



Please ask for: Mrs W. Rowe

Extension No: 4584

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28 March 2023

Dear Councillor,

Planning Control Committee

3:00pm, Wednesday 5 April 2023

Council Chamber, Civic Centre, Cannock

You are invited to attend this meeting for consideration of the matters itemised in the following Agenda. The meeting will commence at 3.00pm.

Yours sincerely,

Tim Clegg
Chief Executive

To Councillors:

Thompson, S.L (Chair)

Beach, A. (Vice-Chair)

Cartwright, S.M.	Kenny, B.
Crabtree, S.K.	Kruskonjic, P.
Fisher, P.A.	Muckley, A.M.
Fitzgerald, A.A.	Pearson, A.R.
Hoare, M.W.A.	Thornley, S.J.
Jones, V.	Wilson, L.J.

Agenda

Part 1

1. **Apologies**

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

To declare any personal, pecuniary, or disclosable pecuniary interests in accordance with the Code of Conduct and any possible contraventions under Section 106 of the Local Government Finance Act 1992.

3. **Disclosure of Details of Lobbying of Members**

4. **Minutes**

To approve the Minutes of the meeting held on 21 March 2023 (enclosed).

5. **Members' Requests for Site Visits**

6. **Report of the Interim Development Control Manager**

Members wishing to obtain information on applications for planning approval prior to the commencement of the meeting are asked to contact the Interim Development Control Manager.

Details of planning applications can be accessed on the Council's website by visiting www.cannockchasedc.gov.uk/residents/planning and then clicking on the square marked 'Planning Applications'.

Planning Application

	Application Number	Application Location and Description	Item Number
1.	CH/22/0398	<i>Land at the corner of Avon Road and Hunter Road, Cannock</i> - Proposed Residential Care Home with associated landscaping and car parking.	6.1 - 6.34

Cannock Chase Council
Minutes of the Meeting of the
Planning Control Committee

Held on Tuesday 21 March 2023 at 3:00pm
In the Council Chamber, Civic Centre, Cannock

Part 1

Present:

Councillors

Thompson, S.L. (Chair)

Cartwright, S.M.

Kruskonjic, P.

Fisher, P.A.

Pearson, A.

Hoare, M.W.A.

Thornley, S.J.

Kenny, B

Wilson, L.J.

86. Apologies

Apologies for absence were received from Councillors V. Jones, J. Elson (Substitute), S.K. Crabtree, A.M. Muckley, A. Beach and A.A. Fitzgerald.

Notification had previously been received that Councillor J.S. Elson would be acting as substitute for Councillor S.K. Crabtree.

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

None.

88. Disclosure of Details of Lobbying by Members

Councillors P. Kruskonjic, M.W.A. Hoare, B. Kenny and S.L. Thompson declared that they had been lobbied in respect of Application CH/22/0318.

89. Minutes

Resolved:

That the Minutes of the meeting held on 8 March 2023 be approved as a correct record.

90. Members Requests for Site Visits

None.

91. Application CH/22/0318, Land off Norton Hall Lane, Norton Canes, Cannock, WS11 9AA - Full Planning Application for the development of up to 55 dwellings with associated landscaping and infrastructure

Consideration was given to the Report of the Interim Planning Services Manager (Item 6.1 - 6.34) presented by the Interim Development Management Team Leader.

Prior to consideration of the application the Planning Services Manager provided an update on education to Members of the Committee. This was due to concerns previously raised by Councillor Preece, as Ward Member and Parish Councillor relating to delivery of school places within the parish of Norton Canes.

He reported that to date various school contributions had been collected. Contributions from development commenced in 2014 and the majority had been collected in the last few years. He explained that some had been allocated to improvements at Norton Canes schools and the balance could provide a half full term entry at one of the two primary schools in Norton Canes. This would require one school to increase the intake to 45 places. He advised that this was subject to negotiation between Staffordshire County Council and the local schools but had not yet been resolved. He explained that the negotiation was not part of this application and would be taken through the Local Plan discussion.

The Interim Development Management Team Leader then provided a presentation to the Committee outlining the application showing photographs and plans of the proposals.

Prior to consideration of the application, representations were made by Councillor J. Newbury, Ward Councillor speaking on behalf of residents and Olivia Morris, the applicant's representative speaking in support of the application.

During the debate concern was expressed with the scale of development in the area and lack of infrastructure, including retail facilities, public transport, and lack of school places at local schools in the Norton Canes area. Some Members of the Committee asked if the application could be deferred pending the delivery of additional school places.

The Principal Solicitor clarified that it was for the County Council to resolve how the funding would be delivered and it had been explained to members that the allocation would also be considered through the Local Plan, however this was not within the remit of the Committee. Concerns regarding lack of infrastructure including school places was a material consideration for members. However, the County Council had considered that an education contribution was required to mitigate this development and that would be secured through a section 106 agreement and that the application should not be deferred indefinitely pending delivery of school places from other development. She advised Members of the Committee that she would not recommend the application being deferred.

The Planning Services Manager added that the core principle of the National Planning Policy Framework was the presumption in favour of sustainable development. This scheme had been in development for a number of years and the principle had been accepted. Members should take this into consideration.

Resolved:

- (A) That, subject to no new issues being raised as a result of the re-consultation, the applicant be requested to enter into an Agreement under section 106 of the Town and Country Planning Act 1990 to secure:

- the provision of on-site affordable housing
 - SAC mitigation for the affordable housing and,
 - an education contribution for primary school places
- (B) That, on completion of the Agreement, delegated authority be granted to the Head of Economic Prosperity to approve the application subject to the conditions contained in the report for the reasons stated therein.

