

Please ask for: Mrs W. Rowe
Extension No: 4584
E-Mail: wendyrowe@cannockchasedc.gov.uk

12 September 2023

Dear Councillor,

Planning Control Committee

3:00pm, Wednesday 20 September 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 or at the conclusion of the site visits, whichever is the later. Members should note that the following site visits have been arranged: -

Application Number	Application Location and Description	Start Time
CH/23/0111	The Holding, Rugeley Road, Hazelslade, Cannock, WS12 0PH Demolition of Equestrian Buildings and Erection of 3-bed dwellinghouse (Resubmission of CH/22/0321)	2:00pm
CH/23/0168	205 Wimblebury Road, Heath Hayes, Cannock, Staffordshire WS12 2EP Proposed conversion of existing property to create 4 apartments for residents with complex care needs	2:20pm

Members wishing to attend the site visits are requested to meet at the **entrance gate to The Holding, Rugeley Road, Hazelslade WS12 0PH** at **2:00pm** as indicated on the enclosed plan. Please note that, following a risk assessment, Members undertaking site visits must wear full PPE or they will not be permitted on to the site. In this case, the PPE will constitute a hard hat, hi-vis vest, and safety footwear.

Yours sincerely,



Tim Clegg
Chief Executive

To Councillors:

Fisher, P.A. (Chair)
Cartwright, S.M. (Vice-Chair)
Aston, J. Mawle, D.
Fitzgerald, A.A. Pearson, A.R.
Hoare, M.W.A. Prestwood, F.
Jones, P.T. Sutherland, M.
Jones, V. Thornley, S.J.
Kenny, B. Wilson, L.J.
Kruskonjic, P.

Agenda

Part 1

1. Apologies

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

To declare any 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 23 August 2023 (enclosed).

5. Members' Requests for Site Visits

6. Report of the Planning Services Manager

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

Details about planning applications can be accessed on the Planning section of the Council's [website](#).

Site Visit Applications

Application Number	Location and Description	Item Number
1. CH/23/0111	The Holding, Rugeley Road, Hazelslade, Cannock, WS12 0PH Demolition of Equestrian Buildings and Erection of 3-bed dwellinghouse (Resubmission of CH/22/0321)	6.1 - 6.22
2. CH/23/0168	205 Wimblebury Road, Heath Hayes, Cannock, Staffordshire WS12 2EP Proposed conversion of existing property to create 4 apartments for residents with complex care needs	6.23 - 6.38

Planning Applications

Application Number	Location and Description	Item Number
3. CH/22/0306	The Smallholding, Kingsley Wood Road, Rugeley, WS15 2UF Change of Use of existing building currently approved for repairs, maintenance relating to forestry & agriculture to motor vehicle repairs & maintenance and to include a DVSA for MOT test centre for light vehicles up to 6500kg.	6.39 - 6.51
4. CH/23/0172	4, Brindley Crescent, Hednesford, Cannock, WS12 4DS Two storey side extension to form garage and annex at first floor and two bay garage to front of existing house	6.52 - 6.70
5. CH/23/0131	Land bound by Ringway, Church Street and Market Hall Street, Cannock Town centre, WS11 1EB Outline planning permission with all matters reserved for regeneration of town centre including mixed use leisure and cultural hub, refurbishment of Prince of Wales Theatre, upto 750sqm of new cafe/bar/restaurant premises within the theatre, new cafe building (upto 325sqm), managed workspace (upto 1300sqm), replacement retail unit (upto 1858sqm), new office accommodation (upto 3170sqm), extra care / retirement accommodation (upto 70 dwellings), bicycle hub and associated public realm improvements	6.71 - 6.107

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

Held on Wednesday 23 August 2023 at 3:00pm
In the Council Chamber, Civic Centre, Cannock

Part 1

Present: Councillors

Fisher, P.A. (Chair)
Cartwright, S.M. (Vice-Chair)

Aston, J.	Mawle, D.
Fitzgerald, A.A.	Pearson, A.R.
Jones, P.T.	Prestwood, F.
Jones, V.	Thornley, S.J.
Kenny, B.	Wilson, L.J.
Kruskonjic, P.	

17. Apologies

Apologies for absence were received from Councillors M. Hoare and M. Sutherland.

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

Member	Interest	Type
Wilson, L.J.	Application CH/23/0137, Land at Farm Garage Petrol Station, Hednesford Road, Cannock, WS12 3TN - Proposed new food convenience store with associated access and parking - use classification E (Resubmission of CH/22/0322): Member knows Neil Thrupp, one of the speakers (resident in her Ward).	Personal

19. Disclosure of Details of Lobbying by Members

Councillor L.J. Wilson declared that she had been lobbied by a Ward resident in connection with Application CH/23/0137, Land at Farm Garage Petrol Station, Hednesford Road, Cannock, WS12 3TN - Proposed new food convenience store with associated access and parking - use classification E. (Resubmission of CH/22/0322)

20. Minutes

Resolved:

That the Minutes of the meeting held on 26 July 2023 be approved as a correct record.

21. Members Requests for Site Visits

None.

22. Application CH/23/0137, Land at Farm Garage Petrol Station, Hednesford Road, Cannock, WS12 3TN - Proposed new food convenience store with associated access and parking - use classification E. (Resubmission of CH/22/0322)

Following a site visit, consideration was given to the Report of the Planning Services Manager (Item 6.1 - 6.23) presented by the Interim Development Management Team Leader.

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

Prior to consideration of the application, the Principal Solicitor read out a statement prepared by County Councillor P. Hewitt, as he was unable to attend the meeting. Councillor P. Haden (the Ward Councillor) had registered to speak but had sent her apologies for the meeting. Further representations were made by Peter Icke, the applicant's agent and Neil Thrupp, a local resident, who were speaking in support of the application.

Members considered that an additional condition in respect of the provision of solar panels should be added if the application was to be approved.

Resolved:

That the application be approved subject to the conditions contained in the report for the reasons outlined therein, and to the following additional condition:

Notwithstanding the approved plans, the development hereby approved shall not be constructed above ground level until a scheme detailing the provision of solar panels has been submitted to and approved by the Local Planning Authority. The submitted scheme shall indicate the type, design, number and location of the solar panels.

Prior to the first use of the site, the approved scheme shall be implemented in accordance with the approved details and thereafter retained for the lifetime of the development.

Reason:

In the interests of improving energy conservation in accordance with paragraphs 152 & 153 of the NPPF.

23. Exclusion of the Public

Resolved:

That the public be excluded from the remainder of the meeting because of the likely disclosure of exempt information as defined in Paragraphs 1, 2 and 7, Part 1, Schedule 12A, Local Government Act 1972 (as amended).

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

Held on Wednesday 23 August 2023 at 3:00pm
In the Council Chamber, Civic Centre, Cannock

Part 2

24. Enforcement Case - ENF/23/109

Consideration was given to the Not for Publication Report of the Planning Services Manager (Item 8.1 - 8.4).

The Committee received a presentation from the Enforcement Officer who outlined the background to the report and showed photographs of the site.

Resolved:

That:

- (A) For the reasons and justification given within the report, authorisation be granted to serve an Enforcement Notice under S171A of the Town and Country Planning Act, 1990, in respect of the unauthorised material change of use of the premises from a residential use (C1) and sui Generis use (tattoo parlour), to mixed use of residential, sui generis and an unauthorised use of part of the land for vehicle repairs and vehicle storage (B2/B8).
- (B) Should the terms of the Notice not be complied with, in full, by the compliance date stated in the Notice, then authorisation be granted to initiate prosecution proceedings under S179 of the Act.

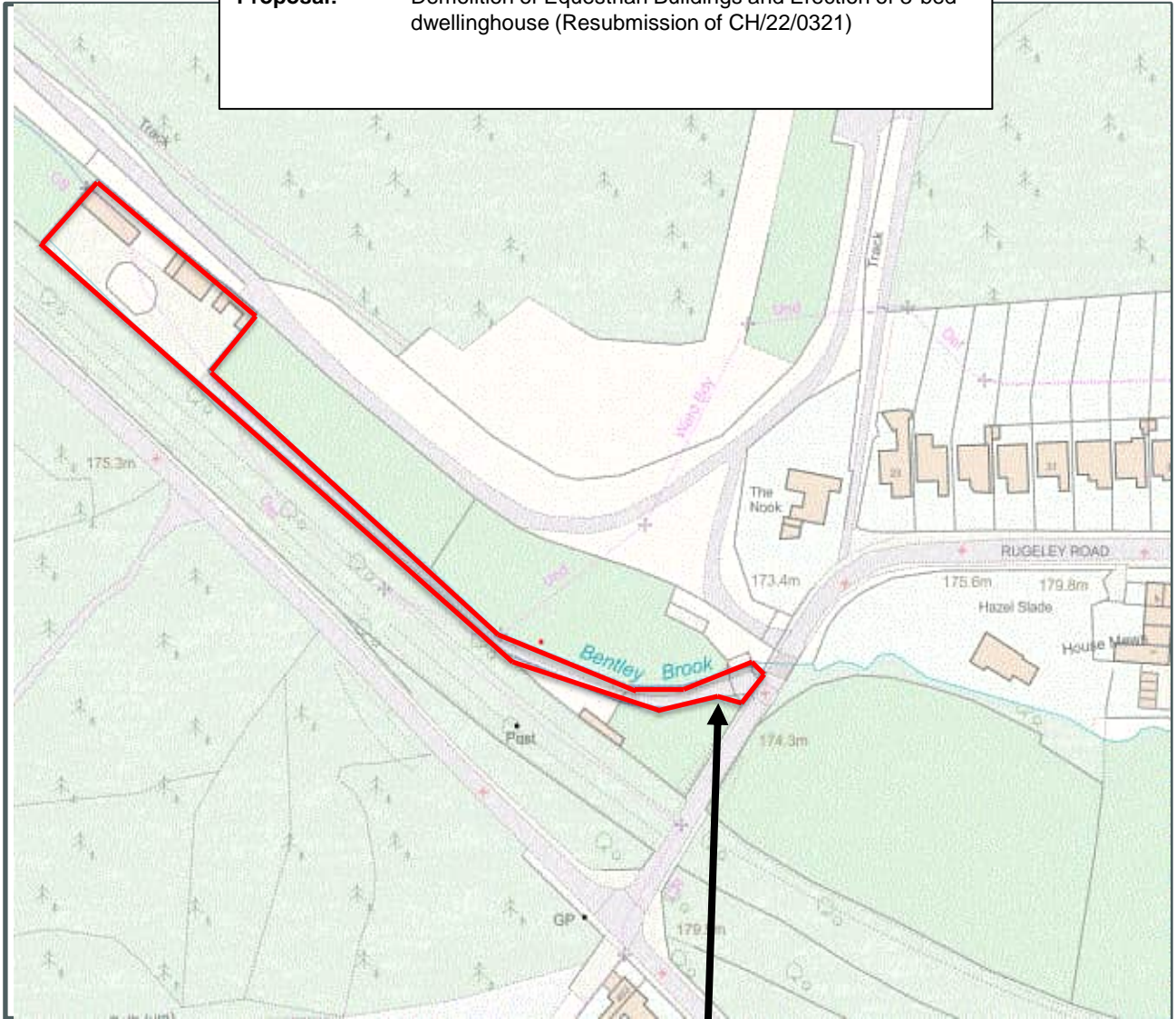
The meeting closed at 3:40pm

Chair

Application No: CH/23/0111

Location: The Holding, Rugeley Road, Hazelslade, Cannock, WS12 0PH

Proposal: Demolition of Equestrian Buildings and Erection of 3-bed dwellinghouse (Resubmission of CH/22/0321)

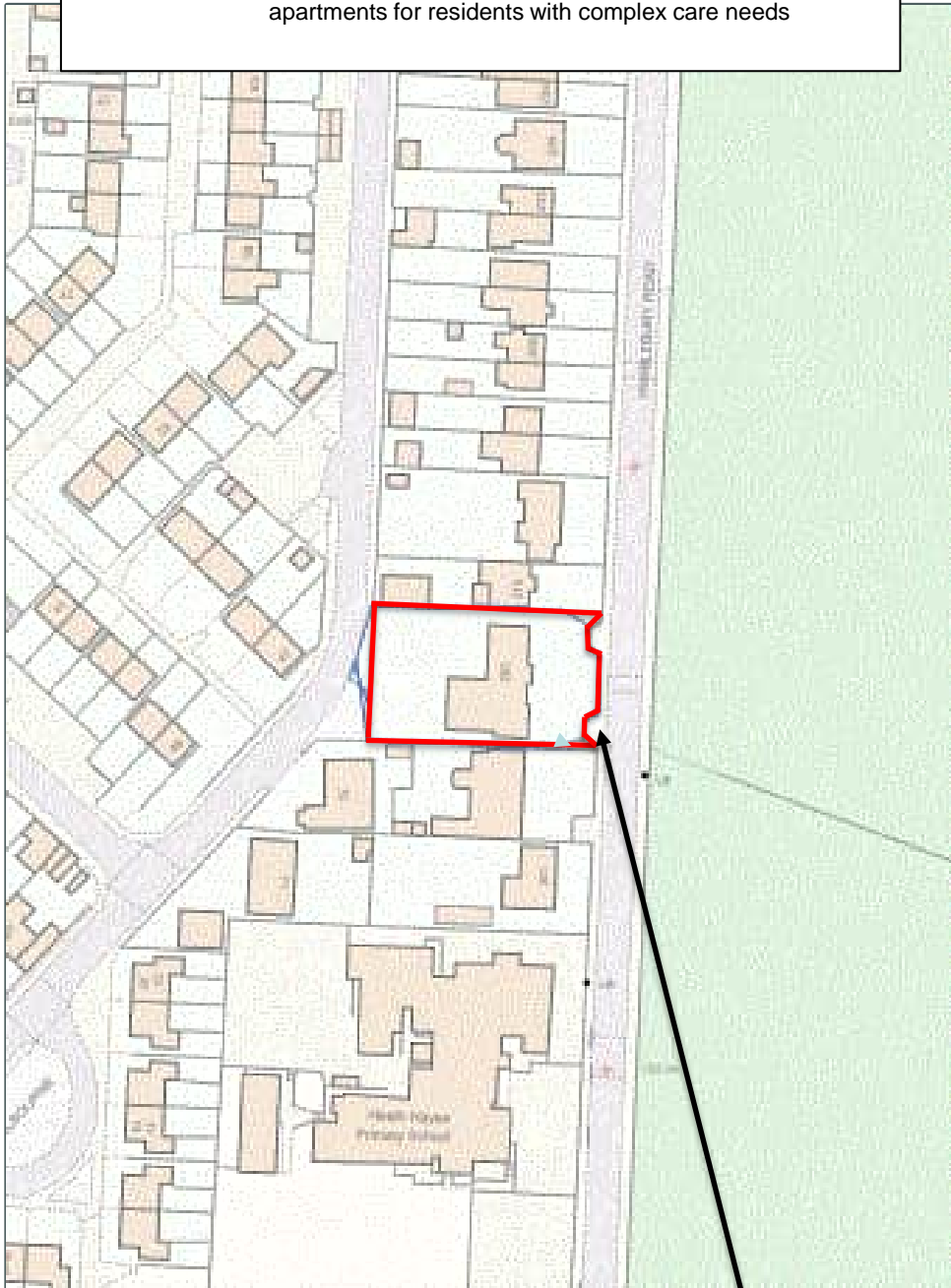


**SITE VISIT
MEETING POINT**

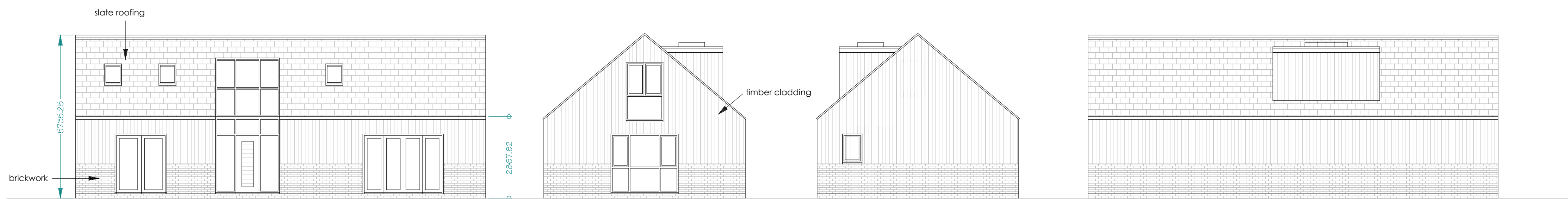
Application No: CH/23/0168

Location: 205 Wimblebury Road, Heath Hayes, Cannock,
Staffordshire, WS12 2EP

Proposal: Proposed conversion of existing property to create 4
apartments for residents with complex care needs



**SITE VISIT
MEETING POINT**



Front Elevation

Side Elevation

Side Elevation

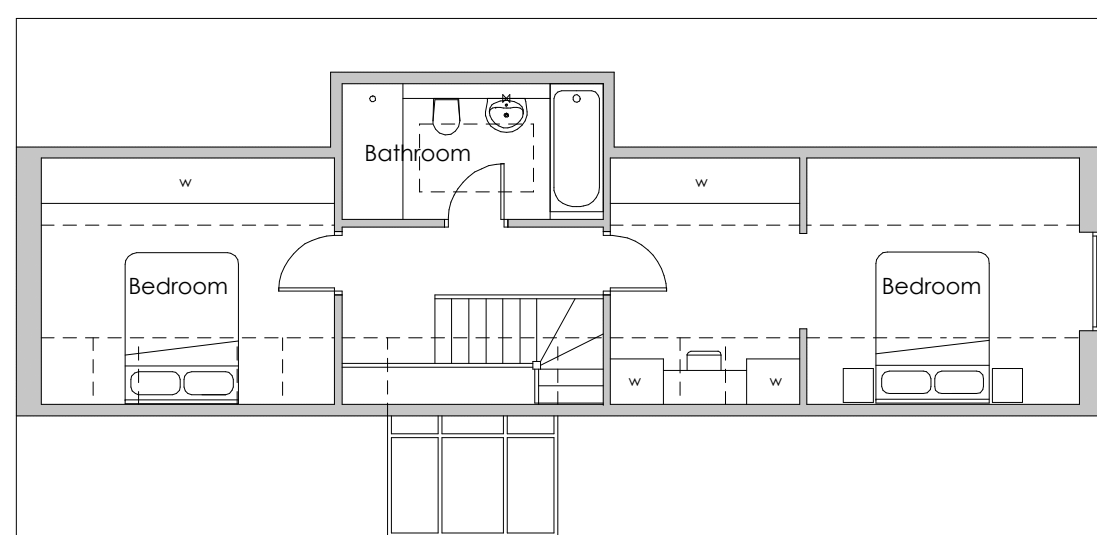
Rear Elevation

Buildings To Be Removed

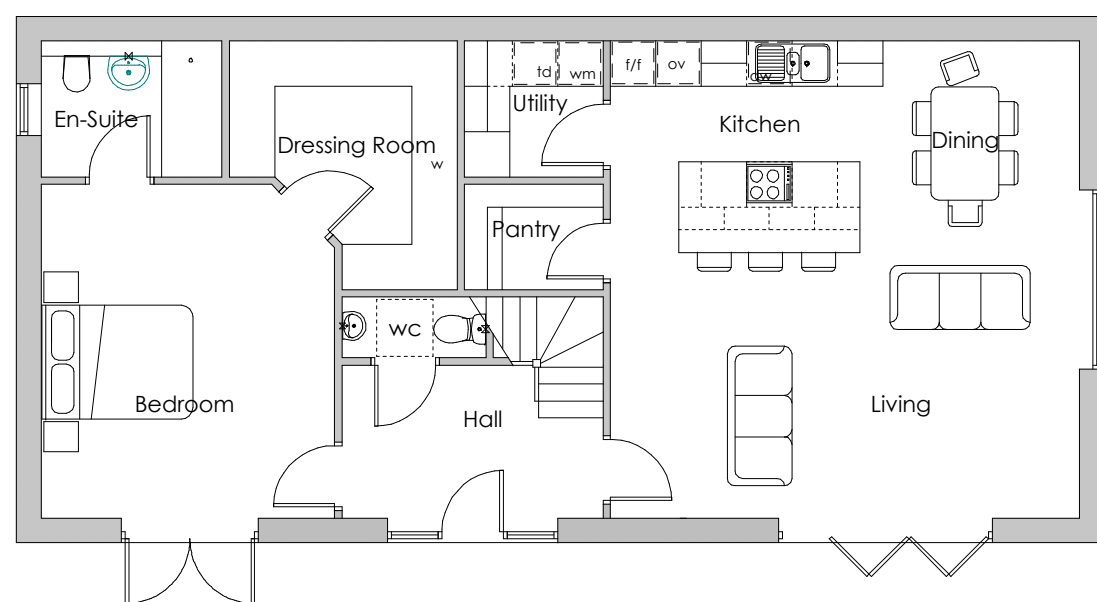
Stables 1 - 56.17m² / 166.73m³
 Storage Building - 98.55m² / 319.00m³

TOTAL - 154.72m² / 485.73m³

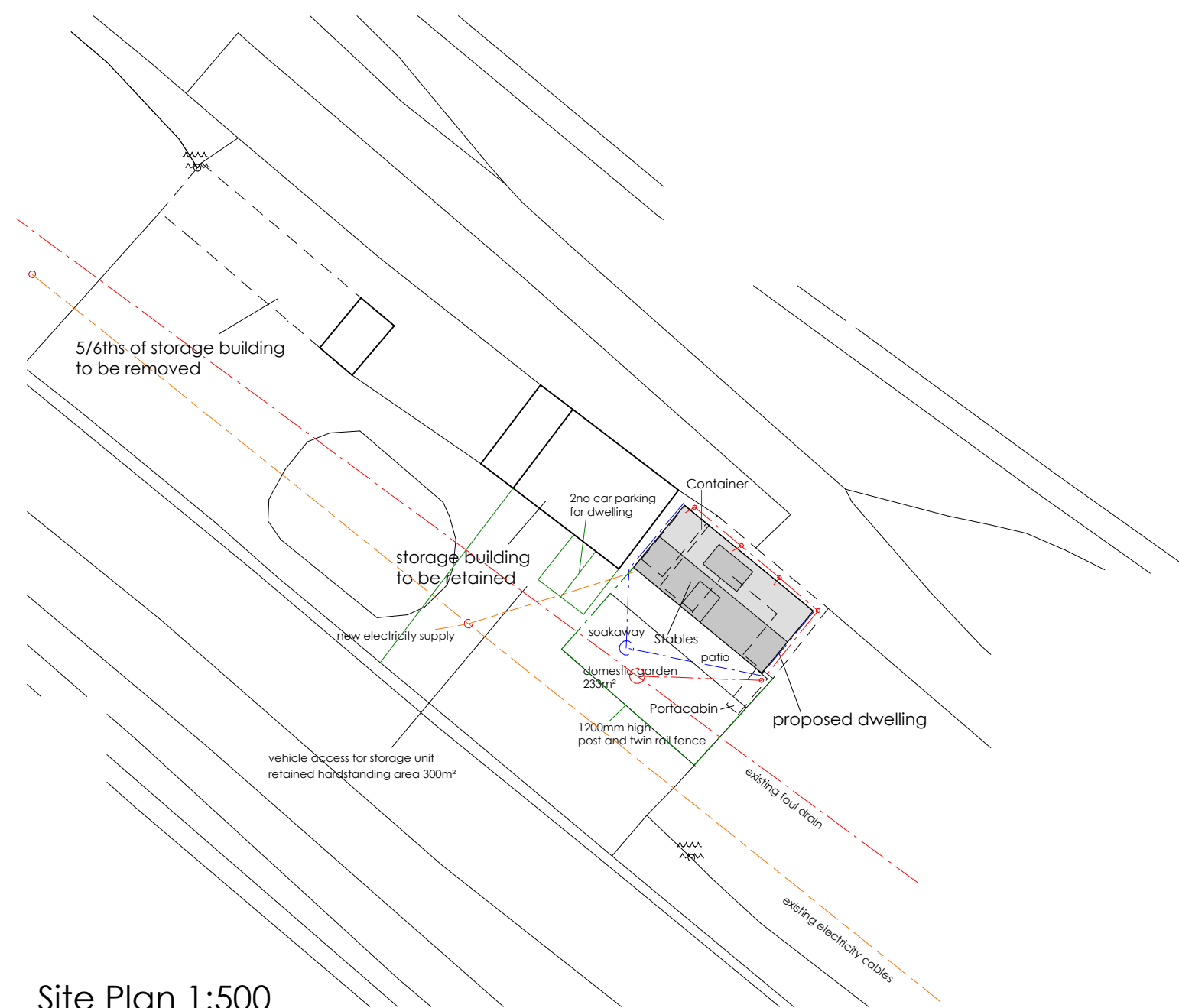
Proposed Dwelling - 153.39m² / 440.19m³



First Floor Plan



Ground Floor Plan



Site Plan 1:500

Rev.	Details:	By / Chk:	Date:
X	FIRST ISSUE.		

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 All contractors and sub-contractors are responsible for taking and checking all dimensions relative to their work.
 Notify J Mason Associates immediately of any variation between drawings on site conditions.
 Where drawings are based on survey information received, surveys are available on request.
 All drawings to be read in conjunction with all relevant Structural and M&E Engineers drawings and specifications.
H&S HAZARDS:
 Significant hazards relative to the architectural design shown on this drawing have been assessed and highlighted with reasonable skill and care using a warning triangle system.
 This drawing is to be read in conjunction with all other hazards/risks which have been identified and recorded within the construction phase H&S plan.
 It is assumed that all works on this drawing will be carried out by a competent contractor working, where appropriate, to an approved method statement.
 Significant hazards are defined as: -
 - Those not likely to be obvious to a competent contractor or other designers.
 - Those of an unusual nature.
 - Those likely to be difficult to manage effectively.

J Mason Associates

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 WS11 1AR

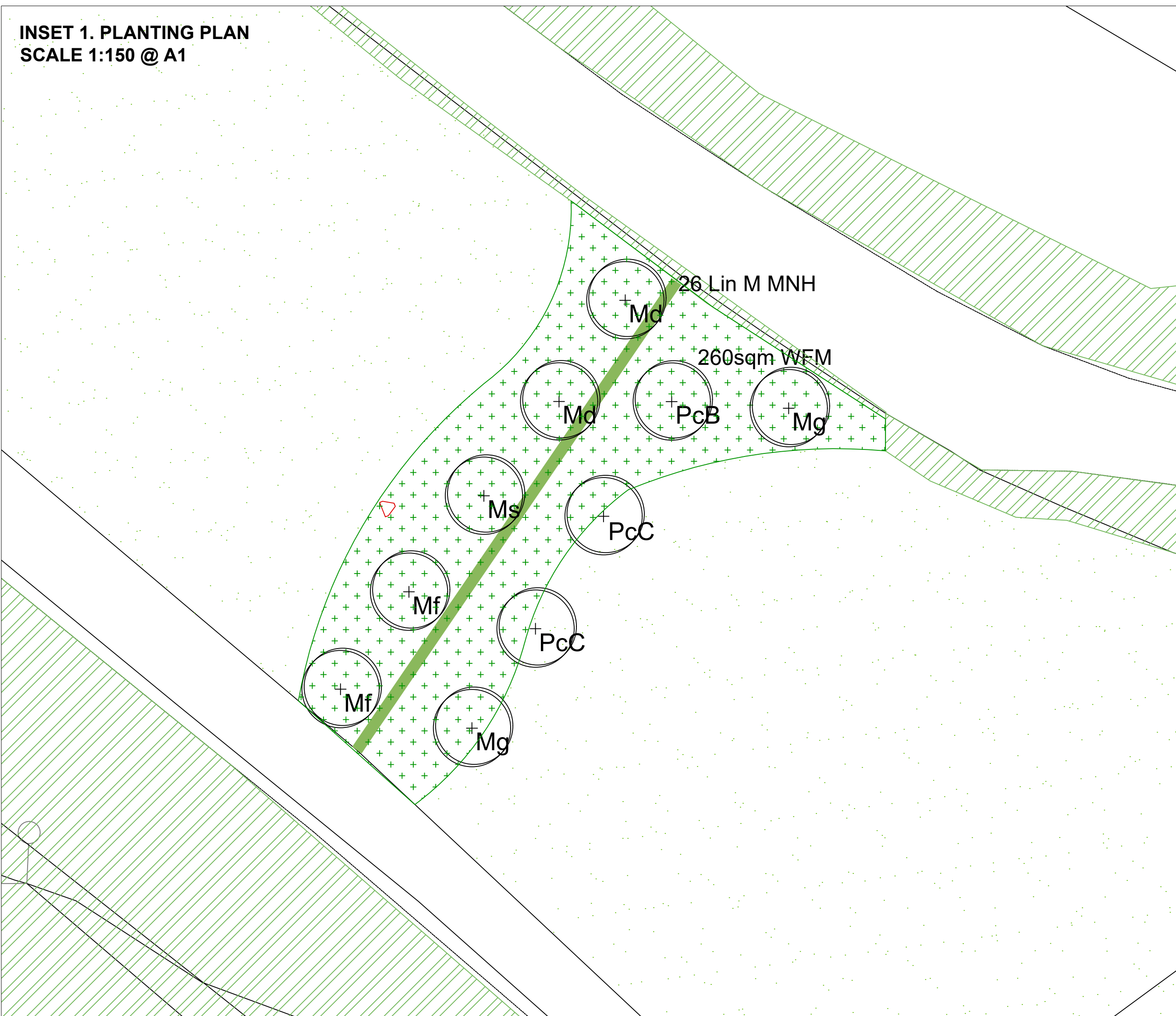
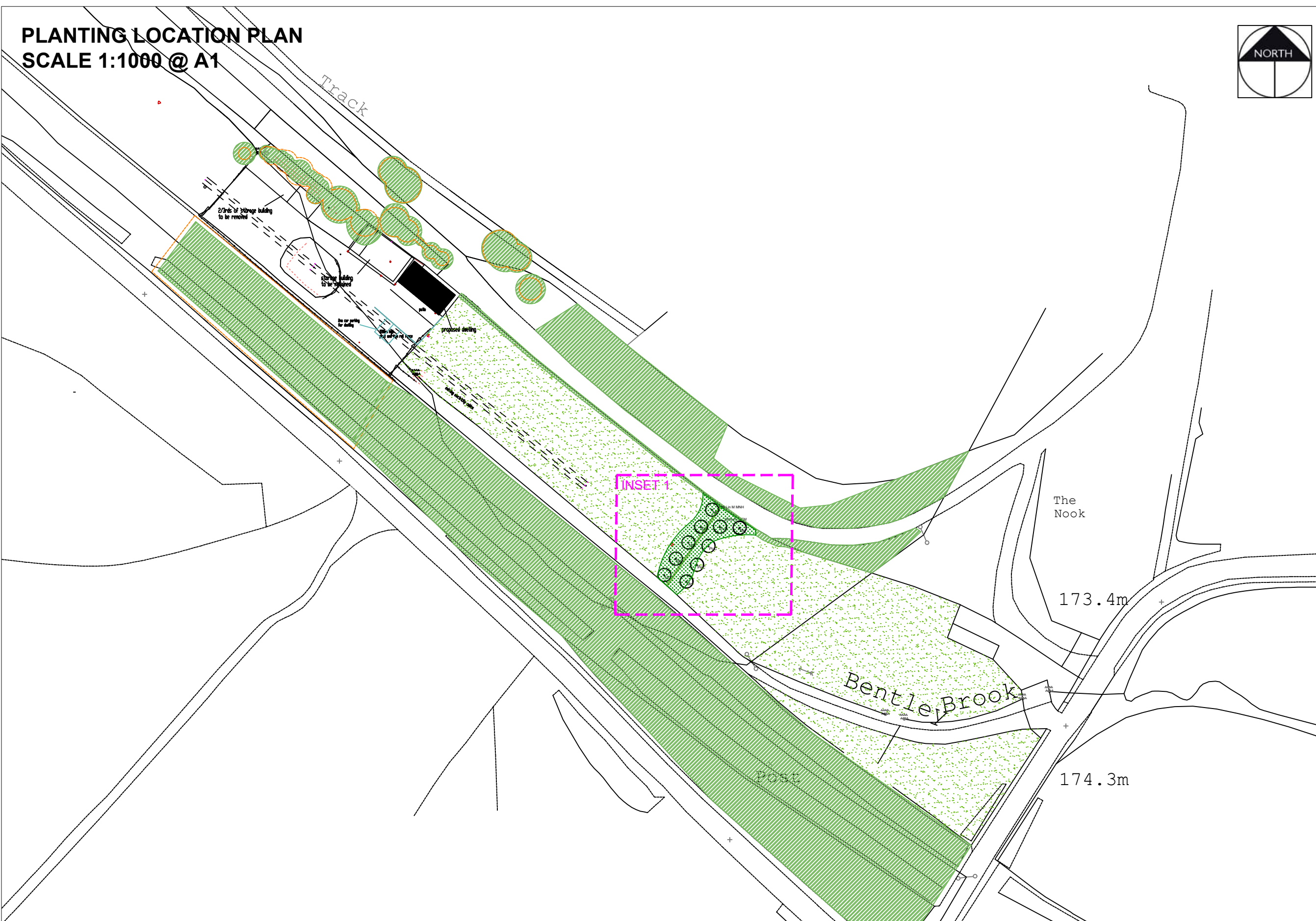
J Mason Associates
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 5093992

Client:
 Mr & Mrs A Matthews

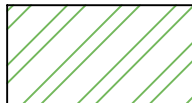
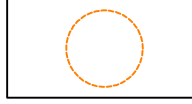
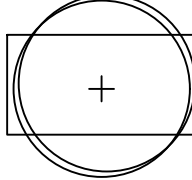
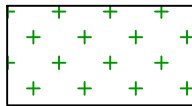
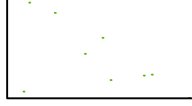
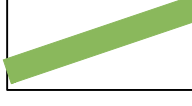
Project:
 Detached Dwelling
 The Holding, Rugeley Road

Drawing Title:
 Sketch Proposals

Stage:	Status:	Sheet Size:
Job Number:	Date:	Scale:
2659	11-04-22	1:100
Revision:		C
2659-02		



KEY

-  EXISTING VEGETATION
Approximate location of existing vegetation. Refer to Tree Survey for further details on species
-  ROOT PROTECTION AREAS
Location of RPAs around the development area. Refer to Tree Survey for further details.
-  PROPOSED TREES
Refer to planting schedule for details on species, nursery specification and quantities.
-  WILDFLOWER MEADOW GRASSLAND
Grassland to be overseeded with wildflower mix. Refer to planting schedule for details on species, nursery specification and quantities.
-  GRASSLAND
Approximate location of existing and retained grassland.
-  MIXED NATIVE HEDGEROW
Refer to planting schedule for details on species, nursery specification and quantities.

