road, Hednesford. At its nearest point the application site is approximately 200m from the southern boundary of Cannock Chase AONB.
- 1.2 The site forms part of a wider area west of Pye Green Road and north of Limepit Lane that is allocated as a 'Strategic Housing Site' in the Cannock Chase Local Plan Part 1 (2014) and is subject to a Development Brief (March 2011).
- 1.3 The site also benefits from planning permission for a 'mixed use development involving - erection of up to 700 dwellings; local centre consisting of retail /



commercial (A1, A2, A3, A4, A5), and use class D1; a primary school; formal and informal open space, equipped play areas and allotments; new highway infrastructure onto Pye Green Road and Limepit Lane; and associated engineering, ground modelling works and drainage infrastructure (Outline including access)'.

- 1.4 The application is located within the Forest of Mercia, a Mineral Safe Guarding Area, part of the Green Space Network Boundary, a Coal Authority Low Risk Boundary, a Coal Authority High Risk Boundary, near to an Environment Agency Historic Landfill Boundary and is located in an area covered by the Hednesford Neighbourhood Plan.

## **2 Proposal**

- 2.1 The applicant is seeking outline consent for residential development for up to 50 dwellings, open space landscaping and access. All other matters including scale, external appearance, layout and general landscaping are reserved and are not for consideration as part of the current application. This area is referred to as "Area E" in the application, in order to distinguish from other phases of the wider development.
- 2.2 It should be noted that the original application was for residential development up to 80 dwellings and several of the submitted documents still state that figure. Indeed, the original application was accompanied by an 'Indicative Layout Plan' which although not for approval at outline stage purported to demonstrate that the quantum of development applied for could be accommodated on site whilst meeting the Council's space about development requirements. Due to officer concern that the indicative layout failed to demonstrate this 'Indicative layout' has been revised twice and the number of units shown is now 50. It should be noted that this layout is only indicative in nature and is not for approval at this stage. However, officers are comfortable that up to 50 dwellings could be accommodated on site as a matter of principle.
- 2.3 The applicant's Planning Statement explains that  
"The proposal for 80 dwellings, has come about as a direct result of the approved reserved matters applications (areas B, C and D) from the Illustrative Site Wide Masterplan delivering housing development at a density significantly higher than was anticipated in the original outline consent for 700 dwellings (on land controlled by St Modwen), along with the original masterplan proposal for on-site sports pitches not being a requirement, due to the off-site 106 contribution in its place, in effect freeing up additional space on the site."

### Adding

"..the proposals maintain the level of open space and SANGS of 28ha as originally proposed and provides for further mitigation for the Special Area of Conservation (SAC) via financial contributions.

- 2.4 The application is supported by an indicative layout which shows the proposed development would be served by the road network serving the Barratt's development to the immediate south, which was approved under planning

permission CH/18/080 and which is served by the recently altered Rosehill Roundabout at the junction of Pye Green Road and Rose Hill.

- 2.5 The applicant is proposing to provide
- (a) Policy compliant amount of affordable housing
  - (b) Contribution towards primary school provision
  - (c) Provision of a bus stop shelter at the southern bus stop on Pye Green Road; and
  - (d) A contribution towards cycle parking at Hednesford Railway Station.
- 2.6 In order to inform the application the applicant has submitted the following documents:-

Planning Statement  
Design and Access Statement  
Ecological Appraisal  
Noise Assessment  
Archaeological Assessment  
Landscape and Visual Appraisal  
Site Waste Management Plan  
Travel Plan  
Flood Risk Assessment and Drainage Strategy  
Preliminary Geo-Environmental Report

### **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) and the Minerals Local Plan for Staffordshire (2015-2030) and the Hednesford Neighbourhood Plan (217-2028).
- 3.3 Relevant Policies within the Local Plan Include:
- CP1: Strategy
  - CP3: Design
  - CP4: Neighbourhood Plan
  - CP6: Housing Land
  - CP7: Housing Choice
  - CP10 Sustainable Transport
  - CP12: Biodiversity
  - CP13: Cannock Chase Special Area of Conservation (SAC)
  - CP14 Landscape Character and Cannock Chase Area of Outstanding Natural Beauty
  - CP16: Climate change
- 3.4 Relevant policies in the Hednesford Neighbourhood Plan include: -  
Key Issues and Opportunities- Pye Green Road/ Limepit Lane  
H1: Bungalows

- 3.5 The relevant policies within there Minerals Plan, include  
Policy 3- Mineral Safeguarding
- 3.6 National Planning Policy Framework
- 3.7 The NPPF (2019) 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 states that there should be ‘presumption in favour of sustainable development’ and sets out what this means for decision taking.
- 3.8 The NPPF (2019) confirms the plan-led approach to the planning system and that decisions must be made in accordance with the Development Plan unless material considerations indicate otherwise.
- 3.9 Relevant paragraphs within the NPPF include paragraphs: -
- |                          |  |
|--------------------------|--|
| 8:                       | Three dimensions of Sustainable Development          |
| 11-14:                   | The Presumption in favour of Sustainable Development |
| 47-50:                   | Determining Applications                             |
| 94:                      | Education Provision                                  |
| 109, 110, 111:           | Highways   |
| 124, 127, 128, 130:      | Achieving Well-Designed Places                       |
| 155, 165:                | Drainage   |
| 170, 174                 | Biodiversity   |
| 178, 179:                | Ground Conditions                                    |
| 181:                     | Air quality  |
| 189, 190, 192, 197, 199: | Heritage Assets                                      |
| 212, 213                 | Implementation                                       |
- 3.10 Other relevant documents include: -  
Design Supplementary Planning Document, April 2016.  
Cannock Chase Local Development Framework Parking Standards, Travel Plans and Developer Contributions for Sustainable Transport.  
Developer Contributions and Housing Choices Supplementary Planning Document (July 2015).  
Land West of Pye Green Road Adopted Development Brief (2011).

**4 Determining Issues**

- 4.1 The determining issues for the proposed development include:-
- i) Principle of development.
  - ii) Design and impact on the character and form of the area.
  - iii) Impact on residential amenity.
  - iv) Impact on highway safety.
  - v) Impact on nature conservation.

- vi) Drainage and flood risk.
- vii) Archaeology.
- viii) Education.
- ix) Air quality.
- x) Mineral safeguarding.
- xi) Crime and the fear of crime.
- xii) Waste and recycling facilities.
- xiii) Ground conditions and contamination.
- xiv) Affordable Housing.

## 4.2 Principle of the Development

4.2.1 The National Planning Policy Framework (NPPF 2019, para 11) states that Plans and decisions should apply a presumption in favour of sustainable development. It goes on to say that development proposals that accord with an up to date development plan should be approved without delay, adding where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:

- i. the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or
- ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.

4.2.2 However, paragraph 177 of the NPPF makes it clear:-

"The presumption in favour of sustainable development does not apply where development requiring appropriate assessment (under habitat Regulations) because of its potential impact on a habitats site is being planned or determined".

4.2.3 Policy CP13 of the Local Plan recognises that any project involving net new dwellings will have an impact on the SAC and as such should be subject to an appropriate assessment under the Habitat Regulations. This being the case it can only be concluded that the presumption in favour of sustainable development does not apply to the current application and that the proposal should be considered having regard to the development plan and other material considerations.

4.2.4 The starting point for the determination of planning applications remains the adopted development plan (Local Plan (Part 1)). The development plan for Cannock Chase District consists of the Cannock Chase Local Plan (Part 1), the adopted Hednesford Neighbourhood Plan and the Staffordshire County Council Waste and Minerals Local Plan.

4.2.5 The site was taken out of the Green Belt for future development beyond the plan period upon adoption of the former 1997 Cannock Chase Local Plan and then

allocated in the current 2014 Local Plan as a Strategic Housing Site. It is a green field site adjacent to the urban area of Hednesford. The wider site has also been identified within the Strategic Housing Land Availability Assessment (SHLAA) as a developable site.

4.2.6 Policy CP6 of the Cannock Chase Local Plan identifies the site as

‘A strategic site allocated for an urban extension on land west of Pye Green Road for 750 new houses to be delivered in the housing trajectory (identified on the Policies Map and Key Diagram and elaborated in an adopted development brief). In addition there is potential for the site’s capacity to increase to 900 dwellings, consistent with the site’s strategic allocation.’

**Table 1: Approved and applied for Residential development on land West of Pye Green Road**

<b>Phase</b>	<b>Name</b>	<b>Application Number</b>	<b>No of Dwellings</b>	<b>Status</b>
Phase 1	The Limes	CH/15/0113	219	Built
Phase 2 and 3	Deer’s Rise	CH/18/080	481	Under construction
	Bilberry Chase	CH/14/0184	119	Built
	Common Farm	CH/18/121	52	Under construction
Phase I*		CH/19/421	78	Application
Phase e		CH/19/422	50	Application
<b>Total</b>			<b>999</b>	

\*Phase 2 on the original illustrative Masterplan

4.2.7 As can be seen from Table 1 the proposed quantum of development exceeds the 900 dwellings allocated on the Strategic Site. Furthermore, it is located on an area that was not identified for housing within the adopted Development Brief. As such, despite being located on a Strategic Housing Site the application site is substantially in effect a windfall 'greenfield' site located within the urban area of Cannock. Although the Local Plan has a housing policy it is silent in respect of its approach to windfall sites on both greenfield and previously developed land.

4.2.8 In respect to the principle of the proposal it is noted that the site is located on the edge of the built up area of Cannock-Hednesford, and is in walking distance to Pye Green Road which is served by a bus service providing connections to Cannock Town Centre and Hednesford where a range of services to meet day to day needs are available. Furthermore, the site is in walking distance to the planned local service centre off Pye Green and Poppyfields Primary School which are intended to serve the wider development on the Strategic Housing Allocation and which would be connected to the development through network of footpaths throughout the wider site. Hence a range of goods and services would be able to be accessed by means other than the private car. As such the proposal meets the thrust of Policy CP1 which provides the strategic context for the development of the District and is located in a sustainable location. It is therefore concluded that the proposal is acceptable in principle.

4.2.9 It is noted that the Local Plan (Part 1) was adopted more than five years ago; and is now the subject of a review. However, this review is at an early stage in the process with consultation on 'Issues and Options' being undertaken recently (May-July 2019). Therefore only limited weight can be afforded to the review and it is insufficient to outweigh the above conclusions that the proposal is acceptable in principle

4.2.10 However, although a proposal may be considered to be acceptable in principle it is still required to meet the provisions within the development plan in respect to matters of detail. The next part of this report will go to consider the proposal in respect to matters of detail.

### 4.3 Design and the Impact on the Character and Form of the Area

4.3.1 In respect to issues in relation to design 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.

4.3.2 Relevant policies within the NPPF in respect to design and achieving well-designed places include paragraphs 124, 127, 128 and 130. Paragraph 124 makes it clear that the creation of high quality buildings and places is fundamental to what the planning and development process should achieve.

4.3.3 Paragraph 127 of the NPPF, in so much as it relates to impacts on the character of an area goes on to state:-

Planning policies and decisions should ensure that developments:

- a) will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;
- b) are visually attractive as a result of good architecture, layout and appropriate and effective landscaping;
- c) are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities);
- d) establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit;

4.3.4 Finally Paragraph 130 states planning permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions, taking into account any local design standards or style guides in plans or supplementary planning documents. Conversely, where the design of a development accords with clear expectations in plan policies, design should not be used by the decision taker as a valid reason to object to development.

4.3.5 In this respect it is noted that Appendix B of the Design SPD sets out clear expectations and guidance in respect to the space about dwellings

4.3.6 Having taken all of the above into account it is considered that the main issues in respect to design and the impact on the character and form of the area are: -

- (i) Overall layout
- (ii) Density
- (iii) Landscaping and impact on the SANGS

4.3.7 Although 'layout' is a reserved matter and is not strictly for approval at this outline stage the applicant has applied for the quantum of development to be up to 50 dwellings. As such it is pertinent to ask the developer to demonstrate that this quantum of development can be accommodated on the application site and meet the Council's guidance for space about dwellings and to demonstrate that in principle the proposal would function well with the wider layout of the site, and ensure that links can be provided to the surrounding areas of Suitable Alternative of Natural Green Space (SANGs), recreational areas and to local shops and schools.

4.3.8 To this end the application is accompanied by an indicative layout, together with an illustrative masterplan showing 50 dwellings. Although these are not for approval at this stage they do demonstrate that a suitable scheme could come forward at reserved matters stage (both for the detail of the SANGS and the proposed residential development) with appropriate complimentary layouts.

4.3.9 In this respect it is considered that the proposal constitutes a logical extension to the consented Barratts scheme approved under CH/18/080 (now called Deer's Rise) and is shown to connect into the consented road system of that scheme with access ultimately taken from the recently upgraded Rosehill Roundabout.

4.3.10 The indicative road system shows a series of cul-de-sacs terminating into a series of private drives in that respect the indicative layout reflects that of the adjacent consented scheme.

4.3.11 The indicative scheme also shows a number of properties looking outwards over the adjacent SANGS area and therefore would offer good surveillance of these areas.

4.3.12 As such it is concluded that the indicative layout does demonstrate that a suitable layout could come forward at reserved matters stage that would meet policy and guidance requirements.

#### 4.4. Impact on Residential Amenity

4.4.1 Policy CP3 of the Local Plan states that the following key requirements of high quality design will need to be addressed in development proposals and goes on to include [amongst other things] the protection of the "amenity enjoyed by existing properties". This is supported by the guidance as outlined in Appendix B of the Design SPD which sets out guidance in respect to space about dwellings and garden sizes.

- 4.4.2 Paragraph 127(f) of the NPPF states that planning policies and decisions should ensure that developments [amongst other things] create places with a high standard of amenity for existing and future users.
- 4.4.3 In general the Design SPD sets out guidance for space about dwellings, stating that for normal two storey to two storey relationships there should be a minimum distance of 21.3m between principal elevations (front to front and rear to rear) and 12m between principal elevations and side elevations. Furthermore, the Design SPD sets out minimum rear garden areas, recommending 40-44sqm for 1 or 2 bed dwellings, 65sqm for 3 bed dwellings and 80sqm for 4 bed dwellings.
- 4.4.4 However, it should always be taken into account that these distances are in the nature of guidance. When applying such guidance consideration should be given to the angle of views, off-sets and changes in levels.
- 4.4.5 The applicant has submitted an Indicative Layout Plan which shows 50 dwellings which generally meet the Council's guidance for space about dwellings. Although this plan is not for approval at this stage it is considered that a suitable scheme could come forward at reserved matters stage that would provide a high standard of residential amenity.
- 4.4.6 The noise survey has demonstrated that the noise environment of the dwellings would be acceptable which is not surprising given that it would be an extension to an existing residential estate and on the edge of the open countryside.

#### 4.5 Impact on Highway Safety

- 4.5.1 Although this application is outline, it does include for determination at the outline stage the "means of access". As such it is appropriate to look at how the site will gain access from the existing highway network and to look at issues in respect to highway capacity, and how sustainable means of transport can be promoted. Issue in respect to the actual highway layout of the site is reserved and so is not for consideration at this stage.
- 4.5.2 Paragraph 109 of NPPF states that development should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe adding at paragraph 110:-

Within this context, applications for development should:

- a) give priority first to pedestrian and cycle movements, both within the scheme and with neighbouring areas; and second – so far as possible to facilitating access to high quality public transport, with layouts that maximise the catchment area for bus or other public transport services, and appropriate facilities that encourage public transport use;
- b) address the needs of people with disabilities and reduced mobility in relation to all modes of transport;
- c) create places that are safe, secure and attractive – which minimise the scope for conflicts between pedestrians, cyclists and vehicles, avoid unnecessary street clutter, and respond to local character and design standards;



- d) allow for the efficient delivery of goods, and access by service and emergency vehicles; and
  - e) be designed to enable charging of plug-in and other ultra-low emission vehicles in safe, accessible and convenient locations.
- 4.5.3 In order to achieve the above requirements paragraph 111 of the NPPF goes on to state: -
- ‘All developments that will generate significant amounts of movement should be required to provide a travel plan, and the application should be supported by a transport statement or transport assessment so that the likely impacts of the proposal can be assessed.’
- 4.5.4 The Highway Authority has confirmed that it has no objections to the proposed means of access to and from the modified Rose Hill Roundabout. This is accepted and officers consider that the means of access is acceptable.
- 4.5.5 In accordance with paragraph 111 of the NPPF the applicant has submitted a Travel Plan, prepared by David Tucker Associates. Amongst the more usual aspects of travel dealt with by Travel Plans (e.g. car sharing, information on buses etc.) the plan for this site proposes
- (i) A contribution towards improving the northern bus stop on Pye Green Road.
  - (ii) A contribution towards the provision of cycle facilities at Hednesford Railway station
- 4.5.6 The Highway Authority has no objections to this subject to a Section 106 agreement to secure implementation of the Travel Plan and a commuted sum towards the costs of monitoring of the Travel Plan.
- 4.5.7 Subject to the above been secured by means of condition and, or a Section 106 agreement it is considered that the proposal would not lead to an unacceptable impact on highway safety and that its residual cumulative impacts on the road network would not be severe.
- 4.6 Impact on Nature Conservation Interests
- 4.6.1 Policy and guidance in respect to development and nature conservation is provided by Policy CP12 of the Local Plan and paragraphs 170 and 174 of the NPPF.
- 4.6.2 Policy CP12 of the Local Plan states that the District's biodiversity and geodiversity assets will be protected, conserved and enhanced via
- ‘the safeguarding from damaging development of ecological and geological sites, priority habitats and species and areas of importance for enhancing biodiversity, including appropriate buffer zones, according to their international, national and local status. Development will not be permitted where significant harm from development cannot be avoided, adequately mitigated or compensated for;

- support for the protection, conservation and enhancement of existing green infrastructure to facilitate robust wildlife habitats and corridors at a local and regional scale (particularly to complement Policy CP16);
- supporting and promoting initiatives for the restoration and creation of priority habitats and recovery of priority species and the provision of new spaces and networks to extend existing green infrastructure;
- supporting development proposals that assist the delivery of national, regional and local Biodiversity and geodiversity Action plan (LBAP/GAP) targets by the appropriate protection, incorporation and management of natural features and priority species;
- the promotion of effective stewardship and management across the district to contribute to ecological and geological enhancements.

4.6.3 Paragraph 170 of the NPPF states [amongst other things] that

- 'Planning policies and decisions should contribute to and enhance the natural and local environment by:
- protecting and enhancing valued landscapes, sites of biodiversity or geological value and soils (in a manner commensurate with their statutory status or identified quality in the development plan); [and]
- minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures;'

4.6.4 Paragraph 174 goes on to state

When determining planning applications, local planning authorities should apply the following principles:

- a) if significant harm to biodiversity 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;
- b) development on land within or outside a Site of Special Scientific Interest, and which is likely to have an adverse effect on it (either individually or in combination with other developments), should not normally be permitted. The only exception is where the benefits of the development in the location proposed clearly outweigh both its likely impact on the features of the site that make it of special scientific interest, and any broader impacts on the national network of Sites of Special Scientific Interest;
- c) development resulting in the loss or deterioration of irreplaceable habitats (such as ancient woodland and ancient or veteran trees) should be refused, unless there are wholly exceptional reasons and a suitable compensation strategy exists; and

- d) development whose primary objective is to conserve or enhance biodiversity should be supported; while opportunities to incorporate biodiversity improvements in and around developments should be encouraged, especially where this can secure measurable net gains for biodiversity.