The meeting closed at 4.00 pm

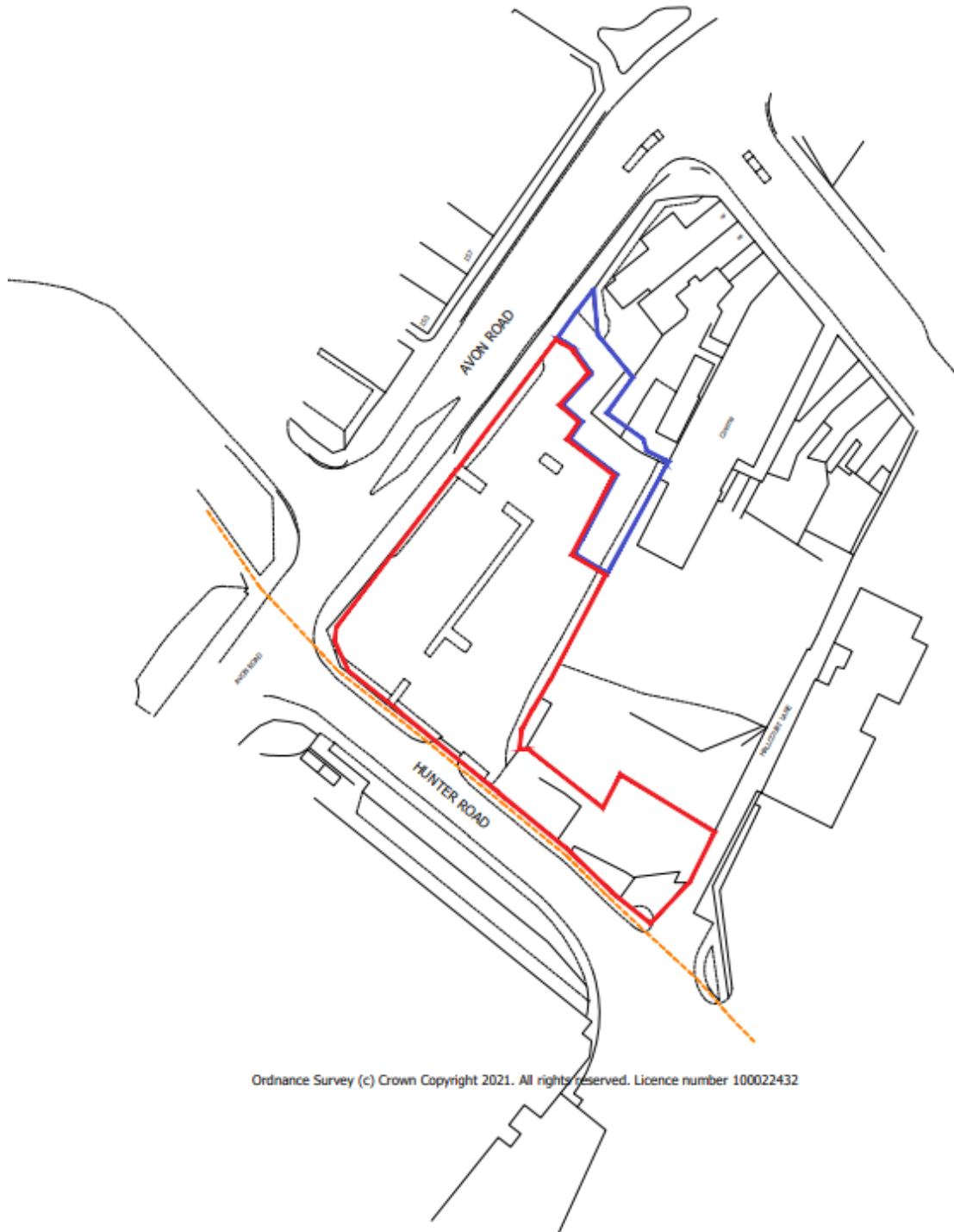
Chair

Application No: CH/22/0398

ITEM NO. 6.1

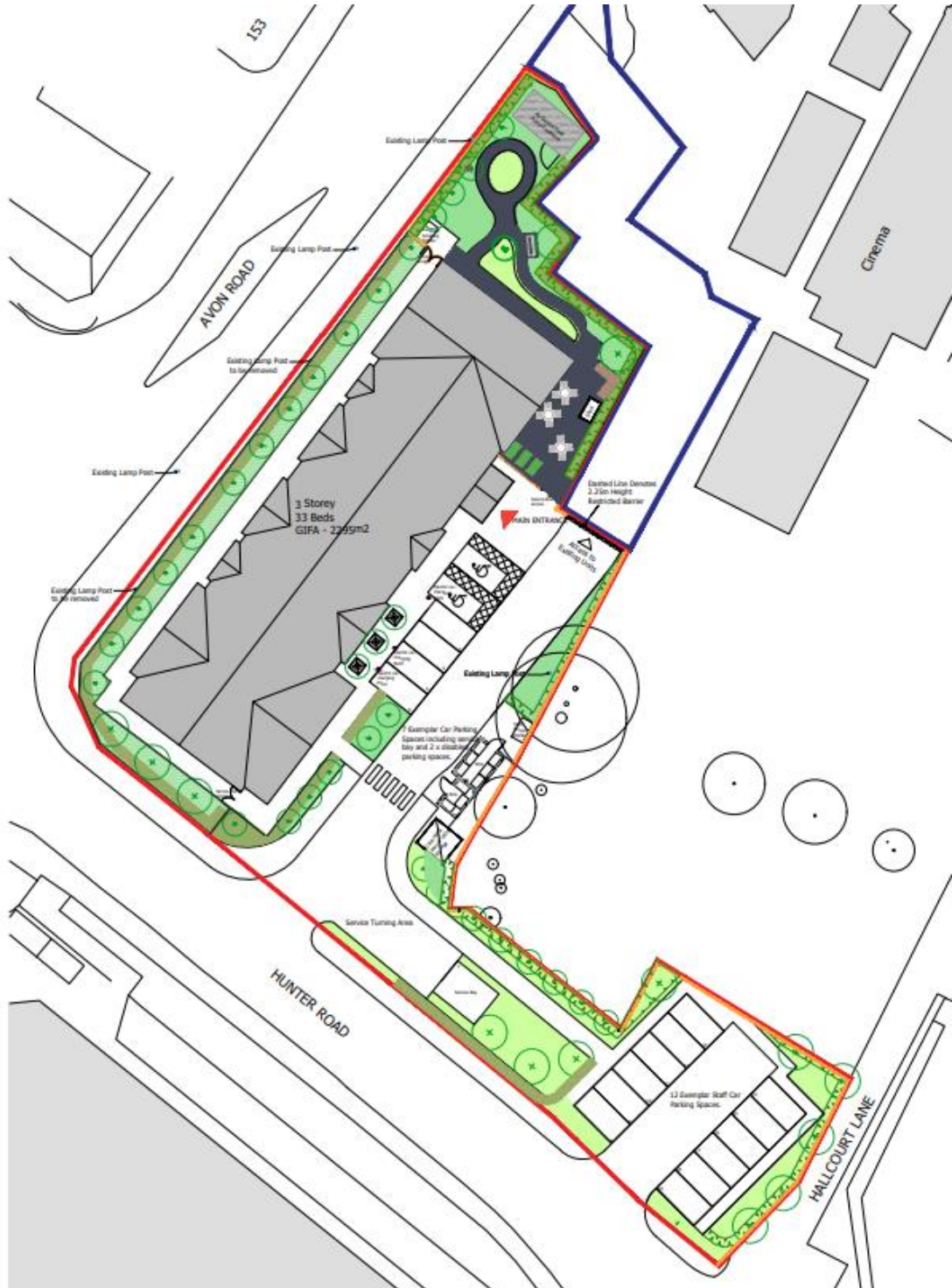
Location: Land at the corner of Avon Road and Hunter Road, Cannock

Proposal: Proposed Residential Care Home with associated landscaping and car parking.



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Application No: CH/22/0398

ITEM NO. 6.3

Location: Land at the corner of Avon Road and Hunter Road, Cannock

Proposal: Proposed Residential Care Home with associated landscaping and car parking.



Application No: CH/22/0398

ITEM NO. 6.4

Location: Land at the corner of Avon Road and Hunter Road, Cannock

Proposal: Proposed Residential Care Home with associated landscaping and car parking.



ELEVATION C, SCALE 1:100



ELEVATION A, SCALE 1:100@A0

Location: Land at the corner of Avon Road and Hunter Road, Cannock

Proposal: Proposed Residential Care Home with associated landscaping and car parking.



ELEVATION D, SCALE 1:100



ELEVATION B, SCALE 1:100

Application No: CH/22/0398

ITEM NO. 6.6

Location: Land at the corner of Avon Road and Hunter Road, Cannock

Proposal: Proposed Residential Care Home with associated landscaping and car parking.



SECTION BB, SCALE 1:200

Contact Officer:	David O'Connor
Telephone No:	4515

Planning Control Committee

5th April 2023

Application No:	CH/22/0398
Received:	01-November-2022
Location:	Land at the corner of Avon Road and Hunter Road, Cannock
Parish:	
Ward:	Cannock South
Description:	Proposed Residential Care Home with associated landscaping and car parking
Application Type:	Full Planning Application Major

Recommendation: It is recommended that Delegated Authority be given to the Head of Economic Prosperity to grant planning permission subject to the completion of a s106 legal agreement for :-

- NHS Healthcare Contributions for £23222 (index linked)

And the recommended conditions as set out:

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:
 - CANNO-WBA-NB-ZZ-DR-A-PL-300-P1- Proposed Elevations
 - CANNO-WBA-SI-00-DR-A-PL-004-P2- Proposed Site Plan
 - CANNOWBA-SI-ZZ-DR-A-PL-005-P1- Proposed Site Sections
 - AT.22.1234.100.r6. - Landscape Masterplan.
 - AT.22.1234.101.r6. - Landscape GA.
 - AT.22.1234.102.r6 - Hardworks GA.

- AT.22.1234.103.r6. - Planting Plan.

Reason

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

3. The approved development shall be constructed in accordance with approved plans (drawing no. 332010798-100-001B) and the visibility splay shall be provided free from impediment prior to occupation of the development and shall thereafter be so maintained.

Reason: In the interests of highway safety in line with Local Plan Policy CP10.

4. The car parking as shown on the approved Proposed Site Plan (drawing no. CANNO-WBA-SI-00-DR-A-PL-004 Revision P2) shall be constructed and made available for use prior to the first occupation of the development. The approved facilities shall be retained for the lifetime of the development free from impediment to their designated use as parking.

Reason: In the interests of highway safety and parking in line with Local Plan Policy CP10.

5. The approved cycle parking as shown on the Proposed Site Plan (drawing no. CANNO-WBA-SI-00-DR-A-PL-004 Revision P2) shall be provided within the site prior to the first occupation of the development. The approved facilities shall be retained thereafter for the life of the development.

Reason: In the interests of sustainable transport and in accordance with Local Plan Policy CP10.

6. The development shall be carried out in accordance with the submitted Ecological Enhancement Plan Ref: TR01 V1 and the details therein shall be put in place prior to first use of the development hereby permitted.

Reason: In the interests of biodiversity offsetting and assuring biodiversity net gain in line with NPPF para 174.

7. 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. Thereafter the development shall be carried out in accordance with the approved details.

Reason

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

8. Notwithstanding the approved details referenced within this consent, no part of the development above ground level as hereby approved shall commence until a scheme detailing the external environment-landscape, including planting, fencing, walls, surface treatment & construction details for the site has been submitted to and approved by the Local Planning Authority. The details shall be in the form as specified in Annex C of the Supplementary Planning Guidance 'Trees, Landscape and Development'.