SPECIFICATION NOTES

- 1. General**
This plan to be read in conjunction with any other supporting information such as tree surveys, architectural plans and professional supporting reports.
- 2. General Landscaping**
Existing levels to be preserved around retained existing trees and vegetation. Existing trees and vegetation to be retained are to be protected in accordance with BS5837:2012 (or updated / superceded legislation) during construction. Proposed planting under existing trees subject to sufficient space in root areas.
- 3. Preparation of Planting Beds**
 - Rubbish, concrete, metal, glass, decayed vegetation are to be removed and disposed of off site.
 - Stones with the largest dimension exceeding 40mm are to be removed from planting beds and disposed of off site.
 - Substances injurious to plant growth including subsoil, rubble, fuel and lubricants should be removed and disposed of off site.
 - Remove any existing weed growth.
 - Areas of large root are to be grubbed up without undue disturbance of surrounding soil and adjacent areas.
 - All site preparation, planting and maintenance to comply with BS 4429
- 4. Topsoil**
Imported topsoil to be a good quality loam to BS 3882:2015 (or updated / superceded legislation). All topsoil areas shall be thoroughly cultivated by hand or suitable machinery to the full depth of the topsoil layer, incorporating ameliorant's as specified and/or as indicated by analysis and/or as directed by the Landscape Architect. Hand cultivation's shall be carried out to achieve the required finish on areas where machine cultivation is impossible i.e adjacent to kerbs, manholes and footpath junctions etc. Surplus plant matter, rubbish and surface stones having any dimension greater than 25 mm shall be collected and removed from the site. Existing topsoil to be stripped and re-used if suitable as per specification. All work to be carried out in line with BS 3882:2015 and DEFRA Construction Code of Practice for the Sustainable Use of Soils on Construction Sites (2009).
- 5. Plants**
General plant stock to conform to BS 3936 (or updated / superceded legislation), advanced nursery stock and planting to BS 4428. Plants shall be first class examples of their species or variety, free from all pests and diseases, with good fibrous root systems and materially undamaged (refer to relevant sections of BS3936 rts 1-4 'Specification of Nursery Stock'). All planting operations to be in general compliance with BS4428: 1989 'Code of Practice for general landscape operations (excluding hard surfaces)'.

- Carry out all planting while soil and weather conditions are suitable:
- Do not plant during periods of frost or strong winds.
 - Container grown and root ball plants: At any time if ground and weather conditions are favourable. Ensure that adequate watering and weed control is provided
 - Bare Root stock to be planted November to March.
- Native whips - Stock to be planted 5 per metre. To be kept free of weeds during establishment. Bare root plants to be notch planted to depth of root collar in accordance with BS4428.

- 6. Trees**
Trees shown on plan to be planted with species as labelled or similar approved. Do not substitute species, variety and form or reduce the specified number/density of plants without prior agreement. Note sizes shown are minimum. All trees to be planted in pits 2m x 2m x 1m deep, backfilled with 80% clean topsoil with 15% peat free tree and shrub planting compost and 5% Tree Growth Enhancer 'GroChar', including 100g granular fertilizer. Base of pit to be filled with 150mm drainage layer consisting of 20mm nominal size free draining pea gravel. Water-in heavily after planting and surface bark chippings 75mm depth. All trees to be triple staked with timber cross bar and soft ties. Any necessary tree works are to be carried out by an approved tree surgeon to BS 3998. All trees to be protected with 600mm spiral rabbit guard.
- All work to be carried out in line with BS 3882:2015 and DEFRA Construction Code of Practice for the Sustainable Use of Soils on Construction Sites (2009).
- 7. Mulch**
General purpose mulch prepared in accordance with PAS 100. All planting areas and tree pits to be mulched with 75mm (settled depth) bark mulch. Sample of mulch to be approved by Landscape Architect.

PLANTING SCHEDULE

TREES					
Qty	Code	Name	Girth	Height cm	Specification
2	Md	Malus domestica 'Discovery'	14-16	400-450	RB 3x; Extra heavy standard; clear stem minimum 175-200cm; 5 breaks
1	Ms	Malus domestica 'Sunset'	14-16	400-450	RB 3x; Extra heavy standard; clear stem minimum 175-200cm; 5 breaks
2	Mf	Malus domestica 'Fiesta'	14-16	400-450	RB 3x; Extra heavy standard; clear stem minimum 175-200cm; 5 breaks
2	Mg	Malus domestica 'Greensleeves'	14-16	400-450	RB 3x; Extra heavy standard; clear stem minimum 175-200cm; 5 breaks
2	PcC	Pyrus communis 'Conference'	14-16	400-450	RB 3x; Extra heavy standard; clear stem minimum 175-200cm; 5 breaks
1	PcB	Pyrus communis 'Beth'	14-16	400-450	RB 3x; Extra heavy standard; clear stem minimum 175-200cm; 5 breaks

Wildflower Meadow Planting			
Code	Area (m ²)	Seed Mix	Sowing Rate (g/m ²)
WFM1	260	Landlide Wildflower - Restore and Enrich Wildflower seeds LWRE or similar approved. Specifically for overseeding and enriching existing meadows or grassland areas. The wildflowers contained are some of the most common in the British landscape and have been selected for their ease of establishment and competitiveness against grass and other plants. This mix consists of mainly perennial species plus a splash of annuals to establish a permanent meadow. the mix will increase floral diversity and attract bees, butterflies and pollinators with its range of Pollinator species. Contains 23 different native wildflower species.	Suppliers recommendations - 3g/m ²

MNH - Mixed Native Hedge						
Total Length On Site 26 Lin m						
No. of Plants	% Mix	Species	Size in cm	Root Cond.	Density / Spacing	Specification
130	MNH	Mixed Native Hedge				
20	20	Crataegus monogyna	60-90	B	5/m ²	Transplant (seed-raised), 1+1
20	15	Corylus avellana	60-90	B	5/m ²	Transplant (seed-raised), 1+1
20	15	Ilex aquifolium	40-60	2L	5/m ²	Leader with laterals
7	5	Lonicera periclymenum	60-80	2L	5/m ²	Caned: several breaks
13	10	Malus sylvestris	60-90	B	5/m ²	Transplant (seed-raised), 1+1
13	10	Prunus spinosa	60-90	B	5/m ²	Transplant (seed-raised), 1+1
7	5	Rosa canina	60-90	B	5/m ²	Transplant (seed-raised), 1+1
13	10	Sambucus nigra	60-90	B	5/m ²	Transplant (seed-raised), 1+1
13	10	Viburnum opulus	60-90	B	5/m ²	Transplant (seed-raised), 1+1

Rev	Date	Description	Initials
P3	19.01.23	Reduced area of wildflower grassland and reduced number of trees	KLJ
P2	13.01.23	Revised tree species, replaced whip planting with meadow grassland and introduction of a hedge	KLJ
P1	04.01.23	Initial Issue	KLJ



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e: info@ppla.co.uk
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Client
MR & MRS MATTHEWS
Project
THE HOLDINGS, HAZELSLADE
Description
**LANDSCAPE LAYOUT
PLANTING PLAN + SCHEDULE**

FOR PLANNING			
Scale	Drawn	Checked	Date
AS SHOWN	KLJ	PGG	JAN 2023
Job number	Drawing number	Revision	
HED2210	PP01	P3	

Contact Officer:	David O'Connor
Telephone No:	(01543) 464 515

<p>Planning Control Committee</p> <p>20 September 2023</p>
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Application No:	CH/23/0111
Received:	24 Feb 2023
Location:	The Holding, Rugeley Road, Hazelslade, Cannock, WS12 0PH
Parish:	Hednesford & Brindley Heath
Ward:	Hednesford North and Rawsley
Description:	Demolition of Equestrian Buildings and Erection of 3-bed dwellinghouse (Resubmission of CH/22/0321)
Application Type:	Full Planning Permission

The application is being presented to Members for determination due to the Parish Objection.

RECOMMENDATION: Approve subject to S106 and Conditions

It is recommended that delegated authority be given to the Head of Economic Development & Planning to grant planning permission, subject to the completion of a S106 legal agreement to secure contributions as follows:-

- to mitigate recreation impacts upon Cannock Chase Special Area of Conservation

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

Proposed Plans and Elevations 2659-02 Rev C

Proposed Planting Plan PP01 Rev P3

Reason

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

3. Within 3 months of the commencement of the development hereby permitted, the buildings shown as removed within Drawing No. 2659-02 Rev C shall be demolished and the land reinstated to an open and undeveloped condition.

Reason:

In the interests of controlling development within the Green Belt in line with Local Plan policy CP3.

4. Prior to the installation of any external lighting associated with the development hereby approved, a scheme for the provision of external lighting together with an Artificial Lighting Assessment (including design, size, and illuminance) shall be submitted to and approved in writing by the Local Planning Authority.

Reason:

In the interests of dark skies character of the AONB and in the interests of controlling impacts upon acknowledged bat habitats nearby to the site.

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

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

Reason

The Local Planning Authority considers that such development without due considerations could adversely affect the Green Belt and undermine care taken within the application to carefully control the nature and extent of development permitted. Such is in accordance with Local Plan Policy CP3 - Chase Shaping - Design and the NPPF.

6. Prior to occupation of the dwelling hereby permitted, a scheme for the provision of bat roost enhancements and bird box nesting shall be submitted to and approved in writing by the Local Planning Authority. The submitted scheme shall indicate the location of proposed bat and bird boxes, their specification, height, and location. Thereafter the development shall be completed in accordance with the approved details.

Reason

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

7. Prior to any site demolition or actions likely to interfere with the biological function of the retained trees and hedges, protective fencing shall be erected in the positions shown on the approved Tree & Hedge Protection layout drawing Ref THL-1102-3.

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. The development shall be carried out in strict accordance with the Risk Avoidance Measures as identified in the Preliminary Ecological Appraisal dated Jan 2023.

Reason:

In the interests of minimising risks to sensitive nearby habitats and species in accordance with Local Plan Policy CP12.

9. Within the next planting season following the commencement of the development, the approved landscape works shown on Dwg. No. 2659-02 Rev C shall be carried. Thereafter any trees which die, become diseased or are removed shall be replaced for a period of up to 5 years after the commencement of the development.

Reason

In the interest of minimising the visibility of the development from the outset in accordance with Local Plan Policies CP3, CP12, CP14 and the NPPF.

10. No Development shall take place until a site-specific Construction Environmental Management Plan has been submitted to and been approved in writing by the

Council. The plan must demonstrate the adoption and use of the best practicable means to reduce the effects of noise, vibration, dust, and site lighting. The plan should include, but not be limited to:

- (i) Procedures for maintaining good public relations including complaint management, public consultation, and liaison.
- (ii) Arrangements for liaison with the Council's Pollution Control Team
- (iii) All works and ancillary operations which are audible at the site boundary, or at such other place as may be agreed with the Local Planning Authority, shall be carried out only between the following hours: 08 00 Hours and 18 00 Hours on Mondays to Fridays and 08 00 and 13 00 Hours on Saturdays and; at no time on Sundays and Bank Holidays.
- (iv) Deliveries to and removal of plant, equipment, machinery, and waste from the site must only take place within the permitted hours detailed above.
- (v) Mitigation measures as defined in BS 5528: Parts 1 and 2: 2009 Noise and Vibration Control on Construction and Open Sites shall be used to minimise noise disturbance from construction works.
- (vi) Procedures for emergency deviation of the agreed working hours.
- (vii) Measures for controlling the use of site lighting whether required for safe working or for security purposes. Reason: In the interests of the amenities of surrounding occupiers during the construction of the development.

Reason:

In the interests of mitigating impacts associated with construction activities within a sensitive location

Notes to the Developer:

The demolition of the existing stables should be undertaken under the usual controlled provisions afforded by The Building Act 1984 with the appropriate specialist attention being paid should the construction of same incorporate any asbestos containing materials.

Consultations and Publicity

Internal Consultations

Planning Policy – No objections

The proposal consists of erection of a new dwelling to replace some of the existing equestrian buildings within the site. The application site is located within the Green Belt and Cannock Chase AONB (Area of Outstanding Natural Beauty) and within the zone of influence of the Cannock Chase SAC.

In principle, the proposal seeks the construction of a new dwelling within the Green Belt, the NPPF at paragraph 149 states this would be inappropriate development but does list exceptions to this. A planning statement has been submitted to demonstrate why the development should be considered as falling within the list of exceptions. The test requires a matter of judgment with regard to the impact upon the openness of the Green Belt and other matters, as such I will leave consideration to the case officer.

Parks and Open Spaces - Objection

Objection due to the potential intensification of land use within the green belt and the negative change in character this will cause. The development will lead to the requirement for more facilities to cater for those being lost to the construction of the dwelling.

- Clarification is required on where the structures for four horses, the farmyard animals and the associated feed, equipment and machinery required to cater for the ongoing management of the site is going to be.
- Details required for all structure needed to support the stated development/management of the site.

Should the proposal be approved despite the objection, recommend;

- Arboricultural Method Statement provided to cover the demolition works.
- Condition required for tree protection fencing for the entirety of the works, including demolition.
- Location and Specification details required for inbuilt bird boxes, recommend bat boxes are incorporated too.
- Clarification of planting establishment and replacement period.

Environmental Health – No objection subject to conditions

External Consultations

Brindley Heath Parish Council – Objection

The Parish Council wishes to restate the observations made in previous representations (letters dated 30 March 2023 and 15 September 2022, in respect of planning application CH/22/0321):

The Parish Council does not support inappropriate development in the Green Belt and objects to this proposal on the grounds that the erection of a three-bedroom house in place of an equestrian building would be harmful to the openness of the Green Belt.

The Parish Council has noted the amendments and additional information provided by the applicant addressing concerns raised in relation to the original plans. The Council is not satisfied that harm to the openness of the Green Belt will be mitigated but the value of this consideration must be determined by Cannock Chase Council.

AONB Group - Objection

The AONB still considers the proposed dwelling has not materially changed from application CH/22/0321, therefore the issues around urbanisation & intrusion of lighting from the considerable vertical & rooflight elements of fenestration, have not been addressed. Increased urbanisation & lighting detrimentally affecting the character of the AONB & Green Belt remain the AONB's primary concerns.

The correct level of lighting should be carefully selected to suit the task being undertaken, while ensuring that only the light necessary for the task is brought to bear. Excessive lighting is not only energy inefficient but can also negatively impact the local environment & ecology. In extreme cases poor lighting may make the task it is provided for more difficult to accomplish.

Internal & external lighting should be considered for its merit in areas that it is needed & for its detriment in areas where it is not. Equally the local area & environment must be carefully considered when designing lighting interventions to ensure that sensitive flora & fauna are protected & the tranquillity of AONB is preserved.

Staffordshire County Highways Authority – No objections

The Planning Statement suggests the application is in regards to the owners to be relocated on site to pursue their interest, it also states that the owners have owned the development site for the last 30 years. The Planning Statement suggests the owners would like to increase the number of horses on site to previous levels but no information or evidence has been provided to the previous level and also to supplement with further animals and again no details have been provided. The planning statement also states this is in a green belt but it is in a sustainable location as there are local facilities and access to public transport. A footpath is located immediately to the north of the site (on both sides) providing walking links into the village of Hazelslade. There is a bus stop around 400 metres of the application site. To the south of the access, bus stop is located 120m away on Rawsley Road but there is no footpath on the south of the Rugeley Road.

This application has been considered on its individual merits and location and is not to set a precedent for further applications at the proposed site. I also note that the proposed location for this residential dwelling is potentially not in a sustainable location. By this I mean the village has no amenities such as a local shop or access to any medical or educational facilities. All trips to such facilities are more than likely to be made via a private car. Rugeley Road also has no footway provision to the south of the development and would require any resident to walk within the road should they wish to walk within the immediate neighbourhood.

Natural England – Appropriate Assessment Required

Despite the proximity of the application site to a European Site Cannock Chase Special Area of Conservation (SAC) the consultation documents provided do not include information to demonstrate that the requirements of regulation 63 of the Conservation of Habitats and Species Regulations 2017 (as amended) have been considered by your authority, i.e. the consultation does not include a Habitats Regulations Assessment. Natural England advises that a Habitat Regulations Assessment is required as the proposal has the potential to impact the RAMSAR/SAC.

It is Natural England's advice that the proposal is not directly connected with or necessary for the management of the European site. Your authority should therefore determine whether the proposal is likely to have a significant effect on any European site, proceeding to the Appropriate Assessment stage where significant effects cannot be ruled out. Natural England must be consulted on any appropriate assessment your authority may decide to make.

Response to Publicity

The application has been advertised by site notice and neighbour letter. No letters of representation have been received.

Relevant Planning History

CH/92/0518 PROPOSED STABLES & TACK ROOM & CHANGE OF USE TO PONY
Full - Approval with Conditions - 12/16/1992

CH/93/0153 REBUILD EXISTING SHEDS BY REPLACING WITH BRICK BUILT
Full - Approval with Conditions - 06/09/1993

CH/06/0030 Change of use to cycleway/footpath and associated engineering works
Full - Approval with Conditions - 04/19/2006

CH/22/0321 Demolition of Equestrian Buildings and Erection of 3-bed Dwellinghouse
Full- Refusal - 10/12/2022. Previous Reasons for Refusal stated:

1. Insufficient information is provided in terms of assessing how the landscape characteristics of the AONB and wider landscape views will be impacted by the proposals. No landscape mitigation is put forward and in line with the comments from the AONB group, insufficient information is provided which assess the effects of the increased height of the building, lighting, vehicle parking and other associated domestic items. Visibility of the site from main routes, bridleways and footpaths should form part of the submissions. In the absence of this information the proposals fail to accord with the emphasis on assuring sensitivity within developments affecting protected areas as set out in Para 176 of the NPPF and Policy CP14 of the Local Plan.
2. The application does not provide sufficient information regarding trees that exist on the site and does not include information about tree removals, proposed protection measures or other impacts that could affect the wider visibility of the site within the landscape. In the absence of information of this type the application fails to comply with the requirement of Policy CP3 – Design in that the decision taker is unable to assess if the proposals successfully integrate with existing trees, hedges and landscape features of amenity value.
3. Paragraph 185 of the NPPF states decisions should ensure new development takes account of the natural environment in terms of impacts that could arise from the development. In the absence of wider consideration of development impacts which recognises the sensitivity of the surroundings, the Council is unable to assess whether/ how nearby ecological habitats have been protected from harm. As a minimum the impacts upon Bentley Brook during the demolition and construction phases of the development should be assessed. Additional impacts upon trees in the vicinity and effects of future lighting should also be considered. Linked to this, in not fully establishing the impacts of the development, the Council is unable to adequately assess if net gains for biodiversity are adequately assured. Whilst the application includes some mention of ecological enhancement measures, an actual scheme of proposed measures is not made out or quantified.

Accordingly, insufficient information has been provided to assess the impacts of the development upon the natural environment in line with Local Plan Policy CP12 and Para 185 of the NPPF. Additionally the proposals do not sufficiently address the need for net biodiversity uplift in line with Para 174(b) of the NPPF.

2. SITE AND SURROUNDINGS

- 2.1 The application site comprises an existing group of buildings located to the northeast of Rawnsley Road with access taken some distance to the east off Rugeley Road. The application site has a long established equestrian use and the buildings within the main site area are all understood to be equestrian related. It is evident from satellite imagery the buildings have existed on the site from at least 2003. The submitted Planning Statement reports the family concerned have kept horses on the land for in excess of 30 years and previously they operated a horse trekking business from the site. There are a range of buildings on the site that are relevant to these proposals, these include:

- The main stable building that is brick built, provides for 6 No. stables and is of reasonable architectural character.
- The westernmost pole barn that is said to be used as an implement and tractor store.
- The central pole barn used as a hay store with digger, horse trailer and fencing posts. This building is constructed from Steel framework, with some blockwork outer walling and roofed in steel profile cladding sheets
- A portacabin
- A shipping container



Figure 1: View from the front of the stable building to be demolished (right hand building), left hand building is to be retained

- 2.2 The site is located within the Cannock Chase AONB, The Forest of Mercia and West Midlands Green belt. The stables and area surrounding them appear to be built over what is presumably a culverted watercourse known as Bentley Brook. Footpaths/Bridleways in the vicinity of the site include the Cannock Town 24 Bridleway which leads north almost from the road access to the site and to the west of the site Hednesford 27 Footpath leading southwest to Hednesford Hills Common.

3. PROPOSAL

- 3.1 The application seeks planning permission for the partial demolition of equestrian buildings at the site and the erection of a 3-bedroom Dwellinghouse with associated garden. The submissions suggest the proposed dwelling will be a self build dwelling. The application has been advertised as a Departure to the Development Plan.



Figure 2: Extract from Design and Access Statement 3D imagery of proposed building

4. PLANNING POLICIES

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 Part 1 (2014) and the Minerals Local Plan for Staffordshire (2015 – 2030).

Cannock Chase Local Plan Part 1

4.3 Relevant policies within the Local Plan include: -

CP1 - Strategy – the Strategic Approach

CP3 - Chase Shaping – Design

CP6 – Housing Land

CP7 – Housing Choice

Minerals Local Plan for Staffordshire

4.4 Relevant Policies within the Minerals Plan Include:

Policy 3: - Safeguarding Minerals of Local and National Importance and Important Infrastructure

There are no policies relevant to the proposal within the Minerals Plan.

National Planning Policy Framework

4.5 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

126, 128, 130, 131: Achieving Well-Designed Places

137 - 151 Protecting Green Belt

176 Conserving and Enhancing the Natural Environment

179 -182 Habitats & Biodiversity

212, 213 Implementation

4.6 Other relevant documents include: -

(i) Design Supplementary Planning Document, April 2016.

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

(iii) Manual for Streets

5. DETERMINING ISSUES

5.1 The determining issues for the proposed development include: -

i) Principle of development

ii) Character and Appearance

iii) Highways Considerations

- iv) Tree Considerations
- v) Biodiversity
- vi) Drainage and flood risk

6. PRINCIPLE OF THE DEVELOPMENT

6.1 Both paragraph 11 of the NPPF (2021) and Cannock Chase Local Plan 2014 Policy CP1 state that there should be a presumption in favour of sustainable development.

6.2 The presumption in favour of sustainable development as set out in paragraph 11 of the NPPF states:-

‘For decision taking this means:

- c) approving development proposals that accord with an up-to-date development plan without delay.
- d) 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) policies in the Framework that protect areas or assets of particular importance (e.g. Green Belt, AONB, habitats sites) provide 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 the Framework taken as a whole.’

6.3 The starting point of the assessment is therefore whether the proposal is in accordance with the development Plan and whether that plan is up to date. In that respect it is noted that Policy CP1 of the Local Plan states:-

“In Cannock Chase District the focus of investment and regeneration will be in existing settlements whilst conserving and enhancing the landscape of the AONB, Hednesford Hills, Green Belt and the green infrastructure of the District. The urban areas will accommodate most of the District’s new housing and employment development, distributed broadly in proportion to the existing scale of settlement.”

Green Belt Policy Considerations

6.4 Whether a proposal constitutes inappropriate development is set out in Paragraphs 149 & 150 of the NPPF. Paragraph 149 relates to new buildings whereas Paragraph 150 relates to other forms of development. In this respect, paragraph 149 of the NPPF is relevant. This states "A local planning authority should regard the construction of new buildings as inappropriate in Green Belt. Exceptions to this include, amongst other things: -

- (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;*

- 6.5 The application advances the argument the site constitutes previously developed land with the proposed dwelling being constructed in place of existing structures on that land. In particular a total of 5 separate structures are referenced in the Planning Statement as being existing buildings on the site:
- (i) Brick built stable – This building provides 6 stables and was used more intensively when the applicant had owned as many as four horses at the property. However, presently it is used to house the sole horse at the site (with the balanced used to store feed).
 - (ii) Westernmost pole framed building (to be partly retained) – This is a six-bay building which is used as an implement and tractor store in connection with the wider maintenance of the equestrian use of the site.
 - (iii) Central pole framed building (to be retained) – The building is used as a hay store and also houses the digger, horse trailer and fencing posts.
 - (iv) A portacabin (demolished) – This building is used to store horse rugs and coats (for use by the horse/s in winter months) and fly sheets (for use by horse/s in summer months).
 - (v) A steel storage container (demolished) – This building is used for equestrian related storage such as tack and bridles. It also stores older fence posts for future re-use on the site.

6.6 Officers assess the brick built stable is a permanent structure that was used for stabling and this is not disputed. There has been past dialogue with the agents about whether the shipping container and portacabin could reasonably be classed as permanent structures.

6.7 Within this application, it is proposed to remove the stables (56.17sqm) and the majority of a storage building (98.55sqm) totalling 154.72sqm. Additionally temporary buildings in the form of the portacabin and storage container are to be removed. The proposed dwelling would be 153.39sqm which is less than the removed permanent buildings.

6.8 Therefore Officers accept that the redevelopment of the brownfield equestrian land closely associated with the stable would align with the emphasis within Para 149(g). In terms of assessment of whether there is a greater impact on openness as required, taking account the demolitions proposed and providing there is additional removal of the storage structure in line with the plan provided, the proposed dwelling at 154sqm would be less than the demolished stable and removed pole barn. Conditions could reasonably secure a scheme for demolition of the Pole Barn and removal of other buildings from the site.

Sustainability Policy Considerations

6.9 The NPPF is clear that 'To promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities. Planning policies should identify opportunities for villages to grow and thrive, especially where this will support local services. Where there are groups of smaller settlements, development in one village may support services in a village nearby.'

6.10 The development proposed is modest in terms of the scale of units to be provided and hence does not neatly fit within the above definition in that it would convey

limited economic support for the wider area. As such limited weight either for or against the scheme emerges from this consideration.

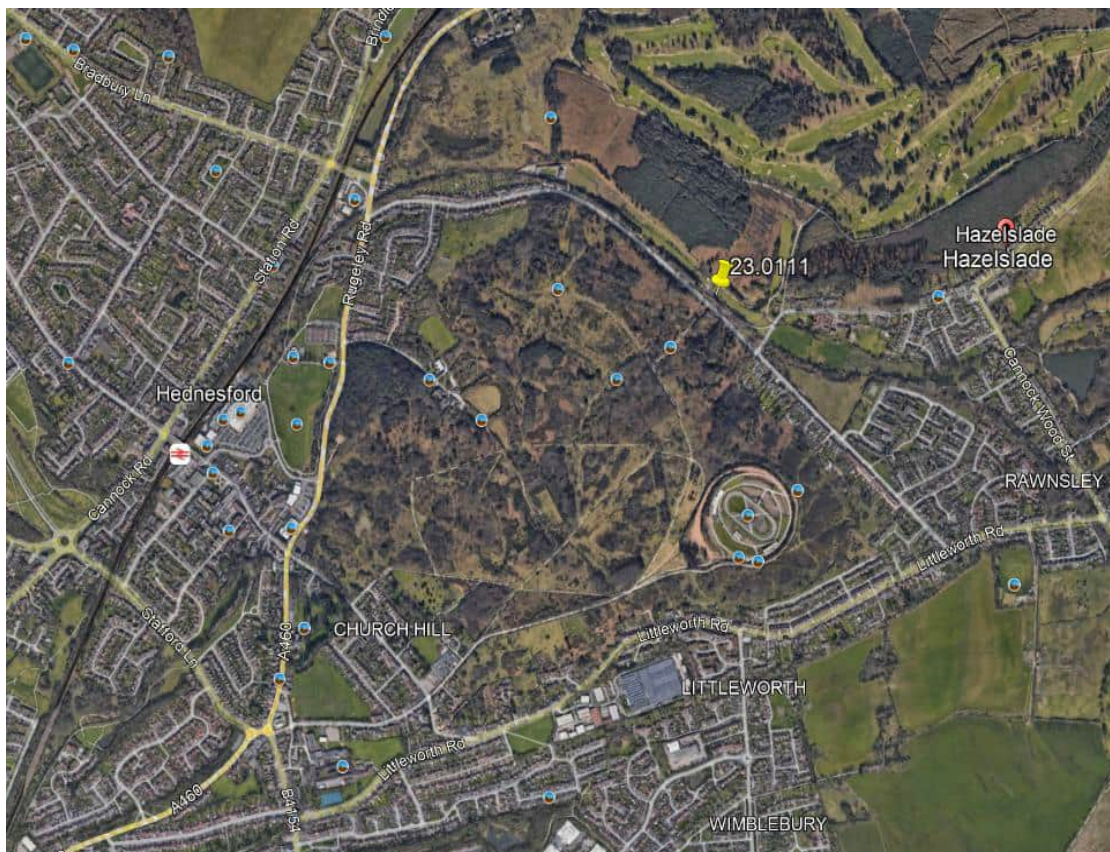


Figure 3: Map Location Extract showing application location in close proximity to main settlements and within walking and cycling distance of Hednesford Train Station

- 6.11 The Council originally responded to the applicant's raising the issue of the development being an isolated dwelling within the terms of Para 80 of the NPPF. The agent's put forward that the word isolated in the NPPF Para 80 context in line with stated case law should be given its "ordinary, objective meaning of 'far away from other places, buildings or people'", rather than the alternative definition of "remote from services and facilities". The agent's suggest that:
- the application site is situated almost immediately adjacent to Hazelslade to the northeast. Hazelslade contains facilities Hazelslade Post Office/local convenience store, Hazel Slade Primary School, Hazelslade Public House
 - the built-up area of Hednesford extend to around 500 metres away to the northwest of the application site
 - The site is a four-minute walk from the no.62 bus stop near to the junction of Rugeley Road and Rawnsley Road, and provides convenient access to Cannock Town Centre, Lichfield Town Centre, and Burntwood Town Centre.
 - 10 minute cycle would permit travel to Hednesford Railway Station
 - An approx. 2.3km walk would permit travel to Hednesford Railway Station
 - there are a large number of public footpaths and cycle paths that are in regular use which mean that it would not be unreasonable to expect the applicant (or any subsequent occupants) to continue to travel to and from Hednesford via these routes

- 6.12 The Council's Policy CP1 sets out that the extent of urban areas will be constrained by Green Belt boundaries as defined on the Policies Map. *'Development Proposals at locations within the Green Belt will be assessed against the NPPF and Policy CP14.'* This policy conveys little direction in decision taking for this application aside from consideration against Green Belt policy in the NPPF.
- 6.13 The Council's Housing Policy, CP6 is also of limited use on this application. This states that *'Within a defined village settlement boundary as shown on the Policies Map [which the proposals in this case are not] will be limited to small infill sites which accord with sustainable development principles identified in the NPPF and the strategic approach defined in CP1.'* CP6 also states that *'Housing Proposals at locations within the Green Belt will be assessed against the NPPF and Policies CP12 and CP14.'*
- 6.14 Policies CP12 and CP14 deal with Biodiversity and Landscape / AONB matters, respectively. These are detailed considerations and not matters of principle. As such in this Officers assessment, the particular circumstances of this proposal
- 6.15 Taking the submissions and the above policies into account, it is Officer's assessment that the location concerned is not isolated and would enjoy reasonable and convenient access to day to day facilities in terms of its spatial position. Whilst the site is located outside of a settlement envelope as set out in the Policies Map, this is located some 50 metres from the application site's entrance on to Rugeley Road. In spatial planning terms and on the balance of the considerations presented in this case, this matter is not judged significant in wider sustainability principle terms. As such it is considered the application proposals are acceptable in policy principle terms.

7. LANDSCAPE CONSIDERATIONS

- 7.1 The site is located within the Cannock Chase AONB. In this respect Paragraph 176 of the NPPF sets out that great weight should be given to conserving landscape and scenic beauty in AONBs. This reflected in Policy CP14 of the Local Plan which requires that development proposals must be sensitive to the distinctive landscape character of the AONB. Proposals must ensure they do not have adverse impacts upon the setting of the AONB through design, layout, or intensity of uses proposed. Development proposals involving the replacement of existing buildings within the Green Belt will be expected to demonstrate sympathy with their location through size, appearance, and landscape impact mitigation.

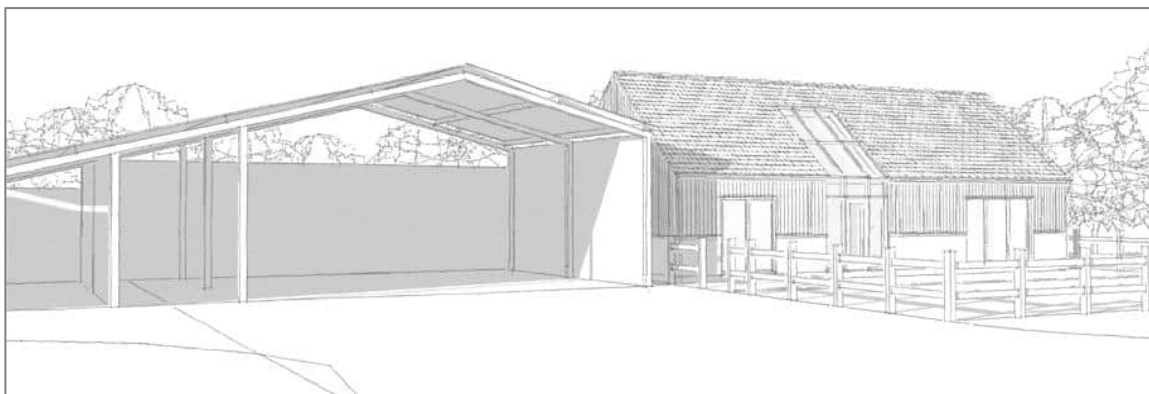


Figure 4: Extract from Design and Access Statement showing indicative 3D imagery of the proposals in the context of the adjacent farm building

- 7.2 The site is detached from the built up area of Hazelslade. It is surrounded on all sides by undeveloped land which also forms part of the public bridleway and footpath networks which are likely to give elevated views over the proposed site. The existing buildings within the site are modestly scaled and have a functional and agricultural / horsey cultural appearance common to a rural setting. The proposed development would introduce a one and half storey building that has a farm building type character and scale.
- 7.3 Concerns are raised by AONB group who seek to provide comments about developments potentially affecting the AONB and also the Council's Landscape Officer. In particular these include:
- Concerns regarding urbanisation/intensification of land use in the green belt
 - lighting impacts from the proposed development
 - The development will lead to the requirement for more facilities to cater for those being lost to the construction of the dwelling.
- 7.4 The application includes a Landscape and Visual Impact Appraisal (LVIA) and update documents that seek to explore concerns about visibility of the development. A range of locations from further north along trails are examined and it is broadly the case across these vantage points the development is not visible.