#### Site Specific Impacts on Ecology

4.6.5 The application is supported by an Ecological Appraisal, dated October 2019. This notes that the area covered by the application site was previously a managed field that had been left fallow. It had begun to be colonised by arable weeds and grass with some remnant of the previous arable crops.

4.6.6 The Ecological Appraisal notes that: -

- (i) There is no breeding habitat for great crested newts on the site and terrestrial habitat is of low suitability.
- (ii) There is no evidence of bats or potential for bat roosts.
- (iii) The site does provide some opportunity for breeding birds such as skylark.
- (iv) There is no evidence of badgers
- (v) The site provides limited suitability for reptiles.

4.6.7 As such officers note that there are no protected species or habitats on the site, or species or habitats of particular conservation interest other than potentially ground nesting birds. As such the proposal would have little impact on the ecology of the site. Furthermore, there is an opportunity for improving the biodiversity potential on the site through ensuring suitable landscaping, the provision of bird boxes within the site (particularly for swift, house sparrow and starling) and by ensuring that boundaries between gardens allow the free passage of hedgehogs. This could be controlled through the imposition of a suitably worded condition attached to any permission granted.

#### Impacts of Cannock Chase Special Area of Conservation (SAC)

4.6.8 Under Policy CP13 development will not be permitted where it would be likely to lead directly or indirectly to an adverse effect upon the integrity of the European Site network and the effects cannot be mitigated. Furthermore, in order to retain the integrity of the Cannock Chase Special Area of Conservation (SAC) all development within Cannock Chase District that leads to a net increase in dwellings will be required to mitigate adverse impacts. The proposal would lead to a net increase in dwellings and therefore is required to mitigate its adverse impact on the SAC. Such mitigation would normally be in the form of a contribution towards the cost of works on the SAC and this is provided through CIL.

4.6.9 In this instance there are two main issues in respect to the potential impacts on Cannock Chase SAC. The first is whether or not the proposal would reduce the area of Suitable Alternative Natural Green Space (SANGS) on the wider site and secondly is how the proposed new houses would mitigate their own impact on the SAC

4.6.10 Before the introduction of CIL, impacts through visitor pressure on Cannock Chase SAC were mitigated through the provision of Suitable Alternative Natural Green Space SANGS. This essentially comprised of the creation of green open areas on, or adjacent to an application site. The theory was by creating alternative green space people would use that rather than visit the SAC. In the case of the outline consent for land west of Pye Green Road an extensive area of SANGS was approved which was shown on the approved (and since updated Masterplan).

4.6.11 In this respect it is noted that the applicant, in the Planning Statement has stated

“The site wide proposals as indicated on the Illustrative Masterplan proposes 28ha of SANGS and open space. This is the maximum level of mitigation proposed under the terms of the S106 agreement for outline planning permission CH/11/0395. The SANGS/ Open Space was a requirement to mitigate against the harmful effect of the 700 dwellings scheme to the nearby Cannock Chase SAC.”

4.6.12 The scheme therefore has been able to provide the same area of SANGs by relocating areas of residential development shown on the original masterplan. In particular it should be noted that the original masterplan included an area shown as residential to the rear of Fuchsia World and that the original phase 2 residential has been reduced, due to the presence of fissures so that it is now smaller in area (and now referred to as Phase I)

4.6.13 As such the proposal does not reduce or compromise in any way the 28ha of SANGS set aside in respect of the 700 dwellings approved under the original outline consent for the wider site.

4.6.14 In respect to the proposed 50 dwellings the market element would be CIL liable. This would be top sliced to pay the SAC contribution and as such would in effect mitigate its impact on Cannock Chase SAC by contributing to measures aimed at preventing or mitigating visitor pressure on the SAC put in place by the SAC Partnership.

4.6.15 Having had regard to the above policies it is considered that, subject to the attached conditions and payment of CIL, the proposal would not have a significant impact on acknowledged nature conservation interests and would be acceptable in this respect.

#### 4.7 Drainage and Flood Risk

4.7.1 The site is located in Flood Zone 1 on the Environment Agency's Flood Zone Maps, and therefore is in the zone least likely to be affected by flooding.

4.7.2 In this respect it is noted that paragraph 155 of the NPPF states 'inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk (whether existing or future)' adding 'where development is necessary in such areas, the development should be made safe for its lifetime without increasing flood risk elsewhere'.

4.7.3 In addition to the above it is paragraph 165 of the NPPF states 'Major developments should incorporate sustainable drainage systems unless there is clear evidence that this would be inappropriate. The systems used should:

- a) take account of advice from the lead local flood authority;
- b) have appropriate proposed minimum operational standards;
- c) have maintenance arrangements in place to ensure an acceptable standard of operation for the lifetime of the development;

4.7.4 The Local Lead Flood Authority and Severn Trent have no objections to the proposal subject to the attached conditions for a detailed drainage scheme with managements plans.

4.7.5 Subject to the attached conditions it is considered that the proposal would be acceptable in respect to drainage and flood risk and in accordance with the paragraphs 155 and 165 of the NPPF.

#### 4.8 Archaeology and the Historic Environment

4.8.1 Heritage assets range from sites and buildings of local historic value to those of the highest significance, such as World Heritage Sites which are internationally recognised to be of Outstanding Universal Value. These assets are an irreplaceable resource, and should be conserved in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of existing and future generations. Given the nature of the site there is some potential for underground archaeology and hence there could be impacts on archaeological remains (which constitute an undesignated heritage asset).

4.8.2 Paragraph 189 of the NPPF states that 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' adding that 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.

4.8.3 Paragraph 192 of the NPPF goes on to state: -

"In determining applications, local planning authorities should take account of:

- a) the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;
- b) the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and
- c) the desirability of new development making a positive contribution to local character and distinctiveness.

4.8.4 In addition to the above Policy CP15 of the Cannock Chase Local plan states: -  
The District's Historic Environment will be protected and enhanced via the safe guarding of all historic sites, buildings, areas, archaeological remains, their settings and their historic 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."

4.8.5 In order to inform the application the applicant has submitted an Archaeological Desk Based Assessment which identifies that although the site does not contain any designated heritage assets it does have low potential for the survival of below ground archaeological remains of prehistoric and Romano –British date. The report also states that although a previous geophysical survey of the wider area had found a number of anomalies which are potentially archaeological in origin subsequent archaeological evaluation found that these anomalies were natural fissures. The exception to this being a north-south aligned ditch, which probably relates to a field boundary. The report concludes that any archaeological remains are likely to have "suffered truncation" as a result of post medieval agriculture and that "no further archaeological work is required."

4.8.6 The County Archaeologist has stated: -

"The conclusions of the ADBA are largely in line with our previous advice on CH11/0395 in that there is some, albeit low, potential for below ground archaeological features to be impacted by the proposed development. The ADBA makes use of a report on archaeological trial trenching (and associated reports such as a Geophysical Survey) to the south of Area E carried out in 2018, and it is recommended that this exercise is continued into the current area to help us determine the potential archaeological interest and inform future mitigation. The trial trenching should reflect the sampling ratio followed by the previous work".

4.8.7 Officers agree that this work could be secured via a condition on planning permission. Therefore, having had regard to the above and subject to the attached condition, it is considered that the proposal would be acceptable in respect to its impacts on designated archaeological remains.

#### 4.9 Education

4.9.1 Policy CP2 states that all housing developments will be required to contribute towards providing the infrastructure necessary for delivery of the Local Plan informed by viability assessment. It goes on to state that contributions will be secured primarily via (i) rates set out in a community Infrastructure Levy (CIL) charging schedule and (ii) Section 106 planning obligations.

4.9.2 In addition to the above paragraph 94 of the NPPF states: -

'It is important that a sufficient choice of school places is available to meet the needs of existing and new communities. Local Planning authorities should take a proactive, positive and collaborative approach to meeting this requirement, and to development that will widen choice in education. They should:

- (a) give great weight to the need to create, expand or alter schools through the preparation of plans and decisions on applications; and
- (b) work with school promoters, delivery partners and statutory bodies to identify and resolve key planning issues before applications are submitted.'

4.9.3 The Education Authority has stated that the proposed 'application will be required to contribute financially towards the provision of additional primary school places at Poppyfield Primary Academy'. The Primary School education contribution would be calculated on the basis of the normal formula and would ultimately depend on the actual number of dwellings and their typology. This could be determined through a section 106 agreement.

4.9.4 Therefore subject to the above contribution being secured through a Section 106 agreement it is considered that the proposal is acceptable in respect to its impact on the education system.

#### 4.10 Air Quality

4.10.1 The proposal by its very nature together with the traffic that it would generate has the potential to impact on air quality. In this respect it should be noted that Paragraph 181 of the NPPF states: -

'Planning policies and decisions should sustain and contribute towards compliance with relevant limit values or national objectives for pollutants, taking into account the presence of Air Quality Management Areas and Clean Air Zones, and the cumulative impacts from individual sites in local areas. Opportunities to improve air quality or mitigate impacts should be identified, such as through traffic and travel management, and green infrastructure provision and enhancement. So far as possible these opportunities should be considered at the plan-making stage, to ensure a strategic approach and limit the need for issues to be reconsidered when determining individual applications.'

4.10.2 In this respect the comments of the Environmental Health Officer are noted. Whilst it is not accepted that mitigation should be guided through the application of an 'air quality damage cost calculation' it is considered that certain measures could be taken to help to mitigate some of the harm to air quality.

4.10.3 To this effect it is recommended that a condition be attached to any permission granted such that all houses will be required to be fitted with electric vehicle charging points. Furthermore the applicant has proposed monies to provide a bus shelter at the existing bus stop on Pye Green Road and towards the provision of cycling facilities at Hednesford Railway Station. It is also noted that the application site would be connected through a network of footpaths and cycle ways throughout the adjoining SANGS providing routes to the local school and service centre. This would be augmented by the Travel Plan which amongst other things would provide information on bus and train times to residents.

4.10.4 Furthermore, it is recommended that a condition is attached to any permission granted so that during the construction phase a Construction Environmental Management Plan is in place to mitigate the impacts of dust.

4.10.5 The above measures can be adequately secured through the use of a Section 106 agreement and appropriately worded conditions

4.10.6 Subject to the above it is considered that the proposal would be acceptable in respect to air quality.

#### 4.11 Mineral Safeguarding

4.11.1 The site falls within a Mineral Safeguarding Area (MSAs) for Coal and Fireclay. Paragraph 206, of the National Planning Policy Framework (NPPF) and Policy 3 of the Minerals Local Plan for Staffordshire (2015 – 2030), both aim to protect mineral resources from sterilisation by other forms of development.

4.11.2 Policy 3.2 of the new Minerals Local Plan states that:

‘Within a Mineral Safeguarding Area, non-mineral development except for those types of development set out in Appendix 6, should not be permitted until the prospective developer has produced evidence prior to determination of the planning application to demonstrate:

- a) the existence, the quantity, the quality and the value of the underlying or adjacent mineral resource; and
- b) that proposals for non-mineral development in the vicinity of permitted mineral sites or mineral site allocations would not unduly restrict the mineral operations.

4.11.3 In this respect it is noted that the site is part of a wider site allocated as a ‘Strategic Housing Site’ and as such the impact in respect of mineral safeguarding has already been accepted.

4.11.4 As such it is considered that the proposal would not conflict with Policy 3.2 of the Minerals Local Plan.

#### 4.12 Crime and the Fear of Crime

4.12.1 Section 17 of the Crime and Disorder Act 1998 places a duty on each local authority ‘to exercise its various functions with due regard to the likely effect of the exercise of those functions on, and the need to do all that it reasonably can do to prevent crime and disorder in its area to include anti-social behaviour, substance misuse and behaviour which adversely affects the environment’.

4.12.2 In addition to the above paragraph 127(f) of the NPPF states planning policies and decisions should ensure that development create places which [amongst other things] create places that are safe and where crime and disorder, and the fear of crime, do not undermine quality of life, social cohesion and resilience.



4.12.3 Given that the application is in outline form with only means of access to be considered at this stage there is limited opportunity within the scope of the current application to engage with issues in respect to crime and the fear of crime.

4.12.4 In this respect the proposed indicative layout, albeit indicative in nature and limited in detail has not attracted negative comment from the Police Service who have stated that they have no objections.

4.12.5 As such it is considered that the proposal is acceptable in respect to the requirements of paragraph 127(f) of the NPPF.

#### 4.13 Waste and Recycling Facilities

4.13.1 Policy CP16(1) (e) 'Climate Change and Sustainable Resource Use' of the Cannock Chase Local Plan states that development should contribute to national and local waste reduction and recycling targets according to the waste hierarchy'. One of the ways of achieving this is by ensuring development can be adequately serviced by waste collection services and that appropriate facilities are incorporated for bin collection points (where required).

4.13.2 This issue would be addressed in detail at the reserved matters stage when the layout is for consideration.

#### 4.14 Ground Conditions and Contamination

4.14.1 The site is located in a general area in which coal mining has been a significant factor and therefore there are potential issues in respect to land stability.

4.14.2 In this respect paragraph 170 of the NPPF states: -

“Planning policies and decisions should contribute to and enhance the natural and local environment by [amongst other things]:

e) preventing new and existing development from contributing to, being put at unacceptable risk from, or being adversely affected by, unacceptable levels of soil, air, water or noise pollution or land instability. Development should, wherever possible, help to improve local environmental conditions such as air and water quality, taking into account relevant information such as river basin management plans; and

f) remediating and mitigating despoiled, degraded, derelict, contaminated and unstable land, where appropriate.

4.14.3 In addition to the above paragraph 178 of the NPPF states: -

Planning policies and decisions should ensure that:

a) a site is suitable for its proposed use taking account of ground conditions and any risks arising from land instability and contamination. This includes risks arising from natural hazards or former activities such as mining, and any proposals for mitigation including land remediation (as well as potential impacts on the natural environment arising from that remediation);

- b) after remediation, as a minimum, land should not be capable of being determined as contaminated land under Part IIA of the Environmental Protection Act 1990; and
- c) adequate site investigation information, prepared by a competent person, is available to inform these assessments.

4.14.4 Finally paragraph 179 of the NPPF makes it clear that where 'a site is affected by contamination or land stability issues, responsibility for securing a safe development rests with the developer and/or landowner'.

4.14.5 In order to inform the application the applicant has submitted a Preliminary Geo-Environmental Report (October 2019). This has been assessed by the Environmental Health Officer and the Coal Authority

4.14.6 The EHO has stated

“The site has been subject to previous limited site investigations. The applicant therefore proposes to undertake further ground investigations, comprising soil sampling, ground gas and groundwater monitoring (likely leachate testing due to the depth of groundwater) to update the conceptual site model and confirm the pollutant linkages, particularly targeting known areas of infill materials. I agree that this is necessary.”

4.14.7 In addition the Coal Authority concurs with the recommendations of the Preliminary Geo-Environmental Assessment (October 2019) based on the professional opinions made by Atkins Limited; that coal mining legacy potentially poses a risk to the proposed development and that intrusive site investigation works should be undertaken prior to development in order to establish the exact situation regarding coal mining legacy issues on the site.

4.14.8 As such it is considered necessary to attach a condition to any permission granted to secure the further measures outlined in the report that are needed to address ground conditions and to ensure that the proposed development is suitable for its proposed residential use.

#### 4.15 Affordable Housing

4.15.1 Under Policy CP2 the proposal would be required to provide a contribution towards affordable housing. The Developer Contributions and Housing Choices Supplementary Planning Document (July 2015) goes onto state: -

“The Council will expect 80% of the 20% affordable housing requirement to be social rented housing and the remaining 20% to be intermediate housing.

The Council will require the following size mix of new affordable housing on each development site, rounded up to the nearest whole number of units. The preferred housing mix has been determined by Cannock Chase Council’s Housing Management team and is based on information on the needs of applicants from the Cannock Chase Homes Lettings Data.

1bed = 10%  
2 bed = 60%  
3 bed = 25%  
4 bed = 5%

The affordable housing should be pepper potted through out the development and indistinguishable form the market housing.”

- 4.15.2 The applicant initially proposed 16 (20%) affordable homes which would be provided by a Registered Provider. However, since the number of units actually applied for has dropped from 80 to 50 the number of affordable housing units would also drop in proportion.
- 4.15.3 The strategic Housing Officer has stated that “It would therefore be preferable if the 16 units consist of a mix of 2, 3 and 4 bed houses” and this is accepted. This could be secured by a section 106 agreements attached to any permission granted.
- 4.15.3 The actual design and location of individual affordable units would be determined at reserved matter stage.
- 4.15.4 Therefore subject to the completion of a section 106 agreement to secure the number of units, their tenure and a mechanism for their transfer to a registered provider it is considered that the proposal would be acceptable in respect of its affordable housing provision.

## **5 Human Rights Act 1998 and Equalities Act 2010**

### ***Human Rights Act 1998***

- 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.

### ***Equalities Act 2010***

- 5.2 It is acknowledged that age, disability, gender reassignment, pregnancy and maternity, religion or belief, sex and sexual orientation are protected characteristics under the Equality Act 2010.

By virtue of Section 149 of that Act in exercising its planning functions the Council must have due regard to the need to:

Eliminate discrimination, harassment, victimisation and any other conduct that is prohibited;

Advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;

Foster good relations between persons who share a relevant protected characteristic and persons who do not share it

It is therefore acknowledged that the Council needs to have due regard to the effect of its decision on persons with protected characteristics mentioned.

Such consideration has been balanced along with other material planning considerations and it is considered that the proposal is acceptable in respect to the requirements of the Act. Having had regard to the particulars of this case officers consider that the proposal would not conflict with the aim of the Equalities Act.

## **6 Conclusion**

- 6.1 The application comprises part of an open agricultural field and part of a residential estate that is currently being constructed located to the west of Pye Green Road, Hednesford. The site forms part of a wider area west of Pye Green Road and north of Limepit Lane that is allocated as a 'Strategic Housing Site' in the Cannock Chase Local Plan Part 1 (2014) and is subject to a Development Brief (March 2011).
- 6.2 The applicant is seeking outline consent for residential development for up to 50 dwellings, open space landscaping and access. All other matters including scale, external appearance, layout and general landscaping are reserved and are not for consideration as part of the current application.
- 6.3 The application proposes the provision of 20% affordable housing, a contribution towards education and the contributions towards the implementation of a Travel Plan, the provision of a Bus shelter and cycle parking at Hednesford Train Station.
- 6.4 The proposal constitutes a logical extension to the consented Barratt's scheme approved under CH/18/080 (now called Deer's Rise) and is shown to connect into the consented road system of that scheme with access ultimately taken from the recently upgraded Rosehill Roundabout.
- 6.5 The proposal represents a reconfiguring of the original masterplan which ensures that 28ha of SANGs remains on the site. The impacts of the new dwellings on the nearby Cannock Chase SAC would be mitigated through top slicing the monies obtained through Community Infrastructure Levy.
- 6.6 In respect to all other issues the proposal is considered acceptable subject to the attached conditions and the submission of reserved matters.
- 6.7 It is therefore recommended that the application be approved subject to the attached conditions and the completion of a Section 106 agreement.