Reason

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

9. The approved landscape works pursuant to Condition 08 above 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.

10. 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.

11. The development hereby permitted should not commence until detailed drainage plans for the disposal of foul and surface water flows have been submitted to and approved by the Local Planning Authority. The plans shall be based on the principles outlined in the drainage strategy (47503-ECE-XX-XX-RP-C-0003). The development shall thereafter be implemented in accordance with the approved details which shall be completed before the development is first brought into use.

Reason: 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. Prior to the commencement of the development, a Construction Management Plan (CMP) shall be submitted in writing to and for approval by the Local Planning Authority. The CMP shall provide details on how construction work would be undertaken in a manner that minimises disruption to traffic and pedestrians and adjacent to the application site. The plan shall demonstrate earthworks within the site can be phased and undertaken safely to avoid impacting the free flow of traffic and shall include details of site welfare, site office, materials storage and operative parking. The CMP shall be implemented as approved and shall endure until the development hereby approved is complete.

REASON: To protect amenity, reduce impacts on the highway and avoid impacts to pedestrian movement in the context of the town centre in accordance with Local Plan Policy CP3 and NPPF para 174.

13. Contaminated Land Intrusive Investigation:

- (i) Where the desk study has identified an unacceptable risk from land contamination, suitable and sufficient site investigations, carried out in accordance with Environment Agency Land Contamination: Risk Management guidance, shall be undertaken to determine the significance of that contamination. A report on the findings of such investigations shall be submitted to the Local Planning Authority for approval.

- (ii) Where site investigations have confirmed unacceptable risks from land contamination, potential remediation options should be appraised and a remediation strategy, prepared in accordance with Environment Agency Land Contamination: Risk Management guidance, shall be submitted to the Local Planning Authority for approval.
- (iii) The developer shall implement the approved remediation strategy in accordance with Environment Agency Land Contamination: Risk Management guidance, following which a verification report shall be submitted to the Local Planning Authority for approval.
- (iv) Identification of contamination that was not previously identified by site investigations shall be reported to the Local Planning Authority as soon as is practicable. Details on how the identified contamination is to be addressed shall be submitted to the Local Planning Authority for approval. Remediation shall be undertaken in accordance with the approved submission. Following development, if no further contamination was identified then comment to this effect shall be submitted to the Local Planning Authority for approval prior to first occupation.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems in accordance with the National Planning Policy Framework.

14. The development hereby permitted shall not be occupied until the noise mitigation measures highlighted within the submitted Noise Impact Assessment Ref: NIA/10582/22/10687/v1 Avon Road have been installed.

Reason

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

2. CONSULTATIONS AND PUBLICITY

EXTERNAL CONSULTEES

- **Staffordshire County Council Highways Authority – No objections subject to conditions**

Previous comments in December suggested the level of parking provided was below the required standards at the site and insufficient information on parking accumulation within the site was provided.

Updated comments March 2023 state current records show that there was 1 No. personal injury collision (PIC) on the junction of Avon Road with Hunter Road for the previous five years.

Hunter Road is an unclassified road (Road No. ZU5052) with a speed limit of 30mph. Hunter Road has footways on either side of the carriageway. The road is lit. There are double yellow line parking restrictions in the immediate vicinity of the access. Hunter Road connects to the A4601 Avon Road which has a speed limit of 30mph.

The existing site is a pay and display car parking for 103 spaces and is operated by Cannock District Council. The site is currently accessed from Hunter Road, via a simple priority junction and is also the

access to units 6 to 10 Walsall Road which have a right of way over the car park to provide servicing to the rear of the units.

The existing access on Hunter Road will be retained to serve the development and access to unit 6-10. A new access is also proposed which will also be from Hunter Road and is proposed to access a parking area for staff only. A visibility splay for the proposed new access has been proposed at 2.4m x 43m. This is acceptable.

Proposed Site Plan shows 12 No. staff car parking spaces, measured as 2.5m X 5m with a 6m space for manoeuvrability to drive in a forward motion. Other parking provisions proposed is for 7No. spaces at the front of the development which include for 2No. disabled spaces and 1No. service bay (3.7m wide). In total 19 car parking spaces are proposed including 3No car parking spaces for electric vehicle charging points. This is below the recommended Cannock Parking guidance but is acceptable due to the location of the development.

Secured and covered cycle hoops are proposed at the front of the development which will cater for 14 cycles.

Further information has been provided providing the likely impact of removing the existing car park on other facilities.

No objections subject to the inclusion of the following conditions:

- (i) Notwithstanding approved plans (drawing no. 332010798-100-001B) visibility splay shall be provided before occupation.
- (ii) Notwithstanding approved Proposed Site Plan (drawing no. CANNO-WBA-SI-00-DR-A-PL-004 Revision P2) car parking shall be provided within the site prior to the first occupation of the development. The approved facilities shall be retained for the lifetime of the development.
- (iii) Notwithstanding approved Proposed Site Plan (drawing no. CANNO-WBA-SI-00-DR-A-PL-004 Revision P2) cycle parking shall be provided within the site prior to the first occupation of the development. The approved facilities shall be retained in perpetuity.

- **National Highways – No comments**

Due to the distance of the strategic road network from this site, we have no comments on these proposals.

- **Environment Agency – No comments**

No comments on these proposals

- **Staffordshire Police – No objections**

Whilst I have no objections to this application, it is important that a high level of physical security is incorporated in these proposals and that the following be considered.

Note: Herbert Protocol and Staffordshire Police.

Dependent upon the nature of both the existing and the proposed residents it may be beneficial that the applicant/operator contacts the Missing Persons (Adults) Co-ordinator within Staffordshire Police to discuss implementation of the Herbert Protocol, which is an investigative tool to enable residents living with dementia/Alzheimer's to be located more quickly should they ever be reported missing.

Note: I recommend this development aims to achieve Secured By Design Silver award. SBD Silver can be awarded to new developments or refurbishment schemes that meet the required security features.

Additional recommendations for lighting, boundaries, car parking, access control, CCTV and drug storage amongst other matters are also made.

- **Staffordshire Fire and Rescue – Comments Provided**

Appropriate supplies of water for fire fighting and vehicle access should be provided at the site, as indicated in Approved Document B Volume 2 requirement B5, section 15 and 16.

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.)

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

Staffordshire Fire & Rescue Service (SFRS) would strongly recommend that consideration be given to include the installation of Automatic Water Suppression Systems (AWSS) as part of a total fire protection package to:

- Protect life, in the home, in business or in your care.
- Protect property, heritage, environment and our climate;
- Help promote and sustain business continuity; and
- Permit design freedoms and encourage innovative, inclusive and sustainable architecture.
- Increase fire fighter safety
- The use of AWSS can add significant protection to the structural protection of buildings from damage by fire.

Without this provision, the Fire and Rescue Service may have some difficulty in preventing a complete loss of the building and its contents, should a fire develop beyond the stage where it cannot be dealt with by employees using first aid fire fighting equipment such as a portable fire extinguisher.

SFRS are fully committed to promoting Fire Protection Systems for both business and domestic premises. Support is offered to assist all in achieving a reduction of loss of life and the impact of fire on the wider community.

- **Staffordshire Lead Local Flood Authority – No objection subject to condition**

The site is not at risk of fluvial or surface water flooding and there are no recorded flooding hotspots within 20m of the site. Our standing advice for low risk Planning consultation is attached. We note that a proposed drainage strategy (47503-ECE-XX-XX-RP-C-0003) has been provided by the application. The LLFA would recommend a conditions is attached to any planning permission to ensure detailed surface water design be submitted to and discharged by the LPA. The detailed design should be based upon the principles outlined in the drainage strategy. A CCTV survey should be undertaken to confirm the viability of reusing any existing drainage infrastructure. Similar comments are offered by Severn Trent.

- **NHS (Staffordshire and Stoke on Trent Integrated Care Board) – No objections subject to S106 requiring £23222 index linked**

The ICB has considered the case and has no objection subject to the level of developer contributions set out below being secured by way of a S106 obligation. These contributions would be drawn down at an appropriate time to address the requirements of the relevant primary care network highlighted below.

In providing this response the submission documents have been reviewed along with the content of the currently adopted development plan with specific reference to policies CP2, CP5 and CP6.

Section 8 of the NPPF 'Promoting healthy and safe communities' makes clear that policies and decisions associated with development should aim to achieve healthy, inclusive and safe places.

At paragraph 93 b) it is also made clear that policies and decisions should "take into account and support the delivery of local strategies to improve health, social and cultural well-being for all sections of the community."