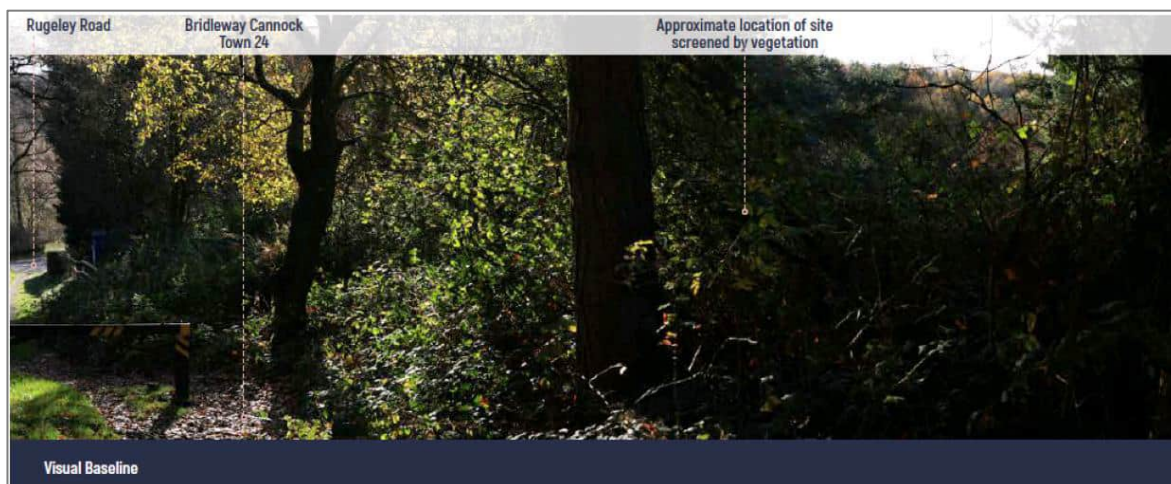


Figure 5: Viewpoint Location 6 extract from LVIA showing on site photograph versus defined map position

- 7.5 Further imagery provided seeks to explore the visibility of the development from the main road nearby with and without screening with a view to providing an enhanced landscape buffer around the development. Imagery to this effect is shown below:



Figure 6: Top image shows building without additional screen planting, bottom image shows building with additional screen planting.

- 7.6 In relation to concerns about urbanisation, Officers see that in principle the development as proposed is acceptable in a Green Belt location in line with National Policy. Reasonable care has been taken in the design of the building to be reflective of the agricultural context of the site. Examination of key public vantage points from trails nearby shows no substantive change. With additional landscape reinforcement to the front of the site the building would be relatively imperceptible and less visible than current buildings.
- 7.7 In relation to lighting impacts, these can readily be controlled by condition and therefore it is unclear why the AONB continue to maintain their objection.
- 7.8 On the issue of future buildings, the Council is not at liberty to suppose the applicant may seek to apply for other farm buildings in future. Most notably, the NPPF Para 149(g) allows for the partial or complete redevelopment of previously developed land, **whether redundant or in continuing use** ... where these would not have a greater impact on the openness of the Green Belt. But nevertheless, the applicant is seeking to retain 1/6th of the Pole Barn. This is intended to cater for any future potential need for space without the need for any further proposals.
- 7.9 The previous application at the site was refused partially on the basis of the absence of detailed landscape assessment. This reason has now been fully addressed in the Officers view by the information presented. Accordingly the application is judged to accord with Para 176 of the NPPF and Policy CP14 of the Local Plan.

- The neighbouring watercourse known as Bentley Brook which passes directly through the build zone of the demolished building/new property and behind the part demolished west barn
- Adjacent woodland habitat
- Hednesford Local Nature Reserve and SSSI (whether this fed by the brook in any way is not considered)

9.3 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.'*

Protected Species

9.4 Detailed survey of the site and nearby brook has been undertaken. This confirms the absence of protected species likely to occur within the site other than bats.

9.5 In the case of bats and bat impacts through demolitions, proposals to demolish two onsite buildings are intended. Formal Bat survey emergence work was undertaken following the conclusions that the stable building was of moderate potential for bats. Other buildings were of negligible potential due to steel sheet type roofing. Subsequent presence/absence surveys were undertaken on B1 as summarised below;

- Survey 1 – dusk emergence – 28/06/2022
- Survey 2 – dawn re-entry – 26/07/2022

9.6 The results of the bat activity surveys, which were conducted during the optimum survey period, confirm an absence of bats within B1. Moderate - minor bat activity was recorded throughout each survey period, although no bats were seen entering or exiting the building. Confirmed species of bat recorded foraging/commuting across the site; common pipistrelle (*Pipistrellus pipistrellus*), brown long-eared (*Plecotus auritus*), Noctule (*Nyctalus noctula*) and a *Myotis* sp.

9.7 As no bat roosts were identified during the surveys, it will not be necessary to apply for a Natural England European Protected Species (EPS) licence and no further survey actions are considered necessary.

9.8 No evidence of bird utilisation was observed within the building.

Habitat Impacts

9.9 No habitat impacts are envisaged as part of the proposal given the developed nature of the application site land. A key issue in the previous application was that little mention of the nearby watercourses features as part of the supporting documentation. In this case, reporting examines the brook in question and considers the wider context. It is suggested that *'Two statutory sites (Chasewater and the Southern Staffordshire Coalfields SSSI & Hednesford Hills Common LNR) are located within a close proximity to the application site - approx. 35m to the southwest. A road located atop of an embankment (Rawnsley Road) divides the*

application site from the statutory sites. No direct impacts are envisaged although care will need to be taken to avoid indirect impacts e.g. lighting control, pollution control, landscaping as detailed in the following Reasonable Avoidance Measures (RAM's).

9.10 The reasonable avoidance measures proposed include:

Pollution control

- (i) Demolition – soft demolition of any buildings/structures onsite to prevent excess dust/noise and accidental pollution into neighbouring habitats.
- (ii) Fuel - Suitable and appropriate measures or precautions should be taken to avoid any issues relating to fuel spillage. This could involve the use of spill kits (absorbent materials) on site. Good site practice should be employed to ensure that fuels on site are stored within a locked, sealed and bunded container. The refuelling of vehicles should occur in one location, and a drip tray should always be used.
- (iii) Dust – Erect effective barriers around dusty activities, or around the site boundary. Use water as a dust suppressant. Any cutting equipment to use water as suppressant or suitable local exhaust ventilation systems. Securely cover any skips and minimise drop heights. No bonfires.
- (iv) Construction Traffic - All vehicles should switch off engines – no idling vehicles. Wash or clean all vehicles effectively before leaving the site if close to sensitive receptors. All loads entering and leaving site to be covered. All non road mobile machinery (NRMM) to use ultra low sulphur tax-exempt diesel (ULSD) where available. On-road vehicles to comply with the requirements of a possible future Low Emission Zone (LEZ) as a minimum.

9.11 Subject to conditions requiring compliance with the RAMs identified in the ecologist report, Officers are satisfied the concerns around indirect habitat pollution can be adequately addressed.

Net Gain

9.12 With regard to offsetting and enhancement, Paragraph 174 of the NPPF states [amongst other things] that 'Planning policies and decisions should contribute to and enhance the natural and local environment by:

- a) 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);*
- d) minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures;'*

9.13 The Preliminary Ecological Appraisal suggests provision of a variety of nesting boxes for different bird species but the exact specifications are not stated. Conditions could reasonably require specifications for bat and bird boxes. It is also noted additional landscaping is proposed in the form of hedgerows and orchard planting, log piles and wildflower meadows. Precise details of the intended planting are provided and as such as condition securing these would be

appropriate. Subject to this Officers assess the need for net biodiversity uplift in line with Para 174(b) of the NPPF is met in this case.

Cannock Chase SAC

- 9.14 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. This is usually secured by unilateral undertaking and is acknowledged within the application submissions. As noted by Natural England who seek to comment on the Council's HRA submissions to them, this approach will seek to fund mitigation to offset the impacts from recreational use of Cannock Chase SAC.

10. AMENITY

- 10.1 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.
- 10.2 The dwelling proposed would be provided with a reasonable front garden proportionate to the scale of the dwelling, albeit no rear garden is proposed. This is not considered a major concern given the site's context but should a future occupier seek to erect 2m fencing to provide increased privacy, this would likely be out of keeping in wider design/landscape terms. As such conditions restricting permitted development rights for fencing should be attached to any decision and future buildings such as outbuildings should be controlled.

11. HIGHWAYS CONSIDERATIONS

- 11.1 Paragraph 111 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.
- 11.2 The Highway Authority originally raised objections to the proposals on the basis of insufficient information regarding local services and concerns around linkages to local bus services. Officers discussed the wider spatial positioning and additional comments from the applicant regarding proximity to services with Highways Officers in the same manner as set out in the Policy Principle section of this report. Additionally whilst this issue of the footway south is not entirely resolved, given the limited distance to lit footway towards Hazelslade the Highway Authority are now accepting of the scheme in highways terms.
- 11.3 Otherwise the Highway Authority are accepting of the premise that removing the wider stabling would lead to lesser highway trips than currently exist from the site. In this regard there is no intensification of the access and as such no significant highway safety issues are noted.

12. HUMAN RIGHTS ACT 1998 AND EQUALITY ACT 2010

Human Rights Act 1998

- 12.1 The proposals set out in this report are considered to be compatible with the Human Rights Act 1998.

Equality Act 2010

- 12.2 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.
- 12.3 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
- 12.4 It is therefore acknowledged that the Council needs to have due regard to the effect of its decision on persons with protected characteristics mentioned.
- 12.5 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.

13. CONCLUSION

- 13.1 The application seeks planning permission for the demolition of existing stables and replacement with a dwelling. In Green Belt terms, Officers assess in principle compliance with the requirements of Green Belt policy and in the context of the wider location of the site, assess this exists only a short distance outside a defined settlement boundary. Therefore as a matter of principle the application is judged acceptable.
- 13.2 Since previous refusal, additional LVIA work, ecological reporting and tree protection plans have been prepared. These address the previous reasons for refusal. The application is considered appropriate in the context of the wider landscape in light of the information provided. Subject to conditions requiring habitat enhancement, landscaping, and tree protection these impacts upon these assets can be reasonably avoided. There are no other amenity or highway objections to the proposals. As such Officers recommend the application for approval.

A3

INBOUND MANOEUVRE

215

No. Cycle
Store
Bin
Store

LB

OUTBOUND MANOEUVRE

215

No. Cycle
Store
Bin
StoreVehicle
Exit

Item No. 6.23



LB

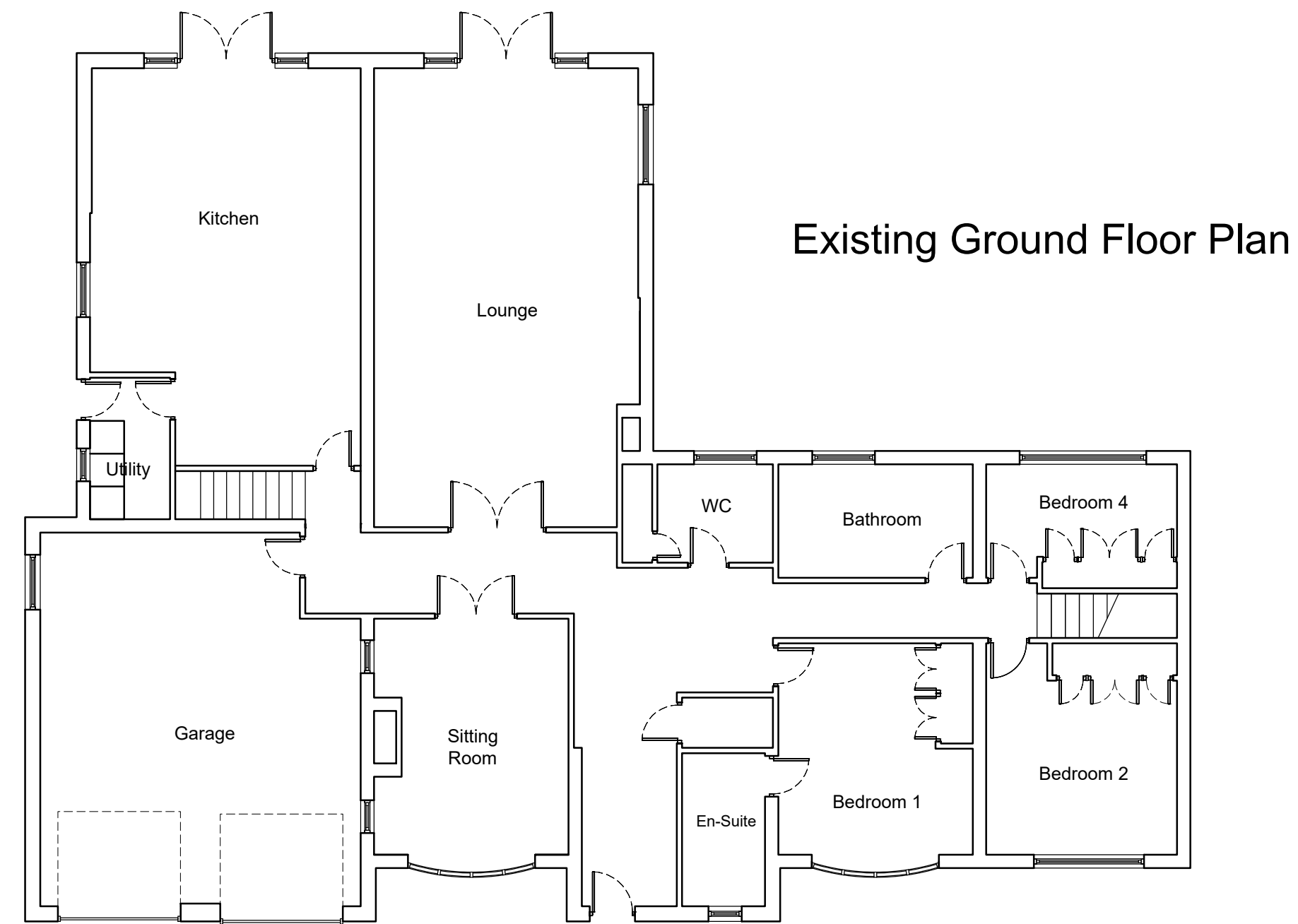


Estate Car (2008)

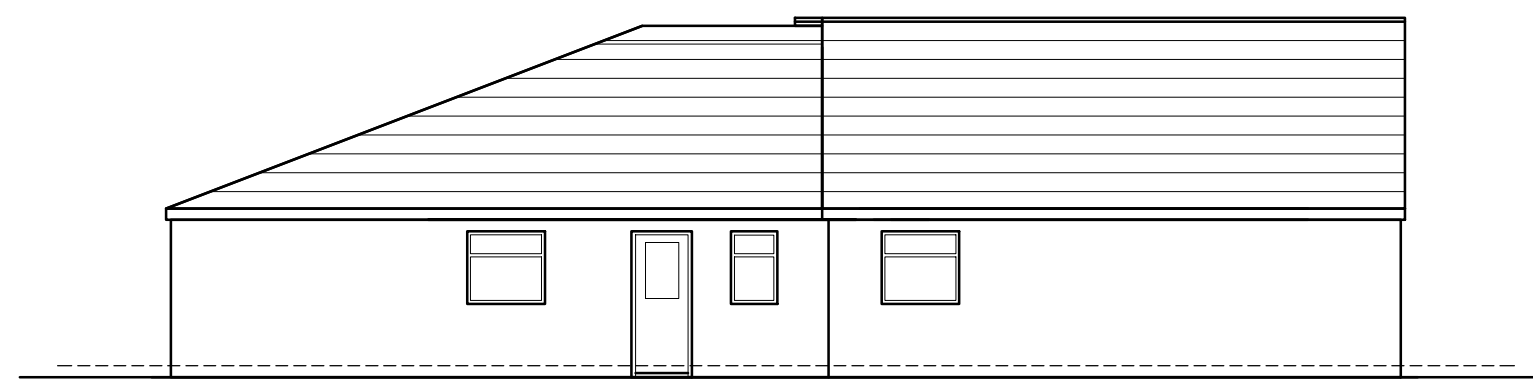
Overall Length	4.710m
Overall Width	1.654m
Overall Body Height	1.442m
Min Body Ground Clearance	0.207m
Max Track Width	1.750m
Lock to Lock Time	4.00s
Width to Kerb Turning Radius	3.350m



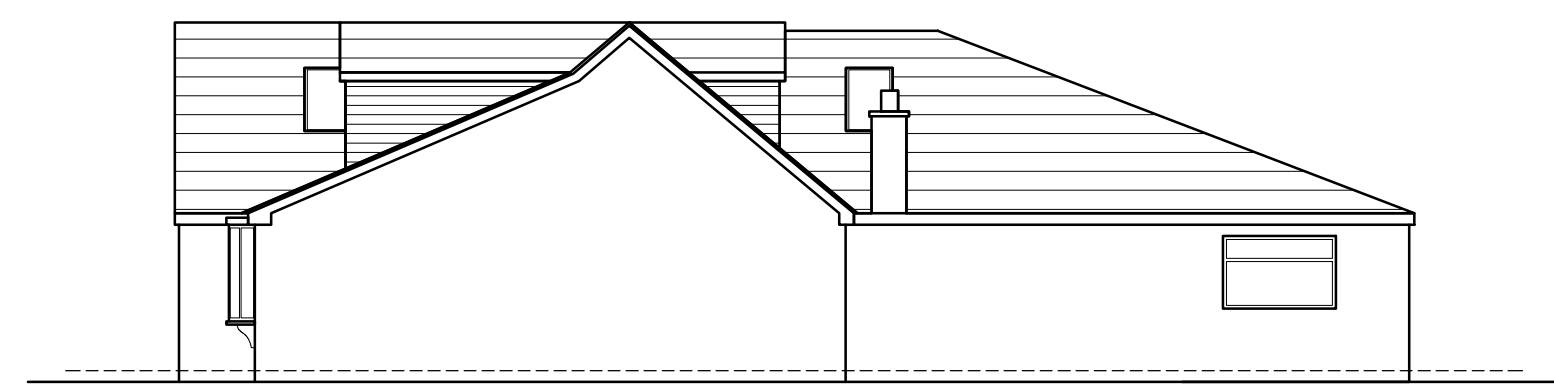
Existing Plans and Elevations



Existing East Elevation



Existing South Elevation




Existing North Elevation



Existing West Elevation

Rev	Date	Revision Description	Drawn By	Approved By
-	27/03/23	Original Drawing	LW	JB



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Client
IBC Healthcare

Project Information
**Proposed Conversion to Existing Residential Building
205 Wimblebury Road, Cannock**

Drawing Title
Existing Plans and Elevations

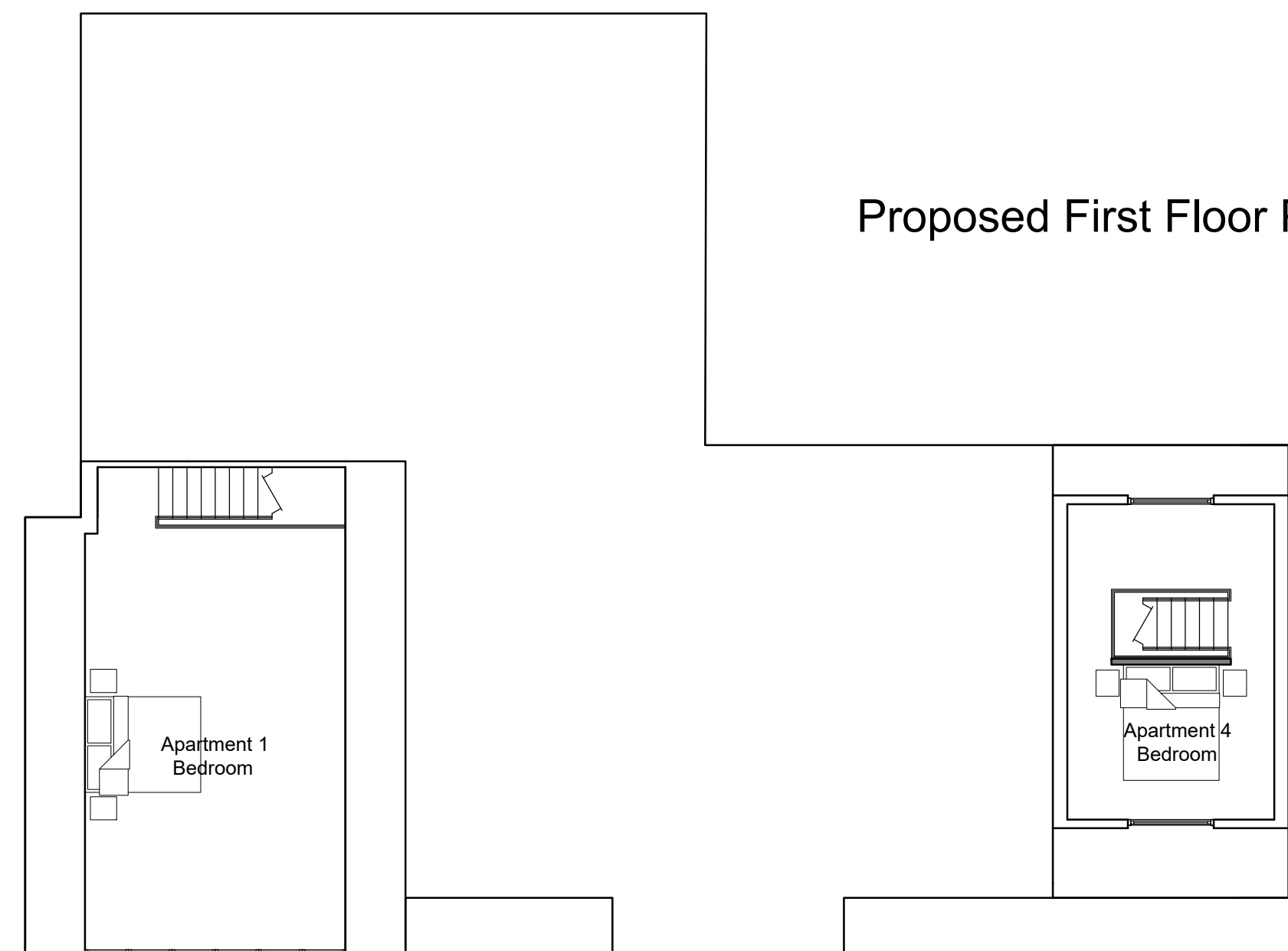
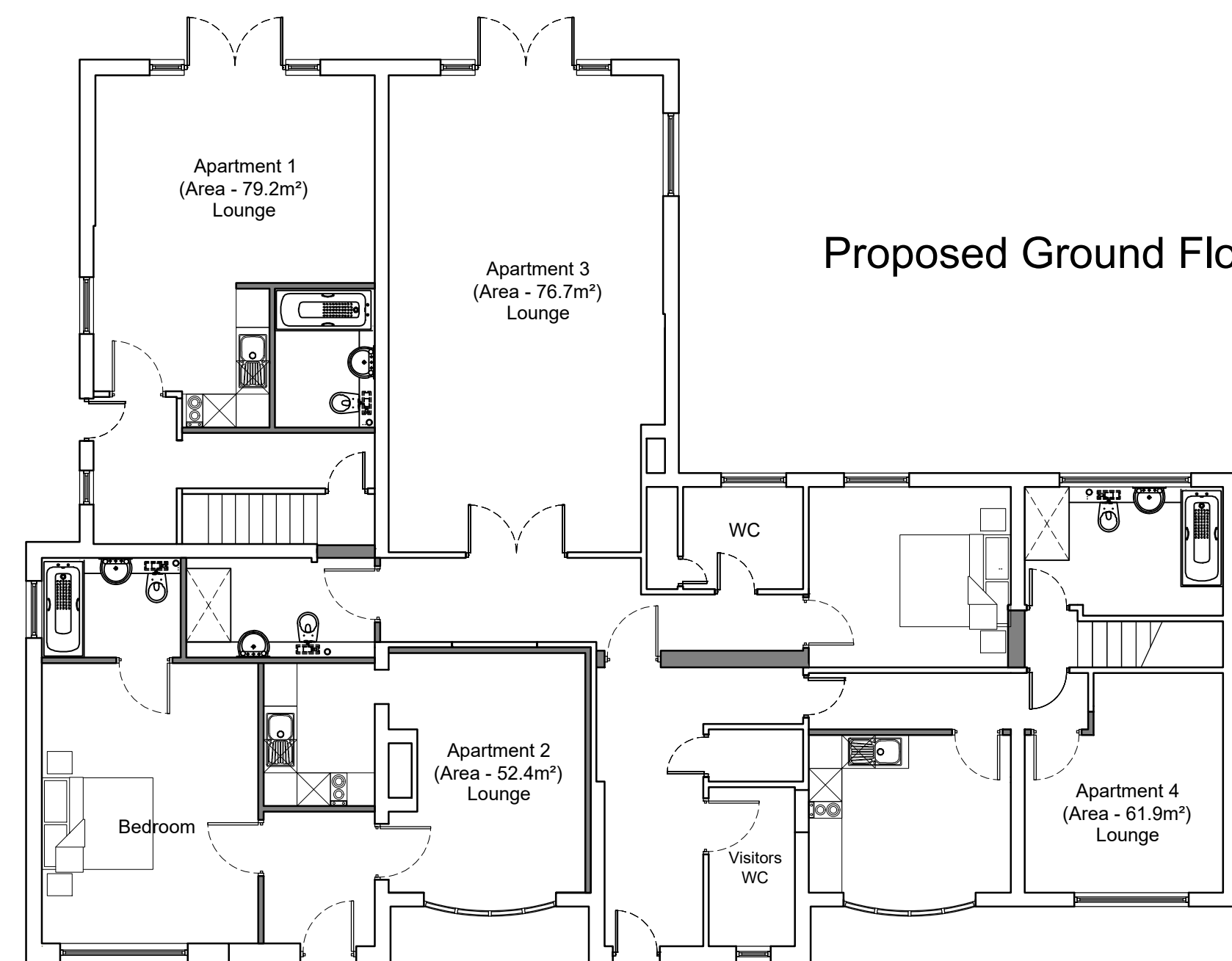
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Job Number H.23.46	Drawing Number (00) 1	Revision ~
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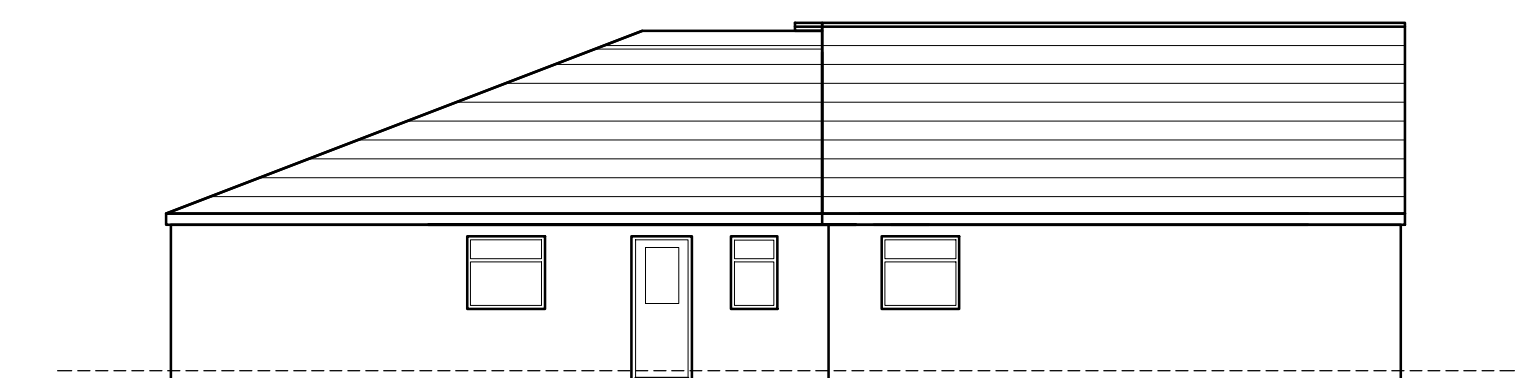
Drawing Issue
PLANNING

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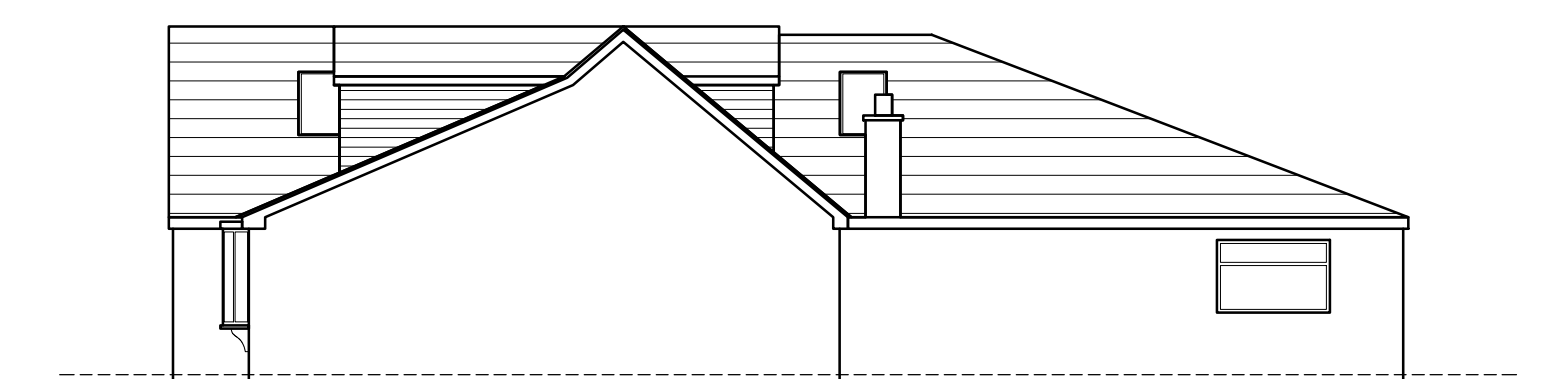
Proposed Plans and Elevations



Proposed East Elevation



Existing South Elevation



Existing North Elevation



Existing West Elevation

Rev	Date	Revision Description	Drawn By	Approved By
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Client
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Project Information
**Proposed Conversion to Existing Residential Building
 205 Wimblebury Road, Cannock**

Drawing Title
Proposed Plans and Elevations

A1 Scale 1:100	A3 Scale 1:200
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Job Number H.23.46	Drawing Number (00) 2	Revision ~
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Drawing Issue
PLANNING

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Contact Officer:	David O'Connor
Telephone No:	(01543) 464 515

<p>Planning Control Committee</p> <p>20 September 2023</p>
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Application No:	CH/23/0168
Received:	14 April 2023
Location:	205 Wimblebury Road, Heath Hayes, Cannock, Staffordshire WS12 2EP
Parish:	Heath Hayes and Wimblebury
Ward:	Heath Hayes East and Wimblebury
Description:	Proposed conversion of existing property to create 4 apartments for residents with complex care needs
Application Type:	Full Planning Permission

The application is being presented to Members for determination as a respondent wishes to make representations to the Planning Committee.

RECOMMENDATION: Approve subject to S106 and Conditions

It is recommended that delegated authority be given to the Head of Economic Development & Planning to grant planning permission, subject to the completion of a S106 legal agreement to secure contributions as follows:-

- to mitigate recreation impacts upon Cannock Chase Special Area of Conservation

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

Drawing No. 002 Rev Apr 23 – Proposed Plans and Elevations

Site Parking Arrangements as shown in the amended Transport Note dated as received 17 August 2023

Reason:

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

3. Notwithstanding the cycle storage shown on the approved plan, prior to commencement of the use hereby permitted details of a proposed cycle store located to the rear of the application site building shall be submitted to and agreed in writing. Upon commencement of the use hereby permitted, the cycle store shall be constructed in accordance with the approved details and shall be made available for use by staff/occupants.

Reason:

In the interests of site security and sustainable transport, Local Plan Policies CP3 and CP10, respectively.

4. For a period of 5 years from the implementation of this consent, all on site trees shall be retained. There shall be no tree or hedge removals aside from minor maintenance and should any trees or hedges be removed, a suitable replacement shall be agreed with the LPA and planted within the next planting season.

Reason:

In the interests of the visual amenity and privacy of residents nearby in accordance with Local Plan Policy CP3.

5. The communal garden serving the units hereby permitted shall be made available for use of all residents within the approved development and shall at no stage be partitioned into separate garden areas without the prior written agreement of the Local Planning Authority.

Reason:

In the interests of assuring all units have access to a good standard of external amenity space in line with Local Plan Policy CP3.

6. Prior to commencement of the use hereby permitted, the applicant shall submit details of proposed staff break facilities and/or the location of any proposed smoking area. Thereafter the agreed smoking area and facilities shall be made available for use for their designated purpose.

Reason:

In the interests of the residential amenity of nearby properties in accordance with Local Plan Policy CP3.

Notes to the Developer:

None

1. CONSULTATIONS AND PUBLICITY

Internal Consultations

Environmental Health – No objections

Housing Strategy – No objection, comments provided

Clarity required as to whether the rent is social, affordable or intermediate rent. It may actually be the case the site is market housing but for rent.

External Consultations

Heath Hayes and Wimblebury Council – No objections

Staffordshire Fire and Rescue – No objections, comments provided

Encourage the use of sprinkler systems in domestic properties.

Staffordshire Police – No objections, comments provided

The cycle store has been sited near the vehicular entrance. I recommend the cycle store is a lockable cycle store rather than a cycle shelter, therefore allowing for secure storage so close to the public footpath. If a cycle shelter is preferred, this should be moved to the rear secure garden area.