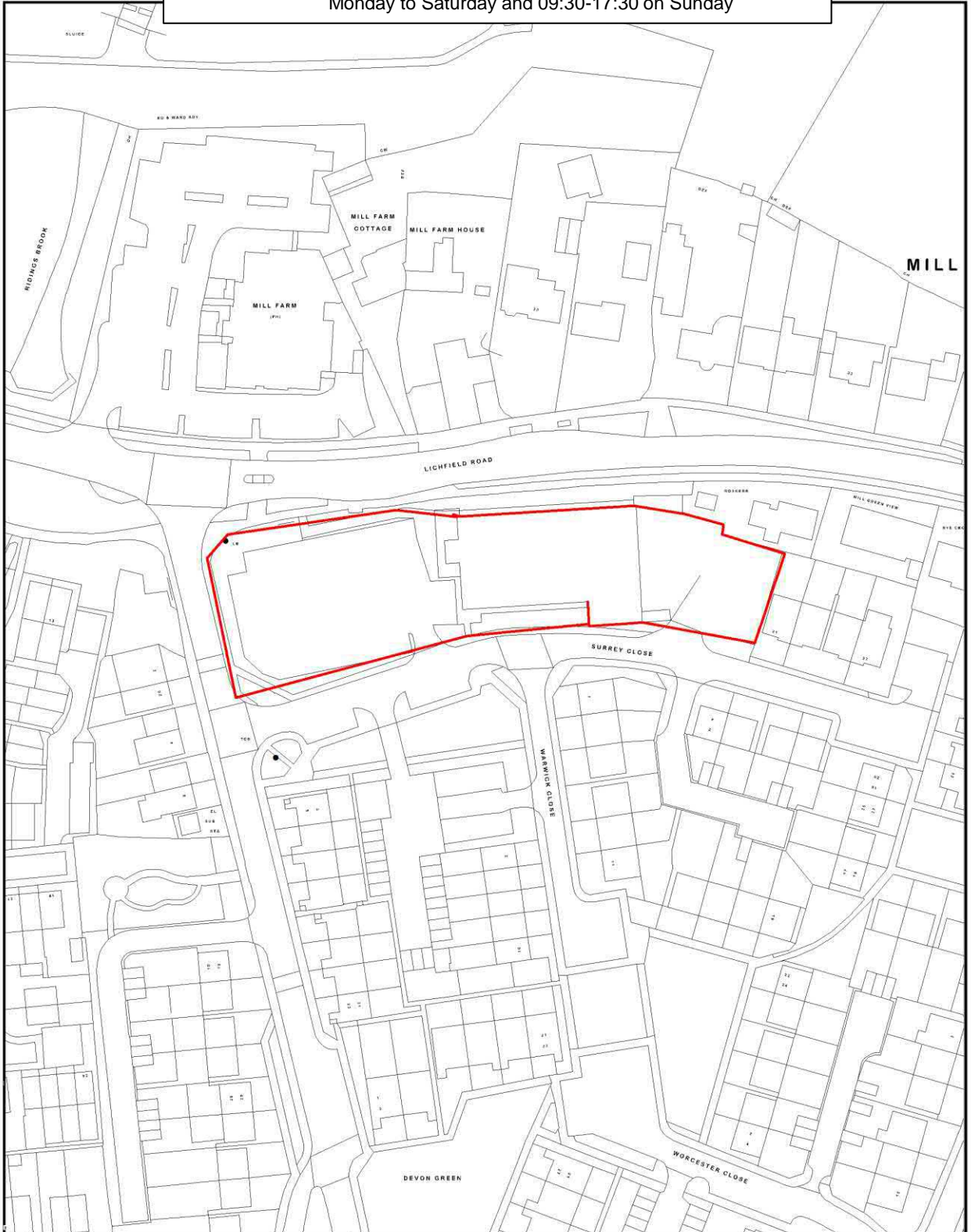


**Application No:** CH/19/432

**Location:** Asda Stores Ltd, Lichfield Road, Cannock, WS11 8UF

**Proposal:** Variation of conditions 2 and 3 of planning permission CH/13/0302, to allow opening between 07:00 to 23:00 Monday to Saturday and 10:00- 17:00 on Sunday; and to allow public access to car park between 06:30 to 23:30 Monday to Saturday and 09:30-17:30 on Sunday

**ITEM NO. 6.165**



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<b>Contact Officer:</b>	<b>Audrey Lewis</b>
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**PLANNING CONTROL COMMITTEE**

**4 MARCH 2020**

<b>Application No:</b>	CH/19/432
<b>Received:</b>	16-Dec-2019
<b>Location:</b>	Asda Stores Ltd., Lichfield Road, Cannock, WS11 8UF
<b>Parish:</b>	Non-Parish Area
<b>Description:</b>	Variation of conditions 2 and 3 of planning permission CH/13/0302, to allow opening between 07:00 to 23:00 Monday to Saturday and 10:00- 17:00 on Sunday; and to allow public access to car park between 06:30 to 23:30 Monday to Saturday and 09:30-17:30 on Sunday.
<b>Application Type:</b>	Full Planning Application

**RECOMMENDATION:**

Refuse for the following reason:-

**Reason(s) for Recommendation:**

Reason for Refusal of Planning Permission

In accordance with paragraph (38) 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. However, in this instance the proposal fails to accord with the Local Plan and the National Planning Policy Framework.

**Conditions (and Reasons for Conditions):**

The proposal, by virtue of the proposed operation on Bank Holidays to open between the hours of 07:00 to 23:00 Monday to Saturday and 10:00-17:00 on Sunday; and to allow public access to car park between 06:30 to 23:30 Monday to Saturday and 09:30-17:30 on Sunday, would result in increased traffic movements and noise from vehicles, which would result in a loss of amenity to the nearby residential properties and therefore the proposal fails to provide a high standard of residential amenity,

contrary to Paragraph 127(f) of the National Planning Policy Framework and Policy CP3 of the Cannock Chase Local Plan.

## **Consultations and Publicity**

### ***External Consultations***

None undertaken

### ***Internal Consultations***

#### Environmental Health

I am concerned that the proposed variation will increase noise impact on the nearby residents and erode the extent to which those residents can enjoy their property undisturbed.

I note that no traffic or noise assessments have been submitted to quantify this impact and must therefore register an objection to the proposed variation.

### ***Response to Publicity***

The application has been advertised by site notice and neighbour letter. One letter of representation has been received on the following grounds:

- We note that this is the fifth application since Asda took over the management of this store and therefore request that it should be considered by the Planning Committee. We also request that we are informed of the date of any such meeting.
- Firstly we would like to put on record our thanks to the officers of Cannock Case District Council who endeavoured to encourage this Asda Store to reduce noise levels in the latter part of 2019. There has been some improvement however it does appear to be dependent on who is the duty senior. For example we were woken on Sunday 5th January by shouting (including swearing) and the banging of crates etc. at approximately 7.00 am. The continuous noise level was such that we were unable to sleep again.
- We have lived next to this Asda Store for four years after purchasing our property. Our solicitor at the time made every effort to ensure that there were reasonable planning restrictions on the store to ensure that we could live in a reasonably noise free environment. However it has taken nearly four years to try and ensure that the planning restrictions should be observed by the local management.
- With respect to the latest planning application we note that the variation to allow longer opening hours we originally made in 2013 and granted. The store management however did not enact this within the three year period so it became void. We note that the new request does not include any restrictions for public holidays which was previously the situation. The management of the store



have consistently opened at different times on public and religious holidays and we feel that a restriction should be put in place to ensure that they do not open at times of their choice which is what they currently advertise but are restricted to Sunday hours as at present.

- However with regard to the use of the car park we would like to put on record that at no time during the four years we have lived here has the car park been closed (despite that fact that pull up bollards are available at the entrance to the car park). We also note that when the Company was instructed not to allow deliveries in the rear yard outside of the hours restricted by previous planning applications they started to accept deliveries in the front car park at hours outside of the approved hours. For example we have witnessed deliveries recently at 6.00 in the morning during the week and before 8.00 in the morning at weekends.
- We therefore feel that if the car park is allowed to be open for longer hours that it should be securely closed outside of these hours and that the restrictions currently in place for deliveries should include those in the front car park.

### **Relevant Planning History**

CH/08/0584:	Demolition of existing retail units and construction of one single storey retail Full - Approval with conditions - 10/28/2009.
CH/10/0196	Advertisement signs -Grant with conditions - 28/07/2010.
CH/10/0431	Variation of conditions 15 and 21 of planning permission
CH/08/0584	Full - Approval with conditions - 21/02/2011.
CH/11/0153	New ATM and plant refrigeration units, enclosed within palisade fencing Withdrawn - 07/07/2011.
CH/11/0154	Re-branding of store. Internally illuminated fascia sign, aluminium painted tote Advert-Grant with conditions - 21/09/2011.
CH/11/0237	Retention of ATM and plant refrigeration units, enclosed within chainlink fencing. Approval with conditions - 21/09/2011.
CH/12/0302	Variation of conditions 2 and 3 of planning permission CH/10/0431, to allow opening hours of 08:00-22:00 Monday to Saturday and 10:00-17:00 on Sunday; and to allow public access to the car park between the hours of 07:30-22:30 Monday to Saturday and 09:30-17:30 on Sundays and public holidays 16/10/2012.
CH/13/0302	Variation of conditions 2 and 3 of planning permission CH/12/0302, to allow opening between 07:00 to 23:00 Monday to Saturday and 10:00-17:00 on Sunday and public holidays; and to allow public access to car park between 06:30 to 23:30 Monday to Saturday and 09:30-17:30 on Sunday and public holidays. Approval with conditions - 29/10/2013.

- CH/14/0026 Residential development Res Mat - Approved with conditions - 28/05/2014.
- CH/14/0285 Erection of 2 pairs of semi-detached 2 bedroom bungalows. Approval with conditions - 22/10/2014.
- CH/15/0183 Non-material amendment to planning consent CH/14/0285 to retain path and wall to side of Plot D. Approved - 30/07/2015.

## **1 Site and Surroundings**

- 1.1 The application site comprises a detached food store on the corners of Lichfield Road, Devon Road and Surrey Close.
- 1.2 The store is located centrally within the rectangular shaped site with a customer car park to the front and a delivery yard to the rear. The customer car park has access restricted by bollards half an hour beyond the opening and closing times for the store.
- 1.3 The store was constructed in 2009 and included a significant amount of levels works that has resulted in the neighbouring properties to the rear being some 2m higher than the level of the service yard.
- 1.4 There are a number of residential properties surrounding the site, particularly to the rear and to one side, to the other side is the Lichfield Road (A5190) which is a busy arterial road connecting Cannock and Lichfield.
- 1.5 The current opening hours of the store are 07:00 to 23:00 Monday to Saturday and 10:00-17:00 on Sunday and public holidays; and to allow public access to car park between 06:30 to 23:30 Monday to Saturday and 09:30-17:30 on Sunday and public holidays. The delivery hours have not been altered since the original consent in 2008, the delivery hours condition also precludes any working within the service yard outside the delivery hours.

## **2 Proposal**

- 2.1 The applicant seeks variation of conditions 2 & 3 of planning permission CH.13/0302 to allow opening on Bank Holidays (where they occur on Mondays and Fridays) to open between the hours of 07:00 to 23:00 Monday to Saturday and 10:00-17:00 on Sunday; and to allow public access to car park between 06:30 to 23:30 Monday to Saturday and 09:30-17:30 on Sunday.

## **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) and the Minerals Local Plan for Staffordshire (2015-2030).

3.3 Relevant Policies within the Local Plan Include:

CP1 - Strategy – the Strategic Approach  
CP3 - Chase Shaping – Design

3.4 National Planning Policy Framework

3.5 The NPPF (2019) 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 states that there should be “presumption in favour of sustainable development” and sets out what this means for decision taking.

3.6 The NPPF (2019) confirms the plan-led approach to the planning system and that decisions must be made in accordance with the Development Plan unless material considerations indicate otherwise.

3.7 Relevant paragraphs within the NPPF include paragraphs:-

8:	Three dimensions of Sustainable Development
11-14:	The Presumption in favour of Sustainable Development
47-50:	Determining Applications
124, 127, 128, 130:	Achieving Well-Designed Places
212, 213	Implementation

3.8 Other relevant documents include: -

Design Supplementary Planning Document, April 2016.

## **4 Determining Issues**

4.1 The determining issue is the impact of the proposal upon neighbouring dwellings through the generating of noise and general disturbance at times of relative peace and quiet.

4.2 Policy CP3 of the Local Plan states that the following key requirements of high quality design will need to be addressed in development proposals and goes on to include [amongst other things] the protection of the "amenity enjoyed by existing properties".

4.3 Paragraph 127(f) of the NPPF states that planning policies and decisions should ensure that developments [amongst other things] create places with a high standard of amenity for existing and future users.

4.4 The applicant has made it clear in their submission that the proposal relates solely to the opening hours of the store and does not include extending the

delivery hours. In effect, it seeks to allow opening on Bank Holidays (where they occur on Mondays and Fridays) to open between the hours of 07:00 to 23:00 Monday to Saturday and 10:00-17:00 on Sunday; and to allow public access to car park between 06:30 to 23:30 Monday to Saturday and 09:30-17:30 on Sunday.

- 4.5 The last application CH/13/0302 extended opening hours by an additional hour in the morning and the evening on Monday–Saturdays was not considered to have an adverse impact upon the neighbouring dwellings. However, the officer report for the last application stated that it was felt that this should be the maximum allowance for opening hours for the store, and therefore any further applications for extension to opening hours would not be likely to be supported.
- 4.6 The Environmental Protection Officer has objected to the proposal on the grounds that the proposed variation in hours would increase noise impact on the nearby residents and erode the extent to which these residents can enjoy their property undisturbed.
- 4.7 The store is located within 25m of Surrey Close to the rear. There has been a neighbour objection received from a resident who lives in Surrey Close, on the grounds that there is already early morning disturbance to their sleep pattern from 07:00hrs on Sundays caused by noise of early morning deliveries to the store.
- 4.8 Although the neighbour objection is based mainly on delivery noise issues, the Environmental Protection Officer objects to the hours on the grounds of residential amenity. It is also considered that there is no real need to increase the hours of operation for this relatively small branch of Asda, because there is a larger superstore which operates on a 24 hour basis, located nearby on Avon Road.
- 4.9 As such, it is concluded that the variation in hours would not result in a high standard of residential amenity to all existing and future occupants contrary to Policy CP3 of the Local Plan, the Design SPD and paragraph 127(f) of the NPPF.

## **5 Human Rights Act 1998 and Equalities Act 2010**

### ***Human Rights Act 1998***

- 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.

### ***Equalities Act 2010***

- 5.2 It is acknowledged that age, disability, gender reassignment, pregnancy and maternity, religion or belief, sex and sexual orientation are protected characteristics under the Equality Act 2010.

By virtue of Section 149 of that Act in exercising its planning functions the Council must have due regard to the need to:

Eliminate discrimination, harassment, victimisation and any other conduct that is prohibited;

Advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;

Foster good relations between persons who share a relevant protected characteristic and persons who do not share it

It is therefore acknowledged that the Council needs to have due regard to the effect of its decision on persons with protected characteristics mentioned.

Such consideration has been balanced along with other material planning considerations and it is considered that the proposal is acceptable in respect to the requirements of the Act. Having had regard to the particulars of this case officers consider that the proposal would not conflict with the aim of the Equalities Act.

## **6 Conclusion**

- 6.1 In conclusion, it is considered that the proposal would have a significant adverse impact on residential amenity.
- 6.2 It is therefore recommended that the application be refused for the following reason:
  1. The proposal, by virtue of the proposed operation on Bank Holidays to open between the hours of 07:00 to 23:00 Monday to Saturday and 10:00-17:00 on Sunday; and to allow public access to car park between 06:30 to 23:30 Monday to Saturday and 09:30-17:30 on Sunday, would result in increased traffic movements and noise from vehicles, which would result in a loss of amenity to the nearby residential properties and therefore the proposal fails to provide a high standard of residential amenity, contrary to Paragraph 127(f) of the National Planning Policy Framework and Policy CP3 of the Cannock Chase Local Plan.

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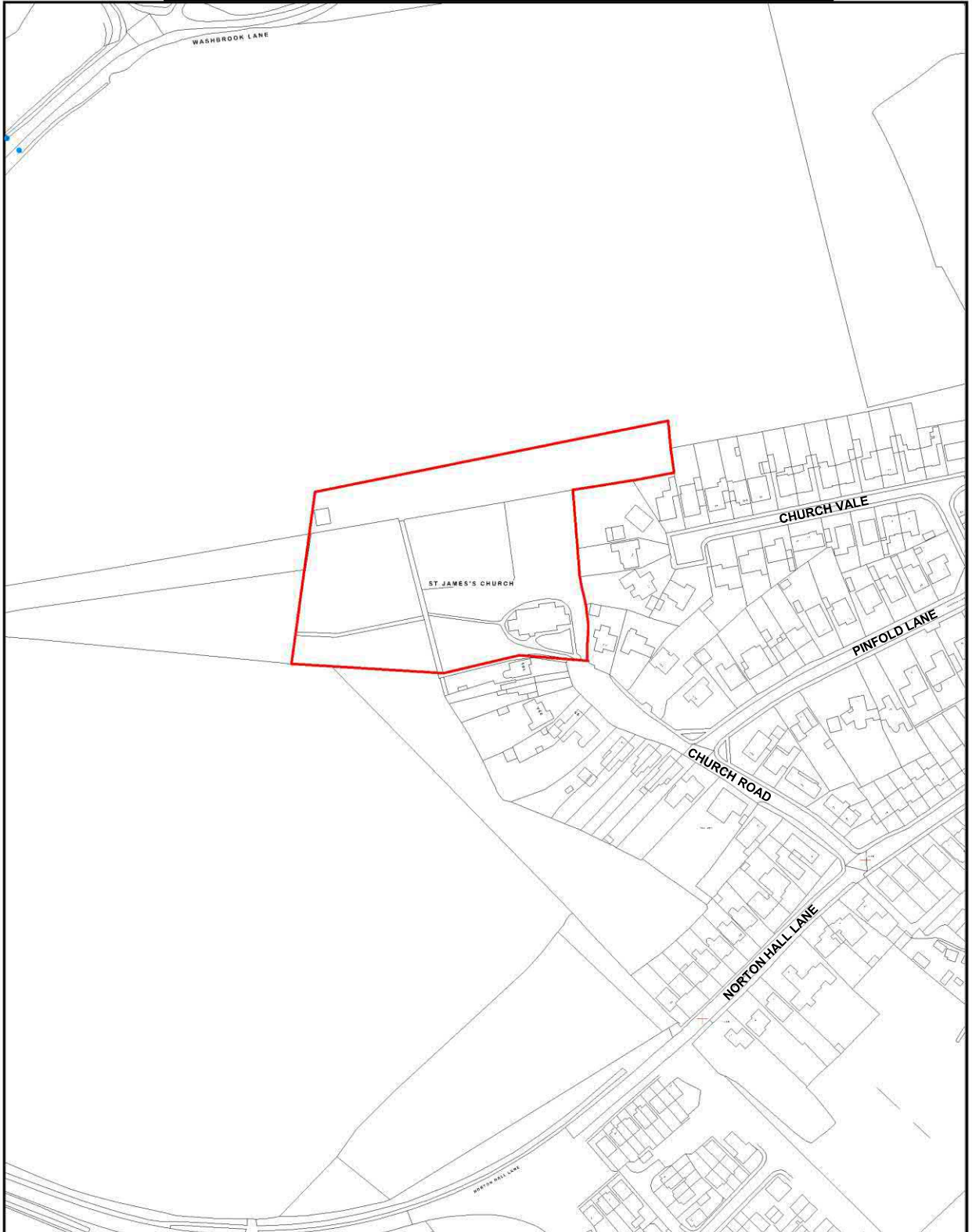


**Application No:** CH/19/235

**ITEM NO. 6.173**

**Location:** St James C Of E Church, Church Road, Norton Canes, Cannock, WS11 9PQ

**Proposal:** Extension to cemetery to create additional burial space, reinstatement & widening of old footpath, demolition of section of wall. New boundary fencing.