The sum (£23,222) requested has been tailored to the level of development sought and would be pooled to support the future adaptation/refurbishment/expansion of premises within the named PCNs as appropriate and as directed by strategic estates plans.

Should the developer wish to submit a unilateral undertaking (pursuant to S106 of the Planning Act) we would be happy to discuss the terms of such undertaking in further detail directly but would suggest that payment is to be released upon commencement of development in this case and that such payment should be index linked to the Construction Tender Price Indices (TPIs).

- **Severn Trent Water – No objection subject to conditions**

I can confirm that we have no objections to the proposals subject to the inclusion of the following condition:

- The development hereby permitted should 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, and
- The scheme shall be implemented in accordance with the approved details before the development is first brought into use. 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.

We would request the above condition is applied, as the drainage proposals submitted are not final – as soakaway testing and CCTV surveys are still to be carried out. We would request we are consulted again when this has been done.

- **Staffordshire County Rights of Way – No objections**

The application correctly recognises the existence of Public Footpath No.43 Cannock Town which runs just outside the Hunter Road boundary of the proposed development site. The attention of the developer should be drawn to the requirement that any planning permission given does not construe the right to divert, extinguish or obstruct any part of the public path. If the path does need diverting as part of these proposals the developer would need to apply to your council under section 257 of the Town and Country Planning Act 1990 to divert the footpath to allow the development to commence. The County Council will need to be formally consulted on the proposal to divert this footpath. The applicants should be reminded that the granting of planning permission does not constitute authority for interference with the right of way or its closure or diversion. For further information the applicant should be advised to read section 7 of DEFRA's Rights of Way Circular (1/09).

It is important that users of the path are still able to exercise their public rights safely and that the path is reinstated if any damage to the surface occurs as a result of the proposed development.

INTERNAL CONSULTATIONS

- **Economic Development - Comments**

The land is identified in the Cannock Town Centre Development Prospectus as a site for potential development. The application submitted is consistent with the use for residential purposes. There has been no notable offers or proposals for alternative uses since the publication of the prospectus (2019).

- **Environmental Health – No objection subject to conditions**

No adverse comments to make however conditions and advisory notes covering the following should be added to any decision:

1. Provision of Construction Environmental Management Plan covering matters such as working hours, noise, dust and vibration, emergency and complaint procedures
2. Contaminated Land Intrusive Investigation

- **Housing Strategy – No contribution required**

Affordable housing contributions are not sought on this application. The development proposed is a C2 use.

- **Parks and Open Spaces – Comments**

A range of matters are referenced in the Parks and Open Spaces comments provided to Officers on the amended plans. In particular comments on soft landscaping locations, amenity space functionality and general opportunities for improvements in design and similar are mentioned. Additionally further amendments are requested relating to:

- Location of air source heat pump needs amending slightly so as to maximise garden area and reduce maintenance aspects of inaccessible vegetation.
- Planting plan - misunderstanding of some comments - need to correct details.
- Minor adjustment to management plan and landscape specifications

- **Planning Policy – No objections**

Part of the site falls within the primary retail area which seeks to retain existing A1 retail uses. It states that development falling within other use classes will only be permitted where it will not create a concentration of non-shopping uses and result in unacceptable change in the retail character of the immediate area or have an adverse effect on the vitality and viability of the town centre. Other uses will only be permitted where they do not detract from the primary retail function of the town centre. It is noted that the element of the site which lies within the primary retail area does not contain any A1 retail uses. The policy therefore requires consideration of whether the retail character of the area will be adversely affected or the proposal will have an adverse effect upon the vitality and viability of the town centre. The recent town centre prospectus offers some more recent consideration of this along with the Cannock Chase Retail and Town Centre Uses Study 2020 and Retail Capacity update 2022 which have been prepared to support the review of the Local Plan.

The Town Centre Retail Study (2020) sets out that there is a small quantitative need for additional Convenience Goods Floorspace of 100m² and a larger comparison floorspace need of 1500m² in Cannock within the next 10 years. The study proposes moving the Primary Retail Area boundary so that it does not include the application site. The study recommends that independent retailers are important for Cannock Town Centre given the decline in national chain stores. It also notes that the development of residential (especially on upper floors) and serviced accommodation under Other Uses can increase footfall within the Town Centre.

Conclusion

In principle residential development plays an important role in ensuring the vitality and viability of centres where located on appropriate sites. The site is located both inside and adjacent to the primary retail area. Evidence submitted and prepared to support the review of the Local Plan indicates there is only a small requirement for convenience floorspace but a larger requirement or comparison floorspace in Cannock town centre over the next 10+ years. However the study also recommends removing the application site from the Primary Retail Area suggesting the location is not seen as necessary to help meet the identified need. As such it is not considered the safeguarding of the potential for retail from this site could be sustained or that the change of use would result in unacceptable change in the retail character of the immediate area. The proposal incorporates active frontages and the layout safeguards rear access for the existing retail and commercial units to aid their viability and recognises the potential for 24hour activity arising from the town centre uses in the area. The redevelopment of the site in this prominent and sensitive location is supported, comments in relation to the design and detail of the proposal, I leave to the case officer.

3. RELEVANT PLANNING HISTORY

- 3.1 There are two relevant historic planning permissions relating to the site. Application CH/04/0566 sought approval for 'Construction of four storey mixed use development incorporating (A1) Retail, (A3) Restaurants and Cafe's, (C3) Residential (D2) Leisure and car park. (Outline including siting, design and means of access)' and was approved in Outline in October 2008.
- 3.2 A subsequent application was submitted (LPA ref: CH/09/0094) which amended the design and revised the mix of uses following outline approval CH/04/0566 and was approved in November 2009 subject to a section 106 agreement.
- 3.3 Neither permission appears to have been implemented and therefore have subsequently expired.

4. SITE AND SURROUNDINGS

- 4.1 The site comprises c.0.3ha of land located on the corner of Avon Street and Walsall Road in Cannock. The site comprises hard standing currently used for car parking and a piece of amenity grassland that backs on to the buildings fronting Walsall Road. A large national supermarket exists immediately adjacent to the application site and the site is prominent from views along Avon Road, a main route through the wider town centre.
- 4.2 The site itself is located in Cannock Town Centre and exists in close proximity to town centre type uses with some residential provision in the wider context. To the north the site is bound by a variety of existing commercial buildings, including a cinema, hairdressers, hot food takeaway, and shops; there are also residential uses within these buildings. To the east of the site is a car park accessed off Hallcourt Lane. To the west the site fronts Avon Road (A4601), which accommodates a number of uses including a public park opposite the site, and mixed-use retail frontage. To the south of the site is a large supermarket and school.

- 4.3 The Cannock Town Centre Conservation Area is located to the northwest of the site. Within this are a number of listed buildings including the Grade II* listed Parish Church of St Luke (List UID: 1295000), located to the north of the site. Direct views to these assets have not been observed with views being contained by frontage buildings.

5. PROPOSAL

- 5.1 The application seeks full planning permission for the construction of a 33-bed specialist care home facility with associated access, landscaping and parking. The development proposes the construction of a three-storey building in Class C2 Use. The building will be of a similar scale to neighbouring buildings, including the surrounding residential dwellings, cinema and supermarket. It will be provided with parking for 19 vehicles, site delivery space, amenity space for residents and electric vehicle charging for 3 vehicles.
- 5.2 The building is located to the central part of the site currently covered by hard surfacing with attempts made within the design to retain trees and green space positioned on the site's periphery.



Figure 1: Extract from submitted 3D imagery showing proposed building

- 5.3 The facility would provide 33no. bedrooms for residents and an additional room for visitors. A total of 34-38 staff will work at the site. All bedrooms will have private en-suite facilities including showers. Assisted bathrooms will also be provided on each floor. Two hoist bedrooms are located at ground floor level for residents requiring further mobility assistance. All the bedrooms are of sufficient size to accommodate wheelchair users.
- 5.4 Amenity areas such as dining rooms, lounge rooms and quiet areas are to be provided as part of the proposed design. Additional space for therapy and a sensory room are also provided. Other facilities include kitchen, offices, changing areas, nurses' stations and drug store. Lifts are supplied to provide access between floors. The proposals also include seven Sheffield cycle stands adjacent to the main entrance, providing fourteen cycle spaces. Smoking shelters for staff and residents and refuse storage. Pedestrian and vehicular access to the site will be from Hunter Road to the south.