Access to the rear private garden should be restricted to residents, staff, and visitors only, therefore secure 1.8m close boarded fences and gate should be installed to prevent any unauthorised access.

Staffordshire County Highways Authority – No objections subject to conditions

Previous objections were raised in relation to 4 No. spaces being proposed at the site. Updated information has since been provided and no objections are now raised.

There are 2 existing vehicular access which are proposed to be retained but proposal is for one way system. Cannock Parking Guidance for communal parking for one and two bedrooms recommends 1.5 spaces per dwelling, this will make the spaces required to 6no. spaces.

2. RESPONSE TO PUBLICITY

The application has been advertised by site notice and neighbour letter. 4 No. comments have been received in relation to the proposals. In summary these raise the following matters:

- The site is in close proximity to Heath Hayes Primary School and Nursery. This hosts a range of uses beyond normal school hours such as Slimming World and Scouts. Traffic along the road is chaotic and dangerous with buses, HGVs readily using the route. Cars are often parked on the roads pavements meaning free flow of traffic is impeded. Any increase in traffic will cause further danger to school children.
- Visibility is obscured by on street parking, leading to danger to traffic
- Visitors will be allowed to come to the site as well as staff. This will further exacerbate the traffic safety issues
- The plans are not accurate as they do not include front vegetation

- Concerns about privacy if tree were removed from the rear of the site
- Concerns regarding noise from the proposed use
- Concerns reference odours
- Use of the garden to the side of the property would impact privacy to the immediate neighbour
- Using the property as a business is not in keeping with a residential area
- Concerns regarding where staff would take breaks in the night. Will they congregate outside smoking?
- We object to the bin store so close to our property
- The 23 bus service does not run at the start and end of shift times (8am and 8pm) and therefore would not support staff coming to or from the site in the slightest. For this purpose, this bus service can be discounted. The 60 bus service does not provide a service from Lichfield which would get staff to the site in time for an 8am start. Therefore for this purpose the bus service can be discounted. The 60 bus service does not provide a service to Lichfield after 8pm, and also for this purpose can also be discounted. There are no other bus services serving the site at the start and end of shift times.

Relevant Planning History

None

3. SITE AND SURROUNDINGS

- 3.1 The site comprises a relatively large and modernised dwelling located off Wimblebury Road approx. 750m north of Fiveways Island. The property overlooks an area of open land on the opposite side of Wimblebury Road and exists in a row of mixed detached and semi-detached properties with mixed stylings and dates of construction. The site exists in close proximity to Heath Hayes Primary Academy. The property is accompanied by an extensive rear garden and front parking area capable of accommodating 6-8 vehicles.



Figure 1: Image of property frontage currently used as a domestic single dwelling



Figure 2: Site context image of the taken from Google Earth. This provides an example of how the current owners of the site (a residential dwelling) choose to utilise parking for 6 No. vehicles.

4. PROPOSAL

- 4.1 The application is proposed by iBC Healthcare who are a specialist care provider and deliver support to individuals with complex care needs. The application seeks planning permission for the conversion of a single residential dwelling into 4 No. one bedroom apartments for residents with complex care needs (such as autism, learning disabilities and sensory difficulties) where on site care will be a component of the use proposed. The application is put forward on the basis the site will remain in the C3 use class but within the C3(b) definition. This definition includes:
- (i) C3(b) covers up to six people living together as a single household and receiving care e.g. supported housing schemes such as those for people with learning disabilities or mental health problems
- 4.2 A total of 4 No. C3(b) dwelling units are proposed from the single dwelling. Individuals will be supported by staff members 24 hours a day. On a typical day 6-8 staff members will be working within the property and during the night time 4 staff members. It is suggested in the submissions that staff will travel to the site together and that use of local transport services is promoted. No residents have access to a car. Individuals will be supported to go about their general day to day activities with community engagement and where appropriate voluntary or paid employment.

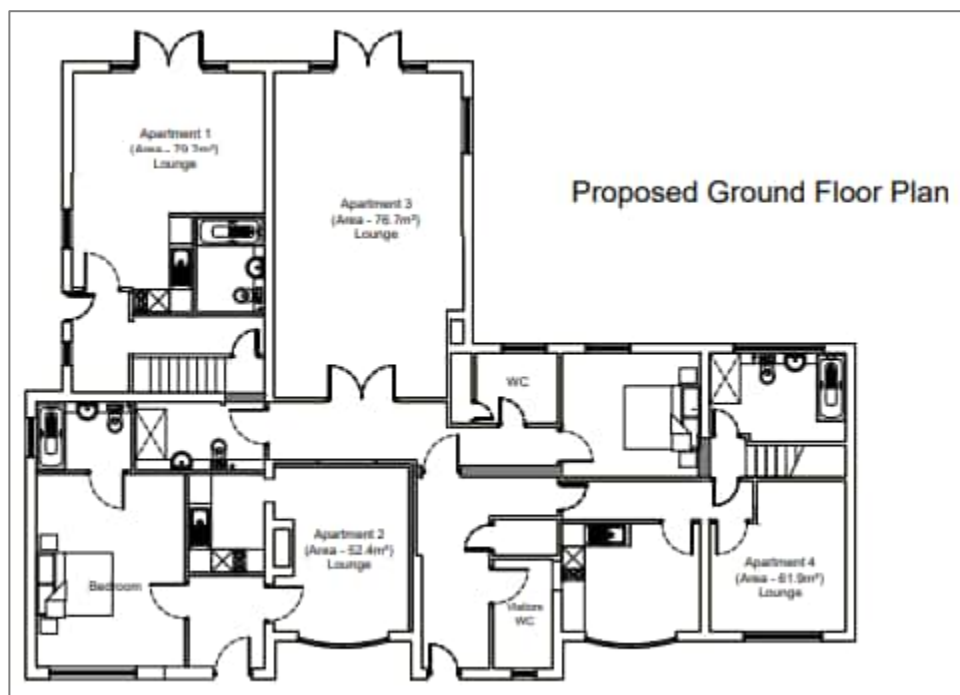


Figure 3: Extract from Proposed Floor plans

- 4.3 The Proposed Floor Plans show each apartment would be independently accessible and self contained. The main exterior change is the conversion of the existing garage to form one of the apartments. All other changes are internal within the building. A total of 6 No. parking spaces are shown to be available within the site. With further space to the side of the property or adjacent the southern boundary.

5. PLANNING POLICIES

- 5.1 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.
- 5.2 The Development Plan currently comprises the Cannock Chase Local Plan (2014) and the Minerals Local Plan for Staffordshire (2015-2030).
- 5.3 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
 - CP16: -Sustainable Resource Use

- 5.4 The relevant policies within the Minerals Plan are: -
- (i) Mineral Safeguarding

5.5 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)

6. DETERMINING ISSUES

6.1 The determining issues for the proposed development include:-

- a) Principle of development
- b) Character and appearance
- c) Residential amenity
- d) Highways Considerations
- e) Developer Contributions

7. PRINCIPLE OF THE DEVELOPMENT

7.1 The site is not subject to any particular policy designations save being within the Cannock Main Urban Area. Whilst the site is within the designated Heath Hayes and Wimblebury Neighbourhood Area, there is presently no made Neighbourhood Plan covering the area. As such general policy in relation to the sustainability of the location and housing needs are of most relevance to these proposals.

7.2 The site is in general a sustainable location being provided with good access to local day to day services and wider public facilities, public transport and opportunities for leisure and education. As such in principle the provision of additional housing in the location is supported by Policy CP1 and NPPF social and environmental objectives.

- 7.3 In relation to the nature of the care use proposed specifically, the Council's policy CP7 states that:
- (i) New housing should provide for a mix of housing sizes, types and tenures which meet the needs and aspirations of the current and future population
 - (ii) Particular attention will be given to restoring balance in the housing market during the plan period by encouraging increases in the provision of ... **housing suitable for households with specific needs.**
 - (iii) A range of housing options will be encouraged through development applications which provide for choice in homes for the elderly covering a range of housing and care options within both C2 and C3 use classes ... this will include ... care homes and extra care developments containing structured community areas and medical support on site.
- 7.4 The above extracts and in particular the underlined paragraph highlights clear support in local policy to actively promote care facilities of the nature proposed. Furthermore NPPF paragraph 62 reinforces the need to readdress under provision of housing shortfalls for those with particular specialist needs such as the elderly and people with disabilities.
- 7.5 Finally in terms of the Equality Act 2010, when public authorities carry out their functions, the Equality Act says they must have due regard taking the need to:
- (i) eliminate unlawful discrimination
 - (ii) advance equality of opportunity between people who share a protected characteristic and those who don't
 - (iii) foster or encourage good relations between people who share a protected characteristic and those who don't
- 7.6 Having due regard means public authorities must consciously consider or think about the need to do the three things set out in the public sector equality duty. The public sector equality duty means public authorities must think about whether they should take action to meet these needs or reduce the inequalities. The Equality Act says public authorities should take into account in their decision taking the need to:
- (i) remove or reduce disadvantages suffered by people because of a protected characteristic
 - (ii) meet the needs of people with protected characteristics
 - (iii) encourage people with protected characteristics to participate in public life and other activities
- 7.7 In this case it is understandable that those with learning disabilities and/or those receiving specific care may not be catered for well by the existing housing market offer, particularly if additional space or staff requirements were to be a component of a house occupancy. In this regard the applicant suggests in their submissions that:
- (i) At the end of 2022, a staggering 2,030 people with a Learning Disability and/or Autism were inpatients in hospitals across the UK. Unfortunately, 21% of these people were inpatients across the Midlands, making this the highest in all NHS Commissioning Regions. A significant percentage of these people could not be discharged due to lack of suitable housing

within the community which is now discussed as a priority on the government agenda.

- (ii) As a specialist Midlands provider, IBC feel passionately about individuals having a house they can call a home with access to specialist bespoke accommodation and support packages, no matter how complex their needs may be and should be able to live within the community like neurotypical people. Our focus is to deliver care models such as active support, intensive interaction and positive behavioural support, to empower people to live as independently as possible free from unnecessary hospitalisation.

7.8 Therefore in assessing this application, Officers consider the Council should also afford due positive weight to the equality duty that would assist in providing improved access for people with disabilities to housing tailored to suit their needs. In doing so the Council advances equality of opportunity in line with the Equality Act 2010.

7.9 In summary therefore, there is full support in local policy (CP1 and CP7) for the proposals, national policy in the form of the NPPF and in legislation in terms of better meeting the needs of those with protected characteristics as advocated by the Equality Act 2010.

8. CHARACTER & APPEARANCE OF THE AREA

8.1 In relation to character and appearance considerations, the main change is the garage, which would be converted to a residential unit as part of the development. This results in very little change to the character of the context.

8.2 It is suggested that using the property as a business is not in keeping with a residential area in terms of the character this creates. Officers do not share this view and assess very limited change (new bin store, cycle parking) would result. Arguably the use of the property with more parking on the frontage could be viewed negatively from a character perspective, but Officers assess the current owners of the single house broadly utilised the parking in a similar way.

8.3 Overall therefore Officers assess there would be no substantive change in the character or design of the resultant property when perceived from the public realm such that accordance with Local Plan Policy CP3 is assured.

9. RESIDENTIAL AMENITY

9.1 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".

9.2 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.

9.3 As there are few built development considerations in this change of use proposal, there are no main daylight, or separation standard related issues. The garden that would serve the units is in excess of 500sqm – which is considerably in excess of typical communal garden standards. Thus future residents would be adequately catered for in terms of garden size provision.

- 9.4 A range of concerns are mentioned in correspondence by nearby occupiers about noise, privacy, odour impacts and similar. Working through these concerns in turn:
- (i) Regarding general privacy impacts as a consequence of the new use, these impacts are difficult to quantify. The property itself is already in use as a dwelling and no new windows or other changes are proposed that would cause overlooking of neighbouring spaces above and beyond the existing scenario. It is therefore the case on the face of the issue that the proposals would not lead to substantive changes to privacy or use of neighbouring gardens.
 - (ii) A related point is raised that if trees were removed from the site, this could impact privacy more. It is the case that an owner is entitled to remove trees that are not subject to planning controls without permission. No such controls are observed in this case. Nevertheless, noting the increased intensity of use versus the previous scenario and a lack of clarity in the submitted plans around existing and retained trees, Officers are minded to recommend conditions that require all trees on site to be retained for a period of 5 years. This would prevent tree removals once the use is instigated.
 - (iii) Concerns regarding noise are raised. Officers do not see the nature of the C3 apartments proposed being substantially different than existing dwellings that already border the site. As such Officers give this point limited weight in their assessment.
 - (iv) Concerns regarding odours is assumed to relate to the position of bin stores. Provided bins are maintained and emptied regularly, there is no basis to suppose that the position of the bin store proposed would lead to obvious amenity impacts. No objections are raised by Environmental Health in this regard. Additionally separate pollution control legislation exists to govern incidence of nuisance that could potentially occur with any neighbouring property. Therefore Officers give this point limited weight in their assessment.
 - (v) Observation is made that use of the garden to the side of the property would impact privacy to the immediate neighbours. Future residents would share a communal garden. Officers recommend conditions that the space remains open and shared in order that individual properties do not seek to control an individual 'plot'.
 - (vi) Officers share the view that staff break areas could affect nearby properties. In this regard, Officers see it appropriate to seek further details of a proposed staff break / smoking area in order that the potential for disturbance is minimised.
- 9.5 Subject to additional details as required by the above conditions, Officers assess there would be no significant change to the residential amenity enjoyed by nearby occupiers and that future occupants would have sufficient garden amenity space. Accordingly the application is considered to accord with Local Plan Policy CP3 and NPPF Para 130(f).

10. HIGHWAYS CONSIDERATIONS



Figure 4: Imagery showing extract from Amended Parking Tracked path analysis. It should be noted that whilst cars about the front boundary, to reverse there still would be ample space for manoeuvring within the site curtilage.

- 10.1 The site is in close proximity to Heath Hayes Primary School and Nursery. Correspondence received highlights this hosts a range of uses beyond normal school hours such as Slimming World and Scouts. Traffic along the road is busy and Officers have observed parked vehicles that restrict traffic flows to single vehicle flows. It is also relevant buses and HGVs readily use the route.
- 10.2 The Highway Authority have visited the application site and examined the accesses available. No objections on the basis of visibility or the traffic capacities were made from the starting point of the application but it was noted that only 4 No. spaces as were originally proposed, was too few versus Cannock Chase Adopted Parking Standards.
- 10.3 The amended application proposes 6 No. off street spaces and as noted by Officers additional site capacity exists beyond this. Subject to the making available of 6 No. parking spaces the County Highway Authority raise no objections to the development now proposed. Their comments take account of visibility at the site, visitors (which are a component of the Parking Standards) and relevant bus scheduling. The relevance of bus scheduling was that if the applicant was seeking to argue under provision, access by other means of transport should be realistic. The applicant no longer seeks to argue under provision and provides for the stated level of parking (1.5 spaces per dwelling which is inclusive of a visitor allowance).

- 10.4 Therefore taking account the advice from the Highways Officer and noting the development is in compliance with relevant adopted parking standards, Officers assess the proposals would not lead to an unacceptable impact on highway safety in line with Para 111 of the NPPF.

11. DEVELOPER CONTRIBUTIONS

SAC Recreational Impacts

- 11.1 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.
- 11.2 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. In the case of these proposals, 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 is C3 and a contribution should be required accordingly. A S106 to secure such will therefore be required.

Affordable Housing

- 11.3 As the development proposed is less than 15 units, no affordable housing is applicable and there would be no policy justification to consider the imposition of controls to secure the units as Affordable Units within the NPPF definition.

12. HUMAN RIGHTS ACT 1998 AND EQUALITY ACT 2010

Human Rights Act 1998

- 12.1 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

- 12.2 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.
- 12.3 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.

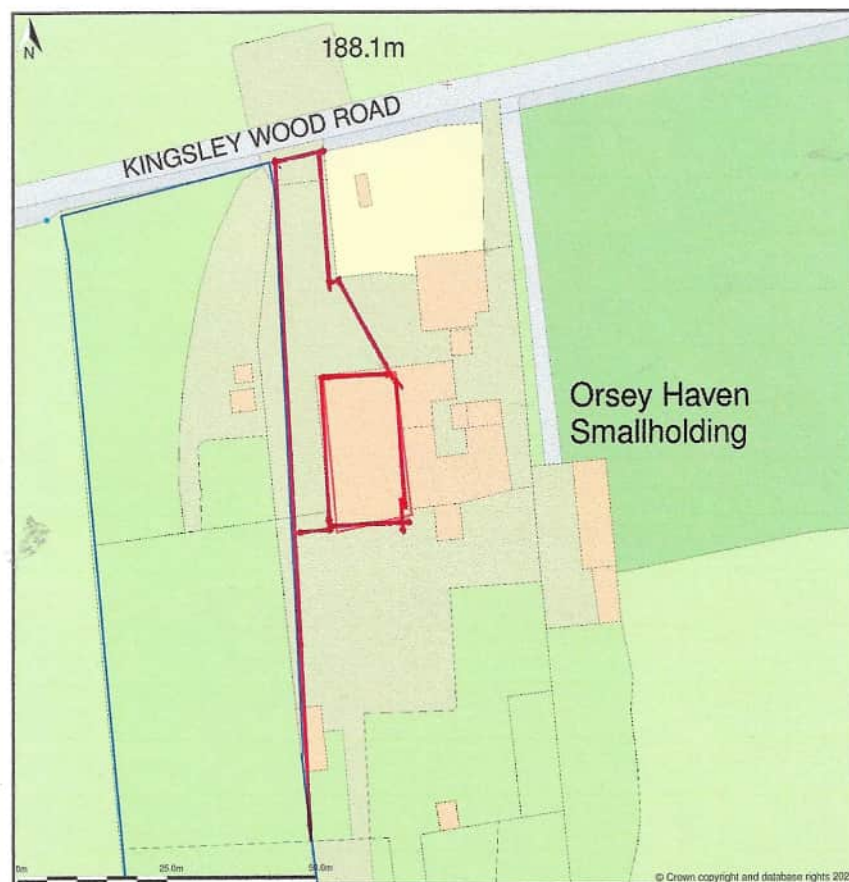
13. CONCLUSION

- 13.1 The application seeks planning permission for the conversion of a single residential dwelling into 4 No. one bedroom apartments for residents with complex care needs (such as autism, learning disabilities and sensory difficulties) where on site care will be a component of the use proposed. The application is put forward on the basis the site will remain in the C3 use class but within the C3(b) definition.
- 13.2 There is full support in local policy (CP1 and CP7) for the proposals, national policy in the form of the NPPF and in legislation in terms of better meeting the needs of those with protected characteristics as advocated by the Equality Act 2010.
- 13.3 The application proposes relatively few changes to the physical appearance of the that would affect its perception from the public realm. Conditions are recommended to deal with key amenity issues that are not fully covered off within the application submissions (such as staff smoking arrangements) but otherwise the effects upon the amenity of nearby residents is assessed as being limited. The Highway Authority raise no objections to the proposals and S106 to secure SAMP enhancement measures, the development would not lead to impacts upon protected habitats. As such the proposals are considered an acceptable form of sustainable development.

Location Plan



Turner Workshop The Smallholding, Kingsley Wood Road, Rugeley, Staffordshire, WS15 2UF



Site Plan shows area bounded by: 400417.89, 317271.69 400559.31, 317413.12 (at a scale of 1:1250), OSGridRef: SK 481734. The representation of a road, track or path is no evidence of a right of way. The representation of features as lines is no evidence of a property boundary.

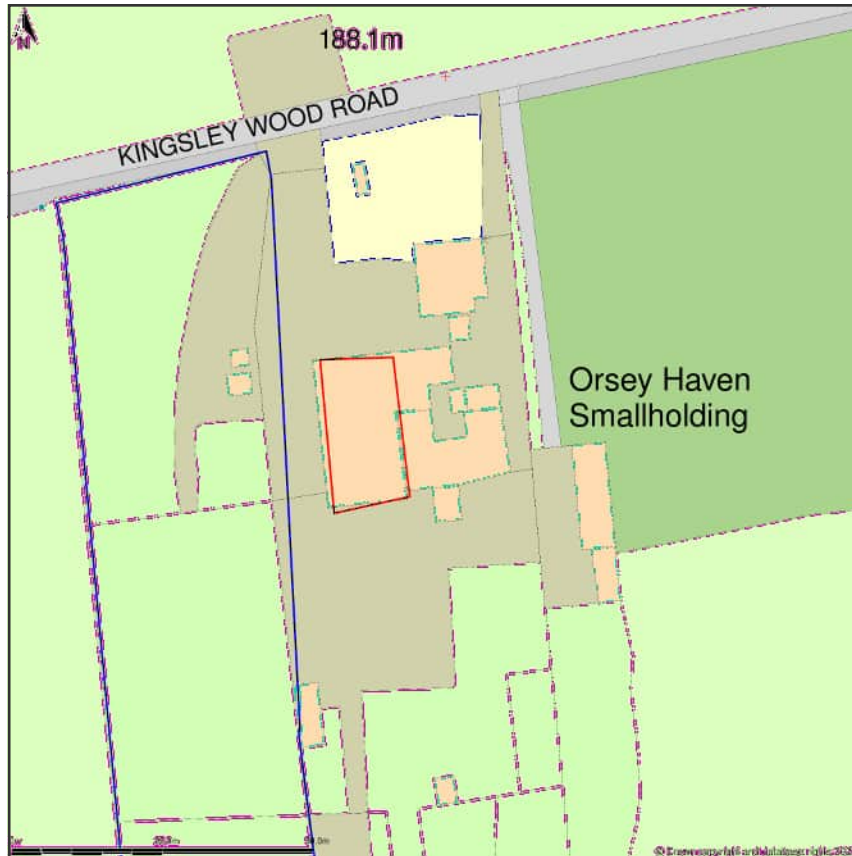
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Site Plan



Turner Workshop The Smallholding, Kingsley Wood Road, Rugeley, Staffordshire, WS15 2UF



Site Plan shows area bounded by: 400417.89, 317271.69 400559.31, 317413.12 (at a scale of 1:1250), OSGridRef: SK 481734. The representation of a road, track or path is no evidence of a right of way. The representation of features as lines is no evidence of a property boundary.

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Contact Officer:	Kayleigh Williams
Telephone No:	07810 155 287

<p>Planning Control Committee</p> <p>20 September 2023</p>
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Application No:	CH/22/0306
Received:	10 Aug 2022
Location:	The Smallholding, Kingsley Wood Road, Rugeley, WS15 2UF
Parish:	Brindley Heath CP
Ward:	Etching Hill and The Heath
Description:	Change of Use of existing building currently approved for repairs, maintenance relating to forestry & agriculture to motor vehicle repairs & maintenance and to include a DVSA for MOT test centre for light vehicles up to 6500kg
Application Type:	Full Planning Application

Reason for call in:

Parish Objection

Recommendation:

Approved 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. Time Limit

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. Approved Plans

The development hereby permitted shall be carried out in accordance with the following approved composite drawing demonstrating the:

- Site Plan - 00754331-44051F
- Location Plan - 00754331-44051F

Reason:

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

3. External Lighting Restriction

External lighting that may be required for the purposes of the development hereby approved and, which is either attached to or surrounding the building will only be permitted if the applicant can demonstrate that the scheme proposed is the minimum needed for security and/or working purposes and that it minimises the potential for obtrusive light from glare or light trespass to an acceptable level without determinant to biodiversity and the dark skies of the AONB. Any such scheme proposed will need to be submitted to and approved by the Local Planning Authority before implementation.

Reason:

To protect local biodiversity and tranquillity of the AONB in accordance with Local Plan policy CP12

4. Hours of Operation

The premises shall not be open for business outside the hours of 0700 to 2030 on any day.

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.

Notes to the Developer:

Cadent Gas

Cadent Gas Ltd own and operate the gas infrastructure within the area of your development. There may be a legal interest (easements and other rights) in the land that restrict activity in proximity to Cadent assets in private land. The applicant must ensure that the proposed works do not infringe on legal rights of access and or restrictive covenants that exist. If buildings or structures are proposed directly above the apparatus the development may only take place following diversion of the apparatus. The applicant should apply online to have apparatus diverted in advance of any works, by visiting www.cadentgas.com/diversions

Prior to carrying out works, including the construction of access points, please register on www.linesearchbeforeudig.co.uk to submit details of the planned works for review, ensuring requirements are adhered to.

Your responsibilities and obligations:

Cadent may have a Deed of Easement on the pipeline, which provides us with a right of access for a number of functions and prevents change to existing ground levels, storage of materials. It also prevents the erection of permanent/temporary buildings, or structures. If necessary Cadent will take action to legally enforce the terms of the easement.

This letter does not constitute any formal agreement or consent for any proposed development work either generally or related to Cadent's easements or other rights, or any planning or building regulations applications.

Cadent Gas Ltd 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.

If you need any further information or have any questions about the outcome, please contact us at plantprotection@cadentgas.com or on 0800 688 588 quoting your reference at the top of this letter.

Consultations and Publicity

External Consultations

Consultee	Recommendation	Comments
Brindley Heath Parish Council	Objection	<ul style="list-style-type: none"> • Inappropriate development in the Green Belt. • Harm to AONB. • Access road unsuitable for light or heavier vehicles. • An adequate supply of MOT test stations in the locality.
Cadent Gas	No objection	<ul style="list-style-type: none"> • Subject to informative 1
AONB Partnership	No objection	Subject to the inclusion of the following conditions: <ul style="list-style-type: none"> • Details of external lighting proposed. • Details of biodiversity enhancements
Natural England	No objection	
SCC Highways	No objection	

Internal Consultations

Consultee	Recommendation
Economic Development	No objection
Environmental Health	No objection

Response to Publicity

The application was advertised by site notice and neighbour notification. One letter of objection was received regarding the proposal which is summarised as follows:

- Intensified use of the site.
- Re-purposing of the site is not in keeping with the local area, AONB and SSSI.
- Access track is on poor condition which will only be exacerbated by the proposal.

The application also received one letter of support which is summarised as follows:

- Traffic and local environment would improve by not needing to serve HGVs and large forestry machines.
- Dust, pollution, and litter would be controlled by stringent standards set by garages.
- There would be an economic gain which would in turn improve the economic strength of Cannock Chase.
- The proposal will provide a local service which is in demand.

Relevant Planning History

- CH/14/0132 - Approved 1 September 2015
Re-submission of planning application CH/13/0270- Change of use from paddock to touring caravan site (for up to 10 caravans).
- CH/05/0477 - 31 January 2006
Proposed agricultural building including storage, maintenance & repair of equipment used in connection with forestry contracting.
- CH/05/0044 - Approved 5 April 2005
Certificate of lawfulness for agricultural small holding and operations relating to forestry contracting business.

1 Site and Surroundings

- 1.1 The application site includes an existing single storey workshop with a footprint of approximately 325 sqm. The building is agricultural in appearance with a pitched roof, and brick and timber elevations. The building has two large roller shutter doors in the principal gable end elevation with the addition of a pedestrian access door. There are no windows on the side elevations of the building.

- 1.2 The application building has a lawful use for the storage, maintenance and repair of vehicles relating to forestry and agriculture.
- 1.3 The wider site includes a smallholding with farmhouse and a limited number of agricultural buildings. Aside from the applicants dwelling on the smallholding there are no residential dwellings in close vicinity. The nearest dwelling is over 250 metres away.
- 1.4 The application site also lies adjacent to a paddock, in the applicant's ownership, which has a lawful use for a touring caravans site.
- 1.5 The application site is located in the Cannock Chase Area of Outstanding Natural Beauty (AONB) and the Green Belt. The site is also located adjacent to the Cannock Chase Special Area of Conservation (SAC) and Cannock Chase Site of Scientific Interest (SSSI).

2 Proposal

- 2.1 The proposal seeks full planning permission to change the current use of the application building. Currently designated for forestry and agriculture-related repairs and maintenance, the aim is to convert it for motor vehicle repairs and maintenance. Additionally, the proposal includes the establishment of a DVSA MOT test centre for light vehicles up to 6500kg.
- 2.2 The proposal does not seek any alterations to the external elements of the building and does not include the increase in non-residential floorspace.

3 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 Part 1(2014), the Hednesford Neighbourhood Plan, and the Minerals Local Plan for Staffordshire (2015 – 2030).

Cannock Chase Local Plan (Part 1)

Relevant policies within the Local Plan include: -

- CP1 - Strategy – the Strategic Approach
- CP3 - Chase Shaping – Design
- CP11 – Centres Hierarchy

There are no relevant policies in the Minerals Local Plan.

- 4.3 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. |
| 81, 84 & 85: | Building a strong, competitive economy. |

111:	Promoting sustainable transport.
126, 130, 132, 134:	Achieving well-designed places.
137, 138, 147-149:	Protecting Green Belt Land
1741 176, 177:	Conserving and Enhancing the Natural Environment
218, 219:	Implementation.

4.4 Other relevant documents include: -

- (i) Design Supplementary Planning Document, April 2016.
- (ii) Cannock Chase Local Development Framework Parking Standards, Travel Plans and Developer Contributions for Sustainable Transport.
- (iii) Manual for Streets.

4	Determining Issues
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4.1 The determining issues for the proposed development include:-

- i) Principle of Development.
- ii) Impact on Landscape Character.
- iii) Impact on Neighbouring Land Uses.
- iv) Impact on Highway Safety.
- v) Impact on Conservation Sites.

4.2. **Principle of Development**

4.2.1 In Cannock Chase District, the primary focus of investment and regeneration efforts is directed towards existing settlements. Simultaneously, there is a commitment to preserving and enhancing the natural landscape of designated areas, including the Area of Outstanding Natural Beauty (AONB), Hednesford Hills, Green Belt, and the broader green infrastructure within the District. To realise this objective, Policy CP1 (Strategy) primarily seeks to focus residential and employment developments within the existing urban areas of the District.

4.2.2 In this case, the application site is situated approximately 2 miles outside the settlement limits of Rugeley, falling within the Green Belt and Cannock Chase Area of Outstanding Natural Beauty (AONB). However, the proposed change of use of the application building forms part of an existing employment use and does not include any external alterations to the application building itself, nor does it seek additional non-residential floor space or increase in overall workforce.

4.2.3 Paragraph 84 of the National Planning Policy Framework (NPPF) highlights the importance of facilitating sustainable growth and expansion of all types of businesses in rural areas. This growth is to be achieved, through diversification of the business' activities within the application building.

4.2.4 The proposal is for the use of the application building for motor vehicle repairs & maintenance, including a MOT test centre for vehicles up to 6500kg, which constitutes a B2 land use (General Industrial - Industrial Processes). Such uses can also include ancillary elements such as, in this instance, the addition of the MOT Testing Centre. The ability for the business to repair and maintain vehicles

other than those related to agriculture and forestry along with the MOT testing centre will support the viability and growth of the business, in line with the aspirations of paragraph 84 of the NPPF.

- 4.2.5 Local Plan Policy CP8 (Employment Land) seeks to retain B class uses to assist the diversification of the local economy and encourages the redevelopment of existing employment sites, provided the land is not of high environmental value. The existing land use also falls within the B2 land use classification and as such a change of land use is not considered to result from the proposal. However, the proposal does result in diversification of the business activities within the same land use class.

Impact on the Green Belt

- 4.2.6 The application site is located within the Green belt. The Cannock Chase Core Strategy Policy CP14 sets out that, development proposals within the Green Belt must be sensitive to the distinctive landscape character and ensure they do not have an adverse impact upon their setting through design, layout, or intensity. The proposal does not seek to alter the existing building and whilst the site would accommodate different types of vehicles there is nothing to indicate that the site use would intensify to the extent that adverse impact would occur.
- 4.2.7 Paragraph 147 of the National Planning Policy Framework (NPPF) states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. The main issues in assessing the impact on the Green Belt are as follows:
- a) whether the proposal would constitute inappropriate development in the Green Belt for the purposes of the National Planning Policy Framework and development plan policy, and the effect on the purposes of the Green Belt, and
 - b) if it is inappropriate development, whether the harm by reason of inappropriateness and any other harm, is clearly outweighed by other considerations, so as to amount to the very special circumstances necessary to justify the development.

Whether the proposal would constitute inappropriate development in the Green Belt

- 4.2.8 Paragraph 150 outlines a several forms of development which are not considered to be inappropriate development in the Green Belt, provided they preserve the openness and do not conflict with the purposes of including land within in. They exception relevant to this proposal is as follows:
- d) the re-use of buildings provided that the buildings are of permanent and substantial construction.
- 4.2.9 Accordingly the proposal is not considered to be inappropriate development in the Green Belt, subject to the openness being preserved and compliance with the purposes of including land within the Green Belt.
- 4.2.10 Inregard to the above and further to reviewing the application against Local Plan policies CP1 and CP8, as well as the relevant paragraphs of the NPPF, the proposal is accepted in principle, subject to an assessment of its impact on the

aforementioned landscape designations, sites of high environmental value, and other material considerations, as addressed below.

The effect of the proposal on openness and purpose of including land within the Green Belt

- 4.2.11 Openness, in the context of Green Belt policies means, an absence of visible development. The Green Belt is functioning countryside that, among other things, should serve the urban areas which it surrounds. Hence new and replacement development that sits comfortably within the rural landscape and contributes to the beneficial functioning of the countryside can preserve openness.
- 4.2.12 The Planning Practice Guidance: Green Belt sets out that a judgment is required based on the circumstances of the case, citing such matters that have been identified by the courts. The relevant factors in this case are the spatial and visual implications of the proposal, and its locational context.
- 4.2.13 As addressed above, the proposal does not result in external changes or an increase in floorspace and as such would preserve the openness of the site. Owing to this lack of physical development there would also be no conflict with the 5 purposes of including land within the Green Belt as set out within paragraph 138 of the NPPF. Consequently, the proposal does not amount to inappropriate development in the Green Belt, and Very Special Circumstances are therefore not required.