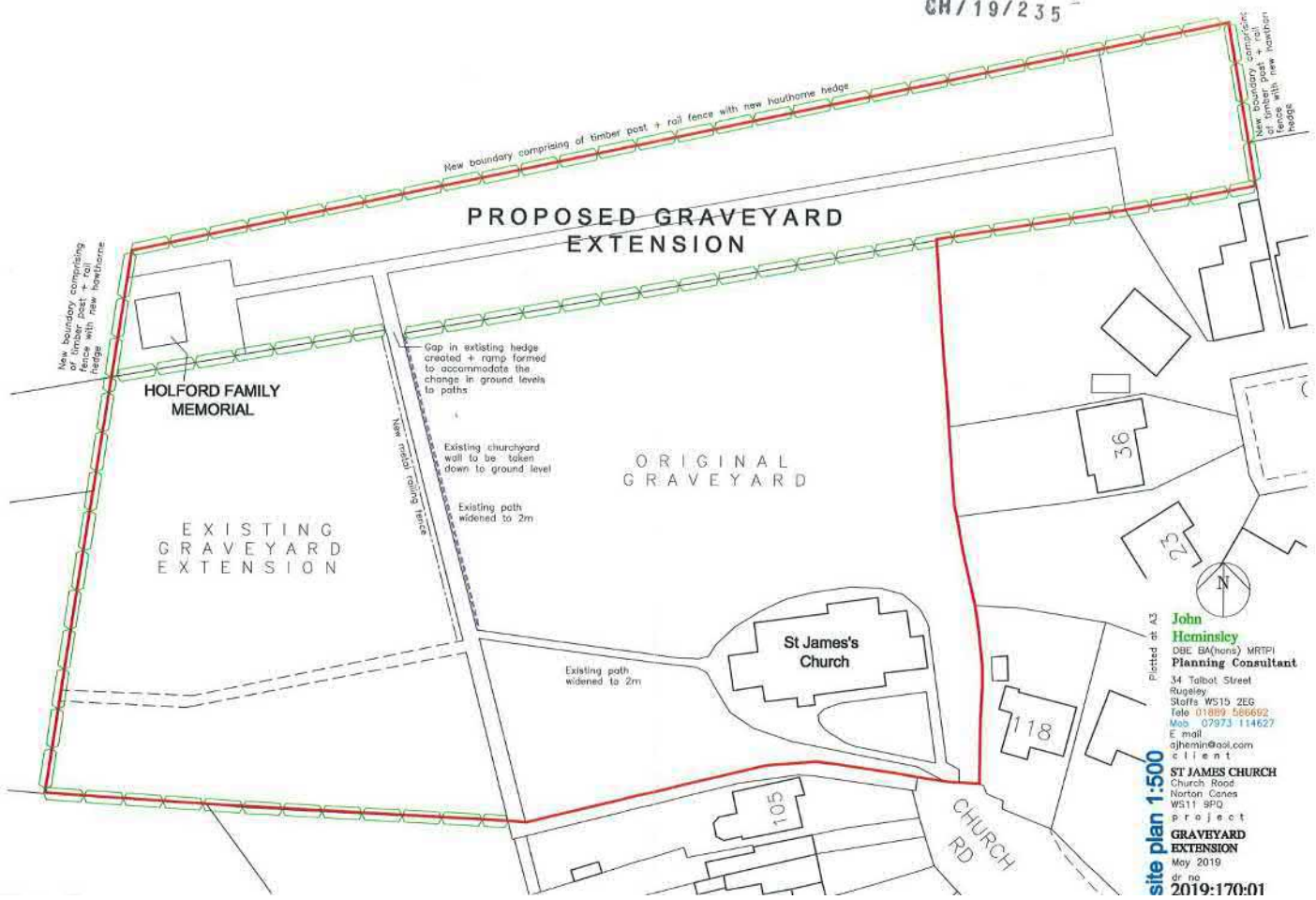
# Location Plan





# Site Plan

CH/19/235



Prepared at A3  
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**GRAVEYARD  
EXTENSION**  
May 2019  
dr no  
2019:170:01

site plan 1:500

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<b>Contact Officer:</b>	<b>Claire Faulkner</b>
<b>Telephone No:</b>	<b>01543 464 337</b>

**PLANNING CONTROL COMMITTEE**

**4 MARCH 2020**

<b>Application No:</b>	CH/19/235
<b>Received:</b>	14-Jun-2019
<b>Location:</b>	St James C Of E Church, Church Road, Norton Canes, Cannock, WS11 9PQ
<b>Parish:</b>	Norton Canes
<b>Description:</b>	Extension to cemetery to create additional burial space, reinstatement & widening of old footpath, demolition of section of wall. New boundary fencing.
<b>Application Type:</b>	Full Planning Application

**RECOMMENDATION:**

Approve subject to conditions

**Reason(s) for Recommendation:**

In accordance with paragraph 38 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.

**Conditions (and Reasons for 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. The approved landscape works shown on Dwg. No. 2019:170:01 A 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.

3. 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.

4. The steps identified in paragraph 5 of the Arboricultural Method Statement dated 15<sup>th</sup> September 2019 shall be carried out in strict accordance with the approved details with any variation being submitted to and approved in writing by the Local Planning Authority.

Reason

In the interest of visual amenity of the area. In accordance with Local Plan Policy CP3 and the NPPF.

5. Notwithstanding the approved plans, the development hereby approved shall not be brought into use until details of the construction, design and materials for the pathway and fencing have been submitted to and approved in writing by the Local Planning Authority. Thereafter the pathway and fencing shall be built in accordance with the approved details.

Reason

In the interests of design and impact on on the Green Belt in accordance with Local Plan Policy CP3 and the NPPF.

6. All graves shall: -

- Be at least 250 metres from any well, borehole or spring supplying water for human consumption or used in food production – for example at farm dairies.
- Be at least 30 metres from any spring or watercourse not used for human consumption or not used in food production.
- Be at least 10 metres from any field drain, including dry ditches.
- Have at least 1 metre clearance between the base of the grave and the top of the water table – they shall not have any standing water in them when dug.
- Not be dug in bedrock or areas susceptible to groundwater flooding.
- Be deep enough so at least 1 metre of soil will cover the top of the coffin.

Reason.

To ensure that the development does not contribute to, is not put at unacceptable risk from, or adversely affected by, unacceptable levels of water

pollution from previously unidentified contamination sources at the development site. This is in line with paragraph 170 of the National Planning Policy Framework.

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

2019:170:01 A

Arboricultural Method Statement dated 15<sup>th</sup> September 2019

Reason

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

**Notes to the Developer:****The Coal Authority**

The proposed development lies within an area that has been defined by the Coal Authority as containing potential hazards arising from former coal mining activity. These hazards can include: mine entries (shafts and adits); shallow coal workings; geological features (fissures and break lines); mine gas and previous surface mining sites. Although such hazards are seldom readily visible, they can often be present and problems can occur in the future, particularly as a result of development taking place.

It is recommended that information outlining how the former mining activities affect the proposed development, along with any mitigation measures required (for example the need for gas protection measures within the foundations), be submitted alongside any subsequent application for Building Regulations approval (if relevant).

Any intrusive activities which disturb or enter any coal seams, coal mine workings or coal mine entries (shafts and adits) requires a Coal Authority Permit. Such activities could include site investigation boreholes, digging of foundations, piling activities, other ground works and any subsequent treatment of coal mine workings and coal mine entries for ground stability purposes. Failure to obtain a Coal Authority Permit for such activities is trespass, with the potential for court action. Property specific summary information on past, current and future coal mining activity can be obtained from: [www.groundstability.com](http://www.groundstability.com) or a similar service provider.

If any of the coal mining features are unexpectedly encountered during development, this should be reported immediately to the Coal Authority on 0345 762 6848. Further information is available on the Coal Authority website at: [www.gov.uk/coalauthority](http://www.gov.uk/coalauthority)

**Cadent Gas**

Cadent have identified operational gas apparatus within the application site boundary. This may include a legal interest (easements or wayleaves) in the land which restricts activity in proximity to Cadent assets in private land.

The Applicant must ensure that proposed works do not infringe on Cadent's legal rights and any details of such restrictions should be obtained from the landowner in

the first instance.

If buildings or structures are proposed directly above the gas apparatus then development should only take place following a diversion of this apparatus. The applicant should contact Cadent's Plant Protection Team at the earliest opportunity to discuss proposed diversions of apparatus to avoid any unnecessary delays.

If any construction traffic is likely to cross a Cadent pipeline then the Applicant must contact Cadent's Plant Protection Team to see if any protection measures are required.

All developers are required to contact Cadent's Plant Protection Team for approval before carrying out any works on site and ensuring requirements are adhered to.

#### Listed Building Consent

The developer should note that the demolition of the wall will require listed building consent.

## **Consultations and Publicity**

### ***External Consultations***

#### Plant Protection National Grid

Thank you for your enquiry. I return our drawing indicating the approximate location of the WM24EJ2 Cadent Gas Pipeline. This pipeline is part of the High Pressure transportation system and operates at a Pressure of 37 bar is laid subject to easements and is cathodically protected by so impressed current or sacrificial anode system.

The Institute of Gas Engineers Standards states that no habitable buildings be constructed within 35 metres of the proven pipeline position (known as the Building Proximity Distance – BPD)

Furthermore you must ensure you consult with the Health and Safety Executive who may specify a greater distance where development is restricted. Guidance can be sought through the HSE's; Planning Advice Web App.

Any development within our easement requires our written consent. This includes any alteration, change of use, construction above or below (including the insertion of additional utilities) Please consult with Cadent before granting this planning application. At this point Cadent has / has not consented to any works within its easement.

Should you be minded to approve this application please can the following notes be included an informative note for the applicant.

#### Norton Canes Parish Council

No response to date.

Natural England

No comments to make.

Crime Prevention Officer

No objection

Recommends the use of established plants along the new boundary fence to give an 'instant' prevention effect and render them less likely to be trampled underfoot and subsequently lost.

British Coal Authority

No objection subject to informative.

I have reviewed the proposals and confirm that the application site falls within the defined Development High Risk Area; therefore within the application site and surrounding area there are coal mining features and hazards which need to be considered in relation to the determination of this planning application.

The Coal Authority records indicate likely unrecorded coal mine workings at shallow depth beneath the application site. As you will be aware, the Coal Authority's general approach in cases where development is proposed within the Development High Risk Area is to recommend that the applicant obtains coal mining information for the application site and submits a Coal Mining Risk Assessment to support the planning application.

However, when considering the nature of this particular development proposal we do not consider that requiring a Coal Mining Risk Assessment would be proportionate to nature of the development proposed in this particular case and do not object to this planning application.

However, the Coal Authority does recommend that, should planning permission be granted for this proposal, an Informative Note should be included on the decision notice.

Travel Management and Safety

No objection.

Severn Trent Water Ltd

No objection.

County Flood Risk Management (SUDS)

No objection.

The Ramblers Association

No response to date.

Health and Safety Executive

Planning Authorities should use the Web App to consult HSE on certain developments including any which meet the following criteria and which lie within the consultation distance (CD) of a major hazard site or major hazard pipeline:-

- residential accommodation;

- more than 250m<sup>2</sup> of retail floor space;
- more than 500m<sup>2</sup> of office floor space;
- more than 750m<sup>2</sup> of floor space to be used for an industrial process;
- transport links; '
- or which is otherwise likely to result in a material increase in the number of persons working within or visiting the notified area.

### Environment Agency

We have the following comments to make which relate solely to the protection of 'Controlled Waters', matters relating to Human Health should be directed to the relevant department of the local council.

Reference to the 1:50,000 scale geological map indicates the site is located upon glaciofluvial deposits which in turn lie upon the Pennine Middle Coal Measures Formation.

The superficial deposits are designated as a Secondary (undifferentiated) Aquifer. This means that these deposits could have properties of either a Secondary A or Secondary B aquifer. The definitions of each of these aquifer types are given below.

- Secondary A aquifers. These are permeable strata capable of supporting water supplies at a local rather than strategic scale and in some cases forming an important source of base flow to rivers.
- Secondary B aquifers. These are predominantly lower permeability strata which may in part have the ability to store and yield limited amounts of groundwater by virtue of localised features such as fissures, thin permeable horizons and weathering.

The Coal Measures bedrock geology beneath is designated as a secondary A aquifer as described above.

We note that the site is to be for 500 burials over a period of approximately 70 years. The application demonstrates that it will be possible to manage the risk posed to controlled waters by this development. However there are minimum standards which should be met for all graveyards. In light of the above, we would advise that a condition is included to ensure this development includes appropriate environmental safeguards.

### Condition

All graves must

- Be at least 250 metres from any well, borehole or spring supplying water for human consumption or used in food production – for example at farm dairies.
- Be at least 30 metres from any spring or watercourse not used for human consumption or not used in food production.
- Be at least 10 metres from any field drain, including dry ditches.
- Have at least 1 metre clearance between the base of the grave and the top of the water table – they shouldn't have any standing water in them when dug.
- Not be dug in bedrock or areas susceptible to groundwater flooding.
- Be deep enough so at least 1 metre of soil will cover the top of the coffin.



Reason.

To ensure that the development does not contribute to, is not put at unacceptable risk from, or adversely affected by, unacceptable levels of water pollution from previously unidentified contamination sources at the development site. This is in line with paragraph 170 of the National Planning Policy Framework.

Open Space Society

No response to date.

### ***Internal Consultations***

Development Plans and Policy Unit

No objection

The National Planning Policy Framework (NPPF) (2019) sets out that there should be a presumption in favour of sustainable development, except where specific policies in the framework indicate development should be restricted. These specific policies include those relating to the Green Belt. The NPPF (p40-43) aims to prevent urban sprawl and maintain the openness of the Green Belt by not approving any development that would be inappropriate and sets out that a local planning authority should regard the construction of new buildings as inappropriate in Green Belt, unless very special circumstances exist that clearly outweigh the inappropriateness of development. An exception to this stance which may be considered relevant to the proposal is the provision of appropriate facilities for cemeteries, if it would not have a greater impact on the openness of the Green Belt.

Policy CP1 in the Cannock Chase Local Plan – Local Plan (Part 1) 2014 supports the stance set out in the NPPF to promote sustainable development and conserve the environment. It also refers to national policy for Green Belt and the need to protect the landscape, as set out in Policy CP14.

Policy CP3 in the Local Plan sets standards of design for buildings and spaces. This can include enhancing the character and appearance of the local area, relationships to the existing surroundings, and protecting the amenity of existing properties. The proposal should also demonstrate how it forms appropriate development within the Green Belt to a design in keeping with its surroundings.

Policy CP5 ensures that appropriate infrastructure is provided or existing infrastructure improved alongside new development in order to support social inclusion and healthy living within the District. This includes addressing local deficiencies and can include the provision of a cemetery.

Policy CP14 in the Local Plan states that all development proposals must consider the landscape character in order to protect and enhance the local distinctiveness. The policy also says that development proposals for appropriate development within the Green Belt must be sensitive to the landscape character and setting with no adverse effect created through the design, layout and intensity.

The Policies Map 2014 shows that the location is sited within the Green Belt, adjacent to the existing village cemetery by the parish church.

The Cannock Chase Local Plan (Part 1) and its evidence base set out the need for a cemetery in the District based on population statistics and existing cemetery capacity. It should be noted that an existing application has already been granted planning permission for an alternative cemetery site within Norton Canes Parish to address these concerns and meet needs in the south of the District, although it is noted that a small extension to the existing Parish cemetery may be implemented quicker and be better suited to the needs of the Norton Canes Parish residents if the site is considered suitable.

## Conclusion

It is accepted that at the current point in time there is a need for additional cemetery provision in the southern part of Cannock Chase Council area and that this site should be assessed on its own merits, in addition to the larger site already granted planning permission within the Parish.

## Conservation Planning Officer

The application site is located within the grounds of St James Church, Norton Canes which is a Grade II Listed Building. In respect, it is noted that The Planning (Listed Buildings and Conservation Areas) Act 1990 sets out the local planning authority's duties:- S.66 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.

The NPPF 2018 sets out the process for considering the conservation and enhancement of historic environment in paras 184-202, and the potential impacts of development proposals. Of particular relevance:

Para 189: in determining application local planning authorities should require an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting.

Para 190: the Local Authority 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). They should take this into account when considering the impact of a proposal on a heritage asset to avoid or minimise any conflict between the heritage assets conservation and any aspect of the proposal.

Para 192: in determining 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 viability
- The desirability of new development making a positive contribution to local character and distinctiveness.

Paras 193 and 194: When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. Any harm to, or loss of, the significance of a designated asset (including

from development within its setting) should require clear and convincing justification. The NPPF then sets out the process for consideration of different levels of harm to different heritage assets (paras 195-7).

Para 200: Local planning authorities should look for opportunities for new development within conservation areas and within the setting of heritage assets to enhance or better reveal their significance (can be by requiring interpretation/info panel about the site).

To this effect the Local Plan contains Policy CP15 does not preclude development around Listed Building. However, it does seek to safeguard historic buildings, areas and their settings from developments harmful to their significance in order to sustain character, local distinctiveness and sense of place. Proposals including new developments that are sensitive to and inspired by their context and add value to the existing historic environment, landscaping and townscape character will generally be supported, with planning standards applied in a flexible manner to maintain historic continuity.

#### Parks and Open Spaces

No objection subject to conditions

#### Council's Ecologist

No response to date

#### Environmental Health

No objection subject to conditions.

The proposals are noted and no comments in respect of the works to provide the cemetery extension are offered. I note the conditions that were included on the previous now expired consent CH/15/003, for the protection of watercourses/groundwater which should also apply to any new permission approved.