6. PLANNING POLICY

- 6.1 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.
- 6.2 The Development Plan currently comprises the Cannock Chase Local Plan (2014) and the Minerals Local Plan for Staffordshire (2015-2030).
- 6.3 Relevant Policies within the Local Plan Include: -
- CP1: - Strategy
 - CP3: - Chase Shaping-Design
 - CP8: - Employment Land
 - CP10: - Sustainable Transport
 - CP11: - Centres Hierarchy
 - CP12: - Biodiversity and Geodiversity
 - CP13: - Cannock Chase SAC
 - CP14: - Landscape Character and Cannock Chase Area of Outstanding Natural Beauty
 - CP16: - Sustainable Resource Use
- 6.4 The relevant policies within the Minerals Plan are: -
- (i) *Mineral Safeguarding*
- National Planning Policy Framework
- 6.5 The NPPF (2021) 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.
- 6.6 The NPPF (2021) 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.
- 6.7 Relevant paragraphs within the NPPF include paragraphs: -
- | | |
|--------------------------|--|
| 8: | Three dimensions of Sustainable Development |
| 11-14: | The Presumption in favour of Sustainable Development |
| 38: | Decision-making |
| 47-50: | Determining Applications |
| 86, 87, 90, 91: | Ensuring the vitality of town centres |
| 110, 111, 112, 113: | Promoting Sustainable Transport |
| 126, 130-132, 134: | Achieving Well-Designed Places |
| 152, 154, 157, 167: 169: | Meeting the Challenge of Climate Change, Flooding and Coastal Change |
| 183, 184, 186: | Ground Conditions and Pollution |
| 212: | Minerals |
| 218, 219 | Implementation |

Other relevant documents include: -

Cannock Chase District Council (April 2016) Design Supplementary Planning Document,
Cannock Chase District Council (July 2005), Cannock Chase Local Development Framework; Parking Standards, Travel Plans and Developer Contributions for Sustainable Transport.

Cannock Chase District Local Plan Preferred Options 9 February 2021)

Emerging Policies

SO6.1 Hierarchy of Town and Local Centres

SO6.2 Provision of Main Town Centre Uses and Town Centre Services

7. DETERMINING ISSUES

7.1 The determining issues for the proposed development include: -

- a) Principle of development
- b) Character and appearance
- c) Residential amenity
- d) Highways Considerations
- e) Ecological Considerations
- f) Air Quality
- g) Drainage and flood risk
- h) Mineral safeguarding
- i) Ground conditions and contamination
- j) Developer Contributions

8. PRINCIPLE OF THE DEVELOPMENT

8.1 The site is located within the Town Centre boundary. Part of the site falls within an allocated Primary Retail Area, which seeks to retain existing Class A1 retail uses and to which new retail development will be directed.. Policies CP7, CP11, CP13, CP15 and CP16 would therefore be relevant to the consideration of this proposal along with compliance with the habitats regulations.

8.2 National planning policy in the NPPF and PPG supports the role that town centres play at the heart of local communities and advises that a positive approach to their growth, management and adaption should be taken. The NPPF and PPG are suggested within Planning Policy comments as superseding the approach in the adopted Local Plan and that national guidance since production of the Local Plan in relation to town centres has changed. Whilst ensuring the

vitality and viability of centres remains paramount the range of uses now included as 'main town centre uses' has expanded. In addition, Para 86 (f) of the NPPF states that 'residential development often plays an important role in ensuring the vitality of centres and encourage development on appropriate sites.'

- 8.3 NPPF paragraph 60 states it is important that the needs of groups with specific housing requirements are addressed, with paragraph 83 stating that planning decisions should recognise and address the specific locational requirements of different sectors. This application seeks consent for the delivery of a specialist care home to provide care for those with a wide range of health needs. Policy CP7 acknowledges a need for a range of housing choice and encourages development applications for residential accommodation in Use Class C2 in order to assist in 'Housing an Aging Population'. The proposal therefore represents a positive contribution to the specialist needs of the region and is compliant with NPPF ambitions and Policy CP7.
- 8.4 Part of the site falls within an allocated Primary Retail Area, which seeks to retain existing Class A1 retail uses and to which new retail development will be directed. Policy CP11 permits development falling within other use classes where it will not create a concentration of non-shopping uses and result in unacceptable change in the retail character of the immediate area or have an adverse effect on the vitality and viability of the town centre. Other uses will only be permitted where they do not detract from the primary retail function of the town centre. The policy therefore requires consideration of whether the retail character of the area will be adversely affected or the proposal will have an adverse effect upon the vitality and viability of the town centre. The recent town centre prospectus offers consideration of this along with the Cannock Chase Retail and Town Centre Uses Study 2020 and Retail Capacity update 2022 which have been prepared to support the review of the Local Plan.
- 8.5 The Local Plan Review - Cannock Chase Local Plan – Preferred Options document (2022) included the site as a Mixed Use allocation suitable for a range of different uses, which includes housing (Policy so6.5: Cannock Town Centre redevelopment areas). The Plan also proposes to move the boundary of the primary retail area to exclude this site as shown on the accompanying map.
- 8.6 The Town Centre Prospectus (2019) promotes development opportunities within Cannock Town Centre. It identifies this site as suitable for bespoke retailers/leisure providers, food and beverage uses alongside a medium density residential scheme.
- 8.7 The Town Centre Retail Study (2020) sets out that there is a small quantitative need for additional Convenience Goods Floorspace of 100m² and a larger comparison floorspace need of 1500m² in Cannock within the next 10 years. The study proposes moving the Primary Retail Area boundary so that it does not include the application site. The study recommends that independent retailers are important for Cannock Town Centre given the decline in national chain stores. It also notes that the development of residential (especially on upper floors) and serviced accommodation under Other Uses can increase footfall within the Town Centre.
- 8.8 Officers assess the site is located both inside and adjacent to the primary retail. On the basis of current policy, CP11 permits alternative uses outside of retail use classes where the proposals would not lead to an unacceptable change to the retail character of the area. The part of the site located within the primary retail area does not contain any Class E (formerly

A1) retail uses, and functions as a car park. The immediate surrounding area has a retail character. This includes a supermarket, hot food takeaways, a cinema, hairdressers, restaurants, and various shops. The development proposed would not create a concentration of non-shopping uses or have some form of adverse impact on the established retail and other uses nearby. It is reasonable to assess, in line with NPPF Para 86(f) that the residential use proposed in this case would be complementary to the main function of the centre given the close proximity to day to day services, café and leisure uses and wider sustainable public transport provision. As such on the basis of adopted current policy, the application in principle is considered compliant with Policy CP11.

- 8.9 Although not fully progressed to submission stage at the current time, the Emerging Local Plan Review and other evidence relating to Cannock Town Centre recognises the development potential of this site. The Emerging Local Plan Review recommends removing the application site from the Primary Retail Area suggesting the location is not seen as necessary to help meet the identified need. Planning Policy colleagues further suggest safeguarding of the site for potential retail use in future cannot be sustained in light of wider evidence. Taking the above matters into account, the redevelopment of the site is considered to align with the Council's emerging retail approach within the Cannock Sub-regional Centre. Therefore on the basis of current and emerging policies, the development proposed is considered acceptable in principle.

9. CHARACTER, APPEARANCE AND HERITAGE

- 9.1 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.*
- 9.2 Relevant policies within the NPPF in respect to design and achieving well-designed places include paragraphs 126, 130, 131, 132, 134. Paragraph 126 makes it clear that the 'creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve' adding 'Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities.



Figure 2: Extract from submitted 3D imagery showing application site when viewed from Hunter Road

- 9.3 The proposal is a three storey building located on a main thorough fare through Cannock. The sensitivity of the context is considered to be low owing to the presence of modern buildings of various styles and designs. The design provided is of a scale and massing that is considered to sit comfortably in the context of the development nearby – specifically the large scale super market adjacent and the relatively modern shopping area opposite. Use of brick and render as proposed is considered acceptable in the context where similar traditional materials are apparent and the design proposed seeks to retain outlook to ‘round the corner’ onto Hunter Road adjacent. This promotes natural surveillance and avoids a large blank gable end onto a main thoroughfare. The development assists with screening the rear of buildings that front northwards onto Walsall Road (A34) such as the Electric Palace Picture House. The applicant’s submissions suggest:
- (i) *5.4.2. The proposed layout of the site and design of the building would allow easy access and movement for disabled residents and visitors, accommodating wheelchair users, whilst ensuring that there would be sufficient amenity areas for residents to enjoy.*



Figure 3: View from Avon Road towards rear of buildings and Conservation Area (left of image) taken from Google Earth ©

- 9.4 With regard to heritage considerations, whilst some views towards the Conservation Area are possible to the north of the application site, these are contained by buildings focussed around the Avon Road / Walsall Road Junctions. These mean direct views are relatively restricted and it is assessed the development proposed would have very little effect on the character of the Cannock Town Centre Conservation Area. This is notwithstanding the fact that modern surrounding development with less traditional characteristics is commonplace in the immediate setting.
- 9.5 Nevertheless, taking account of the NPPF desire to attach great weight to the conservation of heritage asset (NPPF Para 199), any harm or loss of significance should be carefully assessed. In this case, the significance of the Town Centre Conservation Area is derived from its origins dating back to the medieval period, with a market being established in the 13th Century, around the same time as the parish church. The Conservation Area Appraisal notes that the churchyard and bowling green continue to form prominent green focal points. It also notes that modern redevelopment around the edge of the town centre, such as Cannock Shopping Centre, is larger in scale, but careful design helps it fit within its historic context. The significance of the conservation area derives from:
- (i) *Its long history still evident in its spacious layout and distinctive buildings;*
 - (ii) *Its mixed, generally small scale, retail/commercial uses and markets;*
 - (iii) *Its townscape of diverse building types and buildings/groups of individual interest, harmonised by continuity, mass, scale and materials around an open market place; and*
 - (iv) *Its prominent green focal points of the bowling green and churchyard enhanced by mature tree planting.*
- 9.6 The Grade II* listed Parish Church of St Luke (List UID: 1295000) is a focal point within the conservation area and dates back to C14 and C15. It is of architectural and historic interest and the spacious grounds contribute to its significance by way of its setting.