4.3 Impact on Landscape Character

- 4.3.1 Outside of identified Green Belt designation, the site also forms part of an Area of Outstanding Natural Beauty. The landscape character and visual amenity of the immediate area is therefore of a particularly high quality. Paragraph 176 of the NPPF sets out that great weight should be given to conserving and enhancing the landscape and scenic beauty of the AONB. This position is amplified by Core Strategy Policy CP14 which states development proposals in the AONB must be sensitive to the distinctive landscape character and ensure they do not have an adverse impact upon their setting through design, layout, or intensity.
- 4.3.2 As previously mentioned, external alterations to the existing building are not proposed in this application and therefore, there would be no greater impact on the character of the AONB. The applicant previously engaged AONB Partnership who responded “ *that on balance, bearing in mind the extant use and the proposed use, it was considered unlikely that the proposal would result in a significant change in landscape character or on the natural beauty of the AONB, but there may be a slight loss of tranquillity*”. As such, the neighbours objection regarding adverse impact on the AONB is not supported by the AONB Partnership.
- 4.3.3 To preserve the tranquillity of the AONB the Partnership request a condition regarding external lighting to limit light spillage into the AONB which is agreed. The Partnership also request a condition in relation to appropriate biodiversity enhancements. However this is considered unreasonable owing to the lack of physical development taking place.

4.3.4 Therefore, having regard of Policy CP14 of the Local Plan, the abovementioned paragraph of the NPPF and comments received from the AONB partnership, it is considered the proposal would not have an adverse impact on the distinctive landscape character of the AONB, subject to the application of the aforementioned planning conditions.

4.4. **Impact on Neighbouring Land Uses**

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 onto include [amongst other things] the protection of the "amenity enjoyed by existing properties". Protecting a high standard of amenity is also an expectation Paragraph 130(f) of the NPPF.

4.4.2 The proposal seeks to retain its vehicle repair and maintenance activity, albeit now proposed for alternative vehicles. The inclusion of the ancillary MOT testing centre is not considered to result in an additional noise or odour effects over and above that already experienced in the existing repair and maintenance of agricultural and forestry vehicles. The nearest residential dwelling would be located 250 metres away which is sufficiently distanced from the application site to avoid any amenity disturbance. There are no concerns with loss of light, privacy, or overbearing effects.

4.4.3 A neighbour objection was received regarding the intensified use of the site. This has been considered by officers who considered that the change in vehicles being repaired and maintained would not materially intensify the use of the site. With respect to the access track, the Highways Authority have reviewed the proposal in the context of this track and have provided no objection. It is also acknowledged that the track will not longer need to serve regular HGV's and other large vehicles associated with forestry and agriculture.

4.4.4 In considering the above matters in relation to the amenity of neighbouring land uses, it is considered the proposal sufficiently preserves existing levels of amenity. It is therefore concluded that that proposal accords with Local Plan Policy CP3 and paragraph 130(f) of the National Planning Policy Framework.

4.5 **Impact on Highways**

4.5.1 Paragraph 111 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.

The comments from the neighbour objection in regard to suitability of the access is noted.

4.5.2 The Highway Authority was consulted regarding the proposal and has stated that since the land is currently utilised for the repair and maintenance of forestry and agricultural vehicles, they have no objections to the application. Furthermore, there are no requested highway-related conditions. Consequently, the Highways Authority does not support the neighbour's objection regarding the access being unsuitable.

- 4.5.3 It is therefore concluded that the proposal would not have an unacceptable impact on highway safety and that the residual cumulative impacts on the road network would not be severe. As such, the proposal would not be contrary to paragraph 111 of the NPPF.

4.6 Impact on Conservation Sites

- 4.6.1 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.
- 4.6.2 Policy CP12 within the Local Plan prioritises the protection, conservation, and enhancement of the biodiversity and geodiversity assets within the District. It prioritises the protection of ecological and geological sites, as well as the preservation of priority habitats and species. This commitment aligns with the principles of Paragraph 174 of the NPPF, which outlines the role of planning policies and decisions in improving the natural and local environment. Paragraph 174 places emphasis on the importance of safeguarding and enhancing valued landscapes, biodiversity and geological sites and soils.
- 4.6.3 Policy CP12 and Paragraph 180 of the NPPF jointly resist developments that could result in significant loss or adverse effects which cannot be avoided, mitigated, or compensated for. In line with this, Paragraph 174 encourages the reduction of negative impacts on biodiversity and the achievement of a net gain. This includes the creation of interconnected ecological networks designed to withstand both current and future challenges. In this case, the application site is located adjacent to a Site of Special Scientific Interest (SSSI), a designation of national importance for its biodiversity and geodiversity values. The suggested biodiversity enhancement condition aims to achieve a net gain in biodiversity compared to the existing conditions.

Cannock Chase SAC

- 4.6.4 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. The comments from the neighbour in respect to the impact to the SSSI are noted.
- 4.6.5 As part of the application process, Natural England was consulted regarding the submitted Habitats Regulation Assessment (HRA). They have confirmed, based on the information and plans provided, that the proposed development is not expected to have a significant adverse impact on the Cannock Chase Special Area of Conservation (SAC) or Site of Special Scientific Interest (SSSI). As such the neighbour objection in relation to the impact on the SSSI is not supported by Natural England.
- 4.6.6 The proposal, with no increase in non-residential floorspace, no external alterations to the building, and no additional staffing hours required, does not warrant mitigation measures in the form of a financial contribution. As such, the proposal is in accordance with CP12 and CP13 of the Local Plan and the relevant paragraphs of the NPPF.

5 Human Rights Act 1998 and Equality 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.

Equality 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.

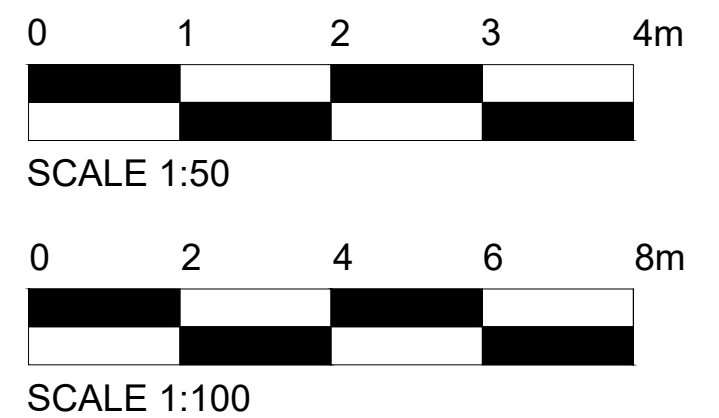
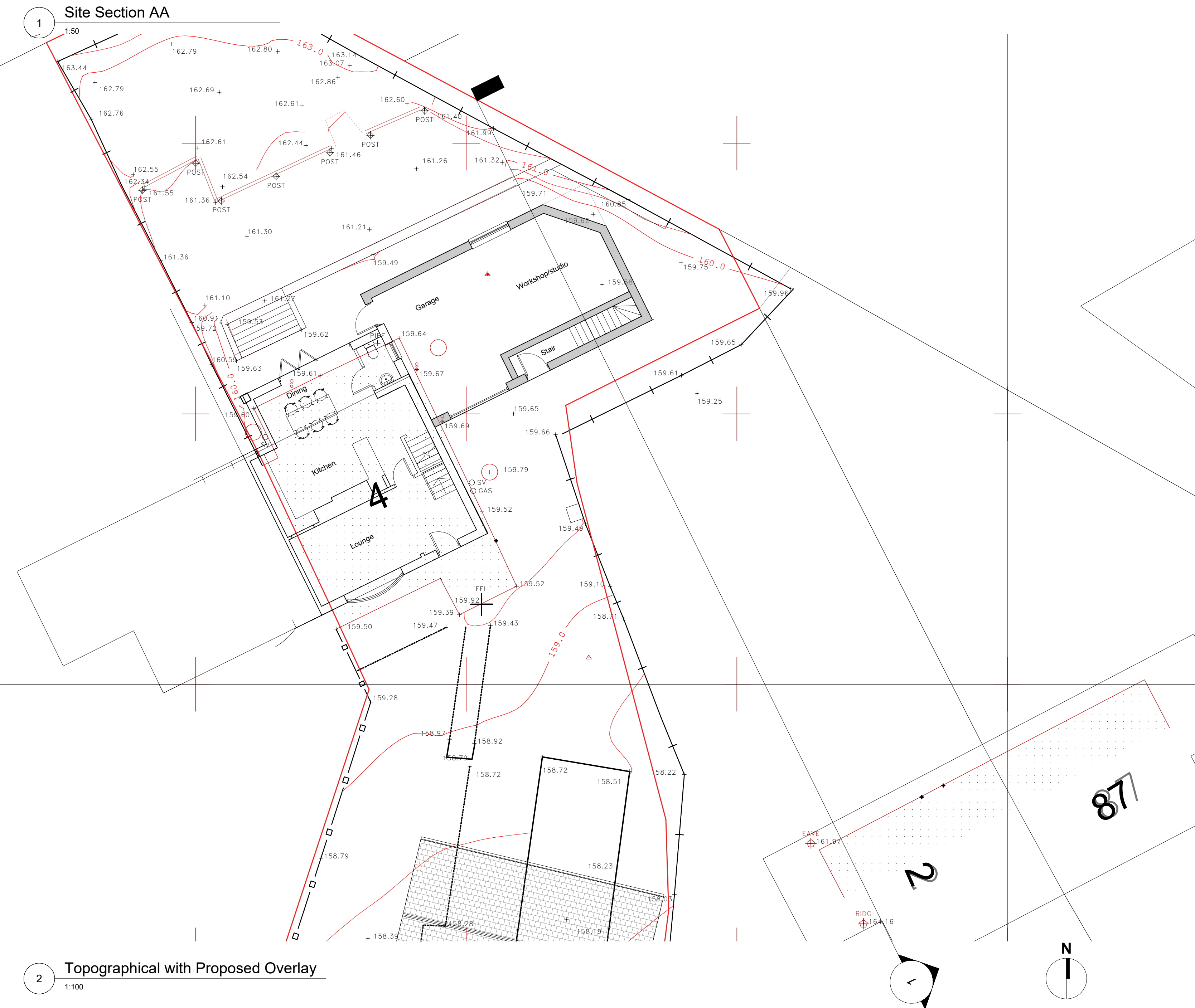
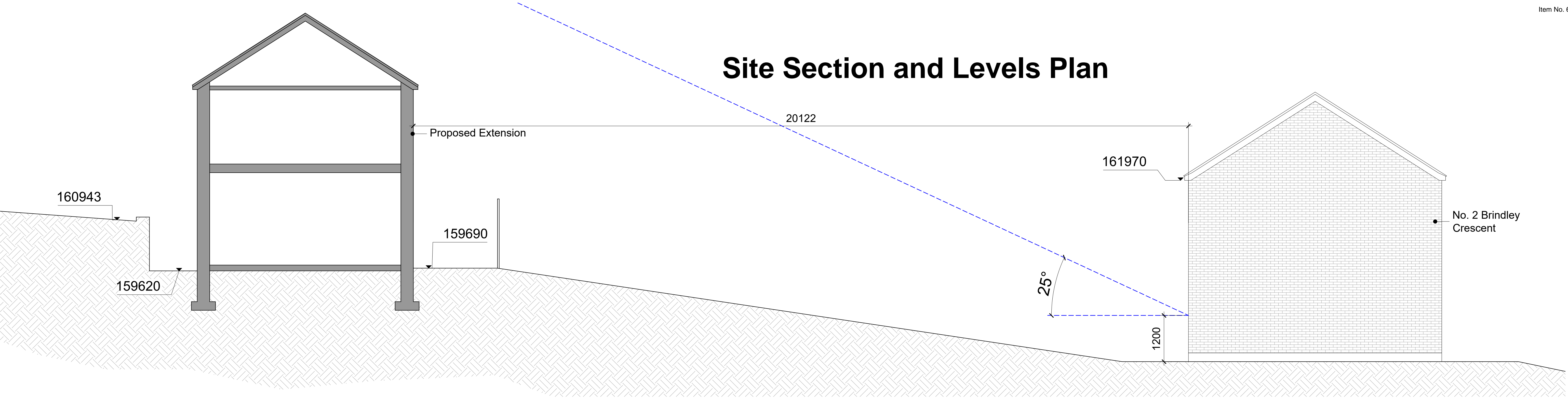
It is therefore acknowledged that the Council needs to have due regard to the effect of its decision on persons with protected characteristics mentioned.

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 Equality Act.

6 Conclusion

- 6.1 In respect to all matters of acknowledged interest and policy tests it is considered that on balance, the proposal, subject to the attached conditions, would not result in any significant harm to acknowledged interests and is therefore considered to be in accordance with the Development Plan.
- 6.2 It is therefore recommended that the application be approved subject to the attached conditions.

Site Section and Levels Plan



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Rev:	Details:	By / Chk:	Date:

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Notify J Mason Associates immediately of any variation between drawings and site conditions.

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Where drawings are based on survey information received, surveys are available on request.

All drawings to be read in conjunction with all relevant Structural and M&E Engineers drawings and specifications.

H&S HAZARDS:

Significant hazards relative to the architectural design shown on this drawing have been assessed and highlighted with reasonable skill and care using a warning triangle system.

This drawing is to be read in conjunction with all other hazards/risks which have been identified and recorded within the construction phase H&S plan.

It is assumed that all works on this drawing will be carried out by a competent contractor working, where appropriate, to an approved method statement.

Significant hazards are defined as:-

- Those not likely to be obvious to a competent contractor or other designers.
- Those of an unusual nature.
- Those likely to be difficult to manage effectively.

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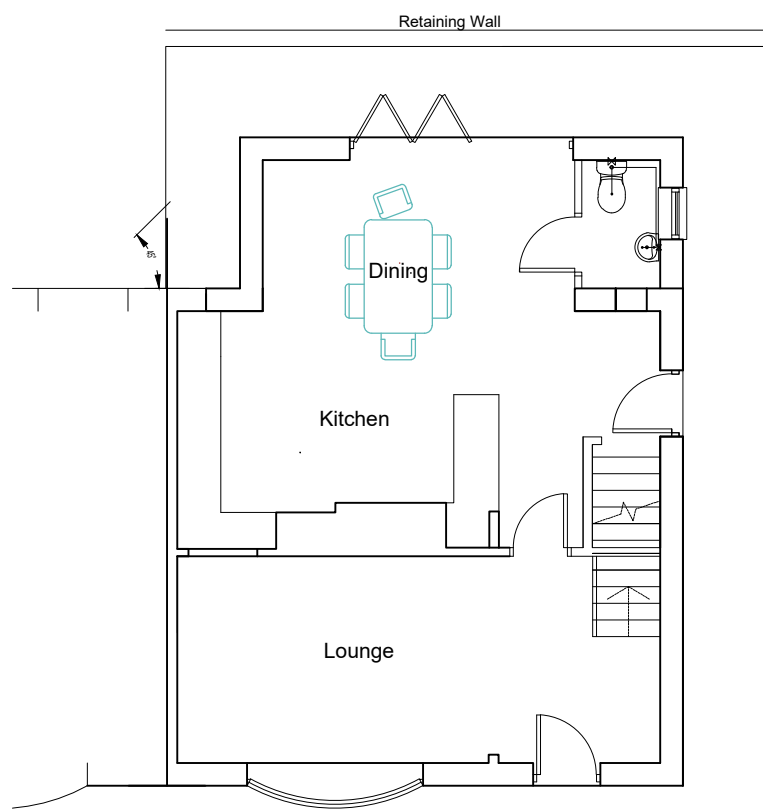
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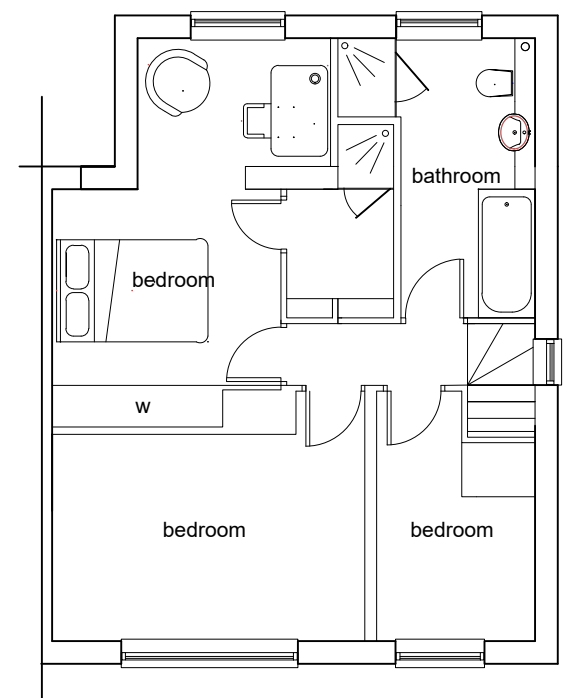
Project:
**4 Brindley Crescent
Hednesford**

Drawing Title:
Proposed site Section and Levels Plan

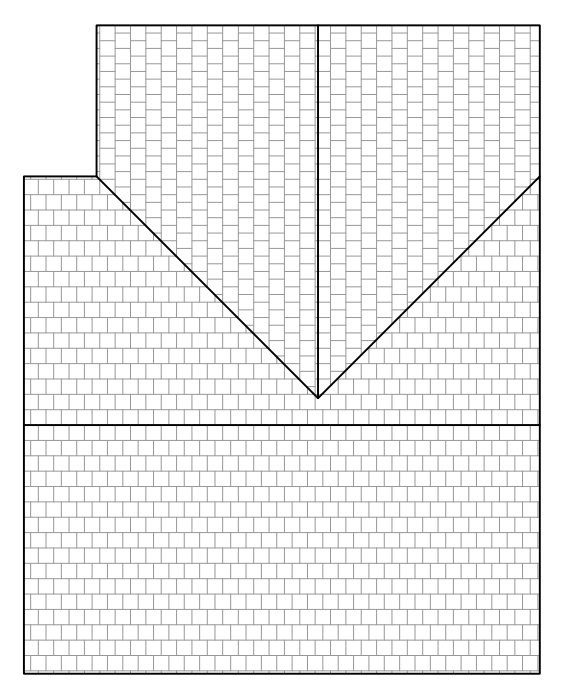
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Job Number: 2910	Date: 24.07.2023	Scale: As Noted
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1 Ground Floor Plan - Existing
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2 First Floor Plan - Existing
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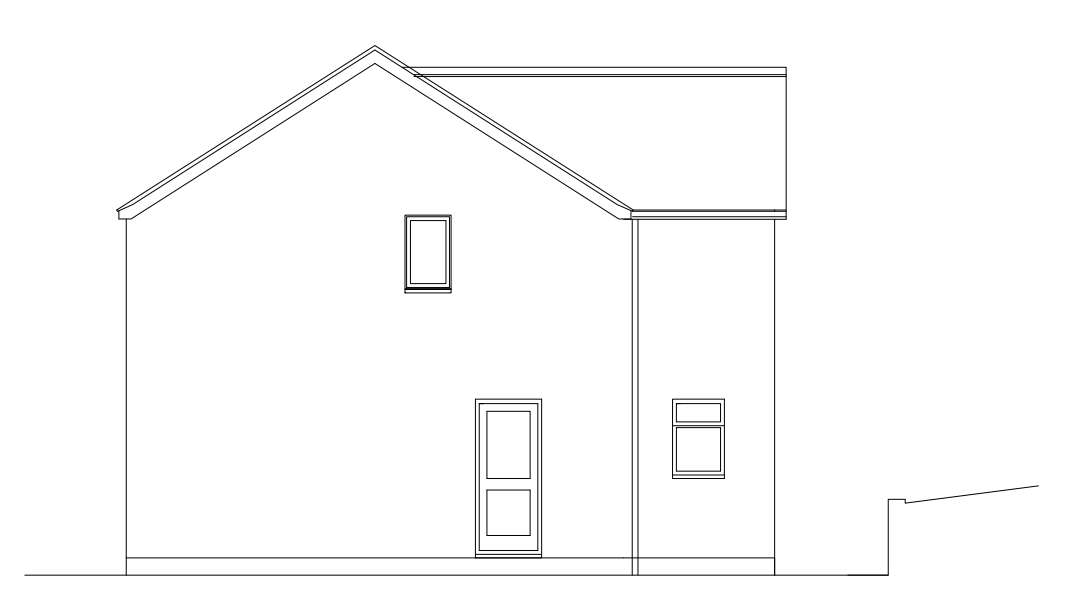
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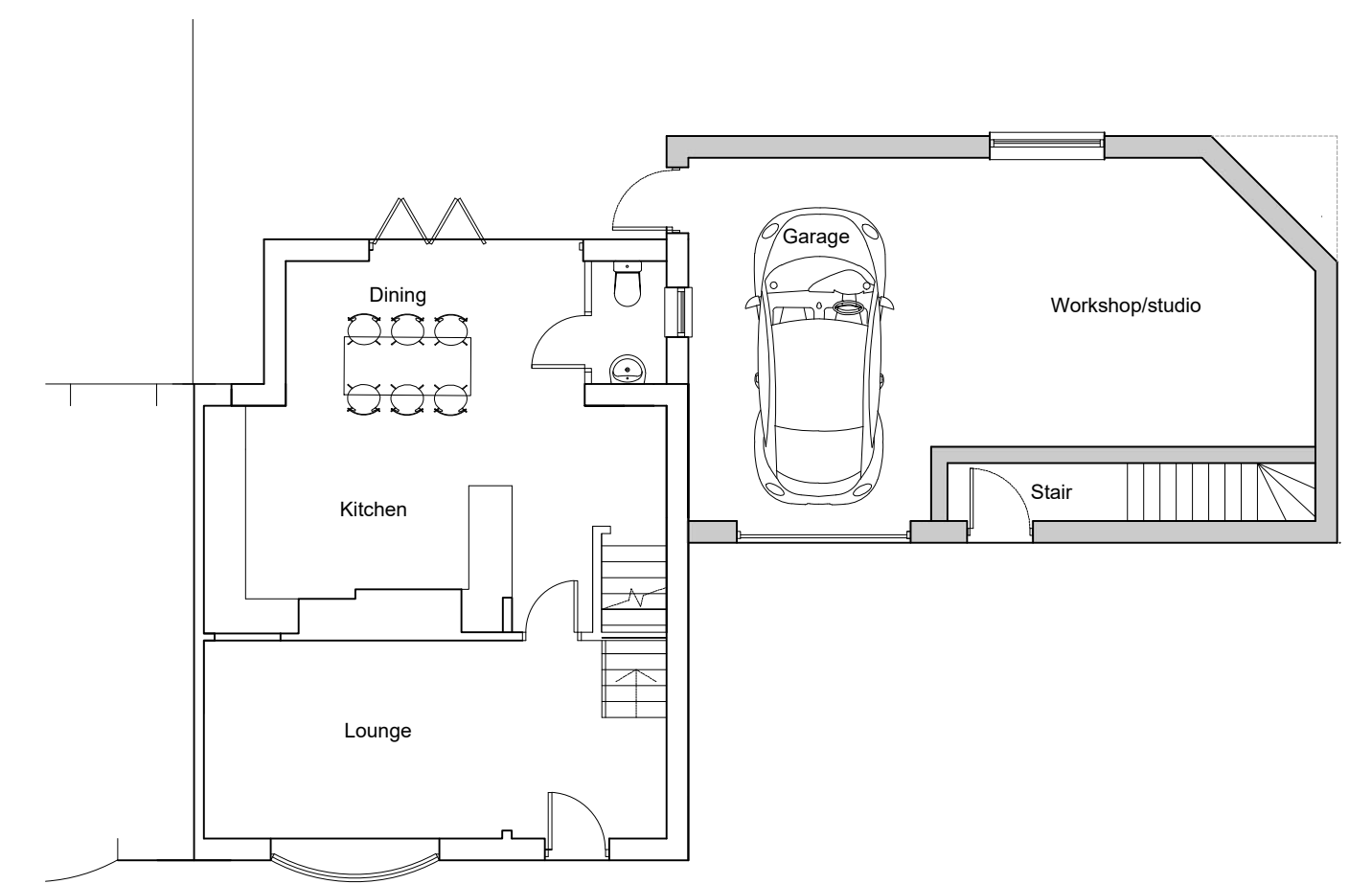
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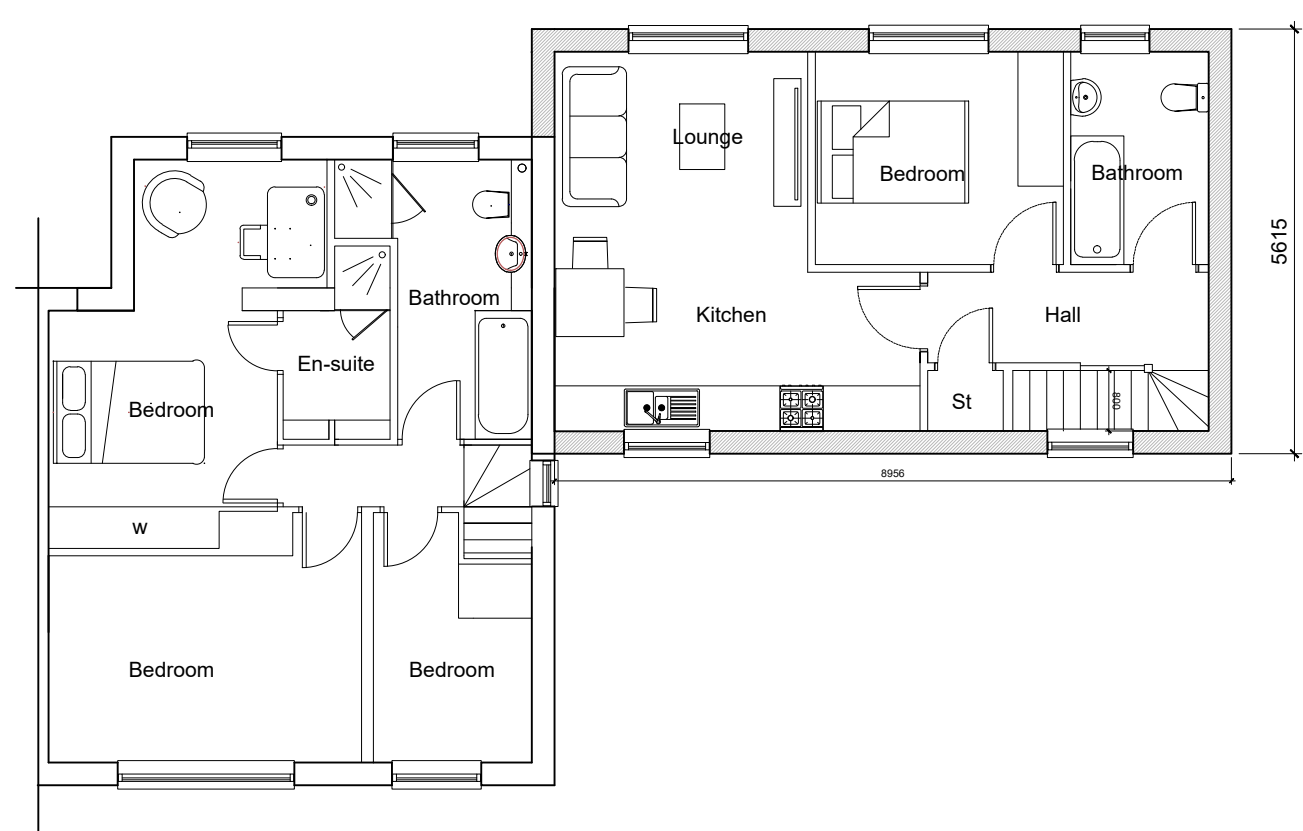
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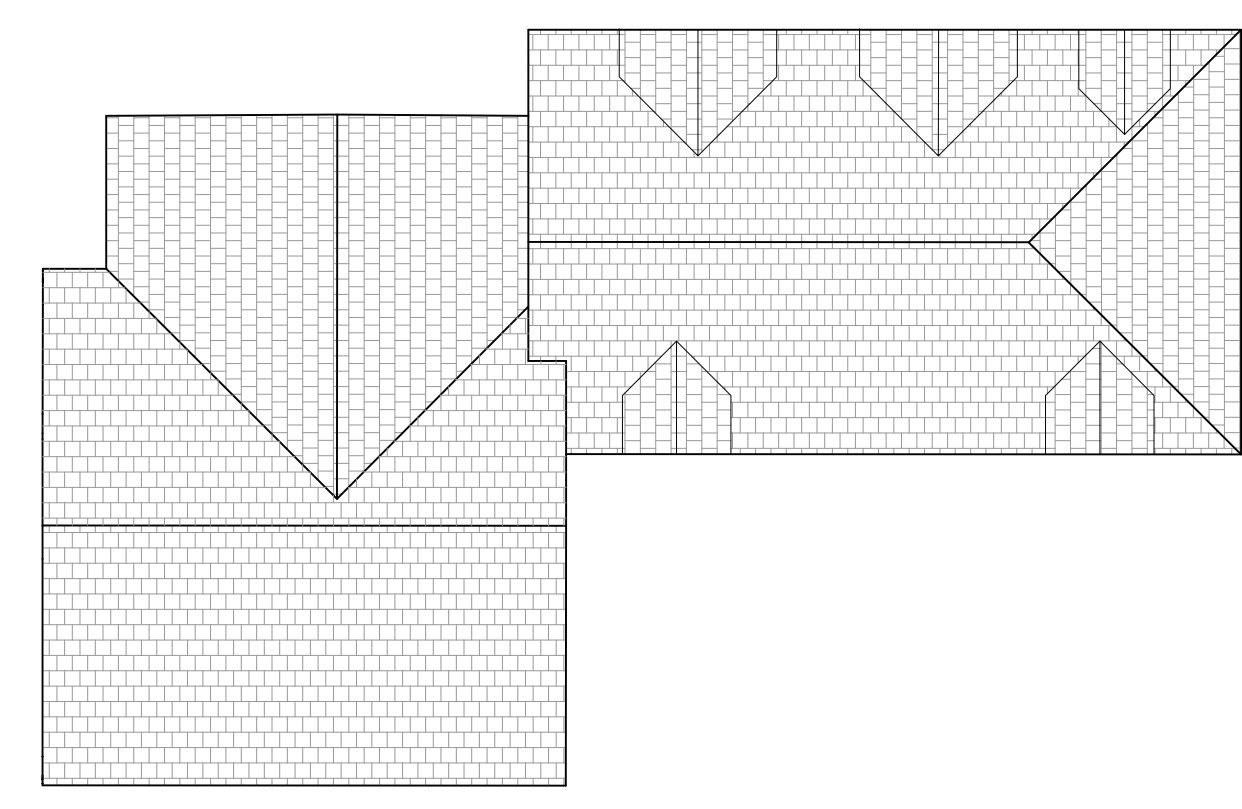
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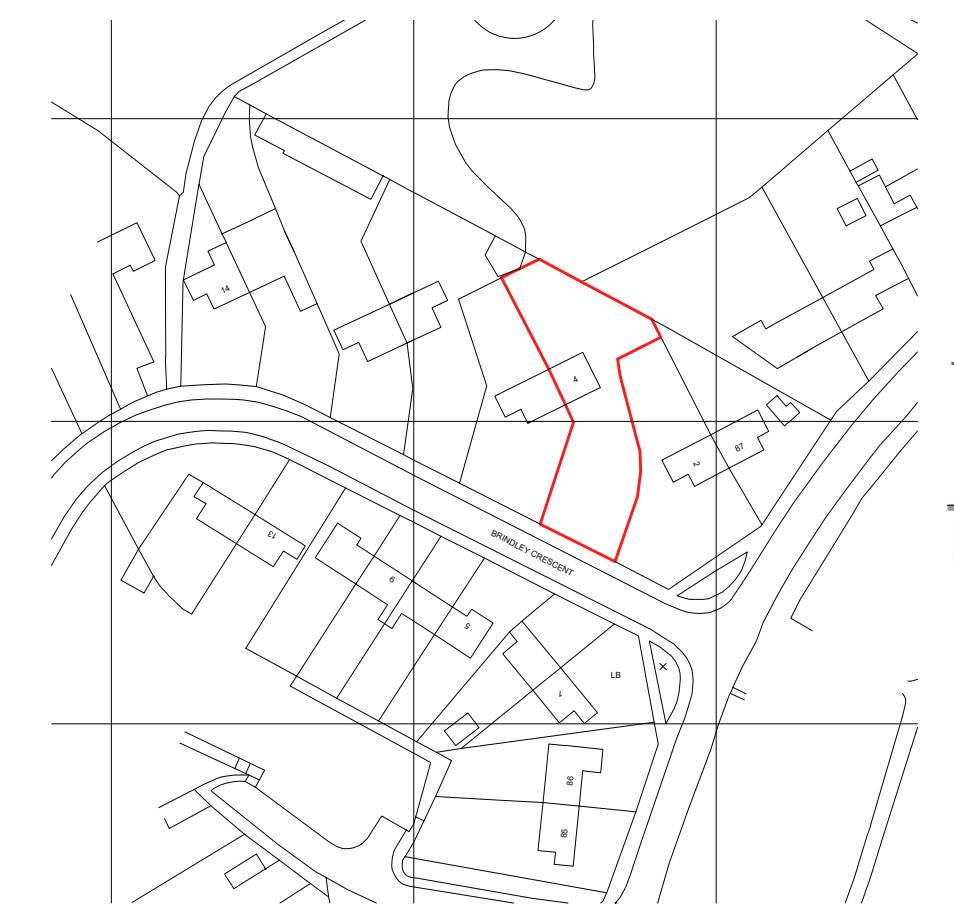
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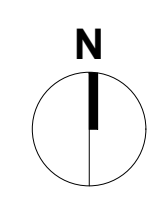
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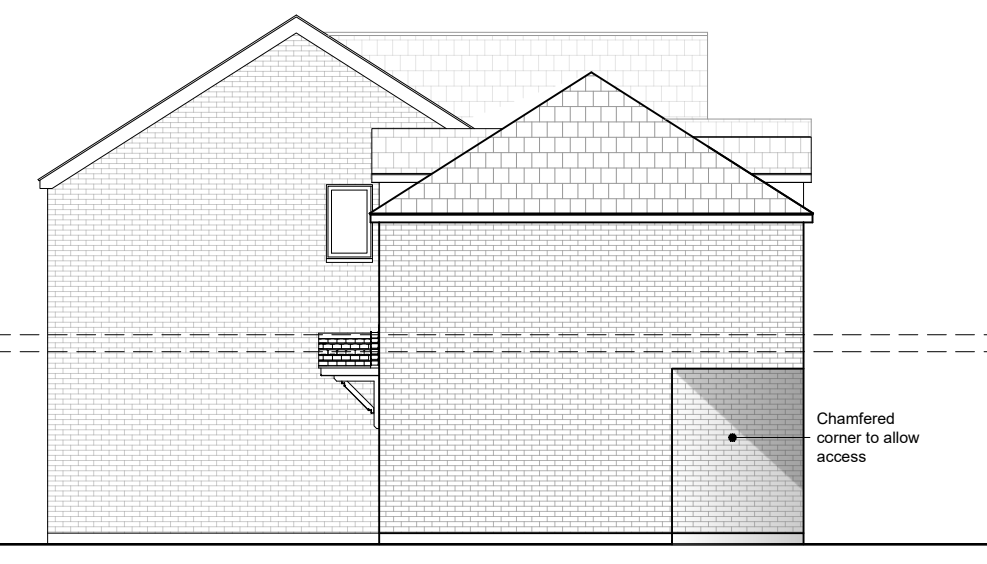
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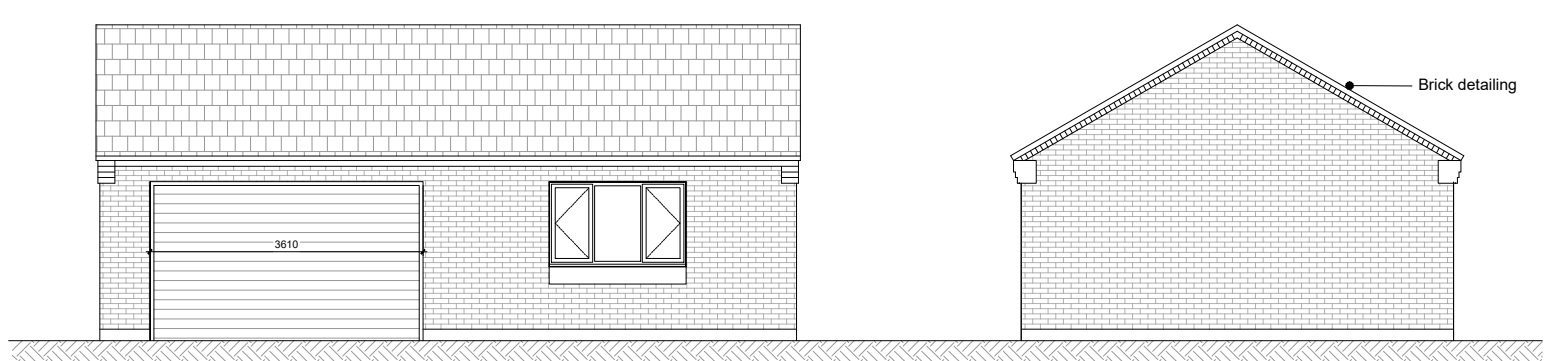
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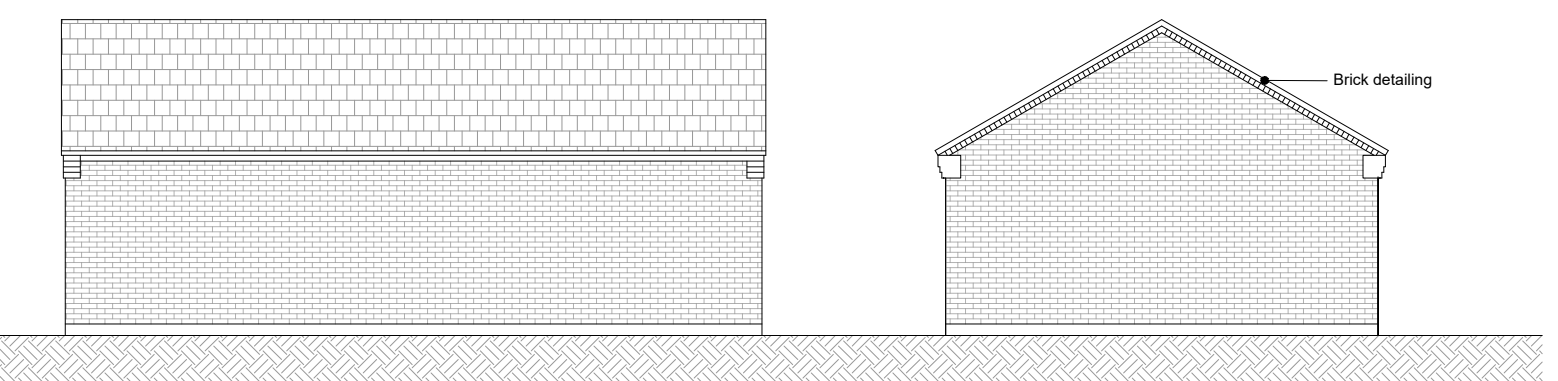
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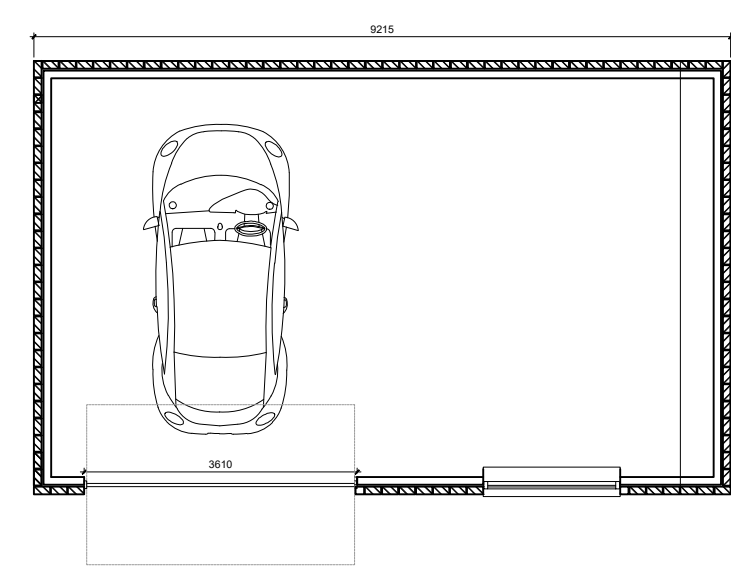
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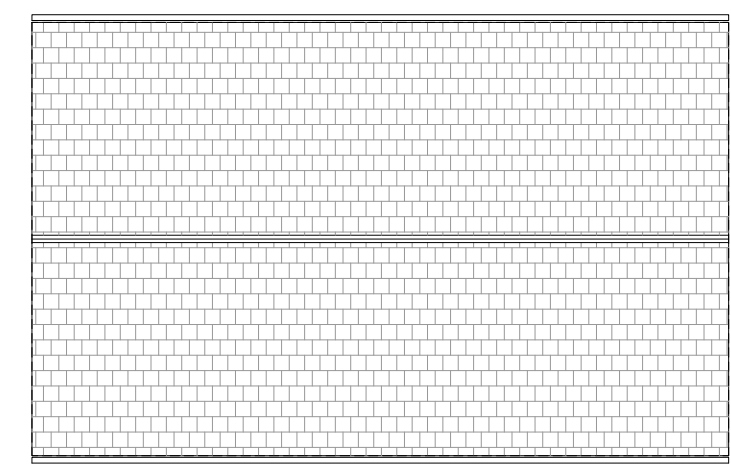
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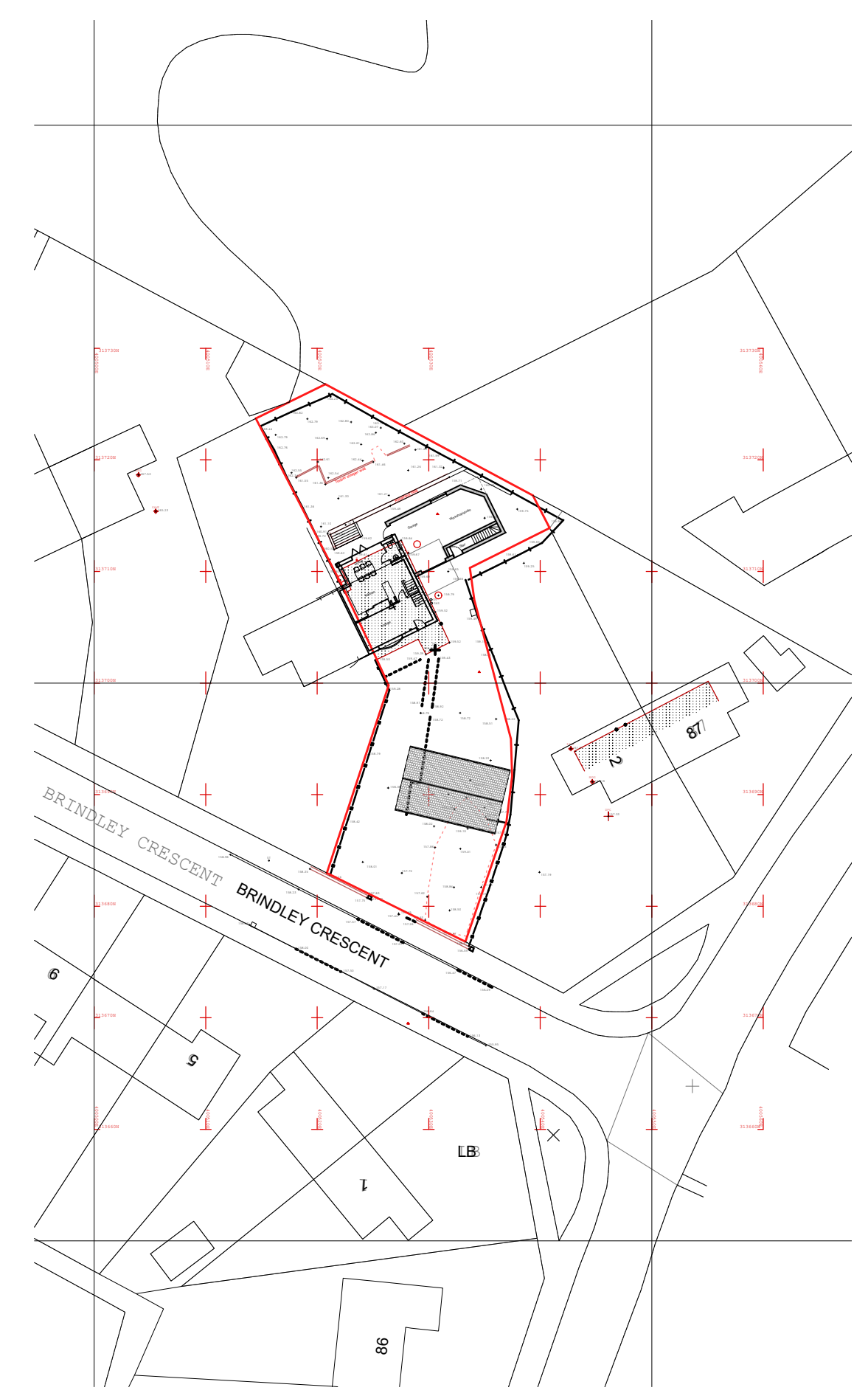
17 Proposed Garage Floor Plan
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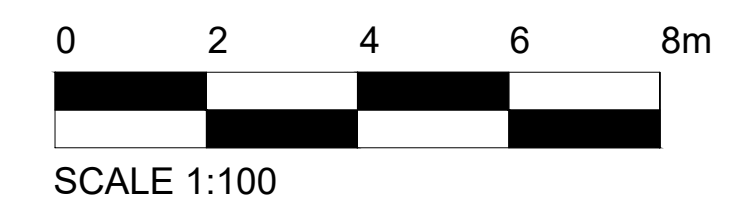
17 Proposed Garage Floor Plan
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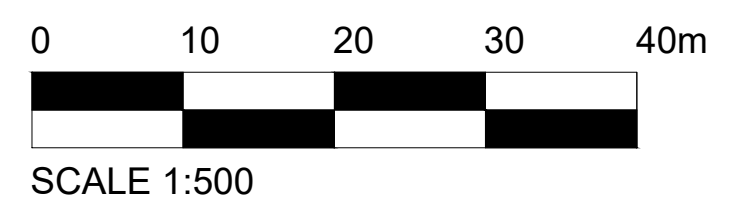
18 Proposed Garage Roof Plan
1:100