#### ***Response to Publicity***

The application was advertised by site notice and adjacent occupiers notified with 2 letters of representation received:-

- Concerns regarding the parking arrangements:- The church itself has no car park and currently visitors park on the road outside the church. On occasions we (objector) have not been able to gain access to their property due to parking. The concern is that there will be an increase in the traffic as a consequence of the proposal.
- The proposal will be detrimental to my drainage (objector). Underground pipes were laid when the property was built in 1964 and drain into the field ditch where the proposed cemetery is planned. The drainage is for underground water that also includes a spring. Should this ditch be filled this would also increase the danger of ground water flooding (a regulation from the EA).
- The Environment Agency regulations state that 'burial grounds; must be at least 30m from any spring or watercourse not used for human consumption or food production and at least 10m from any field drain including dry ditches.

- It would be inappropriate for persons to attend a funeral in close proximity to people mowing their lawn or having a family party.

## **Relevant Planning History**

CH/15/0003: - Extension to existing cemetery Full Approval

## **1 Site and Surroundings**

- 1.1 The application site comprises an arable farm field, which forms part of a larger field located adjacent to the existing cemetery at St James Church, Norton Canes. The application site also extends to the rear of Nos. 30, 32 and 34 Church Vale.
- 1.2 The application site is in the form of an elongated rectangle which measures approximately 0.45 hectares (180m x 25m). The field of which the application forms part of, extends north and west towards Washbrook Lane, a single track road connecting the Kingswood Lakes Business Park with Chapel Street.
- 1.3 The site is fairly level. At its eastern end it is approximately 1.5m lower than the gardens of the adjoining dwellings and the north-eastern end of the original churchyard.
- 1.4 The application site is bound by a hedgerow and individual trees which separates it from the existing churchyard. A ditch runs along its southern boundary. This ditch runs for approximately 90m and often contains water. The ditch tapers out towards the west, where the difference in level eases to approximately 0.5m. With the exception of the Church and dwellings in Church Vale along its southern boundary the remainder of the land surrounding the site comprises open fields.
- 1.5 The application site is located within the Green Belt and forms the setting of a Listed Building. The application site is located within a High Risk Area as designated by the Coal Authority and within a Safeguard Mineral Area for Fire Coal Clay. A public path runs along to the west of the application site. There is also a high pressure gas pipe line runs along the west and north boundary of the application site.

## **2 Proposal**

- 2.1 The application is submitted on behalf Norton Canes Parish Council and seeks to extend the churchyard as the existing is nearing capacity.
- 2.2 The proposal is for an extension to the existing burial area to incorporate an area of adjacent field comprising or 0.45 hectares.
- 2.3 The works to facilitate the churchyard extension, as shown on the submitted plans, include the reinstatement of the original footpath to be widened to 2m. To

achieve this, part of the boundary wall running along the original churchyard would be demolished.

- 2.4 The proposal would incorporate the existing memorial area for the current landowner which is located outside the existing churchyard. The boundaries of the proposed site would comprise a post and rail fence with a new Hawthorn hedgerow and 21 new trees.
- 2.5 The proposed extension to the existing churchyard would provide a further 500 graves for burial over then next 70 years.
- 2.6 Temporary access for construction traffic would be made from Norton Hall Lane across the current landowners' farmland.
- 2.7 The Planning Statement at paragraph 2.3 states the site

“would include seating, the existing memorial area fro the current land owner, the Holford family, which is currently in the larger field and areas for woodland burials and cremation. There would also be a small facilities building and bin storage area”

- 2.8 Notwithstanding the above statement neither the description of the development nor the submitted plans show any reference to a ‘facilities building’. As such the application has been assessed and should be determined on the basis of the application description, that is “an extension to cemetery”.
- 2.9 In support of the application the applicant has submitted the following supporting statement: -

1. The only practical option for access by funeral staff, biers and mourners is in the location chosen for the reinstated path. There is no other pathway through the original graveyard or the existing extension which is practical to provide because of either proximity to existing graves, or in the case of the earlier proposal, a major difference in levels between the existing site and the field.
2. The wall adjacent to this section of proposed path is leaning dangerously in the direction of the path and the only practical solution is to demolish it down to just above ground level to enable a "no dig" footpath surface to be provided in accordance with the submitted details, in order to protect the existing trees on the church side of the wall.
3. In order to provide a replacement wall the existing foundations of whatever type exist would need to be dug out and replaced which would seriously damage the roots of the adjoining line of 4 mature trees.
4. The advice regarding the wall was based on the advice of the Church's architects Wood Goldstraw who advised the Parish Council that " the setting of the wall has largely been lost with the Churchyard extension and although some of the brickwork may be old, I do not think that it is important to the setting of the building. The wall alongside the public footpath does have some value to the setting of the Church. It should also be noted that the wall is not contemporaneous with the building of the Church which was completed in 1832

and is of late Victorian or early Edwardian date. Its value is also lessened by it being in brick rather than the same stone of the church itself. Finally over 66% of the wall would remain which comprises all of it which is alongside the southern boundary of the church and directly facing the rear elevation of the church all of which is at the same level as the building, whereas the part proposed for demolition drops down to a lower level. Some parts of the walls described to be retained are in need of repair, particularly with a considerable number of missing rounded blue coping bricks and these can be transferred from the section to be demolished as part of a repair/refurbishment of these sections.

### 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) and the Minerals Local Plan for Staffordshire (2015 – 2030). Relevant policies within the Local Plan include: -

- CP1: - Strategy – the Strategic Approach
- CP3: - Chase Shaping – Design
- CP14: - Landscape Character and Cannock Chase Area of Outstanding Natural Beauty.
- CP15: - Historic Environment

3.3 Relevant Policy in the Minerals Plan include:-

3.2 Safeguarding Minerals.

3.4 National Planning Policy Framework

3.5 The NPPF (2019) 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 states that there should be "presumption in favour of sustainable development" and sets out what this means for decision taking.

3.6 The NPPF (2019) confirms the plan-led approach to the planning system and that decisions must be made in accordance with the Development Plan unless material considerations indicate otherwise.

3.7 Relevant paragraphs within the NPPF include paragraphs: -

- 8: Three dimensions of Sustainable Development
- 11-14: The Presumption in favour of Sustainable Development
- 47-50: Determining Applications
- 124, 127, 128, 130: Achieving Well-Designed Places

143-145	Protecting Green Belt
172	Conserving and Enhancing the Natural Environment
212, 213	Implementation
189, 190, 191, 192, 193, 194, 196,	Heritage Assets

## 4 Determining Issues

4.1 The determining issues for the proposed development include:-

- i) Principle of development
- ii) Design and impact on the character and form of the area, including the setting of the Listed Building
- iii) Impact on residential amenity.
- iv) Impact on highway safety.
- v) Drainage and flood risk
- vi) Ground Conditions and contamination

### 4.2 Principle of the Development

4.2.1 There are no specific location requirements for cemeteries. However, cemeteries tend to be on the edge of established urban areas, easily accessible and in the countryside. In this instance, the proposal is to extend an existing graveyard associated with an established Church.

4.2.2 The proposed development is located within land designated as South Staffordshire Green Belt, wherein there is a presumption against inappropriate development, which should only be approved in 'very special circumstances'. Paragraph 133 of the NPPF states that the Government attaches great importance to Green Belts, adding that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open. As such the essential characteristics of Green Belts are their openness and permanence.

4.2.3 The stages in taking decisions on applications within the Green Belt are as follows.

- a) In the first instance a decision has to be taken as to whether the proposal constitutes appropriate or inappropriate development.
- b) If the proposal constitutes inappropriate development then it should not be allowed unless the applicant has demonstrated that 'very special circumstances' exist which would justify approval.
- c) If the proposal is determined to constitute appropriate development then it should be approved unless it results in significant harm to acknowledged interests.

4.2.4 Local Plan Policy CP1 & CP3 require that development proposals at locations within the Green Belt must be considered against the NPPF and Local Plan Policy CP14. Local Plan Policy CP14 relates to landscape character and the AONB rather than to whether a proposal constitutes appropriate or inappropriate development.

4.2.5 Whether a proposal constitutes inappropriate development is set out in Paragraphs 145 & 146 of the NPPF. Paragraph 145 relates to new buildings

whereas Paragraph 146 relates to other forms of development including change of use.

4.2.6 With respect to the change of use of the land and buildings, paragraph 146 of the NPPF is relevant. This states that “Certain other forms of development are also not inappropriate in the Green Belt provided they preserve its openness and do not conflict with the purposes of including land within it. These are (amongst others): -

- (e) material changes in the use of land (such as changes of use for outdoor sport or recreation, or for cemeteries and burial grounds);

4.2.7 In this respect paragraph 146 (e) allows for material changes in the use of the land, providing they preserve the openness and do not conflict with the purposes of including land within it.

4.2.8 In this instance, the existing cemetery would be extended into the adjacent field. This is open land and the propose use as a cemetery would introduce associated paraphernalia, such as memorial stones and formal pathways. However, in specifically citing ‘cemeteries and burial grounds’ paragraph 146(e) must accept that the paraphernalia normally associated such uses would not affect the openness of the Green Belt or conflict with the purposes of including land within it. To do otherwise would be to negate that part of the policy which would be perverse.

4.2.9 As such it is considered that the proposal due to its size and nature would preserve the openness of the Green Belt. Further, the proposal would not conflict with the five purposes for including land within the Green Belt, as set out below:

- the proposal does not result in the sprawl of large built-up areas;
- the proposal does not result in neighbouring towns merging into one another;
- the proposal is part of the countryside notwithstanding this the proposal would not constitute encroachment, as the site would retain its open and verdant character.
- the proposal would not impact on the setting and special character of historic towns; and;
- the proposal because of the nature of the proposed use cannot assist in urban regeneration, by encouraging the recycling of derelict and other urban land.

4.2.10 Given the above, the proposal would not constitute inappropriate development falling with paragraph 146 (e) of the NPPF.

#### 4.3 Design and the Impact on the Character and Form of the Area and the Grade II Listed Building

4.3.1 The application site is, in part, located within the grounds of St. James Church which is a Grade II Listed Building. In respect, it is noted that The Planning (Listed Buildings and Conservation Areas) Act 1990 sets out the local planning authority’s duties, in particular at S.66 which states 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.

- 4.3.2 To this effect the Local Plan contains Policy CP15, which although does not preclude development around Listed Building, seeks to safeguard historic buildings, areas and their settings from developments harmful to their significance in order to sustain character, local distinctiveness and sense of place. The policy goes on to state that proposals including new developments that are sensitive to and inspired by their context and add value to the existing historic environment, landscaping and townscape character will generally be supported, with planning standards applied in a flexible manner to maintain historic continuity.
- 4.3.3 Relevant policies within the NPPF in respect to design and achieving well-designed places include paragraphs 189 - 196. Paragraph 192 makes it clear that the creation of high quality buildings and places is fundamental to what the planning and development process should achieve.
- 4.3.4 Paragraph 127 of the NPPF, in so much as it relates to impacts on the character of an area goes on to state: -

Planning policies and decisions should ensure that developments:

- a) will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;
- b) are visually attractive as a result of good architecture, layout and appropriate and effective landscaping;
- c) are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities);
- d) establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit;

- 4.3.5 Finally Paragraph 130 states planning permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions, taking into account any local design standards or style guides in plans or supplementary planning documents. Conversely, where the design of a development accords with clear expectations in plan policies, design should not be used by the decision taker as a valid reason to object to development.
- 4.3.6 In this respect, the main church building is of Grade II status, being constructed in 1832 and rebuilt in 1888 following a fire. The proposal would involve the widening of an existing footpath which would require the demolition of an existing wall that exists along the line of the original churchyard.

- 4.3.7 The applicant states that “the wall is in very poor state of repair and is leaning over dangerously in places”. The only practical solution is to demolish it down to just above ground level to enable a "no dig" footpath surface to be provided in accordance with the submitted details, in order to protect the existing trees on the church side of the wall. In order to provide a replacement wall the existing foundations of whatever type exist would need to be dug out and replaced which would seriously damage the roots of the adjoining line of 4 mature trees.
- 4.3.8 The applicant has confirmed that the brickwork and copings would be removed and retained and reused on the other sections of the wall where they have already been lost and the remaining wall made good as a consequence.
- 4.3.9 The applicant contends that the setting of the wall to be demolished has already been detached from the original context of the site due to the previous churchyard extension. The applicant continues that the wall is not contemporaneous with the building of the Church which was completed in 1832 and is of late Victorian or early Edwardian date. The applicant also opines that its value is also lessened by it being in brick rather than the same stone of the church itself. Finally over 66% of the wall would remain which comprises all of it which is alongside the southern boundary of the church and directly facing the rear elevation of the church all of which is at the same level as the building, whereas the part proposed for demolition drops down to a lower level.
- 4.3.10 Your Officers do not agree with the assessment carried out in terms of the significance of the wall. Your Officers are of the opinion that the wall in this location is of at least historic interest as it denotes the original boundary of the Church and its surrounding churchyard and as such is a significant component of the setting of the church as it demonstrates how the churchyard has developed over time. In addition as an object or structure within the curtilage of the listed building which, although not fixed to the building, forms part of the land and has done so since before 1st July 1948 the wall benefits from protection of the listing to the church.
- 4.3.11 As such in accordance with paragraph 194 of the NPPF the loss of significance of the designated heritage asset resulting from the partial loss of the wall requires clear and convincing justification.
- 4.3.12 Notwithstanding the above it is noted that the part of the wall to be removed is a relatively small part of the wider designated heritage asset. As such it is considered that its removal constitutes less than substantial harm. This being the case it is noted that its removal engages paragraph 196 of the NPPF which states
- ‘Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.’
- 4.3.13 In this respect, your Officers note that the location of the proposed path is the only practical option for access by funeral staff, biers and mourners due to the difference in ground levels between the existing graveyard and the propose site

to be extended and the location of existing graves. The proposed access would provide a level access into the extended graveyard for all users including disabled users who otherwise would not be able to readily access the graveyard extension. Given this, whilst your officers consider the wall to be of significance to the listed Building, this impact is significantly outweighed by the public benefit of providing an accessible extension to the cemetery, and the retention of existing trees which also make an important contribution to the setting of the listed building and the character of the wider area.

4.3.14 The application is accompanied by a Tree Survey Report with which to inform the submission. This outlines that the quality of trees is categorised as follows: - A (high quality and value), B (moderate quality and value), C (low quality and value) and U which are considered as unsuitable for retention. In this respect it is noted that the four trees within close proximity to the proposed works are highlighted as being Class B1, C1 and U.

4.3.15 The proposal would remove one tree along the northern boundary of the existing churchyard to facilitate the pedestrian access for the graveyard extension. The tree to be removed comprises of an Ash tree which has been categorised as a C1 tree. The loss of this tree would be offset by the proposed new boundary planting within the graveyard extension. The new planting includes a new mixed hedge running along side a new timber post and rail fence with a mixture of Oak, Wild Cherry and European Lime Trees (a total of 21 new trees).

4.3.16 The Council's Landscape Officer was consulted on the application and raised no objection to the proposal subject to conditions.

4.3.17 In this instance, having had regard to Section 66 of Planning (Listed Building and Conservation Area) Act 1990, Local Plan Policies CP3 and CP15 and the relevant sections of the NPPF it is considered, on balance, that the proposal is acceptable in respect to its impact on the designated heritage asset, its setting and the character of the wider area.

#### 4.4 Landscape

4.4.1 Overall the landscape character is of open fields with post and wire fencing, and gappy or overgrown hedgerow.

4.4.2 The majority of the existing landscaping would be retained. The proposed development would incorporate additional tree and hedge planting, which would be secured by condition. In addition, the existing and proposed landscaping would be better managed. Consequently, the new landscaping would improve screening of the site and its overall appearance and biodiversity. As such, the proposals accord with Local Plan Policy CP3, CP14 and the NPPF.

#### 4.5 Impact on Residential Amenity

4.5.1 Policy CP3 of the Local Plan states that the following key requirements of high quality design will need to be addressed in development proposals and goes onto include [amongst other things] the protection of the "amenity enjoyed by existing properties".

- 4.5.2 Although the Design SPD sets out guidance in respect to space about dwellings it does not contain guidance in respect to space about other uses. Of particular significance in this respect is the relationship between the application site and the residential properties within Church Vale.
- 4.5.3 Paragraph 127(f) of the NPPF states that planning policies and decisions should ensure that developments [amongst other things] create places with a high standard of amenity for existing and future users.
- 4.5.4 There are two residential properties to the east of the existing church that would be affected by the proposed extension. Currently these properties benefit from open countryside running along the rear boundary of their properties. The proposed graveyard extension would be sited to the immediate rear of these two properties, separated by the existing boundary treatments which appear to comprise of a combination of fencing and landscaping.
- 4.5.6 By their very nature burial grounds are tranquil and peaceful sites, as such, the use in itself would have no adverse impact on amenity. It is accepted that a burial can attract certain degree of activity, in terms of grave preparation and visitors to the burial site and given the proximity of the application site to existing neighbours there would be some inter-visibility and potential for some impact. As such, the proposal is unlikely to have any significant adverse impact on the amenity of residents.
- 4.5.7 The comments of the neighbours are noted in respect to the close proximity of the neighbouring gardens and the potential impact of typical garden activities occurring whilst a funeral is being held. However, it is not unusual for churchyards to be located within residential locations. In this instance the existing churchyard already adjoins a number of residential properties wherein this interaction already occurs. The proposed increase in the churchyard would increase the number of adjoining residential properties bound by the churchyard by two with the majority of the extension being bound by the open countryside.
- 4.5.8 Given the above, it is concluded that the proposed graveyard extension, the boundary treatments and new landscaping would ensure there is no significant detrimental impact to the occupiers of the adjacent dwellings. As such it is concluded that the proposal would protect the "amenity enjoyed by existing properties" and would maintain a high standard of amenity for existing and future users and therefore comply with Policy CP3 of the Local Plan and paragraphs 127(f) and 180 of the NPPF.

#### 4.6 Crime and the Fear of Crime

- 4.6.1 In addition to the above paragraph 127(f) of the NPPF states planning policies and decisions should ensure that development create places which [amongst other things] create places that are safe and where crime and disorder, and the fear of crime, do not undermine quality of life, social cohesion and resilience.
- 4.6.2 Section 17 of the Crime and Disorder Act 1998 places a duty on each local authority 'to exercise its various functions with due regard to the likely effect of the exercise of those functions on, and the need to do all that it reasonably can

do to prevent crime and disorder in its area to include anti-social behaviour, substance misuse and behaviour which adversely affects the environment'.

4.6.3 Overall, the proposal seeks to extend the existing churchyard, into the countryside. The boundaries of the site would be secured through fencing and hedgerow and tree planting. The Crime Prevention Design Advisor has suggested that the use of established plants along the new boundary fence to give an 'instant' prevention effect and render them less likely to be trampled underfoot.

4.6.4 As such, it is considered that the proposal would provide a safe and secure environment for its users and the neighbouring properties. As such it is considered that the proposal would meet the requirement of paragraph 127(g) of the NPPF.

#### 4.7 Impact on Highway Safety

4.7.1 Paragraph 109 of NPPF states that development should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

4.7.2 The comments from the objectors are noted in respect of the lack of parking for visitors to the site. The application site would be an extension to St James's Church, which is on the fringes of Norton Canes. The cemetery extension is to cater for the local community of Norton Canes. There are no opportunities for providing additional parking and none is proposed.