Figure 4: 3D imagery showing proposed view from Avon Road

- 9.7 The development proposed in this case is considerably separate from the main items of significance to the Conservation Area with only glimpsed views from the very edge of the Conservation Area boundary. As such Officers assess the significance of the Conservation is

not affected by the proposals. Furthermore in balancing these effects upon significance against the wider public benefits of the proposals in line with Para 202 of the NPPF, the balance in the Officer's view weighs considerably in favour of the development by virtue of the nil harm to significance versus the wider benefit of providing specialist residential accommodation and more efficient and effective use of land in a sustainable location.

- 9.8 Minor discussions around the positioning of landscaping, air source heat pump and other items are mentioned in response to the amended plans provided by the Council's Landscape Officer. These are considered matters of detail and in the context of other conditions that require discharge, it seems most appropriate in the Officer's view to seek further submission and agreement of hard and soft landscaping details by condition.
- 9.9 Accordingly, Officers assess no heritage impacts as a consequence of the proposed development. In wider design terms, the development is considered acceptable and reasonable in the setting within which the development occupies. The proposals seek to provide a defined frontage to Avon Road and elevations promote natural surveillance on all sides of the building. As such, subject to more precise details regarding the materials proposed, Officers are satisfied the development is in compliance with Local Plan Policy CP3.

10. **RESIDENTIAL AMENITY**

- 10.1 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".
- 10.2 Paragraph 130(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.
- 10.3 Officers have received no public comments in relation to the proposals. In particular, no nearby properties are observed as being affected by the proposed development. The closest impacted properties are those fronting Walsall Road (Circa 50m from the proposed building) and those units potentially used as flat above shops fronting Avon Road. In both cases impacts are not observed. The flats on Avon Road would have an oblique view towards the proposed building and as such privacy impacts would not result (153 and 157 in the image show). In the case of Walsall Road units, these units exist at double usual separation distances of 21.3m for facing main windows. Accordingly the impacts upon existing users of land and buildings in terms of amenity are considered to be minimal.



Figure 5: Extract from proposed site plan showing properties to left on Avon Road and right at Walsall Road

- 10.4 With regards future potential occupiers of the site, noise from the main road and past contamination are of relevance. Contamination is dealt with within the Ground Conditions section of this report. With regards noise, the applicants have provided a formal noise report which examines the interventions that may be needed in a proposed building of this type and recommendations are made such as including high specification enhanced glazing to the main road frontage, mechanical ventilation and assessment of air permeability.
- 10.5 The Council's Environmental Health Officers have considered the report and assess that subject to conditions, the development could reasonably be brought into use subject to implementation of the measures set out in the recommendations. As such the development as a whole, subject to conditions, would not have a significant impact on the standard of residential amenity in the area and that the proposal would be in accordance with Policy CP3 of the Cannock Chase Local Plan and Paragraph 130(f) of the NPPF.

11. HIGHWAYS CONSIDERATIONS

Parking Displacement

- 11.1 Setting aside the Council has previously granted consent for development on this site (as these consents have now lapsed), it is a material consideration to examine the effects of parking displacement through the loss of the use of the site for public parking. This matter links in with a wider Town Centre Regeneration Project as part of the Government's Levelling Up Fund that is now submitted as a live planning application (Reference 23/0131 – Land Bound by Ringway). As part of the work associated with this application a formal study of parking uptake within the Town Centre was undertaken and the report prepared by Tetrattech is relied

upon within these submissions as being directly relevant to the issue of parking displacement in this current application.

11.2 Building upon car parking studies carried out previously in 2018, the latest Town Centre Car Parking Study 2022 uses existing 2022 car parking occupancy survey information and car park ticket sales data to forecast future change. Factors such as new developments in the town centre, technological change and predicted new housing in the centre are used to forecast future parking demand. Figures for weekday and weekend usage in 2027 are predicted within the study. Indeed as part of the study the loss of the Avon Road car park is factored into the predictions alongside the wider improvements as part of the Levelling Up Fund project. The report concludes (Officer underline emphasis added):

- (i) *that a significant increase in car park capacity is not likely to be necessary within the next five years unless there is a significant increase in the attraction of the town centre and the demand for parking during the midday peak period or a significant reduction in parking tariffs. The Avon Road car park can be redeveloped without creating a significant shortfall in parking supply but a small amount of redistribution may be necessary to balance demand across the remaining existing car parks.*

11.3 As part of the assessment of the current application, the County Council Highways Authority were consulted on the evidence presented. No objections on the basis of the submitted information are raised and the County Council are satisfied that further information has been provided indicating the likely impact of removing the existing car park on other facilities. Officers see no reason to disagree with the information presented in this case and seek to include the recommended Highways Conditions as part of any formal approval.

Highways matters associated with proposed use

11.4 The application proposes the reuse of the land currently utilised as a public car park for a 33 Bedroom Care Home. The care home would be provided with 7 parking spaces immediately adjacent the building and will include 12 car parking spaces within the area to the southeast of the building within a newly formed parking area.



Figure 6: Proposed Site Plan Extract as amended showing two access locations onto Hunter Road

11.5 A Transport Statement accompanies the application prepared by Stantec. The statement confirms that the proposed development is in a sustainable location, easily accessible by sustainable transport modes (on foot, by bike and by public transport), and that the development will have a negligible traffic impact on the wider highway network during the weekday peak hours, in accordance with Policy CP10. There are no strict policy requirements for Electric Vehicle Charging Points (EVCs), however, the proposed development will be served with 3 charging points in total. Access will be provided by Hunter Road with two access points being formed to serve the respective parking areas. 2.4m x 40m visibility in line with required standards for a 30mph road is achieved for both points. The Transport Statement reports:

- (i) *the development will employ 34 to 38 members of staff during the day, including ancillary staff. The majority of staff will be recruited locally. The shift patterns for care working staff will be split over two 12-hour shifts, from 8am to 8pm and from 8pm to 8am. The majority of the staff will therefore arrive between 7.30am and 8am for the day shift and between 7.30pm and 8pm for the night shift. It has also been confirmed that there will be no resident members of staff employed at the site.*
- (ii) *Car parking provision of 19 staff spaces at the proposed development, which is located within the town centre, would be appropriate for this site as has been*

demonstrated by the recent assessment of a similar care home. It should be noted that the Copperfields care home is located out of the town centre and therefore provides a robust assessment for the proposed site given its town centre location.

- (iii) *Seven covered cycle hoops, which can cater for fourteen cycles are also to be provided and will be located close to the main building entrance.*
- (iv) *Swept path analysis has been carried out for a kitchen delivery vehicle, based on a 10m rigid vehicle, accessing the site. Drawing 332010798-100-002 shows a 10m rigid vehicle turning left into the site from Hunter Road, turning within the site and exiting back onto Hunter Road to the right, back towards Avon Road. The drawing demonstrates that the vehicle can enter and exit the site in forward gear.*

11.6 The Parking Standards, Travel Plans & Developer Contributions for Sustainable Transport Supplementary Planning Document states that lower levels of parking provision are acceptable for sites located in the town centres. A similar stance in relation to these proposals is adopted by the Highway Authority suggesting that although the level of parking proposed is lower than required standards in the above document, it is nevertheless acceptable in the context of the site's sustainable location in this case.