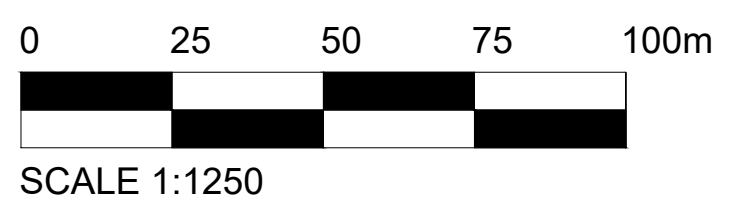
14 Block Plan
1:500



SCALE 1:100



SCALE 1:500



SCALE 1:1250

A	Design Amendments	MB	01.08.23
X	FIRST ISSUE		03.04.23
Rev:	Details:	By / Chk:	Date:

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- Those of an unusual nature.
- Those likely to be difficult to manage effectively.

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Client:
Mr Mark Williams

Project:
**4 Brindley Crescent
Hednesford**

Drawing Title:
Existing & Extension Proposals

Stage: RIBA 3	Status: Planning	Sheet Size: A1
Job Number: 0000	Date: 03.04.2023	Scale: As Noted

Revision:
A

2910-01

Contact Officer:	David O'Connor
Telephone No:	(01543) 464 515

<p>Planning Control Committee</p> <p>20 September 2023</p>
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Application No:	CH/23/0172
Received:	18 April 2023
Location:	4, Brindley Crescent, Hednesford, Cannock, WS12 4DS
Parish:	Brindley Heath
Ward:	Hednesford North
Description:	Two storey side extension to form garage and annex at first floor and two bay garage to front of existing house
Application Type:	Full Planning Application

1. BACKGROUND:

The previous application was brought before Planning Committee on 28th June 2023 with an Officer recommendation of refusal. A copy of the original report is attached as part of this update report.

Arising from the meeting discussions, Members raised concern with regards to elements of the application relating to the design and scale of the two storey side extension. Councillor S. Thornley therefore suggested that the application should be deferred so that further discussion could take place with the applicant. Members voted to defer the application in order to allow the applicant more time to consider amendments to the two storey element of the proposals.

Officers wrote to the applicant's agent conveying Members concerns noted down from the meeting. In particular these related to:

- The detached garage portion of the proposals was considered acceptable. No further action was required.
- Concerns in relation to the scale of the proposed house extension and its projection from the house in design terms. It was also suggested the separate front door to the extension did not sit well in the design.
- Reservations about the extent of overlooking resulting from the proposals even in light of the obscured windows.
- Reservations in relation to the close relationship to the neighbouring garden in terms resulting sense of enclosure.

- Concerns reference the levels within the plans not being clearly defined relative to the neighbouring property as well as not showing retaining to the rear land.

Additionally from Officer visits to the site, it was clear changes to ground levels had occurred that were not reflected in the original plans. In light of the changes now sought, there is an opportunity to regularise the unauthorised groundworks that had been undertaken with updated plans.

Amended plans were received on 9 August and formal re-consultation on the amendments carried out.

2. **NEW RECOMMENDATION: Refuse for the following reasons:-**

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.

- 1 Whilst obscured glass is proposed to the front of the extension, these panes are likely to be openable to serve ventilation and means of escape purposes and the windows are set at normal height within the room. The usual expected separation distance from a boundary is 10m from in line with the adopted Design Guide. This is not achieved by the proposals and a much closer relationship is apparent (approx. 1.5m). Accordingly overlooking and loss of privacy from the proposed extension is observed in conflict with Local Plan Policy CP3 and NPPF Para 130(f).
- 2 The width of the proposed extension is considerable and coupled with the proposed detached garage and existing dwelling, would substantially envelope the neighbouring plot with development to their rear and side, with limited separation from the boundary and a levels difference that worsens this effect. As such an unacceptable level of enclosure is judged to result from the proposals upon the residential amenity of neighbouring property No. 2. Overbearing to this level is contrary to Local Plan Policy CP3 and NPPF Para 130(f).
3. By virtue of their scale, massing, and layout relative to the existing house and streetscene, the extension proposals and the garage would not be well-related to existing buildings and their surroundings, would not successfully integrate with existing features of amenity value, and in this regard conflict with Local Plan Policy CP3 and CP14 is apparent.

3. **PUBLICITY**

The application was subject to re-consultation by letter to interested parties.

Brindley Heath Parish Council: No objection, comments provided

The Parish Council wishes to restate its comments made in response to the original plans on 24 May 2023:

The Parish Council although not raising outright objections to the development proposal, expresses concern about the size and appearance of the two-storey side extension which has the potential to be used as a separate dwelling.

The District Council is asked to take fully into account the concerns of neighbouring householders.

The Parish Council recommends that conditions are attached to the planning permission if awarded to require that use of the extension/annex remains incidental to the existing dwelling and is maintained as one planning unit. There should be no potential for the extension to be converted into separate residential accommodation in the future.

A total of 3 No. further public comments have been received. In summary these raise the following matters:

- The lack of privacy that would ensue from such an extension, is one that would make any person living within the close proximity of it feel uncomfortable and exposed in their own homes. The proposed plans would allow a clear view into every rear room of not only our homes but the home of our neighbours too. This to me seems to be the biggest concern and one that cannot be ignored.
- We are still not satisfied with the two storey proposals. We never had a problem with the front garage or maybe a single storey at the rear. Existing views would dramatically change as would our privacy. We spend most of our days in the family kitchen which is overlooks the rear. The extension would make us feel boxed in and will impact our house price.
- We fail to see how the amendments made take account of the concerns raised by neighbouring properties. The main concerns highlighted: sense of enclosure, scale and mass of extension, lack of privacy, all seem to have been disregarded in the new plans. These concerns still strongly apply.
- The extension is overbearing
- The scale and mass of the building is out of keeping with existing surrounding buildings in the area. The scale of the extension is out of place and does not integrate well with the existing homes nearby.
- We appreciate that any person who owns their home may want to make changes to enhance their property and it's needs, which is completely understandable and we do not have an issue with. However, it is difficult to describe via email how strongly we feel that a two story extension is unnecessary and over bearing on our property
- The main issue we with have the application is that it is two story. This is what gives the direct sense of enclosure and complete invasion of privacy into the garden, bedroom, toilet, and bathroom the latter three being the most private places in any home.
- We feel there has been no significant changes to the plans that seem to resolve these issues. The proposed extension is still unbelievably close to our back fence and the height remains the same, however now there are additional decorative characteristics to the upper windows that again do not align with any other properties on the estate.

4. OFFICER ASSESSMENT

- 4.1 The application is back before Planning Committee for determination in light of the amendments provided. Additional public comments broadly reflecting the previous reasons for refusal have been received. I.e. loss of privacy, concerns regarding design character, overbearing level of development.

- 4.2 The key issues in the previous assessment by Officers related to:
- (i) The design of the extension was considered oversized and it was assessed the development was not well related to existing house and nearby buildings.
 - (ii) the perception of a loss of privacy given the limited separation from nearby properties.
 - (iii) The previous scale of the extension coupled with the garage proposals and substantial levels difference was assessed as creating an unacceptable sense of enclosure to the nearby neighbouring property
 - (iv) The application contained insufficient information to consider the relationship to neighbouring properties in the context of the levels differences apparent.

Design

- 4.3 In design terms the amended scheme seeks to provide for a slightly lower side extension element than was previously the case. This adopts a room in the roofspace type first floor and projecting dormer windows. The design is less dominant against the original house, and although still fairly long as a projecting element, the lesser height improves the relationship to the existing house compared to the previous proposals. However the width of the extension is still considerable and does not display the subservience advocated in the Council's Design Guidance.



Figure 1: Extract from Adopted Council Design Guide Page 94

- 4.4 The above extract is mainly focussed on assuring a set back from the original dwelling so that the extension can be 'read' as an addition the leaves the original building intact in architectural design terms. However the wording that '*An extension is best designed to be subordinate to the existing building*' accompanies the image. Officers have concerns the extension proposed is more than the width of the existing house and in this regard is not subservient to the host building. As such Officers still adopt the view the design proposed is not well related to existing building and their surroundings as is a requirement of Local Plan Policy CP3 – Design. Similarly the siting of the garage to the front of the property would appear at odds with the established character of the area in the Officer's view.



Figure 2: Originally submitted plans under 23/0172



Figure 3: Amended Plans received

Overlooking and Sense of Enclosure

- 4.5 The concerns reference the perception of overlooking still remain. It is relevant that separation of 20m from the rear of the nearest neighbour is apparent, and some increase given the levels difference is also advocated in adopted SPD guidance. Usually 21.3m + an amount for the level difference is required. Officers note the design does include obscured glass and that some splay of vision over the garden already exists. Nevertheless, Officers still consider the relationship between the extension and the nearest neighbour to be unacceptable in terms of the perception of overlooking and sense of enclosure that results.
- 4.6 Concerns were previously raised in the original Officer Report that insufficient information relating to the relationship between the neighbours was provided. This reason has been addressed through the provision of a more detailed levels plan and section drawing. If members were minded to approve the proposals, conditions requiring compliance with the levels plan should be included as well as a condition requiring the further submission of drainage details and vehicular surfacing with associated levels.

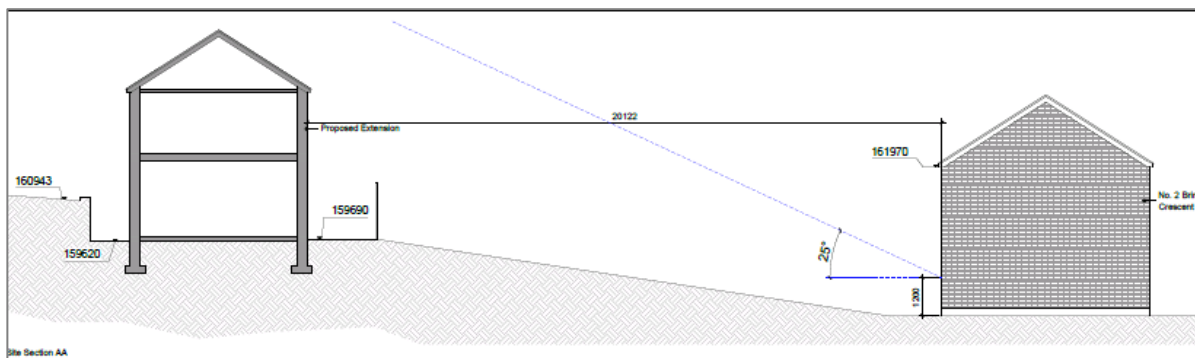


Figure 4: Site Section showing relationship to neighbouring property No. 2

- 4.7 Whilst the section drawing provides a daylight standard 25 degree line (i.e. where daylight impacts are a concern), this should not be confused with other standards that are applicable in this case. E.g. 21.3m plus separation distance from facing windows or 10m required from windows to gardens.

Conclusion

- 4.8 In summary therefore, whilst the design is improved from the previous in scale terms, it is still viewed as not providing appropriate design in the context of typical policy considerations. In relation to overlooking and the sense of enclosure resulting, Officers remain of the view the relationship between the extension and the neighbouring garden would lead to an adverse impact on the use of the garden and internal spaces to the neighbouring property. As such refusal is recommended for the reasons stated.

Original Report Copy from Planning Committee 28th June 2023

Contact Officer:	David O'Connor
Telephone No:	(01543) 464 515

<p>Planning Control Committee</p> <p>28 June 2023</p>

Application No:	CH/23/0172
Received:	18 April 2023
Location:	4, Brindley Crescent, Hednesford, Cannock, WS12 4DS
Parish:	Brindley Heath
Ward:	Hednesford North
Description:	Two storey side extension to form garage and annex at first floor and two bay garage to front of existing house
Application Type:	Full Planning Application

Reason for Planning Committee determination:

Call in from Councillor Pearson on the basis the application may be overdevelopment of the site

Recommendation: Refuse for the following reasons:-

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.

- 1 Whilst obscured glass is proposed to the front of the extension, these panes are likely to be openable to serve ventilation purposes in hot weather and the windows are set at normal height within the room. The usual expected separation distance from a boundary is 10m from in line with the adopted Design Guide. This is not achieved by the proposals and a much closer relationship is apparent (approx. 1.5m). Accordingly overlooking and loss of privacy from the proposed extension is observed in conflict with Local Plan Policy CP3 and NPPF Para 130(f).
- 2 The width of the proposed extension is considerable and coupled with the proposed detached garage and existing dwelling, would substantially envelope the neighbouring plot with development to their rear and side, with limited separation from the boundary and a levels difference that worsens this effect. As such an unacceptable level of enclosure is judged to result from the proposals upon the

residential amenity of neighbouring property No. 2. Overbearing to this level is contrary to Local Plan Policy CP3 and NPPF Para 130(f).

3. By virtue of their scale, massing, and layout relative to the existing house and streetscene, the extension proposals and the garage would not be well-related to existing buildings and their surroundings, would not successfully integrate with existing features of amenity value, and in this regard conflict with Local Plan Policy CP3 and CP14 is apparent.
4. The application contains insufficient information to examine the relationship to neighbouring properties. Evidence of the effects of the development in terms of assessment of levels, loss of light and sense of enclosure resulting to neighbouring properties is reasonably expected information given the close relationship of the development to the neighbouring property. Accordingly the application does not permit full assessment of amenity impacts in line with Local Plan Policy CP3 and NPPF Para 130(f).

1. CONSULTATIONS AND PUBLICITY

Internal Consultations

None

External Consultations

Brindley Heath Parish Council – Comments

The Parish Council although not raising outright objections to the development proposal, expresses concern about the size and appearance of the two-storey side extension which has the potential to be used as a separate dwelling.

The District Council is asked to take fully into account the concerns of neighbouring householders.

The Parish Council recommends that conditions are attached to the planning permission if awarded to require that use of the extension/annex remains incidental to the existing dwelling and is maintained as one planning unit. There should be no potential for the extension to be converted into separate residential accommodation in the future.

Response to Publicity

The application has been advertised by neighbour letter. 3 No. letters of representation have been received objecting to the proposals. The main points of objection in summary are:

- Concerns in relation to overlooking and privacy impacts from the extension. Whilst it noted the windows on the front are proposed to be obscured, these are still openable or could be changed to clear glass.
- Sense of enclosure impacts, shadowing, and loss of light
- Enclosure would result on all sides of the nearest neighbour from the extension and garage proposed adjacent that neighbour's boundary

- There is insufficient distance between the proposed buildings and the property boundary lines
- Loss of view of greenery and the sky

2. RELEVANT PLANNING HISTORY

CH/21/0425 – Two storey rear extension. 4 Brindley Crescent, Ws12 4DS. Approved 15 December 2021.

3. SITE AND SURROUNDINGS

- 3.1 The application property consists of a semi-detached dwelling that sits back substantially within the plot from the main highway. The site slopes steeply down towards Brindley Heath Road, with properties along Brindley Crescent stepping down the street in a similar way. The dwellings along the street are set at a 45 degree angle to Brindley Crescent, offering a fairly spacious estate layout with large driveways and considerable set back from the street being apparent. Properties tend to be semi detached or terraced blocks.

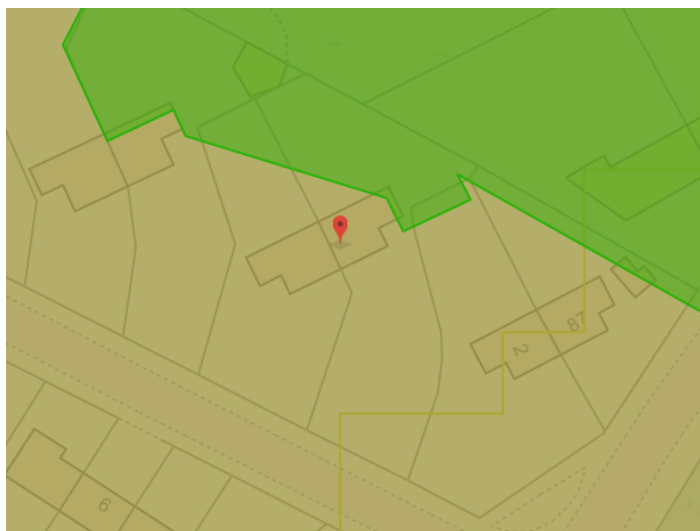


Figure 5: Application site location. Dark Green Denotes AONB boundary from within Council's Mapping System

- 3.2 The site unusually is on the edge of the AONB boundary according to the Council's Mapping System. The land to the rear of the house and side where the proposed extension is intended to be site would therefore technically be within the extent of the AONB designation.
- 3.3 *No. 4 in particular has a large driveway and the plot partially wraps around the adjacent neighbouring plot No. 2.* The design of the main house is a typical pitched roofed semi detached dwelling with light coloured facing brickwork to the walls, interlocking concrete roofing tiles (appear to be Double Roman type) and white UPVC fenestration.
- 3.4 No .4 has been extended to the rear with consent having been issued by the Council in 2021. Supplementary to this additional ground works that appear to be unauthorised have been carried out on the site. These works extend to the rear of the extension and to the right hand portion of the plot, excavating and flattening the land from its previous state. Such works are an engineering operation that would require planning permission.

4. PROPOSAL

- 4.1 The application seeks planning permission for the construction of a two storey side extension and detached garage building. The extension would be to the right of the main house and would sit close up to the boundary with the nearest property. At ground floor a garage/workshop studio is proposed with steps up to the first floor. The first floor contains a self contained unit of accommodation with lounge, kitchen, 1 bedroom, bathroom and dining area. The extension would sit back from the main front of the building so as to align with the wider portion of the plot. This means the two storey element would be an extension off the side of the existing rear extension partially overlapping and projecting beyond the previous rear extension.



Figure 6: Extract from submitted plan showing relative positions of the additions proposed within the plot

- 4.2 The garage proposed would be sited to the front of the main house. The garage would be approximately the size of a triple garage capable but would in part have a front window instead of an opening door. Both additions are proposed to be in materials to match the existing.

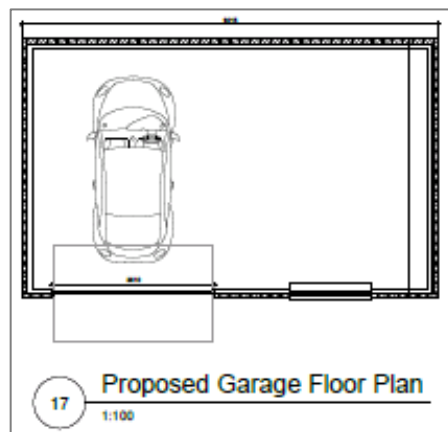


Figure 7: Extract from Proposed Garage Floor Plan

5. PLANNING POLICY

- 5.1 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.
- 5.2 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 – Cannock Chase AONB

Relevant Policies within the Minerals Plan include:-

- 3.2 Safeguarding Minerals

National Planning Policy Framework

- 5.3 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.
- 5.4 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.

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 |
| 111: | Highway Safety and Capacity |
| 126, 130, 132, 134: | Achieving Well-Designed Places |
| 176 | Conservation of the AONB |
| 218, 219 | Implementation |

- 5.5 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.

Manual for Streets.

6. DETERMINING ISSUES

- 6.1 The determining issues for the proposed development include: -
- i) Principle of development
 - ii) Character and Appearance
 - iii) Impact on residential amenity.
 - iv) Impact on highway safety.

7. PRINCIPLE OF THE DEVELOPMENT

- 7.1 The site is located within a main built up area and is an established dwelling. The site is not allocated or otherwise designated Green Belt but is partially within the AONB. Whilst more stringent controls on Permitted Development rights exist within the AONB, this designation does not preclude development as such. Instead as part of formal application considerations the AONB designation seeks to raise design standards and requires for careful integration of proposals with the landscape character of the AONB. As such, subject to consideration of the design, amenity and highways impacts associated with the proposals, the development is considered acceptable in policy principle terms.

8. CHARACTER AND APPEARANCE

- 8.1 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.
- 8.2 Additionally taking account a portion of the development is within the AONB designation, it is also relevant to consider Policy CP14 which suggests that appropriate development proposals must be sensitive to the distinctive landscape and ensure they do not have an adverse effect on their setting through layout, design, or intensity.



Figure 4: Extract from proposed plan showing front and rear elevations of the proposed development

- 8.3 Officers assess the design of the extension proposed does not sit well against the host building. The extension is wider than the existing house and as such appears out of balance in terms of its scale and proportions against the existing dwelling. Additionally the overall form of the extension is articulated clumsily against the approved extension with awkward rear roof junctions, a hipped end and partially overlapping rear wall that projects beyond the existing extension. In design terms it is assessed the extension is not well related to the existing building in terms of its roof form, scale, and massing.



Figure 5: Image of existing street scene. N.B Garage would fill three quarters of the width of the plot broadly in line with the neighbouring property to the right of the image

- 8.4 In terms of the proposed garage, the garage proposed is substantial in width. As shown at Fig 1 it would cover over approximately $\frac{3}{4}$ of the width of the plot and would stand substantially forward of the main building frontage. Officers acknowledge the unusual building line in the context of the site and would suggest this is a positive design characteristic that contributes to the character of the area. The proposed garage would seek to impose itself considerably within this open streetscene. It would not relate well to adjacent properties in design layout terms, interrupting the existing rhythm of buildings in the street and would be a prominent, dominant feature in the street scene. Together with the extension to the house, the resultant plot would be significantly out of character with the scale and appearance of nearby properties.
- 8.5 Accordingly, having had regard to Policies CP3 and CP14 of the Local Plan and the above mentioned paragraphs of the NPPF it is considered both the extension proposals and the garage would not be well-related to existing buildings and their surroundings, would not successfully integrate with existing features of amenity value, and in this regard significant conflict with Policy CP3 and CP14 is considered to occur from this application.

9. IMPACT ON RESIDENTIAL AMENITY

- 9.1 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, daylight standard and garden sizes amongst other items.