4.7.3 In terms of parking the Council's Parking Supplementary Planning Document does not contain any standards for cemetery parking. The Highway Authority was consulted on the application and raised no objections to the proposal. No evidence has been submitted to demonstrate that the existing parking arrangements have a deleterious impact on the local highway. Highway Officers consider the proposed cemetery extension would not exacerbate the current situation.

4.7.4 To further lessen the impact of traffic on Church Road, the applicant has proposed an alternate temporary route for construction traffic which would be via the current landowners farmland accessed off Norton Hall Lane.

4.7.5 As such, it is considered that the proposal would not have a detrimental impact upon highway or pedestrian safety in accordance with paragraph 109 of the NPPF.

#### 4.8 Drainage and Flood Risk

4.8.1 The site is located in Flood Zone 1 on the Environment Agency's Flood Zone Maps. Neighbours have expressed strong concerns over drainage issues associated with the site and adjacent gardens. The concerns raised are that the application site and land adjacent to it is prone to flooding. This raises two issues: a) the suitability of the site for burials and b) consequence of the proposed development for flooding to existing adjacent gardens.

4.8.2 In this respect it is noted that paragraph 155 of the NPPF states 'inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk (whether existing or future)' adding 'where development is necessary in such areas, the development should be made safe for its lifetime without increasing flood risk elsewhere'.

4.8.3 The proposals have been considered by the Council's Lead Local Flood Authority team and the Environment Agency. Both have considered the proposals and have deemed the proposal as low risk and have raised no objections subject to conditions. Therefore, subject to the proposed conditions the site is suitable for burials and will not exacerbate existing flooding/ drainage issues associated with the site and adjacent gardens in accordance with paragraph 155 of the NPPF.

#### 4.9 Mineral Safeguarding

4.9.1 The site falls within a Mineral Safeguarding Area (MSAs) for Coal and Fireclay. Paragraph 206, of the National Planning Policy Framework (NPPF) and Policy 3 of the Minerals Local Plan for Staffordshire (2015 – 2030), both aim to protect mineral resources from sterilisation by other forms of development.

4.9.2 The application site is located within a Mineral Safeguarding Area. Notwithstanding this, the advice from Staffordshire County Council as the Mineral Planning Authority does not require consultation on the application as the proposal is not classified as a major application. As such, the proposal would not prejudice the aims of the Minerals Local Plan.

#### 4.10 Ground Conditions and Contamination

4.10.1 In this respect paragraph 170 of the NPPF states:-

“Planning policies and decisions should contribute to and enhance the natural and local environment by [amongst other things]:

e) preventing new and existing development from contributing to, being put at unacceptable risk from, or being adversely affected by, unacceptable levels of soil, air, water or noise pollution or land instability. Development should, wherever possible, help to improve local environmental conditions such as air and water quality, taking into account relevant information such as river basin management plans; and

f) remediating and mitigating despoiled, degraded, derelict, contaminated and unstable land, where appropriate.

4.10.2 Paragraph 178 of the NPPF seeks a site to be suitable for its proposed use taking into account ground conditions and any risks arising from land instability and contamination. The Council's Environmental Health Officer was consulted on the proposal and raised no objections to the proposed development.

4.10.3 The site is located in an area which the Coal Authority define as Development High Risk Area; therefore within the application site and surrounding area there are coal mining features and hazards which need to be considered in relation to

the determination of this planning application. The Coal Authority was consulted on the application and confirm that the records indicate likely unrecorded coal mine workings at shallow depth beneath the application site.

However, when considering the nature of this particular development proposal the Coal Authority do not consider that requiring a Coal Mining Risk Assessment would be proportionate to nature of the development proposed in this particular case and do not object to this planning application.

4.10.4 However, the Coal Authority does recommend that, should planning permission be granted for this proposal, an Informative Note should be included on the decision notice. Given the above, the proposal is considered to accord with the provisions of paragraphs 170 & 178 of the NPPF.

## **5 Human Rights Act 1998 and Equalities Act 2010**

### ***Human Rights Act 1998***

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.

### ***Equalities Act 2010***

5.2 It is acknowledged that age, disability, gender reassignment, pregnancy and maternity, religion or belief, sex and sexual orientation are protected characteristics under the Equality Act 2010.

By virtue of Section 149 of that Act in exercising its planning functions the Council must have due regard to the need to:

Eliminate discrimination, harassment, victimisation and any other conduct that is prohibited;

Advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;

Foster good relations between persons who share a relevant protected characteristic and persons who do not share it

It is therefore acknowledged that the Council needs to have due regard to the effect of its decision on persons with protected characteristics mentioned.

Such consideration has been balanced along with other material planning considerations and it is considered that the proposal is acceptable in respect to the requirements of the Act. Having had regard to the particulars of this case officers consider that the proposal would not conflict with the aim of the Equalities Act.

**6 Conclusion**

- 6.1 In respect to all matters of acknowledged interest and policy tests it is considered that the proposal, subject to the attached conditions, would, on balance, be acceptable in respect to its impact on acknowledged
- 6.2 It is therefore recommended that the application be approved subject to the attached conditions.



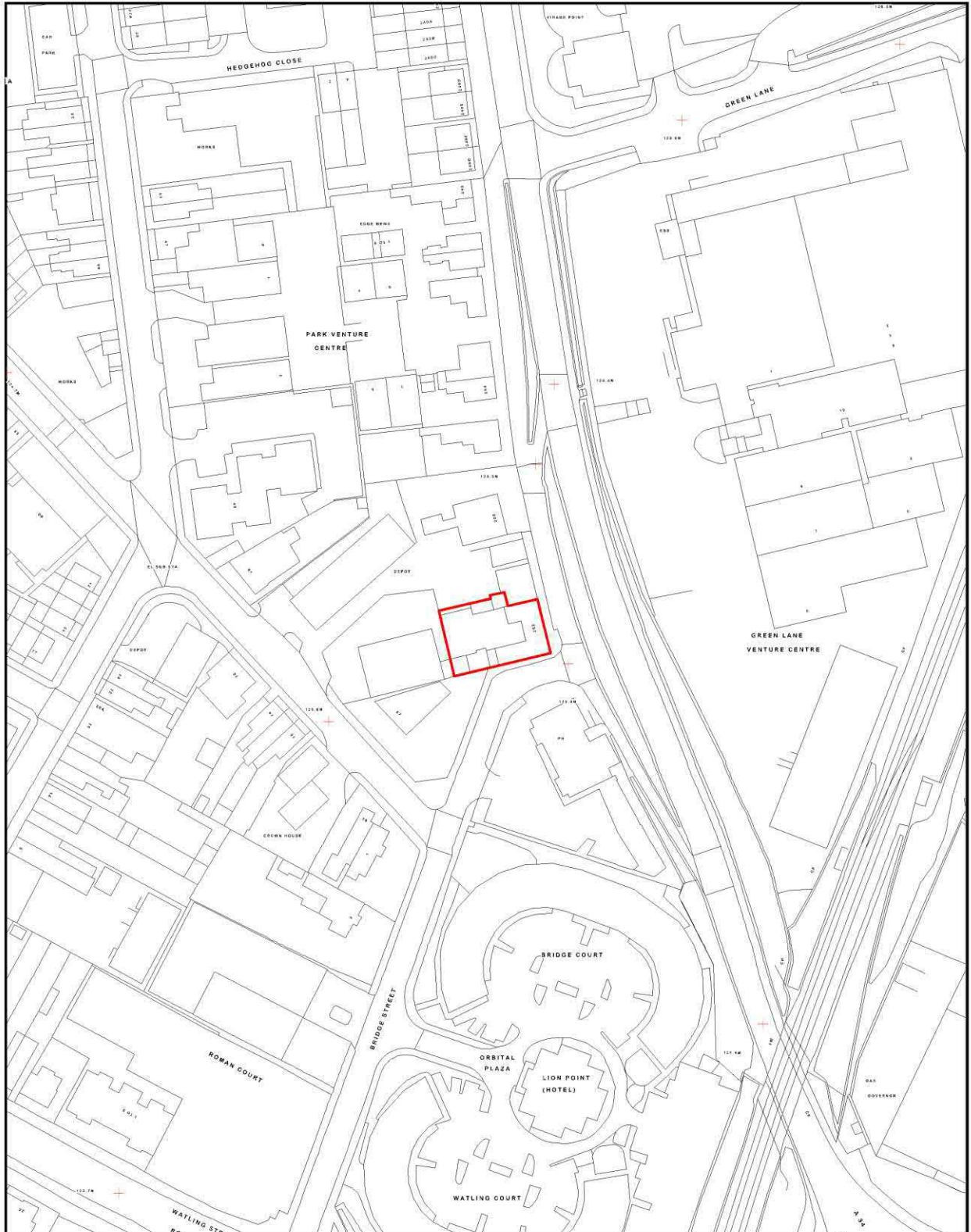


**Application No:** CH/20/005

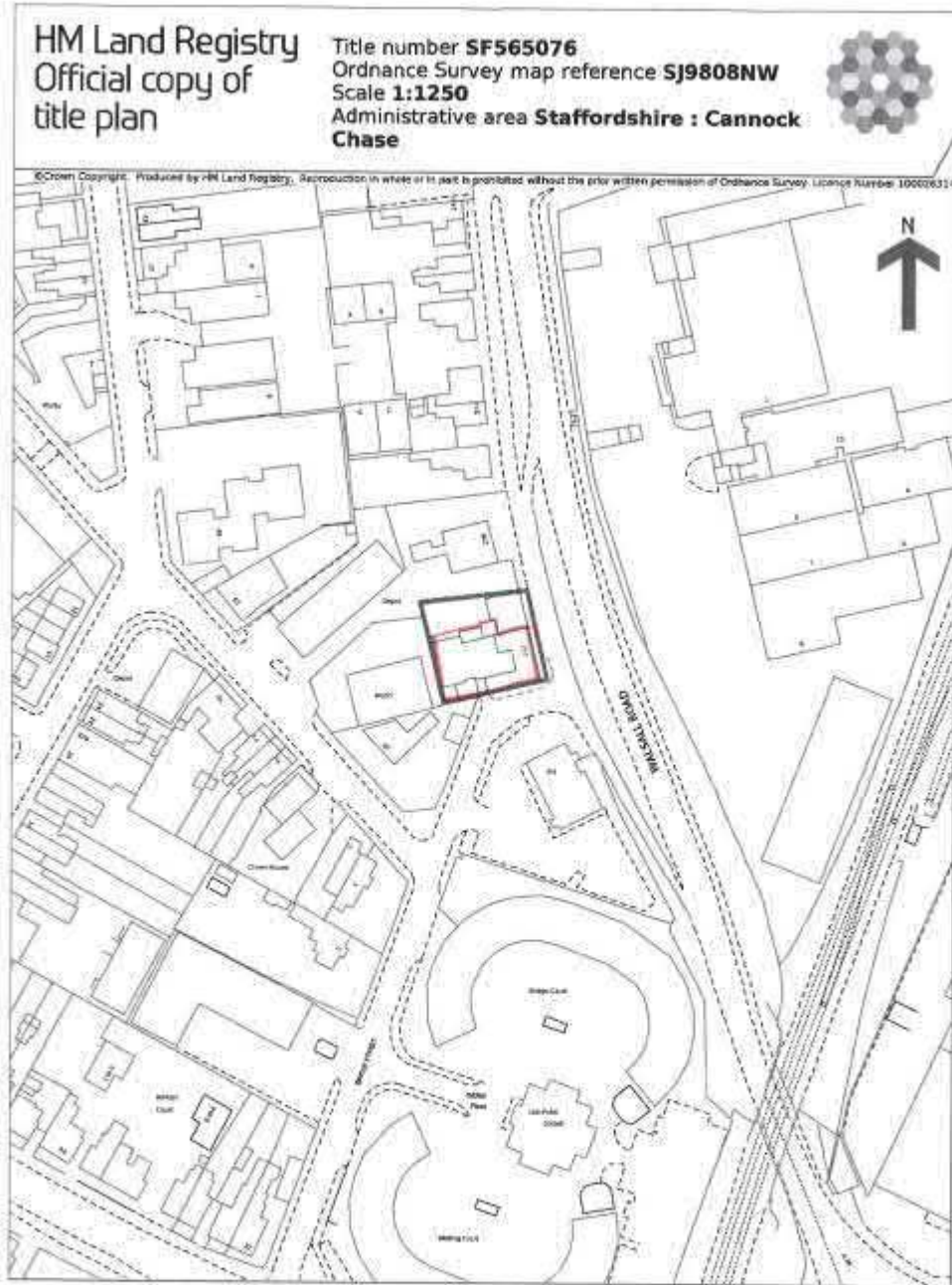
**Location:** Arquebus House, 262 Walsall Road, Cannock, WS11 0JL

**Proposal:** Change of use on upper floors to residential (4 studio apartments)

**ITEM NO. 6.198**



# Location Plan



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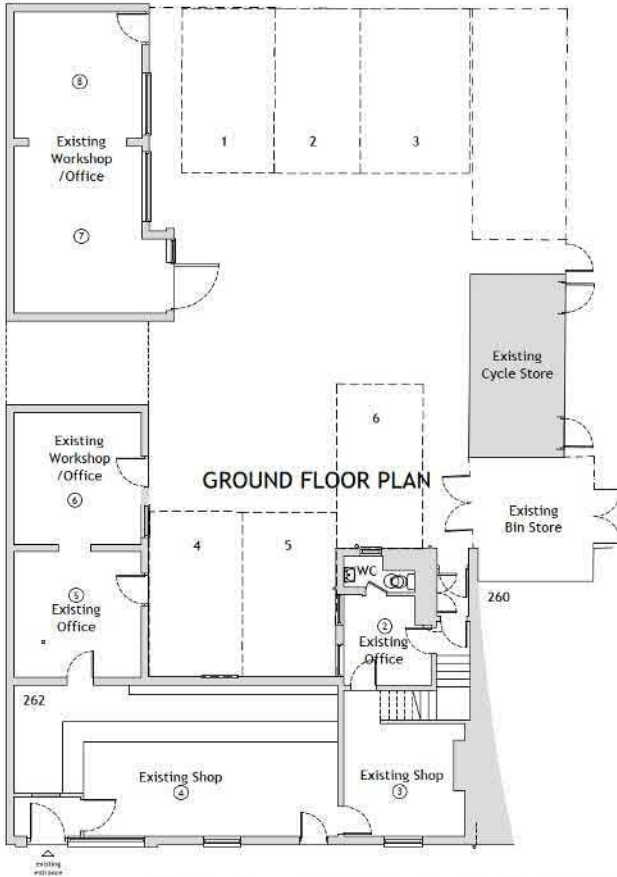
# Existing Floor Plans



## EXISTING PLANS 1:100@A3



Dwg: 19BC-01  
Date: 02.Jan.2020



BRIDGE COURT. 260-262 WALSALL ROAD. CANNOCK.





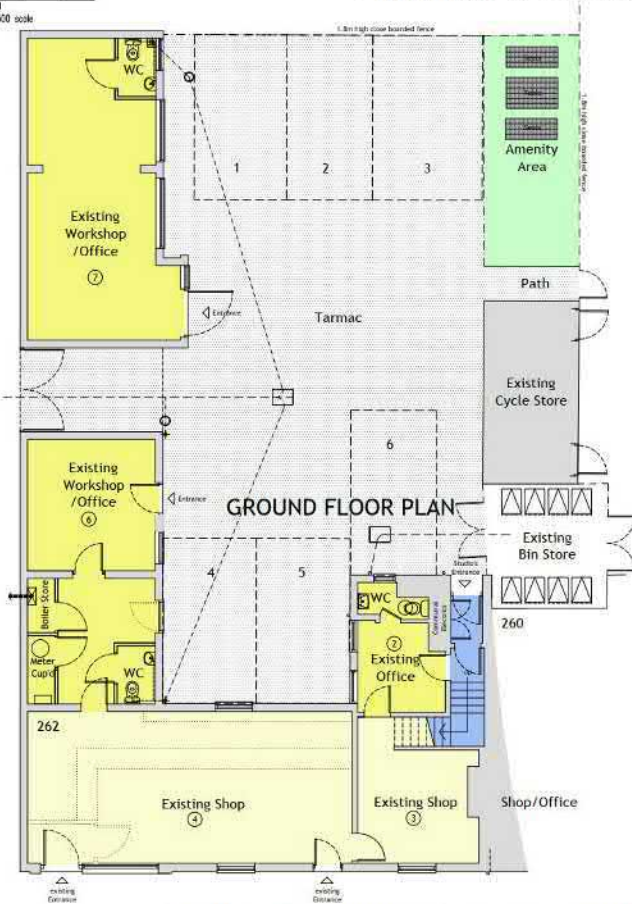
# Proposed Floor Plans



## PROPOSED PLANS 1:100@A3



Dwg: 19BC-05  
Date: 02.Jan.2020



BRIDGE COURT. 260-262 WALSALL ROAD. CANNOCK.



<b>Contact Officer:</b>	<b>Richard Sunter</b>
<b>Telephone No:</b>	<b>01543 464 481</b>

**PLANNING CONTROL COMMITTEE**

**4 MARCH 2020**

<b>Application No:</b>	CH/20/005
<b>Received:</b>	08-Jan-2020
<b>Location:</b>	Arquebus House, 262 Walsall Road, Cannock, WS11 0JL
<b>Parish:</b>	Bridgtown
<b>Description:</b>	Change of use on upper floors to residential (4 studio apartments)
<b>Application Type:</b>	Full Planning Application

**RECOMMENDATION:**

Approve subject to unilateral undertaking and the attached conditions

**Reason(s) for Recommendation:**

Reason for Grant of Permission

In accordance with paragraph 38 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.

**Conditions (and Reasons for 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. The development hereby permitted shall be carried out in accordance with the following approved plans:

19BC-05 Proposed plans  
Block Plan 1:500  
Location plan 1:1250

Reason

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

3. The apartments hereby approved shall not be brought into use until: -
- (i) a noise assessment has been submitted to and approved in writing by the Local Planning Authority; and
  - (ii) any mitigation works identified in the noise assessment have been carried out in full; and
  - (iii) a verification report has been submitted to the Local Planning Authority confirming that the mitigation works have been undertaken

The noise assessment shall consider: -

- (a) The cumulative impact of plant noise (originating from the non-residential unit) on the nearby residential receptors, and details of mitigation measures if they are considered to be required. Due to the variability and uncertainty involving the specific use of the non-residential unit, it is expected that the assessment/ proposed noise control measures shall be suitably appropriate for the expected range of noise generated by that part of the development; and
- (b) The extent to which the proposed residential uses will be impacted by the surrounding area, and the extent to which suitable internal noise levels can be achieved within the proposed use. It is expected that this assessment will inform design criteria for any noise mitigation measures required to achieve appropriate internal noise levels.

Reason

In the interests of ensuring that future occupiers of the development have a high standard of amenity in accordance with paragraph 127(f) of the National Planning Policy Framework.