11.7 It is therefore concluded that the proposals, subject to the attached conditions, would not result in unacceptable impact on highway safety, or residual cumulative impacts on the road network would be severe in line with Para 111 of the NPPF. Instead the proposals would provide for access by various means of transport, in a location that is sustainable and immediately adjacent the town centre. For these reasons it is considered that the proposal is in accordance with Policy CP10 of the Cannock Chase Local Plan and paragraphs 110, 111, 112 and 113 of the National Planning Policy Framework.

12. **ECOLOGICAL CONSIDERATIONS**

Direct Site Impacts and Enhancement

12.1 Policy and guidance in respect to development and nature conservation is provided by Policy CP12 of the Local Plan and paragraphs 174 and 180 of the NPPF.

12.2 The site does not benefit from any formal or informal designation for nature conservation purposes, nor is it located immediately adjacent to sites of significance. A formal Preliminary Ecological Assessment is provided with the application. This identifies no habitats protected under Section 41 of the Natural Environment and Rural Communities Act 2006, and reports no evidence was found of protected species on the site other than non-native vascular plants. The report makes recommendations that no other mitigation, compensation, or enhancement measures (other than cotoneaster removal plans) are required.

12.3 The Arboricultural Impact Assessment provided identifies three Category 'B2' trees and four Category 'C2' trees for removal, while the remaining trees will be retained and protected. Additional planting is proposed within landscaped gardens to account for the loss of trees.

12.4 A formal Biodiversity Assessment and Enhancement report is also provided. This sets out the site-specific habitat and species measures proposed to secure biodiversity enhancement on

the site. These include retention of mature trees, eradication of invasive species, provisions for bats and birds, the introduction of wildflower grassland, and native tree and shrub planting through the landscaping plan. The location of these measures is shown in an Ecological Enhancements Plan. The report assesses the current condition of the site and how this will improve as a result of the landscaping works associated with the proposed development. The report concludes that the redevelopment of the site will result in a predicted on-site net increase in habitat units of +0.44%. The proposals are therefore expected to enhance existing green infrastructure and maintain ecological connectivity in this area.

- 12.5 The above is a reasonable conclusion in the context of the redevelopment of the existing car park and Officers have no concerns in relation to the methodology utilised. Conditions can reasonably secure compliance with the Enhancements Plan. In light of these conditions, the application is considered to be in accordance with Policy CP12 and the wider NPPF net gain duty under NPPF Para 174.

Cannock Chase SAC Contributions

- 12.6 The development in this case seeks to provide residential units aimed at meeting the needs of the elderly. The Council's CIL Officer confirms that Community Infrastructure Levy is not chargeable on specialist retirement housing and the development in this case would not be liable for CIL.
- 12.7 In such circumstances where housing is proposed but it is not CIL liable, a S106 is usually employed to secure monies to go towards mitigating impacts of recreation upon the Cannock Chase SAC. However in the case of these proposals being care accommodation for the elderly, it does not seem reasonable or proportionate to the type of development that the future occupiers would contribute to any significant uplift in the use of recreational trails within the SAC. Additionally it is noted that only '*Sheltered accommodation and care homes falling within Use Class C3*' are required within the Council's guidance to provide SAC contributions. The Use Class specifically proposed in this case (as referenced in the stated proposed use class within the application form) is C2. Accordingly it is assessed that no contribution to SAC mitigation should be required in line with the Council's published guidance.

Environment Act 2021

- 12.8 In November 2021 Environment Bill was given Royal Assent and has now become the Environment Act 2021. This Act requires the Secretary of State for DEFRA to set long-term legally binding targets on air quality, biodiversity, water, resource efficiency and waste reduction within the UK which will be overseen by a largely independent body.
- 12.9 In respect to Biodiversity Net Gain all new development will be obliged to demonstrate a 10% biodiversity net gain (BNG). On sites where BNG is secured, it would have to be managed for at least 30 years and will most likely need to be secured by a legal agreement. A two-year transition period was set out in the consultation documents so it is anticipated the 10% BNG requirement will be a legally mandatory requirement by 2023. Although, some LPAs already require net gain Cannock Chase District Council has no such policy requirement.
- 12.10 Therefore, although the provisions of the Environment Act 2021 constitute a material consideration there is currently no legislative or policy to require a 10% Biodiversity Net Gain. Notwithstanding this there is still a requirement under paragraph 174 of the NPPF for

decisions to contribute to and enhance the natural and local environment. However, it is considered that given the site is predominantly hard standing, this enhancement would be achieved through an appropriate landscape plan as required by condition.

12.11 Therefore it is considered that subject to the attached conditions the proposal would not be contrary to policies CP12 and CP13 of the Local Plan and paragraphs 174 and 180 of the NPPF.

13. AIR QUALITY

13.1 An Air Quality Assessment has been prepared by Miller Goodall and accompanies the planning application for the proposed development. This report concludes that with the implementation of the recommended mitigation measures during construction, the dust impacts from the construction area are considered to have no residual effects when considered against relevant guidance. Concentrations of typical car generated pollutants NO₂, PM₁₀ and PM_{2.5} are also assessed in an operational scenario. It is stated these are below their respective long and short-term objectives and target level at the proposed development which is therefore considered suitable for residential care use with regard to air quality. The Council's Environmental Health Officer raises no objections to the proposals in this respect and no further conditions are recommended.

14. DRAINAGE AND FLOOD RISK

14.1 The site is located in Flood Zone 1 on the Environment Agency's Flood Zone Maps, and therefore is in the zone which is at the least risk of flooding. In order to inform the application the applicant has submitted a Proposed Drainage Strategy. The report states: -

- (i) *For the purposes of preparing a surface water drainage strategy, it has been assumed that the most appropriate point of discharge to the public sewer network will be to the Severn Trent Water (STW) manhole reference 1906 within the Hallcourt Lane car park. As this manhole is located in an area outside of the developer's ownership, agreement within the adjacent land owner to lay a new drain will be required.*
- (ii) *However, the limited CCTV survey information available suggests that there is currently a length of private drainage from the STW manhole to a second manhole closer to the southeast boundary, from which an incoming branch is shown to be heading in the direction of the site. It is therefore possible that this pipe extends into the proposed development site and may be a suitable point of discharge. The proposed return visit to carry-out the additional CCTV drainage should be able to confirm this.*
- (iii) *In order to reduce flood risk to others, it is proposed that the rate at which surface water from the development is discharged be restricted by the use of a vortex flow control device, (Hydrobrake or similar). Should it be proven that a sufficiently large area of the existing car park is positively drained to the public sewer network, it is proposed that the rate at which surface water is to be discharged is restricted to 70% of the assumed existing unrestricted discharge rate, i.e. a 30% reduction.*
- (iv) *If it is found that the reduced flow rate would be so low as to require an orifice diameter within the device which is likely to give an unacceptably high risk of*

repeated blockages by litter, leaves etc., then it is proposed that a discharge rate of 3.5 litres/second be taken.

- (v) It is proposed that attenuated volumes of run-off are retained on site for all rainfall events up to and including the 1 in 100 year return period plus an allowance of 40% for climate change. 125m³ attenuation storage are proposed.