- 9.2 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.
- 9.3 The width of the proposed extension is considerable (8.84m) and has a close relationship to the neighbouring garden at No. 2 Brindley Crescent. Given the sloping nature of the site and lower position of the neighbouring dwelling, care is required about impacts that could result. The application contains no consideration of impacts upon the nearest neighbour in terms of typical daylight standards, levels information or any assessment of privacy separation distances in the context of the proposals. In this regard the impacts of the proposed extension are not fully understood or examined within the submitted proposals. This is considered a substantive failing in this case owing to the close relationship and sensitivity of the effects of the development, that would likely have been relevant to the assessment of the planning merits of the proposals. As such Officers assess an insufficient information reason for refusal is justified in this case.
- 9.4 Nevertheless in exploring the wider issues raised, in relation to concerns reference overlooking and the privacy of neighbouring properties - Officers share these concerns. Whilst obscured glass is proposed to the front of the extension, these panes are likely to be openable to serve ventilation purposes in hot weather and the windows are set at normal height within the room. It is also relevant the windows create the perception of overlooking even when the windows are closed. The usual expected separation distance from a boundary is 10m from in line with the adopted Design Guide. This is not achieved by the proposals and a much closer relationship is apparent (approx. 1.5m). Accordingly overlooking and loss of privacy from the proposed extension is a significant concern that is in breach of relevant standards.
- 9.5 Regarding loss of light, the extension is sited in a northerly position relative to the nearest affected neighbour. Therefore loss of direct sunlight or overshadowing is not likely to occur from the extension. Similarly the garage is due west of the neighbour such that shading would only occur in the late evening. Such a relationship would not breach the typical BRE Daylight guidance.



Figure 8: Photo from within the application site showing the relationship to the neighbouring property No. 2

- 9.6 However a more simple point emerges from the proposals – this is in relation to sense of enclosure (also referred to as Overbearing). In this regard the development being perched above the neighbouring property by a substantial amount raises the perceived height of the extension from No. 2. As above the width of the extension is considerable (8.84m wide, with additional width from the existing house) and would substantially envelope the neighbouring plot with development to their rear and side, with limited separation from the boundary. In this regard the height of the extension is likely in excess of a normal two storey dwelling when the levels difference is accounted for. Officers remain concerned that in the circumstances, the levels of the site do not lend themselves to a development of this scale whilst also retaining a good standard of amenity for neighbouring properties. As such concerns in relation to the proposals having an overbearing effect upon the neighbouring property No. 2 are assessed as justified with no information presented within the submissions to the contrary.
- 9.7 For these reasons, it is considered that the extension and garage as proposed, would have an adverse impact upon the residential amenity of the neighbouring property contrary to the requirements of Local Plan Policy CP3 and NPPF Para 130(f).

10 IMPACT ON HIGHWAY SAFETY

- 10.1 Paragraph 111 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.
- 10.2 Whilst the proposal would result in an increase in useable floor area to the dwelling, the scale of the site would appear to leave available parking. Coupled with the garage areas, the effect on parking would be negligible and no substantive highway impacts are judged to occur.

11 OTHER ISSUES

- 11.1 Reference is made in the comments received to their being insufficient distance from the property boundary. In planning terms there is no 'minimum boundary distance' in a legal sense but there are relevant standards that apply in terms of amenity impacts. These are applied elsewhere in this report and in particular focus is made on overlooking and privacy. As such the distance to the boundary as a specific item is given little weight in this assessment.
- 11.2 Loss of the view of greenery and the sky is also made in the comments provided. In itself this is not considered a legitimate objection to the proposals. I.e. the issues highlighted are not loss of the view of greenery, but instead focus on sense of enclosure and the level of development proposed. In this regard Officers assess the comments cannot be given weight, albeit the considerations in terms of amenity impacts can be given relevant weight.
- 11.3 The Parish Council recommends that conditions are attached to the planning permission if awarded to require that use of the extension/annex remains incidental to the existing dwelling and is maintained as one planning unit. Officers would support the use of such a condition but for the reasons set out in this report, refusal of the application for the reasons stated is recommended.

12 MINERAL SAFEGUARDING

- 12.1 Part of the site falls within a Mineral Safeguarding Area (MSAs). Paragraph 212, of the National Planning Policy Framework (NPPF) and Policy 3 of the Minerals Local Plan for Staffordshire (2015 – 2030), aim to protect mineral resources from sterilisation by other forms of development.
- 12.2 Policy 3.2 of the 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.
- 12.3 The development would fall under Item 1 within the exemption list as an application for householder development and is therefore permitted. As such the proposal is compliant with Policy 3 of the Minerals Local Plan.

<h2>13 HUMAN RIGHTS ACT 1998 AND EQUALITY ACT 2010</h2>
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Human Rights Act 1998

- 13.1 The proposals set out in this report are considered to be compatible with the Human Rights Act 1998. The recommendation to refuse 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

- 13.2 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.
- 13.3 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
- 13.4 It is therefore acknowledged that the Council needs to have due regard to the effect of its decision on persons with protected characteristics mentioned.

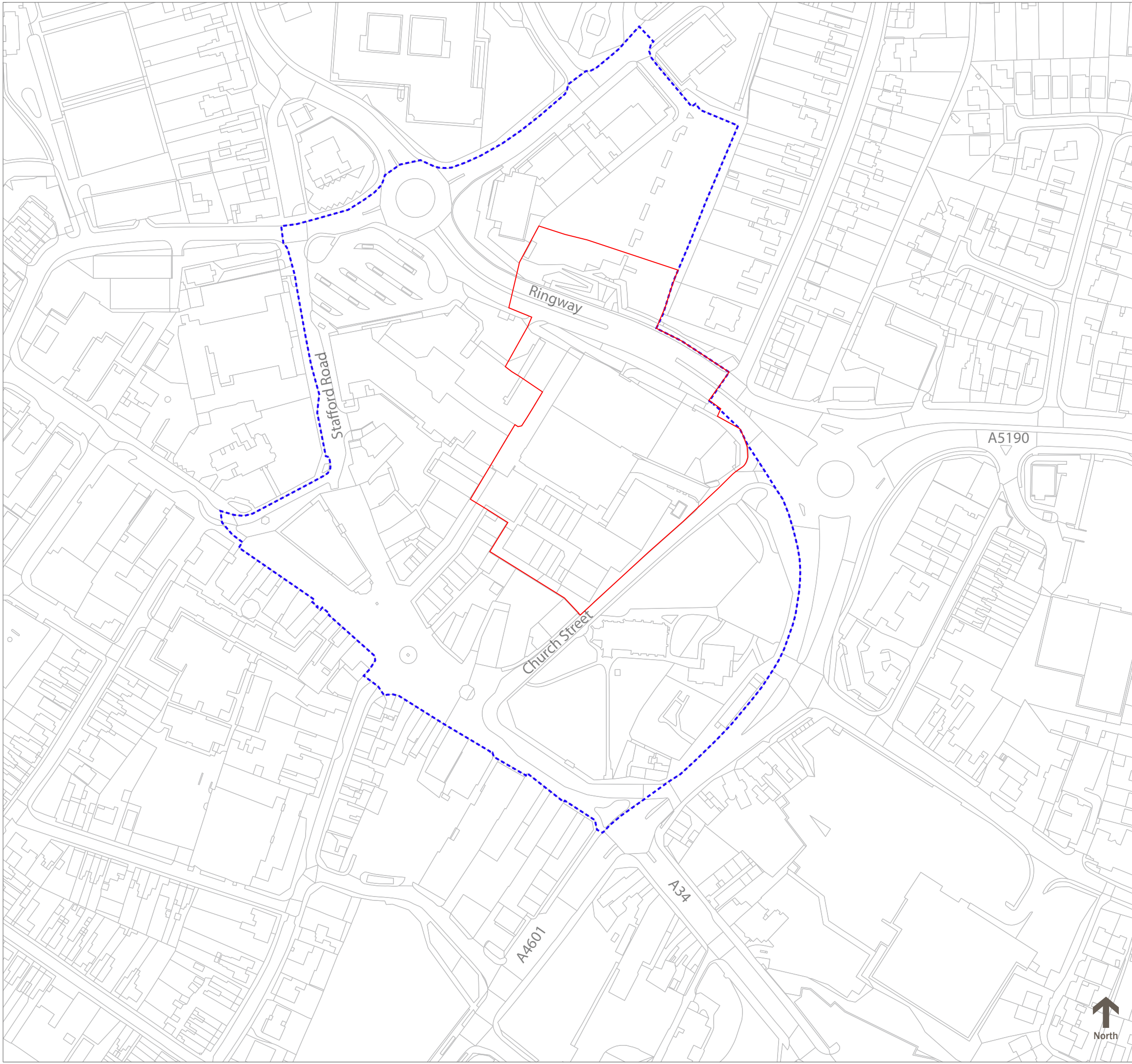
- 13.5 Such consideration has been balanced along with other material planning considerations and it is considered that the proposal is acceptable in respect to the requirements of the Act. Having had regard to the particulars of this case officers consider that the proposal would not conflict with the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

14 CONCLUSION

- 14.1 The application seeks planning permission for the erection of a two storey side extension and the erection of a single storey garage to the front of main house.
- 14.2 Officers assess the effect of the proposals in design terms would not align with the requirements of Local Plan Policy CP3 and the proposals would not integrate well with the character and layout of the area. Officers also assess the amenity impacts of the development proposed are not fully made out, with insufficient levels information and assessment of the relationship to neighbouring properties having been provided. Nevertheless, in assessing the impacts on neighbouring users, Officers assess there would be substantive enclosure resulting from the proposals and that the development would offer overlooking opportunities of the neighbouring garden.
- 14.3 For these reasons, it is considered that the proposals would conflict with relevant Local Plan Policies CP3 and NPPF Para 130(f).

Key

- Red edge of outline planning application
- Blue edge of LUF area



PLANNING ISSUE

Document control

-	-	-	-	-	-
4	Correction to Red Edge / Based on OS data	16/3/23	SJ	AC	AC
Rev	Description	Date	Dwn	Chk	App

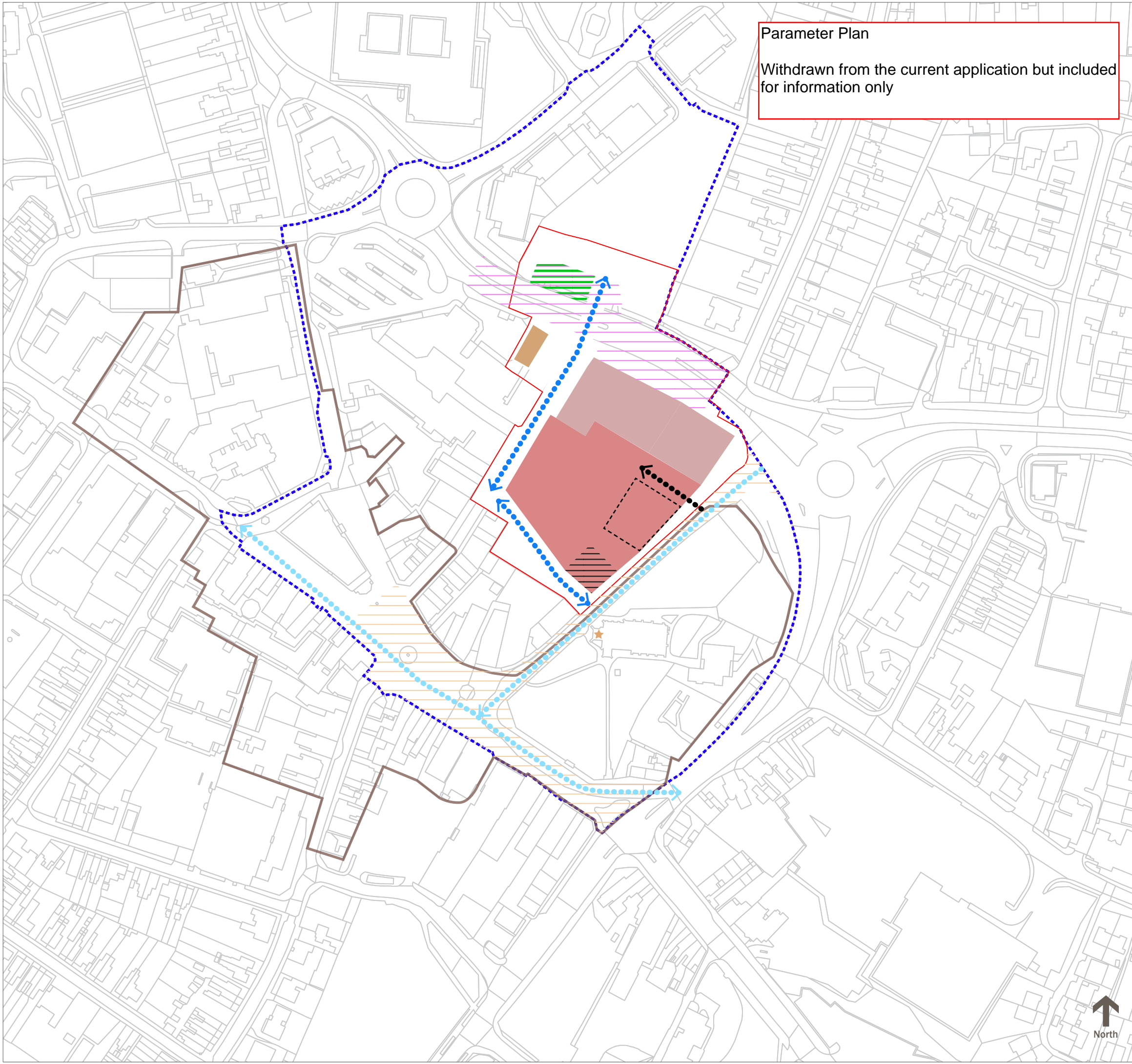
Cannock Town Centre Levelling Up Fund
Cannock Chase District Council

Red Edge Plan

TTE Proj No	Drwn	Date	Ch'ked	Date	Appr'd	Date	Scale @ A3	Suitability
B033419	SJ	Mar 23	AC	Mar 23	AC	Mar 23	1:2000	S0
Client Proj No	Origin	Vol/System	Level/Location	Type/Code	Role	Drawing No	Revision	
	TTE	00	ZZ	DR	UD	003	P04	

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Tetra Tech Manchester
Quay West at MediaCityUK
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Parameter Plan
 Withdrawn from the current application but included for information only



- Key:**
- Red edge of outline planning application.
 - Blue edge of LUF area.
 - Enhanced pedestrian route
 - Service access to theatre and mixed use scheme
 - Enhanced town centre servicing
 - ★ St Luke's Church tower (19.67m high)
 - Up to 23.5m high building including:
 A refurbished Prince of Wales Theatre. New cultural / leisure space.
 New Cafe, bar and restaurant (up to 750 sqm of new floorspace). Managed workspace (up to 1,300 sqm of new floorspace). Relocated retail (Up to 1,858 sqm of new floorspace). New office space (up to 3,170 sqm of new floorspace).
 - 18m high part of the building near to the church
 - Northern Gateway arrival space with enhanced connectivity to and across Ringway.
 - New cafe building (up to 325 sqm of floorspace)
 - Up to 18m high extra care/retirement development of up to 70 units.
 - Enhanced and refurbished Prince of Wales Theatre.
 - ≡ A bike hub, storage, hire and repair within a dedicated new building (up to 300 sqm).
 - Land subject to separate detailed application for servicing within conservation area.
 - ≡ Land subject to technical highway design to deliver surface crossing for northern gateway.
 - Beecroft carpark.
 - Cannock town centre conservation area.

Note:

- A separate process will be followed to secure approval for demolition and enabling works for land within this red edge.
- A separate detailed application will be submitted for works within the Conservation Area to enable servicing to properties on Market Place which presently rely upon the roof top service areas, access to which will be removed with enabling demotions and the removal of the ramp.
- A separate detailed scheme will be submitted to Staffordshire County Council as highway authority for works to the Ringway to replace the existing subway with a surface pedestrian crossing as part of Northern Gateway.

PLANNIN ISSUE						
Document control						16/3/23
5	Red Edge correction / Based on OS data		KA	SJ	AC	
Rev	Description	Date	Dwn	Chk	App	

Cannock Town Centre Levelling Up Fund
 Cannock Chase District Council
Parameter Plan

TTE Proj No	Drwn	Date	Ch'ked	Date	Appr'd	Date	Scale @ A3	Suitability
B033419	KA	Sep 22	SJ	Mar 23	AC	Mar 23	1:2000	S0
Client Proj No	Origin	Vol/System	Level/Location	Type/Code	Role	Drawing No	Revision	
TTE	00		ZZ	DR	UD	002	P05	

- Key
- Phase 1 - Removal of Cadent asset (gas) and two shops and canopy, removal of glass framed canopy and associated works with Cannock Shopping Centre
 - Phase 2 - Demolition of Forum Shopping Centre
 - Phase 3 - Demolition of ramp
 - Phase 4 - Demolition of multi-storey car park
 - Phase 5 - Demolition of top two floors above Home Bargains

INDICATIVE ONLY

Planning Issue

Document control						
Rev	Description	Date	Dwn	Chk	App	
-	-	-	-	-	-	-
-	-	-	-	-	-	-
A	Update to demolition boundaries	28/4/23	SJ	AC	AC	

Cannock Town Centre LUF Cannock
Cannock Chase District Council

Demolition Plan

TTE Project No	Drwn by	Date	Ch'ked by	Date	App'd by	Date	Scale @ A2	Suitability
B033419SJ	Apr'23	AC	Apr'23	AC	Apr'23	1:500		-
Client Proj No	Originator	Vol/System	Level/Location	Type/Code	Role	Number		Revision
-	TTE	00	XX	DR	UD	-		A

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INDICATIVE ONLY



PLANNING ISSUE

Document control

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-	-	-	-	-	-
-	-	-	-	-	-
-	-	-	-	-	-
Rev	Description	Date	Dwn	Chk	App

Cannock LUF Delivery
Cannock Chase District Council

Strategic Masterplan

TTE Proj No	Drwn by	Date	Ch'ked by	Date	App'd by	Date	Scale @ A3	Suitability
B033419	EI	10 '22	AC	10 '22	-	-	1:2000	SO
Client Proj No	Originator	Vol/System	Level/Location	Type/Code	Role	Number	Revision	
PRJ01	TTE	00	ZZ	DR	UD	01	P02	

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Contact Officer:	David O'Connor
Telephone No:	(01543) 464 515

<p>Planning Control Committee</p> <p>20 September 2023</p>
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Application No:	CH/23/0131
Received:	13 March 2023
Location:	Land bound by Ringway, Church Street and Market Hall Street, Cannock Town centre, WS11 1EB
Ward:	Cannock South, Cannock West
Description:	Outline planning permission with all matters reserved for regeneration of town centre including mixed use leisure and cultural hub, refurbishment of Prince of Wales Theatre, upto 750sqm of new cafe/bar/restaurant premises within the theatre, new cafe building (upto 325sqm), managed workspace (upto 1300sqm), replacement retail unit (upto 1858sqm), new office accommodation (upto 3170sqm), extra care / retirement accommodation (upto 70 dwellings), bicycle hub and associated public realm improvements
Application Type:	Full Planning Application Major

The Application is being presented to Committee due to the application being proposed by Cannock Chase Council – Economic Development Department. Therefore, for probity and transparency the decision is put before the Council’s Planning Committee.

Recommendation: Approve subject to S106 and Conditions

It is recommended that delegated authority be given to the Head of Economic Development & Planning to grant planning permission, subject to the completion of a S106 legal agreement to secure contributions as follows:-

- to mitigate recreation impacts upon Cannock Chase Special Area of Conservation,
- the provision of 20% affordable housing contribution if C3 dwelling units are provided and not C2 residential care,
- NHS contributions for enhancement of healthcare facilities to address any associated uplift in population. A contribution of £56,874 is sought

and the conditions as detailed below.

1. EXECUTIVE SUMMARY

- 1.1 In October 2021 Cannock Chase District Council (CCDC) were successful in securing a Grant funding award under round one of the UK Governments Levelling-up Fund of £20M to lead the regeneration of the north-eastern part of the town centre. The current application is part of a wider Levelling Up Fund project that will repurpose c. 1.70ha, including vacant retail floorspace, and proposes various redevelopment elements all within Cannock Town Centre. The key aim of the wider project is to enhance accessibility, traffic movement, parking and servicing and the public realm.
- 1.2 The current application seeks an outline planning permission with All Matters Reserved for the application description stated. All Matters Reserved Applications are to be treated as not including details of, for example, the layout of the development or details of the access arrangements. In effect the application seeks to establish the principle of the redevelopment proposals. In this case this means that the imagery and draft layouts that have been provided within the submissions, are to be treated as indicative only. It is permissible for applicants to apply for All Matters Reserved under Article 5(3) of DMPO 2015 (as amended) and allows for outline permission to be applied for on a site whilst reserving details any or all of the following Reserved Matters which are then secured by conditions:
- (i) *Access*
 - (ii) *Scale*
 - (iii) *Landscaping*
 - (iv) *Layout*
 - (v) *Appearance*
- 1.3 In terms of assessment of the application, in principle Policy CP11 identifies Cannock as a strategic sub-regional centre and the aims of the policy seek to retain and strengthen this role. The policy identifies main town centre uses which should be given priority in the regeneration of the town centre within the defined boundary. The uses include retail, offices, leisure, and cultural facilities – which fully align with the nature of the current proposals in principle.
- 1.4 By its nature the All Matters Reserved application contains few details. Indeed in order to try and appease Historic England, the applicant has withdrawn the Parameter Plan provided from consideration. However caution is expressed by Historic England that the application does not include sufficient detail to enable adequate assessment of the integration of the proposals with the Grade II* listed Church and Conservation Area.
- 1.5 Given the large and complex nature of a Town Centre Redevelopment it is reasonable that an applicant is not able to provide the fully designed regeneration proposals. Indeed it is within the applicant's gift to seek to reserve matters for future discussion as part of the Outline Applications process. This is where an applicant can choose to reserve all or some of the relevant design elements such as Scale, Appearance, Layout etc as defined within the DMPO. Whilst it is understandable to want to see the fully designed scheme, it is not necessarily essential for consideration of the current proposals in the Officers view. This is because the outline application in this case seeks an agreement in principle only, and conditions (as for any large outline consent), can require the provision of reserved details at a later date before any development can proceed. This

approach still retains control of the extent of development and its integration with the sensitive heritage context of the site. The applicant does need to be aware that this approach could mean in future that the full extent of development consented may not be achievable in the context of overlapping/competing design considerations that would apply to the site. Nevertheless, Officers consider that subject to these Reserved Matter conditions (requiring details of scale, appearance, and layout etc), further assessment of the appropriateness of the development in the context of the Conservation Area and Grade II* church can be retained and examined in future.

- 1.6 A range of conditions are proposed to deal with key amenity considerations. These include the provision of lighting details once the designs are further progressed, details of any mechanical ventilation to assure controls over the noise and odours emitted, control over operating hours and construction hours, additional noise insulation to the theatre itself and submission and agreement of a Construction Management Plan. Additionally an Air Quality Assessment has been prepared by Tetrattech dated Feb 2023. The report considers potential impacts during the demolition and construction phases of the development and from the operational phases of the development separately. On site dust control measures, wheel wash and road sweeping and communication with impacted stakeholders are key matters for the management of air quality during construction/demolition. In terms of air quality during operation of the development, it is predicted that all receptor locations cited are expected to be exposed to air quality below the Air Quality Objectives for NO₂, PM₁₀ and PM_{2.5}.
- 1.7 Additional work in terms examining the potential for roosting bats in demolished buildings has been undertaken and found no evidence of bats emerging from structures to be demolished. The application includes an overarching drainage strategy that is supported by the Lead Local Flood Authority subject to further detailed design as required by planning condition.
- 1.8 Key public concerns around assuring access to the local church and nearby businesses are understandable particularly in the absence of detailed plans. Conditions are proposed to require both the provision of detailed phasing demolition and phasing plans as well as a specific plan showing access routes to the public realm and details of screening during site redevelopment.
- 1.9 Overall the development is assessed as broadly complying with the requirements of Local Plan Policy CP11 which seeks to building upon Cannock Town Centre's role as a subregional strategic centre. The uses proposed align with those within Policy CP11 and the site is a sustainable location which is Previously Developed Land, the re-use of which should be afforded substantial weight, as per NPPF paragraph 118(c). Whilst other matters cannot yet be examined fully, in principle the redevelopment of this town centre site aligns with the NPPF ambition to promote economic growth through the regeneration of sustainably located town centre sites.

2. RECOMMENDED 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. This permission does not grant or imply approval of the layout/design details accompanying the application which have been treated as being for illustrative purposes only.

Reason:

The application is in outline form with All Matters Reserved for subsequent approval. The illustrative information is not necessarily acceptable from the detailed design or planning point of view and to ensure compliance with Local Plan Policies CP3 - Chase Shaping Design and the NPPF Heritage requirements.

3. No part of the development hereby permitted shall be commenced until approval of the details of access, 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.

4. This permission relates to the following plan only:

784-B033419 -Cannock LUF Parameter Plan Rev 04

Reason:

For the avoidance of doubt and in the interests of proper planning of an All Matters Reserved Outline Application.

5. Prior to or concurrently with the submission of the first Reserved Matters application, details of the means of demolition, proposed vehicle access routings, site perimeter fencing and means of site restoration shall be submitted to and approved by the Local Planning Authority.

Reason:

In the interests of controlling the means of demolition within the site to protect public amenity, use of nearby public footpaths and highways and visual amenity

6. Prior to the commencement of any on site demolition or development, a detailed Demolition and Development Phasing Plan shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be carried out in accordance with the approved Demolition and Development Phasing Plan.

Reason:

In the interests of controlling the phasing of the proposed development

7. Prior to the commencement of any on site demolition or development, full details of proposed closures to the public realm, public footpaths or highways as well as associated screening type and position, shall be submitted to and agreed in writing

Reason

In the interests of maintaining pedestrian and vehicular safety and minimising impacts to footfall to local businesses.

8. Prior to the commencement of development above ground level, a noise assessment shall be submitted to the Local Planning Authority for approval which considers the noise implications for the retirement accommodation. The noise assessment shall assess the acoustic environment and specify mitigation to achieve the following:

Internal habitable spaces (attributable to external sources of noise)

35 dBLAeq - 07:00 - 23:00

30 dBLAeq 23:00 - 07:00

45 dBLAmax 23:00 - 07:00

External spaces (garden areas, balconies, terraces).

50 dBLAeq 07:00 - 23:00

Prior to the development becoming occupied, the approved details shall be implemented in full and maintained in perpetuity.

Reason:

To mitigate potential adverse impacts from noise on residential amenity in line with paragraphs 183-188 of the National Planning Policy Framework.

9. No noise generating equipment shall be installed until a noise assessment has been submitted to the Local Planning Authority for approval. The noise assessment shall assess the acoustic environment, detail the proposed equipment, and specify mitigation to achieve the following:

Internal habitable spaces (attributable to external sources of noise)

35 dBLAeq 07:00 - 23:00

30 dBLAeq 23:00 - 07:00

45 dBLAmax 23:00 - 07:00

External spaces (garden areas, balconies, terraces).

50 dBLAeq 07:00 - 23:00

Prior to the development becoming occupied, the approved details shall be implemented in full and maintained in perpetuity.

Reason:

To mitigate potential adverse impacts from noise on residential amenity in line with paragraphs 183-188 of the National Planning Policy Framework.

10. Prior to the installation of any ventilation or extraction equipment, the specifications for a ventilation extraction system, to include details of the operation and maintenance, shall be submitted to the Local Planning Authority for approval. The approved system shall be installed as specified before the premises comes into use; thereafter, the approved system shall be operated and maintained in accordance with the approved details.

Reason:

To mitigate potential adverse impacts from odour on residential amenity in line with paragraphs 183-188 of the National Planning Policy Framework.

11. Prior to the commencement of development, a noise assessment shall be submitted to the Local Planning Authority for approval. The noise assessment shall assess the acoustic environment, specify mitigation, and model the resultant acoustic environment. Prior to the commencement of operations, the approved details shall be implemented in full and maintained in perpetuity.

Reason:

To mitigate potential adverse impacts from noise on amenity in line with paragraphs 183-188 of the National Planning Policy Framework.

12. All Construction deliveries to the site and related construction waste collections shall not take place outside the hours of 07:00 - 22:00 on any day.

Reason:

To mitigate potential adverse impacts from noise on residential amenity in line with paragraphs 183-188 of the National Planning Policy Framework.

13. Prior to the commencement of development above ground level, a lighting assessment shall be submitted to the Local Planning Authority for approval. The lighting assessment shall consider the potential impacts of the proposed lighting installation, together with appropriate mitigation measures. Prior to the development becoming occupied, the approved mitigation shall be implemented in full and maintained in perpetuity.

Reason:

To limit the impact of artificial light on residential amenity, intrinsically dark landscapes, and nature conservation, in line with paragraphs 183-188 of the National Planning Policy Framework.

14. Construction and demolition activities within the site, including deliveries and ground works, shall be restricted to the following times:
 - 08:00 – 18:00 Monday to Friday.
 - 08:00 – 13:00 Saturday.
 Construction shall not be undertaken on a Sunday or a public holiday.

Reason:

To mitigate potential adverse impacts from construction noise on residential amenity.

15. Prior to the commencement of development, a construction management plan shall be submitted to the Local Planning Authority for approval. Development shall be carried out in accordance with the approved construction management plan, unless otherwise approved in writing by the Local Planning Authority.

Reason:

To mitigate potential adverse impacts from construction activities on residential amenity.

16. 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.

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.

17.

- A) Prior to 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 accordance with the written scheme of archaeological investigation approved under Part 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 Part A) and the provision made for analysis, publication and dissemination of the results and archive deposition has been secured.

Reason:

In the interests of examining and documenting (as required) the archaeological potential of the site in accordance with NPPF Para 194.

18. No development shall take place until a fully detailed surface water drainage scheme for the site has been submitted to, and approved in writing by, the Local Planning Authority in consultation with the Lead Local Flood Authority. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed. The scheme to be submitted shall demonstrate:

- (i) Surface water drainage system(s) design in full accordance with the Non-Statutory Technical Standards for Sustainable Drainage Systems (SuDS), (DEFRA, March 2015), and;

- (ii) Surface water drainage system(s) designed in full accordance with all standards and other criteria within the Staffordshire County Council Flood Risk Management Team (LLFA), SuDS Handbook.
- (iii) Limiting any surface water discharge from the site generated by all equivalent return period critical duration storms events, up to and including the 1 in 100 plus 40% (for climate change), return period, so that this does not exceed 25 l/s, (for the entire, overall development site – in full accordance with the Non-Statutory Technical Standards for SuDS and the SSC SuDs Handbook).
- (iv) Provision of adequate surface water attenuation storage in accordance with the requirements of 'Science Report SC030219 Rainfall Runoff Management for Developments'
- (v) Ground investigation and soak-away testing in full accordance with BRE 365 best practice in order to corroborate or reject the viability of utilising infiltration as a means surface water discharge.
- (vi) The incorporation of adequate surface water treatment in accordance with CIRIA C753 – particularly, the Simple Index Approach, to mitigate surface water quality pollution and maintain water quality.
- (vii) Detailed design (plans, network details and calculations), in support of any surface water drainage scheme, including details of 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 2 year, 1 in 30, 1 in 100 year, and 1 in 100 year plus 40% (a climate change allowance), return periods, critical duration storms only.
- (viii) Formal (Section 106 Drainage), agreement with Severn Trent Water (Plc), that confirms surface water discharge is to be accepted into the proposed downstream network that falls under Severn Trent Water (STW), ownership.
- (ix) Plans illustrating flooded areas and flow paths in the event of any exceedance of the drainage system.
- (x) Provision of an acceptable management and maintenance plan for surface water drainage to ensure that surface water systems shall be maintained and managed for the lifetime of the development.
- (xi) Provision of an adequate and satisfactory Construction Environment Management Plan or Construction Surface Water Management Plan.

Reason:

To prevent flooding by ensuring the satisfactory storage and disposal of surface water from the site and to ensure lifetime maintenance of the system to prevent flooding issues.

3. INFORMATIVE NOTES TO THE APPLICANT

- 3.1 Details of acoustic consultancies able to assist with this condition can be obtained from: • Institute of Acoustics www.ioa.org.uk / 01727 848195 • Association of Noise Consultants www.association-of-noise-consultants.co.uk / 020 8253 4518 Please note that where windows need to be kept closed to achieve internal noise levels, adequate ventilation to prevent overheating must also be demonstrated as part of the acoustic assessment. It is recommended that your acoustic consultant

agrees their methodology with the Environmental Protection Team (environmentalhealth@cannockchasedc.gov.uk / 01543 462 621).

- 3.2 Details of lighting consultancies able to assist with this condition can be obtained from: • Institute of Lighting Professionals <https://theilp.org.uk> / 01788 576492 The submitted information would normally be expected to include: • A statement setting out why lighting is required. • The proposed times of use, including any seasonal variations. • A plan showing the area to be lit, the existing landscape features and any mitigation measures. • Full specifications of the proposed lighting. • Full details of the number and location of lighting units, including mounting and orientation. • Details of the Upward Light Ratio of the Installation (sky glow) as a percentage of luminaire flux. • Details of potential light intrusion into windows described as Vertical Illuminance in Lux as measured flat on the glazing at the centre of the window. Details of potential for glare, as light Intensity in Candelas. • The lux levels at the site ground boundary and for 25 metres outside it. • Where appropriate, details of building luminance in Candelas per m2.
- 3.3 The matters to be considered as part of the construction management plan should be agreed with the Local Planning Authority; issues to be considered typically include: • Noise and vibration. • Dust. • Lighting. • Waste management. • Traffic management (including deposition of mud on the highways and site deliveries). • Engagement with the local community and complaint handling. It is recommended that you confirm the matters to be considered with the Environmental Protection Team (environmentalhealth@cannockchasedc.gov.uk / 01543 462 621). Cannock Chase Council encourages all contractors to be 'Considerate Constructors' by being aware of the needs of neighbours and the environment; we encourage developers adopt the Considerate Constructors Scheme <https://www.ccscheme.org.uk/>.
- 3.4 Please note that there is no guarantee that the applicant will be able to build over or close to any Severn Trent sewers, and where diversion is required there is no guarantee that you will be able to undertake those works on a self-lay basis. Every approach to build near to or divert our assets has to be assessed on its own merit and the decision of what is or isn't permissible is taken based on the risk to the asset and the wider catchment it serves. It is vital therefore that the applicant contact Severn Trent Water us at the earliest opportunity to discuss the implications of our assets crossing your site. Failure to do so could significantly affect the costs and timescales of your project if it transpires diversionary works need to be carried out by Severn Trent.
- 100mm to 299mm diameter – 3m either side of the pipe, measured from the centreline of the sewer.
 - 300mm to 999mm diameter – 5m either side of the pipe, measured from the centreline of the sewer.
 - 1m diameter or greater – depends on numerous factors. However, if you apply 7.5m either side of the pipe, again, from the centreline of the sewer as rule of thumb.