4. The apartments hereby approved shall not be brought into use until a scheme for the provision of waste and recycling facilities on the footprint of the existing cycle storage area and vice versa has been submitted to and approved in writing by the Local Planning Authority and the works comprising the approved scheme have been carried out. Thereafter the provision for waste and recycling facilities and cycling storage shall be retained for the lifetime of the development.

Reason

In order to ensure that an appropriate design for the disposal of waste and recyclable materials comes forward in accordance with Policy CP16 of the Cannock Chase Local Plan.

5. No apartment hereby permitted shall be occupied until two schwegler Terrace bird boxes have been fitted 3m above ground level

**Reason**

In the interests of enhancing bat breeding habitat in accordance with Policy CP12 of the Local Plan and paragraph 170 of the National Planning Policy Framework.

6. No apartment hereby permitted shall be occupied until the 6 parking spaces shown on the approved plan have been delineated and laid out for their intended use. The car parking spaces shall thereafter be retained for the lifetime of the development.

**Reason**

In the interests of highway safety. In accordance with paragraph 109 of the National Planning Policy Framework.

**Notes to the Developer:****Economic Development**

The Economic Development recommend that high speed broadband is installed.

**Waste and Engineering Services**

Due to the inaccessible position of the bin store for a refuse collection vehicle from Union Street, residents will have to be provided with standard 240 ltr wheeled bins. Bin collections will be made from Bridge Street, adjacent to the archway access.

Residents will be required to wheel their bins across the courtyard, from the bin store and back again after being emptied. Waste containers must not be left on the street after collection.

Bin collection and storage points should be constructed to a sufficient size and quality for the number of bins required and consideration given to their proper environmental screening.

There must be a minimum clear space of 150mm between individual containers and between containers and surrounding walls (BS5906:2005).

Bins should not have to be moved to access other containers; should not be over filled; or cause a hazard to collection crews.

Bin stores should be located at ground/vehicle access level with adequate access. Sufficient consideration must be given to lighting, ventilation, fire safety and vermin control.

The security of the bin store is the responsibility of the landlord; where locks are fitted, bin stores should be opened prior to the scheduled collection or keys / access codes made available to the Council.

Communal bin stores should be positioned so as to allow unobstructed access (free from parked cars etc.) and have a safe working area of 3.5m width and 4m length, with no change in level to the loading point, including the provision of dropped kerbs edgings as required.

## Consultations and Publicity

### *External Consultations*

#### Bridgtown Parish Council

No comments received.

#### Fire Safety Officer

No comments received.

#### County Highways

Objects.

A site visit was carried out on 22/01/2020.

Background: The application is for the change of use on the upper floors to residential (4 studio apartments). It is proposed that the ground floor remains in its previous use as a shop and workshops (A1 use) which are currently vacant. The site is located off a slip road adjacent to the main Walsall Road (A34) which has a mixture of businesses and residential accommodation fronting the slip road. The proposal is within 500m walking distance of the local centre in Bridgtown and very close to the A5 and M6 Toll.

Personal Injury Collisions: Current records show there was a serious personal injury collision within 50 m of the property on 14/01/2016. It is noted this was on the main A34 Walsall Road not the slip road.

The collision involved a pedestrian and a vehicle.

Site Access/Car/Cycle/Parking Arrangements: The property's parking is accessed through a courtyard where there are 6 proposed parking spaces.

Recommendations:

This application should be refused for the following reasons:-

- The proposed development fails to cater for the parking of vehicles associated with the whole site resulting in an increase in the likelihood of highway danger due to the potential increase of vehicles being parked on the public highway.

Note to Planning Officer

It was noted and accepted that when the premises was previously a gun shop the site provided significantly less parking spaces than what is currently required in Cannock Chase District Council's Parking Standards. Whilst the proposed application provides 6 parking spaces for the conversion of the upper floor to apartments, which is in accordance with the parking standards, as it stands it leaves no parking spaces for the existing A1 use (Shop) on the ground floor. This would result in any future tenant of the A1 use (shop) likely having to park on the highway.



## ***Internal Consultations***

### Environmental Health

An appropriate noise assessment must be submitted for approval. This shall consider:

- (i) The cumulative impact of plant noise (originating from the non-residential unit) on the nearby residential receptors, and details of mitigation measures if they are considered to be required. Due to the variability and uncertainty involving the specific use of the non-residential unit, it is expected that the assessment/proposed noise control measures will be suitably appropriate for the expected range of noise generated by that part of the development; and
- (ii) The extent to which the proposed residential uses will be impacted by the surrounding area, and the extent to which suitable internal noise levels can be achieved within the proposed use. It is expected that this assessment will inform design criteria for any noise mitigation measures required to achieve appropriate internal noise levels.

A detailed specification of the works proposed to reduce transfer of noise between the non-residential unit, and the residential use directly above, shall be submitted for approval. This shall confirm the acoustic performance of the proposed measures. As above, due to the variability and uncertainty involving the specific use of the non-residential unit, it is expected that noise control measures will be suitably appropriate for the expected range of noise generated by that part of the development.

If the assessment(s) conclude that noise mitigation measures are required, then details of these shall be submitted in a detailed scheme for approval (to be submitted for approval prior to commencement of construction). A post-installation verification report shall be submitted for approval prior to occupation of the development.

### CIL Officer

In respect of the above application, although new dwellings are being created, there is no additional floor space being proposed therefore the chargeable amount for this development would be £0.00.

However, given that a net increase in dwellings is proposed the development needs to mitigate its impacts upon the Cannock Chase SAC (Local Plan Part 1 Policy CP13). As the development is exempt from paying CIL, a Unilateral Undertaking would be required to address impacts upon the Cannock Chase SAC in accordance with the Council's policy/guidance.

### Waste and Engineering Services

Due to the inaccessible position of the bin store for a refuse collection vehicle from Union Street, residents will have to be provided with standard 240 ltr wheeled bins.

Bin collections will be made from Bridge Street, adjacent to the archway access.

Residents will be required to wheel their bins across the courtyard, from the bin store and back again after being emptied.

Waste containers must not be left on the street after collection.

Bin collection and storage points should be constructed to a sufficient size and quality for the number of bins required and consideration given to their proper environmental screening.

There must be a minimum clear space of 150mm between individual containers and between containers and surrounding walls (BS5906:2005).

Bins should not have to be moved to access other containers; should not be over filled; or cause a hazard to collection crews.

Bin stores should be located at ground/vehicle access level with adequate access.

Sufficient consideration must be given to lighting, ventilation, fire safety and vermin control.

The security of the bin store is the responsibility of the landlord; where locks are fitted, bin stores should be opened prior to the scheduled collection or keys / access codes made available to the Council.

Communal bin stores should be positioned so as to allow unobstructed access (free from parked cars etc.) and have a safe working area of 3.5m width and 4m length, with no change in level to the loading point, including the provision of dropped kerbs edgings as required.

#### Economic Development

Economic Development are supportive of the application. Recommended that high speed broadband are installed as part of the change of use to studio apartments.

#### Private Sector Housing

On the basis of the information provided I am prepared to support the applicants proposal to develop the first floor of the building into residential premises.

#### Strategic Housing

There is no requirement for an affordable housing contribution on developments of less than 10 units where the site size is less than 0.5 hectares.

#### Development Plans and Policy Unit

The site is in the Cannock urban area and it is not protected for a specific use on the Local Plan (Part 1) Policies Map.

The Cannock Chase Local Plan (part 1) 2014 policy CP1 supports sustainable development, while policy CP6 permits new housing on urban sites within Cannock Chase District.

Policy CP3 advocates appropriate design and cohesion with adjacent uses in new development, including the protection of amenity. The Design SPD provides additional guidance.

The Cannock Chase Local Plan (Part 1) 2014 was adopted more than five years ago; it is therefore the subject of a review. This review is at an early stage in the process with consultation on 'Issues and Options' being undertaken recently (May-July 2019).

Therefore limited weight can be afforded to it. The starting point for the determination of planning applications remains the adopted development plan (Local Plan (Part 1)).

If it is a market housing residential development scheme the proposal may be CIL liable. Given that a net increase in dwellings is proposed the development may need to mitigate its impacts upon the Cannock Chase SAC (Local Plan Part 1 Policy CP13). Should the development be liable to pay CIL charges then this will satisfy the mitigation requirements, as per Local Plan Part 1 Policy CP13, the Developer Contributions SPD (2015) and the Council's Guidance to Mitigate Impacts upon Cannock Chase SAC (2017). However, should full exemption from CIL be sought then a Unilateral Undertaking would be required to address impacts upon the Cannock Chase SAC in accordance with the Council's policy/guidance. Any site specific requirements may be addressed via a Section 106/278 if required, in accordance with the Developer Contributions and Housing Choices SPD (2015) and the Council's most up to CIL Regulation 123 list.

### ***Response to Publicity***

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

### **Relevant Planning History**

CH/19/390: Change of use to Nursery . Withdrawn 01/02/2020.

### **1 Site and Surroundings**

- 1.1 The application property is a two storey C19th terrace house occupying a corner location at the junction of Bridge Street and Bridge Street, Bridgtown. The building is constructed in such a way that there is a two storey outrigger to the rear running alongside the highway, which contains a vehicular access leading to an enclosed courtyard which serves as a parking area.
- 1.2 The property was formerly used by Wisemann's Gunmakers and therefore has a shop at ground floor and offices above. The outrigger appears to have been workshops serving the shop.
- 1.3 To the south of the site across Bridge Street is the Stumble Inn, which is now closed, beyond which is the Holiday Inn.
- 1.4 To the front runs Bridge Street across which is landscaped embankment which drops down to Walsall Road, across which is a trading estate containing a range of modern commercial units.
- 1.5 To the rear, is a former dwelling, last used by Tudor Motors for the sale of cars from its wide concrete forecourt. Also to the immediate rear is an older industrial looking building, constructed of cement sheeting and a lattice telecommunications mast.

- 1.6 The site is undesignated and unallocated for any planning purpose and falls within the main urban area of Cannock- Bridgtown.

## **2 Proposal**

- 2.1 The applicant is seeking permission for a change of use of the upper floors to residential to create 4 studio apartments. All apartments would have ensuite facilities abut would share laundry and a living area.
- 2.2 The ground floor would remain in its previous use as a shop and work shop/ office.
- 2.3 The proposed use would avoid any significant changes to the fabric of the building.
- 2.4 The applicant has stated that there is car parking within the courtyard providing 6 car parking spaces.

## **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) and the Minerals Local Plan for Staffordshire (2015-2030).
- 3.3 Relevant Policies within the Local Plan Include:
- CP1: Strategy
  - CP3: Design
  - CP6: Housing Land
  - CP7: Hosing Choice
  - CP10 Sustainable Transport
  - CP13: Cannock Chase Special Area of Conservation (SAC)
  - CP14 Landscape Character and Cannock Chase Area of Outstanding Natural Beauty
  - CP16: Climate change
- 3.4 The relevant policies within there Minerals Plan, include  
Policy 3- Mineral Safeguarding
- 3.5 National Planning Policy Framework
- 3.6 The NPPF (2019) 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 states that there should be 'presumption in favour of sustainable development' and sets out what this means for decision taking.

3.7 The NPPF (2019) confirms the plan-led approach to the planning system and that decisions must be made in accordance with the Development Plan unless material considerations indicate otherwise.

3.8 Relevant paragraphs within the NPPF include paragraphs: -

8:	Three dimensions of Sustainable Development
11-14:	The Presumption in favour of Sustainable Development
47-50:	Determining Applications
109, 110, 111	Highways
124, 127, 128, 130:	Achieving Well-Designed Places
155, 165:	Drainage
170, 174	Biodiversity
178, 179:	Ground Conditions
212, 213	Implementation

3.9 Other relevant documents include: -

Design Supplementary Planning Document, April 2016.

Cannock Chase Local Development Framework Parking Standards, Travel Plans and Developer Contributions for Sustainable Transport.

Developer Contributions and Housing Choices Supplementary Planning Document (July 2015).

## **4 Determining Issues**

4.1 The determining issues for the proposed development include:-

- i) Principle of development.
- ii) Design and impact on the character and form of the area.
- iii) Impact on residential amenity.
- iv) Impact on highway safety.
- v) Impact on nature conservation.
- vi) Drainage and flood risk.
- vii) Mineral safeguarding.
- viii) Crime and the fear of crime.
- ix) Waste and recycling facilities.

4.2 Principle of the Development

4.2.1 The National Planning Policy Framework (NPPF 2019, para 11) states that Plans and decisions should apply a presumption in favour of sustainable development. It goes on to say that development proposals that accord with an up to date development plan should be approved without delay, adding

“where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:

- i. the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or
- ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.”

4.2.2 However, paragraph 177 of the NPPF makes it clear:-

"The presumption in favour of sustainable development does not apply where development requiring appropriate assessment (under habitat Regulations) because of its potential impact on a habitats site is being planned or determined".

4.2.3 Policy CP13 of the Local Plan recognises that any project involving net new dwellings will have an impact on the SAC and as such should be subject to an appropriate assessment under the Habitat Regulations. This being the case it can only be concluded that the presumption in favour of sustainable development does not apply to the current application and that the proposal should be considered having regard to the development plan and other material considerations.

4.2.4 The starting point for the determination of planning applications remains the adopted development plan (Local Plan (Part 1)). The development plan for Cannock Chase District consists of the Cannock Chase Local Plan (Part 1), and the Staffordshire County Council Waste and Minerals Local Plan.

4.2.5 In respect to the principle of the proposal it is noted that the site is located in the built up area of Cannock-Bridgtown and is in walking distance to Bridgtown Local Service and to Walsall Road which is served by the No71 Sapphire and X51Bus Services providing access to both Walsall and Cannock by public transport.

4.2.6 Bridgtown is well served by a range of shops, community facilities and others services which could meet the day to day needs of the residents of the proposed apartments. As such the proposal meets the thrust of Policy CP1 which provides the strategic context for the development of the District and is located in a sustainable location. It is therefore concluded that the proposal is acceptable in principle.

4.2.7 It is noted that the Local Plan (Part 1) was adopted more than five years ago; and is now the subject of a review. However, this review is at an early stage in the process with consultation on 'Issues and Options' being undertaken recently (May-July 2019). Therefore only limited weight can be afforded to the review and it is insufficient to outweigh the above conclusions that the proposal is acceptable in principle

4.2.8 However, although a proposal may be considered to be acceptable in principle it is still required to meet the provisions within the development plan in respect to matters of detail. The next part of this report will go to consider the proposal in respect to matters of detail.

#### 4.3 Design and the Impact on the Character and Form of the Area

4.3.1 In respect to issues in relation to design 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.

4.3.2 Relevant policies within the NPPF in respect to design and achieving well-designed places include paragraphs 124, 127, 128 and 130. Paragraph 124 makes it clear that the creation of high quality buildings and places is fundamental to what the planning and development process should achieve.

4.3.3 Paragraph 127 of the NPPF, in so much as it relates to impacts on the character of an area goes on to state: -

Planning policies and decisions should ensure that developments:

- a) will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;
- b) are visually attractive as a result of good architecture, layout and appropriate and effective landscaping;
- c) are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities);
- d) establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit;

4.3.4 Finally Paragraph 130 states planning permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions, taking into account any local design standards or style guides in plans or supplementary planning documents. Conversely, where the design of a development accords with clear expectations in plan policies, design should not be used by the decision taker as a valid reason to object to development.

4.3.5 In this respect it is noted that the proposed change of use would not significantly alter the external appearance of the building and as such it would retain a traditional Victorian building on a prominent corner position.

4.3.6 As such it is considered that the proposal would be well-related to existing buildings and their surroundings in terms of its layout, density, access, scale and would be sympathetic to the local character and history in accordance with Policy CP3 of the Local Plan and the NPPF.

#### 4.4. Impact on Residential Amenity

- 4.4.1 Policy CP3 of the Local Plan states that the following key requirements of high quality design will need to be addressed in development proposals and goes on to include [amongst other things] the protection of the "amenity enjoyed by existing properties". This is supported by the guidance as outlined in Appendix B of the Design SPD which sets out guidance in respect to space about dwellings and garden sizes.
- 4.4.2 Paragraph 127(f) of the NPPF states that planning policies and decisions should ensure that developments [amongst other things] create places with a high standard of amenity for existing and future users.
- 4.4.3 With specific reference to impact from noise pollution it is noted that paragraph 180 of the NPPF states

"Planning policies and decisions should also ensure that new development is appropriate for its location taking into account the likely effects (including cumulative effects) of pollution on health, living conditions and the natural environment, as well as the potential sensitivity of the site or the wider area to impacts that could arise from the development. In doing so they should:

- a) mitigate and reduce to a minimum potential adverse impacts resulting from noise from new development – and avoid noise giving rise to significant adverse impacts on health and the quality of life."

#### Space About Dwellings

- 4.4.4 In general the Design SPD sets out guidance for space about dwellings, stating that for normal two storey to two storey relationships there should be a minimum distance of 21.3m between principal elevations (front to front and rear to rear) and 12m between principal elevations and side elevations. Furthermore, the Design SPD sets out minimum rear garden areas, recommending a minimum of 30sqm per flat for developments with communal space
- 4.4.5 However, it should always be taken into account that these distances are in the nature of guidance. When applying such guidance consideration should be given to the angle of views, off-sets and changes in levels. In addition regard should be had to the fact that in many areas of older urban fabric such as Bridgtown most properties do not conform to modern standards for space about development.
- 4.4.6 In this respect it is noted that studios 1, 2 and 3 would be served by windows in the front elevation which face outwards across Bridge Street and Walsall Road. The nearest building directly in front of these windows would be in excess of 50m, which is well in excess of the 21.3m set out in the Design Guide.
- 4.4.7 Studio 4 would face into the courtyard. The nearest building in front of this window is approximately 30m away. The communal kitchen-living room would be served by windows to both north and south side elevations. To the south the



windows would face towards the Stumble Inn Public House, its car park and down Bridge Street and therefore enjoy a relatively open aspect with adequate light.

- 4.4.8 However, the apartments would benefit from 19.5m of private outdoor amenity space and therefore in this respect would fail to meet the guidance of providing 120sqm (30m x 4) of outdoor amenity space for the residents. However, it is not uncommon to find such deficiency in respect to this type of development especially in older areas such as Bridgtown or town centres (where flats above shops are normally permitted development and do not have any access to private outdoor amenity space). Therefore although the proposal fails to meet the guidance within the Design Guide this is not in itself a reason for refusing the proposal.

#### Noise

- 4.4.9 The remaining issue in respect to the standard of residential amenity is noise. This could potentially be generated by non residential uses within the building (such as the retained shop and its associated workshop on the ground floor) and from external sources such as surrounding industrial uses and traffic along the Walsall Road. .
- 4.4.10 In this respect the Environmental Health Officer has requested that before the apartments are brought into use a noise survey should be conducted to determine what, if any mitigation is needed to ensure an appropriate noise environment is attained for future occupiers. Similar concerns have previously been raised by Private Sector Housing.
- 4.4.11 As such the EHO has requested that an appropriate noise assessment must be submitted for approval which should assess the cumulative impact of plant noise, originating from the non-residential unit, on the nearby residential receptors, and details of mitigation measures if they are considered to be required; and the extent to which the proposed residential uses will be impacted by the surrounding area. The EHO has also requested that a detailed specification of the works proposed to reduce transfer of noise between the non-residential unit, and the residential use directly above should also be submitted for approval, including the acoustic performance of the proposed measures.