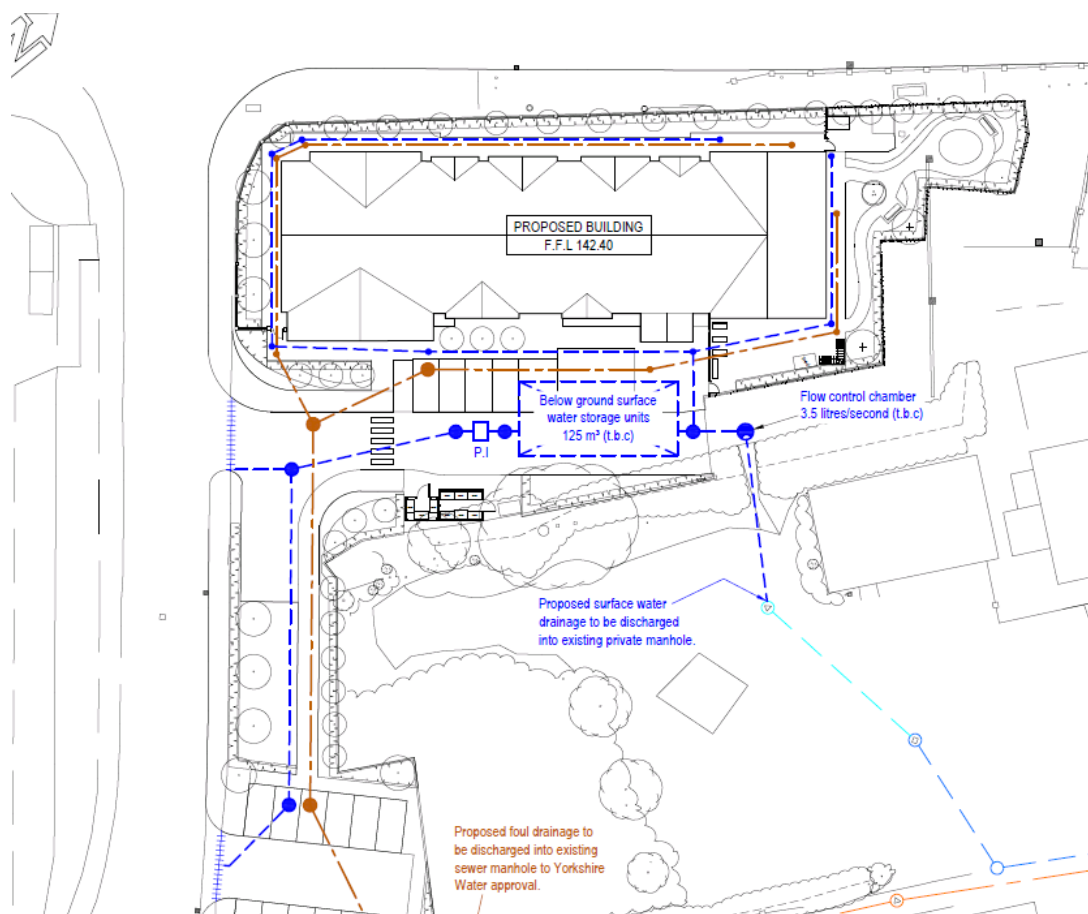


Figure 7: Extract from Appendix 6 of submitted Drainage Report showing the proposed Drainage Strategy

- 14.2 The Lead Local Flood Authority state they would recommend a condition is attached to any planning permission to ensure detailed surface water design be submitted to and discharged by the LPA. The detailed design should be based upon the principles outlined in the drainage strategy. A CCTV survey should be undertaken to confirm the viability of reusing any existing drainage infrastructure. Severn Trent similarly request conditions of this type.
- 14.3 In overarching drainage design terms it therefore appears a solution to foul and surface water drainage is feasible subject to final agreement with Severn Trent and Staffordshire Lead Local Flood Authority. Therefore subject to the attached conditions the proposal would be acceptable in respect to flood risk and drainage.

15. MINERAL SAFEGUARDING

- 15.1 The site falls within a Mineral Safeguarding Area (MSAs) for superficial sand and gravel deposits. Paragraph 2010(c) 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.

- 15.2 Policy 3.2 of the new Minerals Local Plan states that:
- a) '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:
 - (i) *the existence, the quantity, the quality and the value of the underlying or adjacent mineral resource; and*
 - (ii) *that proposals for non-mineral development in the vicinity of permitted mineral sites or mineral site allocations would not unduly restrict the mineral operations.*
- 15.3 Table 7 of Appendix 6 outlines "Exemptions Criteria for Mineral Safeguarding" and includes, amongst other things, safeguarding areas (see 13 below);
- 15.4 Applications that fall within the development boundary of urban areas and rural settlements identified in an adopted development plan document, other than:
- a) non- exempt applications that fall within the mineral consultation zones around mineral sites, mineral site allocations and mineral infrastructure sites; and,
 - b) non- exempt applications that fall within the coal and fireclay
- 15.5 In this respect it is noted that the site is small in area and located within the main urban area of Cannock and as such is considered to constitute an exemption from Mineral Safeguarding Policy.
- 15.6 It is therefore concluded that the proposal is therefore acceptable in respect to mineral safeguarding and the requirements of paragraph 210(c) of the NPPF and Policy 3.2 of the Minerals Local Plan

16. **GROUND CONDITIONS AND CONTAMINATION**

- 16.1 The submitted Ground Investigation report provides comment that the site remained undeveloped until 1954 when two buildings, with unknown purpose, were developed in the south east of the site. These were demolished by 1977 and the site has since remained undeveloped. The west of the site has been a car park since 1967. The report summarises that:
- (i) *The solid geology beneath the site is comprises the Pennine Middle Coal Measures (mudstone). Superficial deposits are recorded as Till. No faults or coal seams are indicated to cross the site.*
 - (ii) *The superficial deposits are classed as a Secondary Undifferentiated Aquifer and the solid geology is a Secondary A Aquifer. The site does not lie within a groundwater Source Protection Zone.*
 - (iii) *Two coal seams are recorded as having been worked at depth beneath the site. No shallow coal mining has been identified.*
 - (iv) *No radon precautions are required.*
 - (v) *One landfill site and one area of potentially infilled land are present within 250 m of the site. Gas migration onto the site from these is unlikely, however a programme of gas monitoring is recommended to confirm this.*

- (vi) *The most appropriate foundation solution for any future development will depend on the depth at which competent ground is encountered. At this stage, it is expected that traditional reinforced strip or trench fill footings, or reinforced concrete pad foundations, taken through any made or soft ground, on to competent strata will be appropriate.*
- (vii) *Before more definite information regarding the properties of the ground and any contamination present can be given, an intrusive ground investigation will be required.*

16.2 In this respect paragraph 174 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.*

16.3 In addition to the above paragraph 183 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.*

16.4 In order to inform the application the applicant has submitted a Phase 1 Site Investigation. This has been appraised by the Council’s Environmental Health Officer (EHO). The EHO has stated that he is in agreement with the findings of the report and has recommended conditions.

16.5 The comments of the EHO are accepted and it is considered that subject to the attached conditions the proposal would be acceptable in respect to the requirements of paragraphs 174 and 183 of the NPPF.

17. **DEVELOPER CONTRIBUTIONS**

NHS Health Contributions

- 17.1 The ICB has considered the case and has no objection subject to the level of developer contributions set out below being secured by way of a S106 obligation. These contributions would be drawn down at an appropriate time to address the requirements of the relevant primary care network highlighted below. The sum (£23,222) requested has been tailored to the level of development sought and would be pooled to support the future adaptation/refurbishment/expansion of premises within the named Primary Care Networks as appropriate and as directed by NHS strategic estates plans. The NHS representative suggests a unilateral undertaking (pursuant to S106 of the Planning Act) would be the appropriate mechanism to secure the funds which should be released upon commencement of development and the amount should be index linked to the Construction Tender Price Indices (TPIs).
- 17.2 Officers see no reason to dispute the request and the applicant has confirmed agreement to paying the required amount, subject to production of the Unilateral Agreement.

SAC Recreational Impacts

- 17.3 For the reasons set out within the Ecological Considerations section of this report, a SAMM recreational impacts contribution as would usually be sought for new housing, is not considered to be justified in this case in line with the Council's published guidance.

Affordable Housing

- 17.4 The Council's Housing Strategy Officer suggests affordable housing contributions should not be sought in this case because the development proposed is a C2 use class. Officers see no reason to dispute this and recognise the facilities to be provided seek to incorporate specialist care.

18. HUMAN RIGHTS ACT 1998 AND EQUALITY ACT 2010

Human Rights Act 1998

- 18.1 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.

Equality Act 2010

- 18.2 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.
- 18.3 By virtue of Section 149 of that Act in exercising its planning functions the Council must have due regard to the need to:
- (i) *Eliminate discrimination, harassment, victimisation and any other conduct that is prohibited;*
 - (ii) *Advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;*

- (iii) *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 Equality Act.

19. CONCLUSION

- 19.1 The development seeks to provide for a proposed care home (33 bed) development within the main town centre area. The development proposed would not create a concentration of non-shopping uses or have some form of adverse impact on the established retail and other uses nearby. It is reasonable to assess, in line with NPPF Para 86(f) that the residential use proposed in this case would be complementary to the main function of the centre given the close proximity to day to day services, café and leisure uses and wider sustainable public transport provision. As such on the basis of adopted current policy, the application in principle is considered compliant with Policy CP11.
- 19.2 Although not fully progressed to submission stage at the current time, the Emerging Local Plan Review recommends removing the application site from the Primary Retail Area suggesting the location is not seen as necessary to help meet the identified need. As such the redevelopment of the site is considered to align with the Council's emerging retail approach within the Cannock Sub-regional Centre.
- 19.3 Assessment of the potential effect of the loss of parking within the wider Cannock town centre is provided within the 2022 Town Centre Parking Study Report which concludes the Avon Road car park can be redeveloped without creating a significant shortfall in parking supply but a small amount of redistribution may be necessary to balance demand across the remaining existing car parks.
- 19.4 Other matters such as ecological enhancement, amenity implications, landscaping, contamination and drainage matters are considered acceptable and in some cases further conditions are recommended. Subject to the conditions recommended in this report, the proposals are considered an acceptable form of sustainable development.