- 4.4.12 In response the applicant has stated: -

“As part of building regulation compliance we will patch up & block all openings to existing first floor, over board the floor with 1no. layer of acoustic 19mm plasterboard with 6mm thick plywood decking to upper surface. Plywood decking to be screw fixed to boards. We will also patch up & block all openings to existing ground floor ceiling. All acoustic boards to be sealed around the edge. In addition there will be fibreglass insulation between the joists. Please also bear in mind that we own the whole building so it is in our best interests to ensure compatible ground floor uses.

The building will be heated by a new central heating system which will be gas fired. All windows will be replaced with UPVC framed, double glazed windows with neoprene or similar weather stripping. All windows to occupiable rooms to be fitted with trickle ventilator providing background

ventilation. All new units will be factory made double glazed units, to give max u-value of 1.6W/m<sup>2</sup>k. (as specified by window manufacturer). glazing in the following locations to be toughened safety glass to BS6206, 1981.”

4.4.12 Notwithstanding the above it is noted that the proposals for noise insulation have not been informed by any acoustic assessment and as such cannot be relied upon to secure a high standard of residential amenity. As such it is considered necessary and reasonable to require the applicant to undertake a noise assessment and on the basis of that to specify the type and extent of noise mitigation works. It is therefore recommended that any approval granted is subject to a condition requiring a noise assessment and where necessary to set out an appropriate scheme of noise mitigation.

4.4.13 Having had regard to all relevant policy it is considered that subject to the attached conditions the proposal would attain a high standard of amenity for all future occupiers in accordance with Policy CP3 of the Cannock Chase Local Plan and the paragraph 127(f) of the NPPF.

#### 4.5 Impact on Highway Safety

4.5.1 Paragraph 109 of NPPF states that development should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe

4.5.2 The application outlines that the proposed apartments would be served by 6 parking spaces within the rear courtyard accessed through a covered entrance.

4.5.3 In this respect the Highway Authority has noted that the application is for the change of use on the upper floors to residential (4 studio apartments) and that It is proposed that the ground floor remains in its previous use as a shop and workshops (A1 use). Furthermore, the site is located off a slip road adjacent to the main Walsall Road (A34) which has a mixture of businesses and residential accommodation fronting the slip road.

4.5.4 In addition to the above the Highway Authority has pointed out that current records show there was a serious personal injury collision within 50 m of the property on 14/01/2016, although this was on the main A34 Walsall Road and not the slip road. This collision involved a pedestrian and a vehicle.

4.5.5 The Highway Authority has therefore recommended that the application should be refused on the grounds:

“The proposed development fails to cater for the parking of vehicles associated with the whole site resulting in an increase in the likelihood of highway danger due to the potential increase of vehicles being parked on the public highway.”

4.5.6 In coming to the recommendation the Highway Authority noted and accepted that when the premises was previously a gun shop the site provided significantly less parking spaces than what is currently required in Cannock Chase District Council’s Parking Standards. Furthermore, whilst the proposed application

provides 6 parking spaces for the conversion of the upper floor to apartments, which is in accordance with the parking standards, as it stands it leaves no parking spaces for the existing A1 use (Shop) on the ground floor. This would result in any future tenant of the A1 use (shop) likely having to park on the highway.

4.5.7 In response to the Highway Authority's recommendation the applicant has stated: -

"If the application is refused the likelihood is the upper floors of this property will remain vacant, resulting in a waste of this good quality accommodation and also a loss of potential residential accommodation. The design of the property is such that other uses that do not cause a car parking issue are non-existent bearing in mind the objections to the previous planning application and all other uses we have explored.

In addition the Property is within walking distance of Bridgtown Local Centre with good level access, it is close to public transport namely buses that provide direct access to Walsall, Wolverhampton and Cannock. The road that the Property sits in is an access road with very little traffic using the same, it benefits from a wide area near the vehicular entrance to the courtyard.

Most studio type properties tend to attract tenants who cannot afford a car or do not have the use of a car and who either walk to work or rely on public transport. Cannock Chase Parking Standards Supplementary Planning Document states at 4.1 ..the District Council will, however, be prepared to allow lower levels of on-site parking for new development, including ..changes of use to meet local circumstances eg

- If it is located in ..local centres (where access to frequent public transport walking or cycling is available and realistic) or
- For ..single person accommodation or
- The conversion of non-residential accommodation are involved (PPG Housing 2000)

Each room will be furnished with a single bed, settee and small table so it is very unlikely there would be more any more than 4 spaces used even if you ignore the sustainable location and the historical information on the type of person occupying a bedsit being cost conscious so unlikely to have a car.

This development is studio accommodation designed for single people, located in Bridgtown Local Centre being a short walking distance from the main centre. There will also be a watertight secure bike store to encourage use of cycles. It is a conversion from commercial to residential use and will be making sure an otherwise empty space will be occupied and provide homes for local people. The building is in a sustainable location so this should be a Material Consideration in deciding parking provision.

As stated the Cannock Chase Parking Standards Supplementary Planning Document states that the Council will allow lower levels of on-

site car parking for changes of use to meet Local Circumstances such as those already stated. I would ask you to exercise your discretion.

There is car parking within the courtyard providing six car parking spaces these would not all be used by 4 bedsits, in addition there will be some synergy between residential use of spaces and the commercial ground floor uses as the commercial uses will be during the day and residential at night.

In addition this application could, in theory, have been granted under Permitted Development Rights (as the first floor rooms were previously offices) which would not have required any consideration of car parking, as such this should be a Material Consideration in deciding this application and considering the provision of the car parking.”

4.5.8 In response Officers would make the following comments. In the first instance it is not unusual to find in planning conflicting policy requirements and this is a clear example of such a situation. On the one hand is the requirement to ensure that proposal do not have an unacceptable impact on highway safety, or that the residual cumulative impacts on the road network would not be severe. On the other hand is the ‘purpose of the planning system to the achievement of sustainable development’ which is supported by three overarching objectives, of particular relevance in this case are the social objective and the environmental objective.

4.5.9 The social objective, as set out in paragraph 8 of the NPPF, is to:-

“support strong, vibrant and healthy communities, by ensuring that a sufficient number and range of homes can be provided to meet the needs of present and future generations; and by fostering a well-designed and safe built environment, with accessible services and open spaces that reflect current and future needs and support communities’ health, social and cultural well-being.”

4.5.10 The environmental objective is to:-

“to contribute to protecting and enhancing our natural, built and historic environment; including making effective use of land, helping to improve biodiversity, using natural resources prudently, minimising waste and pollution, and mitigating and adapting to climate change, including moving to a low carbon economy. “

4.5.11 As such it is for the decision taker to determine where the balance lies between the competing interests of highway safety and the objectives of ensuring that a sufficient number and range of homes can be provided, effective use is made of land, natural resources are used prudently and that development assists in adapting to climate change (for example by concentrating development in sustainable locations where reliance on the private car is reduced to meet day to day needs.

4.5.12 in looking at the issue car parking it is noted that the Council’s Parking Standards Travel Plans and developer Contributions for Sustainable Transport

Supplementary Planning Document (2005) is now 15 years old, it predates the introduction of the NPPF (2012) which itself has been subject to amendment. The Parking Standards SPD was itself produced to be in accordance with the Regional Spatial Strategy/ Regional Transport Strategy (June 2004) which has since been abolished and therefore sets out “maximum parking standards”. As such, a proposal that provides less parking than the maximum standard is in accordance with the standard. As such, as a matter of fact the proposal does meet the maximum standard set out in the Council’s Parking Standards SPD.

4.5.13 Notwithstanding the above the Parking Standard SPD is now out of date and therefore of limited weight as a policy instrument. As such the assessment of the impacts on highway safety should be led by paragraph 109 of the NPPF and not the Council’s out of date parking standards.

4.5.14 It is also accepted that this type of accommodation is not normally generate high levels of parking, due in part that it is for single people and usually occupied by people who are on lower incomes and hence less likely to own a car.

4.5.15 Officers also note that the application site is located in a sustainable location being within walking distance to Bridgtown local service centre, bus stops on the Walsall Road and a range of retail and other services long Walsall Road. As such the occupiers would not need a car to meet their day to day needs.

4.5.16 In addition to the above it is noted that the proposal would bring into use the first floor of an existing building which was previously used as an office (and hence would have generated some traffic in itself). The use of the building would also represent the prudent use of the natural resources that have already been invested in the structure of the building and would also represent an efficient use of a previously developed site.

4.5.17 In addition to the above it is noted that the provisions of Class G(a) of Schedule 2 of the Town and Country Planning (General Permitted) (England) Order 2015 allow for “*a use for any purpose within Class A1 (shops) of the Schedule to the Use Classes Order, to a mixed use for any purpose within Class A1 (shops) of that Schedule and as up to 2 flat*”. As such a change of use from a shop to a shop with 2 flats would constitute permitted development which would not require any permission from the local planning authority.

4.5.18 As such the current proposal is applying for 2 more apartments, for occupation by single people over above that which could currently be permitted without any consideration of parking levels or impact on the highway.

4.5.19 In addition to the above it should also be recognised that the development would be located in Bridgtown an older area of Cannock, which is predominantly Victorian in layout and character, which for most of its built form does not comply to modern standards in terms of parking. As such any impact on highway safety would be very marginal when taking into account the wider built form.

4.5.20 As such it is considered that the residual cumulative impacts of the proposal would be slight and would be clearly outweighed by the benefits of bringing a vacant building back into use, the creation of 4 dwellings in a sustainable

location and the contribution it would make to ensuring the objective of making efficient use of buildings and land.

4.5.21 Therefore, having regard to all relevant local and national policy and guidance it is considered, on balance, that the proposal is acceptable in respect to its impact on highway safety and capacity.

#### 4.6 Impact on Nature Conservation Interests

4.6.1 Policy and guidance in respect to development and nature conservation is provided by Policy CP12 of the Local Plan and paragraphs 170, 174, 177, 179 of the NPPF.

4.6.2 Policy CP12 of the Local Plan states that the District's biodiversity and geodiversity assets will be protected, conserved and enhanced via

'the safeguarding from damaging development of ecological and geological sites, priority habitats and species and areas of importance for enhancing biodiversity, including appropriate buffer zones, according to their international, national and local status. Development will not be permitted where significant harm from development cannot be avoided, adequately mitigated or compensated for;

- support for the protection, conservation and enhancement of existing green infrastructure to facilitate robust wildlife habitats and corridors at a local and regional scale (particularly to complement Policy CP16);
- supporting and promoting initiatives for the restoration and creation of priority habitats and recovery of priority species and the provision of new spaces and networks to extend existing green infrastructure;
- supporting development proposals that assist the delivery of national, regional and local Biodiversity and geodiversity Action plan (LBAP/GAP) targets by the appropriate protection, incorporation and management of natural features and priority species;
- the promotion of effective stewardship and management across the district to contribute to ecological and geological enhancements.

4.6.3 Paragraph 170 of the NPPF states [amongst other things] that

- 'Planning policies and decisions should contribute to and enhance the natural and local environment by:
- protecting and enhancing valued landscapes, sites of biodiversity or geological value and soils (in a manner commensurate with their statutory status or identified quality in the development plan); [and]
- minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures;'

### Site Specific Impacts on Ecology

- 4.6.4 The application is comprised of an existing building and courtyard. It is not known to support any species which is protected by law or which is of particular conservation interest. As such it is considered that the proposal would have no significant impact on the ecology of the site.
- 4.6.5 It is normal practice to incorporate integral nest boxes in new residential properties so as to achieve a net gain in biodiversity. However, this is not seen to reasonable or proportionate to an existing property as it would require intervention into the fabric of the building. However, there are types of bird boxes which can be attached onto a building and it is considered reasonable and proportionate to require the inclusion of nest boxes for either house sparrow, starling or barn swallow onto the property.

### Impacts of Cannock Chase Special Area of Conservation (SAC)

- 4.6.6 Under Policy CP13 development will not be permitted where it would be likely to lead directly or indirectly to an adverse effect upon the integrity of the European Site network and the effects cannot be mitigated. Furthermore, in order to retain the integrity of the Cannock Chase Special Area of Conservation (SAC) all development within Cannock Chase District that leads to a net increase in dwellings will be required to mitigate adverse impacts. The proposal would lead to a net increase in dwellings and therefore is required to mitigate its adverse impact on the SAC. Such mitigation would normally be in the form of a contribution towards the cost of works on the SAC and this is provided through CIL. However, in this instance as the proposal would not lead to a net increase in floor area the proposal would not be liable for a payment under CIL. As such the SAC contribution would need to be secured via a unilateral undertaking under section 106 of the Planning Act.
- 4.6.7 Subject to the above condition and the submission of a unilateral undertaking the proposal would be acceptable in respect to its impact on ecology and nature conservation interest.

### 4.7 Drainage and Flood Risk

- 4.7.1 The site is located in Flood Zone 1 on the Environment Agency's Flood Zone Maps, and therefore is in the zone least likely to be affected by flooding.
- 4.7.2 In this respect it is noted that paragraph 155 of the NPPF states 'inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk (whether existing or future)' adding 'where development is necessary in such areas, the development should be made safe for its lifetime without increasing flood risk elsewhere'.
- 4.7.3 The application states that surface water and foul sewage would be disposed of by main sewer. Given that the proposal; is merely for a change of use with no increase in either built form or hard standing it is considered that the means of drainage proposed is acceptable.

#### 4.8 Mineral Safeguarding

4.8.1 The site falls within a Mineral Safeguarding Area (MSAs) for Coal and Fireclay. Paragraph 206, of the National Planning Policy Framework (NPPF) and Policy 3 of the Minerals Local Plan for Staffordshire (2015 – 2030), both aim to protect mineral resources from sterilisation by other forms of development.

4.8.2 Policy 3.2 of the new Minerals Local Plan states that:

'Within a Mineral Safeguarding Area, non-mineral development except for those types of development set out in Appendix 6, should not be permitted until the prospective developer has produced evidence prior to determination of the planning application to demonstrate:

- a) the existence, the quantity, the quality and the value of the underlying or adjacent mineral resource; and
- b) that proposals for non-mineral development in the vicinity of permitted mineral sites or mineral site allocations would not unduly restrict the mineral operations.

4.8.3 The application site is located within an area identified within the Local Plan as a Mineral Safeguarding Area. Notwithstanding this, the advice from Staffordshire County Council as the Mineral Planning Authority does not require consultation on the application as the site falls within the development boundary of an urban area and does not constitute a major application.

4.8.4 As such it is considered that the proposal would not conflict with Policy 3.2 of the Minerals Local Plan.

#### 4.9 Crime and the Fear of Crime

4.9.1 Section 17 of the Crime and Disorder Act 1998 places a duty on each local authority 'to exercise its various functions with due regard to the likely effect of the exercise of those functions on, and the need to do all that it reasonably can do to prevent crime and disorder in its area to include anti-social behaviour, substance misuse and behaviour which adversely affects the environment'.

4.9.2 In addition to the above paragraph 127(f) of the NPPF states planning policies and decisions should ensure that development create places which [amongst other things] create places that are safe and where crime and disorder, and the fear of crime, do not undermine quality of life, social cohesion and resilience.

4.9.3 The entrance to the flats would have its own entrance gained from the courtyard which in turn is private space and clearly so and which would be overlooked by the living area and by apartment 4.. As such it is considered that safe and secure environment would be created.

4.9.4 As such it is considered that the proposal is acceptable in respect to the requirements of paragraph 127(f) of the NPPF.



#### 4.10 Waste and Recycling Facilities

4.10.1 Policy CP16(1) (e) 'Climate Change and Sustainable Resource Use' of the Cannock Chase Local Plan states that development should contribute to national and local waste reduction and recycling targets according to the waste hierarchy'. One of the ways of achieving this is by ensuring development can be adequately serviced by waste collection services and that appropriate facilities are incorporated for bin collection points (where required).

4.10.2 The application property already has a bin storage area. However, this would be subject to blockage from parking space no6. It is therefore considered that the proposed bin store and cycle store are swapped over. Subject to this it is considered that an acceptable scheme could come forward. This could be secured by condition.

#### 4.11 Affordable Housing

4.11.1 Under Policy CP2 the proposal would be required to provide a contribution towards affordable housing. However, given the order of the Court of Appeal, dated 13 May 2016, which give legal effect to the policy set out in the [Written Ministerial Statement of 28 November 2014](#), and the subsequent revision of the PPG it is considered on balance that the proposal is acceptable without a contribution towards affordable housing.

## 5 **Human Rights Act 1998 and Equalities Act 2010**

### ***Human Rights Act 1998***

5.1 The proposals set out in this report are considered to be compatible with the Human Rights Act 1998. The recommendation to refuse accords with the policies of the adopted Local Plan and the applicant has the right of appeal against this decision.

### ***Equalities Act 2010***

5.2 It is acknowledged that age, disability, gender reassignment, pregnancy and maternity, religion or belief, sex and sexual orientation are protected characteristics under the Equality Act 2010.

By virtue of Section 149 of that Act in exercising its planning functions the Council must have due regard to the need to:

Eliminate discrimination, harassment, victimisation and any other conduct that is prohibited;

Advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;

Foster good relations between persons who share a relevant protected characteristic and persons who do not share it

It is therefore acknowledged that the Council needs to have due regard to the effect of its decision on persons with protected characteristics mentioned.

Such consideration has been balanced along with other material planning considerations and it is considered that the proposal is acceptable in respect to the requirements of the Act. Having had regard to the particulars of this case officers consider that the proposal would not conflict with the aim of the Equalities Act.

## **6 Conclusion**

- 6.1 The applicant is seeking permission for a change of use of the upper floors to residential to create 4 studio apartments. All apartments would have ensuite facilities but would share laundry and a living area.
- 6.2 Bridgtown is well served by a range of shops, community facilities and other services which could meet the day to day needs of the residents of the proposed apartments. As such the proposal meets the thrust of Policy CP1 which provides the strategic context for the development of the District and is located in a sustainable location. It is therefore concluded that the proposal is acceptable in principle.
- 6.3 the proposed change of use would not significantly alter the external appearance of the building and as such it would retain a traditional Victorian building on a prominent corner position.
- 6.4 Having had regard to all relevant policy it is considered that subject to the attached conditions the proposal would attain a high standard of amenity for all future occupiers in accordance with Policy CP3 of the Cannock Chase Local Plan and the paragraph 127(f) of the NPPF.
- 6.5 Therefore, having regard to all relevant local and national policy and guidance it is considered, on balance, that the proposal is acceptable in respect to its impact on highway safety and capacity.
- 6.6 Subject to the attached condition and the submission of a unilateral undertaking the proposal would be acceptable in respect to its impact on ecology and nature conservation interest.
- 6.7 In respect to all other acknowledged interests it is considered that the proposal is acceptable.
- 6.8 Therefore subject to the attached conditions and the completion of a unilateral undertaking it is recommended that the application be approved.