4. CONSULTATIONS AND PUBLICITY

EXTERNAL CONSULTATIONS

Staffordshire County Council Highways Authority – No comments received to date

Staffordshire and Rescue – No objections

Comments received highlighting the need for fire hydrants in key locations and encouraging the use of sprinkler systems within habitable buildings.

Sport England – No development specific comments provided

As proposals provide new housing, it is suggested that this will generate additional need for sports facilities. If there is not sufficient capacity to absorb this need then further consideration is required.

- **Staffordshire County Minerals and Waste – No objections**
- **Natural England - No objections subject to securing appropriate mitigation for related recreational impacts.**
- **NHS (Staffordshire and Stoke on Trent Integrated Care Board) Consultee**
No objections subject to Legal Agreement securing monies for health impacts resulting from new dwellings.

The sum (£56,874) 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.

Cadent - No objection, informative needed

Severn Trent Water – No objections subject to conditions recommended

Staffordshire County School Organisation – No objection

As the residential accommodation is extra care/retirement accommodation, the School Organisation Team can confirm that there will be no impact in terms of education and we would not request in line with the Staffordshire Education Infrastructure Contributions Policy (SEICP). However, we would wish to be reconsulted if the residential use changes.

Environment Agency – No comments

Staffordshire Police – No objections

Staffordshire Police have no objections to this application, and are in consultation with Tetra Tech architects for this proposal.

It is recommended that the development should be built to Secured By Design Standards (SBD), which considers security within the design of any development. Guidance can be found in the Secured By Design Homes 2023 or Commercial 2015 V2 guide SBD Design Guides ([securedbydesign.com](https://www.securedbydesign.com)).

Theatres Trust – Support

The Prince of Wales Theatre was previously the Prince of Wales Centre and is part of a large town centre complex built in the 1960s and 1970s. It sits between the Market Hall which is now vacant and a large car park which was closed due to structural concerns. It is owned by the Council and currently operated by a charitable leisure trust. The theatre has a seated capacity of around 427 and is also used for other functions and events such as wrestling and the town's beer festival. Its live performance programme includes theatre, comedy, and live music. Along with touring shows it also supports

productions by local groups. It is a valued cultural facility for Cannock and its surrounding catchment. Paragraph 93 of the NPPF (2021) seeks planning decisions to plan positively for facilities of this nature.

The Trust welcomes this principle of investment and improvement in the theatre and cultural provision in the area.

The wider project will also see the replacement of the neighbouring market hall and car park with a mixed use development along with public realm improvements. The theatre's location is quite severed from the core town centre/shopping centre and footfall, exacerbated further by closure of the market. Opportunities to enhance its facilities and offer are also constrained by its current footprint and inability to expand. Therefore again in principle these plans are welcomed subject to the actual mix of incoming uses and their design and location.

At this stage the application is in outline and concepts have been presented. These comments are accordingly high level. One proposal in terms of cultural leisure development is for the theatre and cinema to be linked, subject to viability. The principle of co-location would be supported as there are other examples of this and it may provide opportunity for creation of a vibrant mixed-use arts facility with greater flexibility. The project team may wish to look at the Storyhouse in Chester and the Hertford Theatre; the latter is a current Council scheme of similar scale. Additionally the bar/café/restaurant as part of the theatre as shown in visuals would improve vibrancy and bring more people into the building at different times of day, increasing engagement with the theatre and helping to generate additional income to support the core arts function. This is also an approach being taken by several other local authorities and venues.

The current landscaping and public realm proposals would make the area of the theatre much more attractive to visit and dwell within.

At present the plan for the neighbouring sites (other than cultural uses) is for other commercial town centre development to the south and an extra care/retirement development to the north. The former as currently envisaged would not raise any objections. We would however urge caution on the latter because neighbouring noise-generating uses such as theatres and sensitive residential uses are often not compatible. This is because of the risk of noise and disturbance impacting living standards, and in turn the risk of harm or loss of venues should they become constrained by new restrictions arising from complaints. There have been high-profile examples of this which resulted in the introduction of the 'agent of change' principle into the NPPF. This will need to be properly considered as the project progresses towards detailed application stage. It would similarly apply should other residential uses get introduced into the proposed commercial/retail element.

As a statutory consultee and national advisory public body for theatres we would strongly recommend that the project team engage with us as plans are developed. We can provide advice on their proposals for the theatre, and highlight at an early stage any challenges which would otherwise risk us being unable to support the granting of permission. This will help ensure the future theatre remains viable and sustainable.

In principle however we are supportive of this project and support the granting of outline planning permission.

Staffordshire County Archaeologist – No objection subject to conditions but some concerns

This important development for Cannock Town Centre should also be seen as an opportunity to enhance the setting of the adjacent Conservation Area and nearby listed

buildings. Good Quality and sympathetic design, scale, massing, and materials choice will be key factors in achieving this.

It is difficult at this stage to understand what level of below ground archaeological interest remains given the past site clearance associated with the shopping centre, foundations, basements etc. Likewise it is difficult to understand what level of below ground impact the proposed development, including demolition and site clearance, will have.

Despite this, from an archaeological point of view, I do not wish to raise any objections to the principle of redeveloping the site. Neither am I of the view that archaeological remains that may survive within the site would be of National Significance. However some level of archaeological evaluation and recording will likely be required by condition.

Conditions are therefore recommended

Staffordshire Lead Local Flood Authority – No objection subject to conditions

Previous comments prior to those received 5 September raised concerns about insufficient information to allow detailed comment on the drainage arrangements for the proposals.

However following submission of an amended Drainage Strategy Technical Report, the LLFA has no in-principle objection to the re-generation of Cannock Town Centre. The LLFA are satisfied that some degree of flood risk and drainage betterment and resilience may be embedded in the delivery of this development scheme and therefore are prepared to guide the LPA in providing a pre-commencement condition. The LLFA are satisfied that there is a viable means of surface water discharge.

The applicant has acknowledged that further work is required for detailed design. Therefore, the LLFA would like to emphasise that the designs as currently submitted are indicative and preliminary only, and have not been approved as a detailed design. Therefore, to reiterate, further detailed design work is required.

Historic England - no objection in principle however concerns regarding impacts on heritage assets

Whilst we have no objection in principle to the proposed demolition works and, support the benefits that the proposed scheme of redevelopment could potentially bring to the town centre, we were concerned that not enough detailed information had been provided to enable a proper assessment of the degree of harm to surrounding heritage assets.

Having considered the additional information provided, we note that it is suggested that a Heritage Impact Assessment would provide greater clarity. We agree that this would be a helpful way forward. We also agree that intrinsic to such an assessment will be further information on the height, massing, and design of the proposed development. In their letter Tetra Tech indicate an intention to engage with Historic England as part of the re-assessment process. We would be happy to be part of those discussions if your Authority would find it of assistance.

Historic England has concerns regarding the application on heritage grounds.

Church of Saint Luke and the Parish of Huntingdon: No objection, comments provided

Our only concern is regards to the access to our grounds. In particular the effect of absorbing the public highway into the development area would cause difficulties for vehicles and pedestrians who use the accesses as they are now.

INTERNAL CONSULTATIONS

Economic Development – No objections

The scheme is a key regeneration project for the Council and the Corporate Plan Priority 1 has an aim to rejuvenate our town centres and states that over the next 4 years the Council will deliver the Levelling Up Fund regeneration scheme for Cannock Town Centre creating a new cultural hub and high quality public realm.

The site is also identified in the Cannock Culture and Leisure Hub Development Prospectus as a site for potential leisure and cultural development including cinema, food & beverage, and complimentary retail with possible integration of residential apartments, hotel, or office space.

As the Economic Development team are the lead partner in delivering this project it wouldn't be appropriate to comment further on this application given their conflict of interest.

Environmental Health – No objection subject to conditions

Noise - The application is not supported by any documents relating to noise. The outline plan indicates a retirement village will be developed in close proximity to the Ringway; there may also be adverse noise from adjacent commercial buildings (potential sources include exhaust ventilation units, air conditioning units, etc.). Furthermore, there may be adverse noise from the public highway, particularly from patrons leaving the Prince of Wales theatre. The redevelopment around the Prince of Wales will require careful consideration, to ensure that internal acoustics are acceptable for different users of the proposed development. It may be necessary to restrict delivery hours to the Prince of Wales building, to protect residential amenity. Potential impacts from noise will need to be considered as part of any reserved matters application.

Odours - It is noted that two cafés are proposed as part of the development. Subject to the specific proposals, the proximity to the proposed retirement home may lead to adverse impacts from odours, which will need to be considered as part of any reserved matters application.

Lighting - The retirement home may be adversely impacted by artificial lighting, from both street furniture and from adjacent buildings. Potential impacts from artificial light will need to be considered as part of any reserved matters application.

Air Quality - The application is supported by the following document: • Air Quality Assessment, Tetra Tech, February 2023. I have reviewed the report and am in broad agreement with the contents and the findings. Air quality modelling from the report suggest that air quality is unlikely to have an adverse impact on relevant receptors following the development of the site.

Construction Management - The Air Quality Assessment has identified potential adverse impacts on local residents from demolition and construction activities. Given the proximity of the site to existing residents, and the (currently unknown) phasing of the development, constructions activities may give rise to unacceptable impacts from issues such as noise, vibration, dust, and lighting.

Conditions are therefore recommended in relation to ambient noise, noise from the theatre, ventilation and extraction to cafes, site deliveries and waste collections, lighting, construction hours and construction management.

Housing Strategy – No contribution required

Assuming the retirement accommodation is C2 use classification - it is difficult to be certain from the information provided - then there is no affordable housing contribution for this application.

Should the extra care/retirement accommodation actually be C3 dwellinghouse then an affordable housing contribution would be applicable.

Parks and Open Spaces – No objection, further comments

No objection in principle to the development, however recommend the following;

- Recommend non-commercial elements such as informal areas for play and socialising are incorporated within the landscaping to create more reasons to use the town centre.
- Recommend the landscaping and building layout creates destinations rather than linear spaces to pass through.
- Recommend the planting design and species takes inspiration from the local landscape character.
- Trees to be provided suitable room to grow above and below ground to thrive.
- SUDS features to be incorporated to design.

Planning Policy – No objections

With regard to policy matters the site lies within the built up area as shown on the policies map of the adopted Local plan and is within Cannock town centre boundary and the primary retail area and is in close proximity to the Cannock Town Centre conservation area and is in the area influenced by the Cannock Chase SAC.

In principle the redevelopment plays an important role in ensuring the vitality and viability of the centre through the removal of the vacant car parking and closed indoor market and replacement with a modern mixed use development to provide a new gateway to Cannock Town Centre. It is not considered that the change of use would result in unacceptable change in the retail character of the immediate area. The proposal incorporates active frontages 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.

PUBLICITY

- 4.1 The application has been advertised by site notices in the vicinity of the site and letters to nearby occupiers. A total of 2 No. representations have been received.
- One representation is from TJM Morris Limited ('TJM') who are owners of the Home Bargains chain of stores. Their comments in summary state:
 - TJM is committed to Cannock, with existing Home Bargains stores (the trading arm of TJM) currently located out-of-centre at Vine Lane, and within Cannock Town Centre, on Church Street. The latter extends into the Application Site for the pending planning application, for which we have an existing leasehold until 2072.
 - This longstanding commitment has the potential to be undermined by the pending proposals, which will lead to the redevelopment of the existing Home Bargains on Church Street. Whilst the Design and Access

Statement submitted in support of the application (at page 20) refers to the replacement retail unit for Home Bargains needed to be provided in advance of the closure and demolition of the existing store, this is not guaranteed. Indeed, no meaningful discussions have taken place with the Applicant, either before or since the planning application has been submitted.

- This lack of meaningful dialogue is disappointing given that we are a key investor in the town centre. The nature of the proposed development, and its phased demolition – as illustrated by the recently submitted Demolition Plan (dated April 2023) – has the potential to cause significant disruption for a sustained period. This will impact on the trading performance of our store and other existing businesses within the Town Centre. We therefore question the merits of the application proposals currently being advanced, particularly given the current economic climate. TJM supports the Council's aspiration to revitalise Cannock Town Centre, but believes other opportunities could be pursued, that have been designed with input and support from key stakeholders. At present, the current application has been advanced with no such discussion.
- Further public representations have been received which in summary state as follows:
 - I would like to object in the strongest possible manner on the grounds of this does not sound like regeneration it again sounds like shuffling the deck chairs on the Titanic. There are many simple and very cost effective ways to regenerate Cannock town centre creating jobs and revenue that can be reinvest into the town. I would be happy to discuss a number of possibilities with. But in the mean time please do not repeat the mistakes of the passed investing money into white elephants that will come and be gone again within a generation, build a town that will be a place to visit, not a town that ticks the investment boxes because this has been proven here before it, does not work.
 - A facelift on the theatre? Whilst a good idea, is not the way to bring life back to the town, the theatre should be phase 3 or 4. Phase 1 is get people back to the town.

5. RELEVANT PLANNING HISTORY

5.1 No relevant history

6. SITE AND SURROUNDINGS

6.1 Cannock town centre houses a mixture of independent retailers, chain shops and retail provision and also hosts a local market and includes the prince of Wales Theatre. The Town Centre offers a mix of community services, retail provision, social and leisure activities for the residents of the town. The development site is located within the defined town centre of Cannock, bounded by the Ringway to the north, Market Place to the south and Church Street to the east.

6.2 The immediate surrounding area comprises retail/commercial uses, restaurants, Public Houses and Cannock Bus Station, located within Cannock Shopping Centre, High Green Court and along Market Place and Church Street. To the north beyond the Ringway lies a large surface level car park with vehicle access/egress off Beecroft Road/Allport Road and pedestrian link to the site via a

subway which passes under the Ringway. To south-east lies a large-scale Morrisons supermarket and further commercial uses. To the north/north-east lies Cannock Chase Hospital and the CCDC Civic building on Brunswick Road/Beecroft Road. To the north-west lies the Chase Leisure Centre on Stafford Road.

- 6.3 Directly to the east of the site lies the Parish of St Luke and St Thomas Church and grounds, beyond which lies the Walsall College Cannock Campus, restaurants and a large-scale commercial building occupied by B&M Home Store. To the south lies Backcrofts Park and the large-scale Asda Super Market.
- 6.4 The Cannock Town Centre Conservation Area is located to the south of the site. Although the defined application site is not within the Conservation Area, the development proposed would be seen in close association with the Conservation Area and Grade II* listed Parish Church of St Luke (List UID: 1295000).

7. PROPOSAL

- 7.1 The application is part of a wider Levelling Up Fund project that will repurpose c. 1.70ha, including vacant retail floorspace, and proposes various redevelopment elements all within Cannock Town Centre. The key aim is to enhance accessibility, traffic movement, parking and servicing and the public realm.
- 7.2 The current application seeks an outline planning application with All Matters Reserved to include the following elements of development:
- (i) *“Refurbishment of the Prince of Wales Theatre and new workshop/creative space forming a new leisure and cultural hub.*
 - (ii) *New café/bar/restaurant (up to 750 square metres floorspace) within the theatre.*
 - (iii) *New café building (up to 325 square metres floorspace) in the Northern Gateway.*
 - (iv) *Managed workspace (up to 1,300 square metres floorspace).*
 - (v) *Replacement retail unit (up to 1,858 square metres floorspace).*
 - (vi) *New office accommodation (up to 3,170 square metres floorspace).*
 - (vii) *Extra care/retirement accommodation (up to 70 dwellings).*
 - (viii) *Bicycle hub for storage, hire and repair.*
 - (ix) *Associated public realm improvements, including the Northern Gateway scheme.*
 - (x) *Further ancillary works are proposed outside of the redline boundary to allow for the delivery of the LUF proposals, including enhancement of pedestrian routes, surface crossings on the Ringway, servicing routing technical application at Church Street and a new bike hub. These works will replace the existing subway between the shopping centre and the main town centre car park on Beecroft Road with a surface-level crossing of Ringway and a new set of ramps and steps on the south side of the road, down to shop floor level.”*
- 7.3 Members should note that All Matters Reserved Applications are to be treated as **not including** details of, for example, the layout of the development or details of the access arrangements. In effect the application seeks to establish the principle

of the proposals. In this case this means that the imagery and draft layouts that have been provided within the submissions, are to be treated as indicative only. It is permissible for applicants to apply for All Matters Reserved under Article 5(3) of DMPO 2015 (as amended) and allows for outline permission to be applied for on a site whilst reserving details any or all of the following Reserved Matters:

- (i) *Access*
- (ii) *Scale*
- (iii) *Landscaping*
- (iv) *Layout*
- (v) *Appearance*

7.4 To allow for the development to go ahead, a series of demolition works of the existing buildings, including the vacant retail floorspaces are to be applied for in future either as a standalone planning permission or under 'prior approval'. Therefore the current application does not contain precise details of demolition – such would need to be provided at a later date and future conditions would need to potentially assure this.

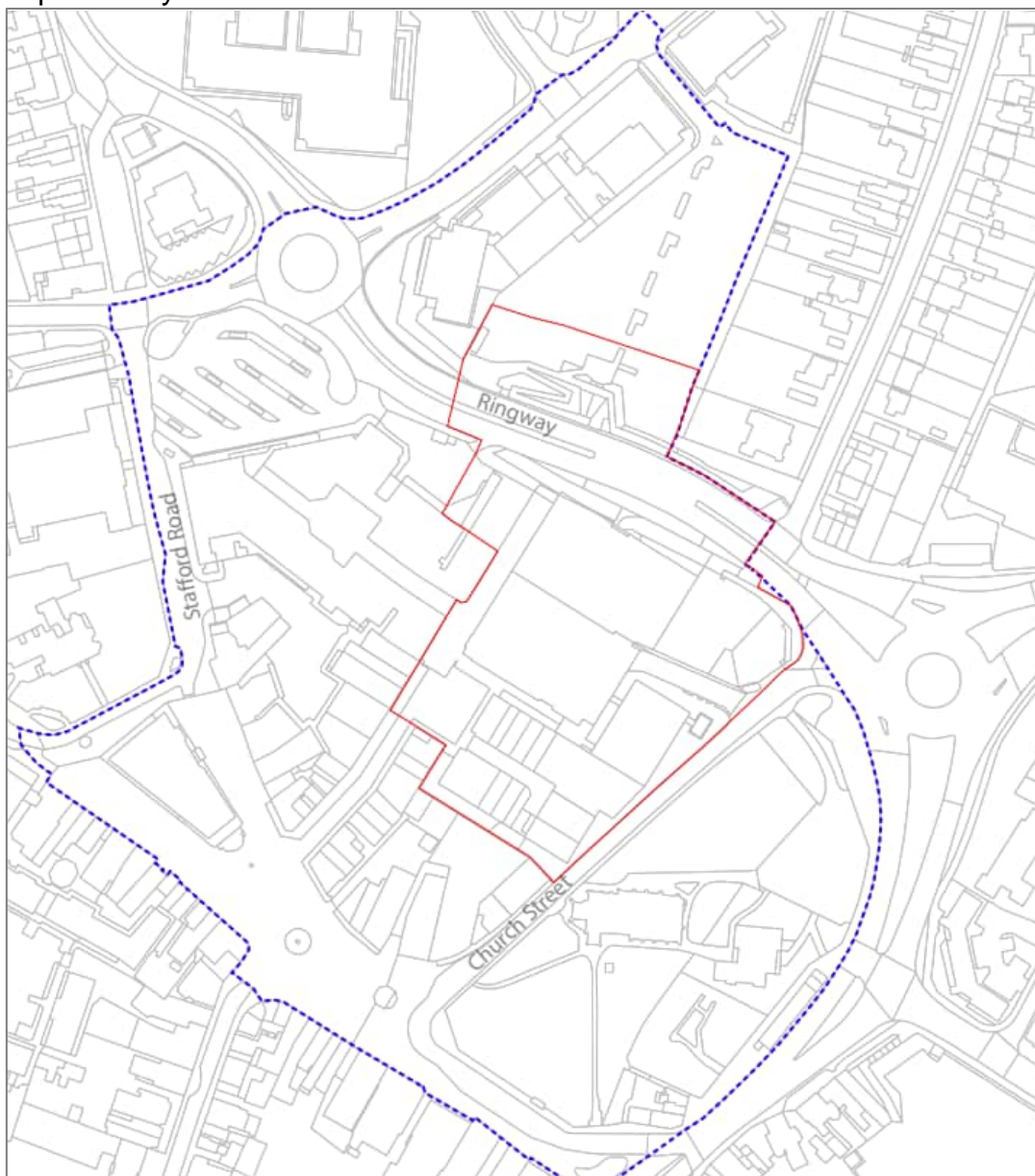


Figure 1: Extract from submitted Location Plan showing the extent of the site area in red, and the extent of the Levelling Up Fund Area in blue.

8. PLANNING POLICY

8.1 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.

8.2 The Development Plan currently comprises the Cannock Chase Local Plan (2014) and the Minerals Local Plan for Staffordshire (2015-2030).

8.3 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

8.4 The relevant policies within the Minerals Plan are:-

(i) *Mineral Safeguarding*

8.5 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

9. DETERMINING ISSUES

9.1 The determining issues for the proposed development include: -

- a) Principle of development
- b) Character, appearance, and Heritage
- c) Residential amenity
- d) Transport Considerations
- e) Ecological Considerations including bats
- f) Air Quality
- g) Drainage and flood risk
- h) Mineral safeguarding
- i) Developer Contributions

10. PRINCIPLE OF THE DEVELOPMENT

10.1 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 CP3, CP7, CP11, CP13, CP15 and CP16 would therefore be relevant to the consideration of this proposal along with compliance with the habitats regulations.

10.2 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.'

Mixed use Proposals

10.3 Local Plan Policy CP11 - Centres hierarchy is a key consideration as part of the current proposals. Policy CP11 identifies Cannock as a strategic sub-regional centre and the aims of the policy seek to retain and strengthen this role. The policy identifies main town centre uses which should be given priority in the regeneration of the town centre within the defined boundary. The uses include retail, offices, leisure, and cultural facilities – which fully align with the nature of

the current proposals. The policy also identifies that 35000sqm of comparison retail floor space and 30000sqm of office floorspace should be provided for.

- 10.4 Policy CP11 has existed since the adoption of the 2014 Local plan. The main update to these figures comes from the Town Centre Retail Study 2021 and Update 2022. For Cannock no Convenience Goods need is suggested upto 2040. For Quantitative Comparison Goods it is acknowledged in the study that when the Mill Green Development (CH/17/279) is taken into account any surplus capacity for comparison goods sales would be absorbed in Cannock for the short, medium and long term (Page 37). In considering this the study further reports:
- (i) *In this study, the key purpose of any strategy moving forward should be to build upon the individuality of the town centre, provide a focus and hub for the local community and to aim to attract a mix of additional land uses beyond retail and leisure (including residential, educational, community and office uses) and extend the 'dwell time' and spend of visitors/residents visiting the town centre and in turn the vitality and viability of the centre.*
- 10.5 Therefore, it is acknowledged that the above study suggests no additional comparison or convenience retail need but that with additional provision of uses (such as the enhanced focus on the theatre and extended night time economy) there is scope to enhance the vitality and viability of the centre. In this regard, and with regard to the wider national aim of enhancing and regenerating town centres, these proposals are nevertheless considered to represent a positive opportunity to regenerate the town. Therefore Officers give this point significant and overriding weight.
- 10.6 Policy CP11 encourages the delivery of more attractive public spaces and streetscapes in Cannock town centre linked in part to a management plan for the town centre conservation area, encourages developments that create safe and attractive public spaces and a more balanced night time economy – which the enhanced theatre proposals again complement.
- 10.7 Policy CP11 also notes the importance of retaining and enhancing town centre markets. The site of the former indoor market is likely to ultimately be demolished in the longer term. This has been closed for several years. Since its closure a street market within the pedestrian area of the town centre now operates and is proving popular and the proposals would appear to complement this. Officers see no reason why this could not be incorporated into the new public square proposed but as elsewhere in this report, the detail is not yet tabled to fully examine this point. It is also relevant the Cannock Chase Retail and Town Centre Uses Study 2021 identifies the relatively high vacancy rate the Town Centre suffers from (20% as stated at Page 36) and that there is an opportunity to redevelop the multi-storey car park, bus station and Beecroft Car park which this application fully accords with.
- 10.8 The site falls within the primary retail area under Policy CP11 which seeks to retain existing A1 retail uses. The policy states 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. Bearing in mind the layout of the development proposed is not up for consideration as part of the All Matters Reserved Outline Application, Officers would find it difficult to examine this point further at the current time. Albeit it is reasonable to conclude that broadly the office, café, retirement, and replacement retail space (of upto 1858sqm) would align with Local Plan Policy CP11.

Extra Care / Retirement Proposals

- 10.9 NPPF paragraph 60 states it is important that the needs of groups with specific housing requirements (such as the elderly) are addressed, with paragraph 83 stating that planning decisions should recognise and address the specific locational requirements of different sectors. This application seeks outline permission for up to 70 extra care or retirement units alongside a range of other uses. 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.

Overall 'In Principle' Conclusions

- 10.10 The site currently contains a mix of retail uses (alongside the disused Market Hall and parking areas). These disused buildings directly detract from the vitality of the centre and have remained empty for a number of years. Promoting reuse or redevelopment is therefore a priority and is likely to lead to the regeneration of the area, leading to wider enhanced vitality and viability as envisaged by the Policy CP11. Officers therefore see no overriding in principle conflict with the proposals.

11. CHARACTER, APPEARANCE AND HERITAGE

- 11.1 The application site lies adjacent the Cannock Town Centre Conservation Area and St. Lukes Church which comprises of a Grade II* Listed Building. In this respect the proposal engages the duty under S66(1) and S72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 which sets out that 'In considering whether to grant planning permission which affects a listed building or its setting, or conservation area, the local planning authority shall have special regard to the desirability of preserving, or enhancing the character or appearance of that area.'
- 11.2 It is one of the core principles of the NPPF that heritage assets should be conserved in a manner appropriate to their significance. The National Planning Policy Framework at para 195 sets out that the local planning authority should identify and assess the particular significance of any heritage asset. They should take this assessment into account when considering the impact of a proposal on a heritage asset, to avoid or minimise conflict between the heritage asset's conservation and any aspect of the proposal. In this respect the applicant has submitted a Heritage Statement with which to support the application.
- 11.3 Policy CP3 of the Local Plan supports high-standards of design, and for development to be well-related to existing buildings and their surroundings; including measures to design out crime and anti-social behaviour, and to promote ease of access and mobility within development and from its surroundings. Policy CP15, CP16, the Design SPD and the Town Centre Conservation Area Appraisal and Management Plan are relevant to the consideration of the application,

especially given the close visual association of the proposals in the context of the Grade II* listed Parish Church of St Luke.

- 11.4 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.*
- 11.5 As the proposals are submitted as an All Matters Reserved Outline Application, limited detail is presented as part of the application. Indeed the nature of the All Matters Reserved Application in practice means that the purpose of the application is to secure agreement in principle to the redevelopment of the site area. Officers note that the site in question - particularly the area including the redundant market hall and multi storey car park – detract from the character and heritage of the wider Town Centre. Redevelopment of these areas in particular would represent a clear opportunity to enhance the town centre and is acknowledged in a range of Council policy documents and supporting evidence – including the Town Centre Retail Study and in part within the Cannock Town Centre Conservation Area Appraisal.
- 11.6 Caution is expressed by Historic England that the application does not include sufficient detail to enable adequate assessment of the integration of the proposals with the Grade II* listed Church and Conservation Area. In particular Historic England and to some extent the County Archaeologist, express that:
- (i) *...a Heritage Impact Assessment would provide greater clarity. We agree that this would be a helpful way forward. We also agree that intrinsic to such an assessment will be further information on the height, massing, and design of the proposed development...*
 - (ii) *We have concerns regarding the potential harmful impact of the proposed new buildings on the significance of St Luke's church and its setting and the adjacent conservation area. An insufficient level of information has been submitted to enable a proper assessment of the degree of harm. We therefore advise your authority to seek additional information from the applicants and to make your own assessment of potential impacts*
- 11.7 Given the large and complex nature of a Town Centre Redevelopment it is reasonable that an applicant is not able to provide the fully designed proposals. Indeed it is within the applicant's gift to seek to reserve matters for future discussion where the process (the DMPO 2015 as amended) allows for this. One such process is that of the Outline consent process where an applicant can choose to reserve all or some of the relevant design elements such as Scale, Appearance, Layout etc as defined within the DMPO. Therefore whilst it is human nature to want to see the full design, it is not necessarily essential for consideration of the current proposals in the Officers view. This is because the outline application in this case seeks an agreement in principle only, and conditions (as for any large outline consent), can require the provision of reserved details at a later date before any development can proceed. This approach still retains control of the extent of development and its integration with the sensitive heritage context of the site.

Officers consider that subject to these conditions that will require details of scale, appearance and layout, further assessment of the appropriateness of the development in the context of the Conservation Area and Grade II* church can be retained.

- 11.8 In relation to archaeology, the comments from the County Archaeologist are noted. Nevertheless, similar to the above - conditions are capable of adequately assuring appropriate investigation and recording of archaeological interests at the site.
- 11.9 Accordingly, Officers assess overall the application in principle represents an opportunity to enhance the town centre, how it presents itself outwardly and how it relates to nearby Heritage Assets. At the current time, the application does not contain detail as to the finished appearance, scale, or layout of the proposals and thus the effects cannot be fully interpreted. However, subject to conditions the Officers can retain control over the Reserved Matters to assure a high quality development which would secure optimum viable use and result in major improvements to the Town Centre to the benefit of the wider public. Thus the proposal would be in line with the aforementioned paragraphs of the NPPF and Local Plan Policy CP3.

12. RESIDENTIAL AMENITY

- 12.1 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.
- 12.2 In liaison with the Council's Environmental Health team, officers assess the main considerations that could impact existing or future occupants of the site are:
- (i) *Noise from Ringway Traffic impacting future occupiers of the retirement complex*
 - (ii) *Noise from proposed commercial buildings such as ventilation or air conditioning*
 - (iii) *Noise from patrons leaving the the Prince of Wales Theatre affecting residents in the new retirement complex*
 - (iv) *Odour impacts from extraction systems*
 - (v) *Lighting impacts*
 - (vi) *Construction and Demolition related impacts*
- 12.3 A range of conditions are proposed to deal with the respective impacts. These include the provision of lighting details once the designs are further progressed, details of any mechanical ventilation to assure controls over the noise and odours emitted, control over operating hours and construction hours, additional noise insulation to the theatre itself and submission and agreement of a Construction Management Plan.
- 12.4 Subject to these conditions both Officer's and the Council's Environmental Health department are satisfied that adequate controls on the installation of relevant equipment and noise would be assured. As such compliance with NPPF 139(f) and Local Plan Policy CP3 is assured.

13. HIGHWAYS CONSIDERATIONS

- 13.1 A Transport Statement accompanies the application. This uses existing transport data, reports, committed schemes and relevant planning applications to assess baseline data relating to traffic movements, sustainable modes of transport and car parking. Collision data was interrogated to identify any accident clusters. All relevant modes of transport have been considered including walking, cycling, public transport and car use. The report also reviewed heavy goods vehicle (HGV) access requirements during the demolition and construction phases. Bus routes and frequencies have been identified and pedestrian and cycle routes and facilities have been used in the development of the scheme.
- 13.2 The evidence base has been used to help identify the high level impacts of the proposed scheme. The proposed changes to land use and the transport network within the study area will be assessed in terms of routes for all modes, the capacity of the highway to move vehicles, car parking and any transport impacts on the environment and public realm. The report assesses:
- (i) *The [site has a] central location and good accessibility on foot, cycle and public transport means that staff, residents, and visitors to the development have a high likelihood of using sustainable modes rather than generating new vehicle trips.*
 - (ii) *There will be a transfer of trips from the existing civic offices in the town centre to the proposed office development, but the 30% reduction in office floorspace is likely to lead to an overall reduction in the number of trips.*
 - (iii) *There will be new visitor, resident, and staff journeys to the care / retirement home, likely to be fewer than 20 two-way trips during the peak network hours.*
 - (iv) *There will be some increase associated with the refurbished theatre but the number of new trips during the peak will be minimal.*
 - (v) *The number of new journeys to the small cultural/leisure space will be negligible*
 - (vi) *The cafés and bar/restaurant will attract some customers during the PM peak period, but many of these customers will be visiting the theatre or the rest of the town centre so they would be 'linked' trips rather than new trips on the network.*
 - (vii) *New visitors and staff journeys to the incubator workspace are expected to be fewer than 20 two-way trips during each peak period.*
 - (viii) *Minimal change caused by the relocation of large retail unit*
 - (ix) *The demolition of the multi-storey car park will have little impact on current traffic conditions, but it has been operational in the recent past, so that potential to generate vehicle trips will be removed.*
 - (x) *Reduced trips to the retail units and Market Hall, although much of this is currently vacant. Small reduction due to the removal of the small retail units.*
 - (xi) *Increased trips to the town centre due to the public realm improvements.*
- 13.3 The Transport Assessment examines likely changes in travel movements as a result of the proposed development. It concludes that the scheme is likely to lead

to a relatively small increase in the number of vehicle trips to and from the town centre. Increases in the capacity of the adjacent road junctions are unlikely to be necessary but the proposed Toucan crossing of Ringway that will replace the existing subway will need to be designed to minimise any negative impacts on traffic flow and ensure road safety.

- 13.4 Whilst the above design change is mentioned, the application does not contain these details and therefore some overlap is noted between future proposals, and the proposals that are very high level and before the Council at the current time.
- 13.5 Staffordshire County Council was consulted and discussions were undertaken with them with regards to Transport Considerations. At the time of production of this report, no formal response had been made.
- 13.6 Having examined the Transport Statement in the absence of further specialist technical critique, Officers do not dispute the conclusions within the Transport Statement reference junction capacities and that no significant changes to road junction capacities or town centre parking will be required. On this basis, in principle the proposals are judged acceptable and further detail can be provided/explored when Access is a component of the Reserved Matters considerations.

14. ECOLOGICAL CONSIDERATIONS

Direct Site Impacts

- 14.1 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.
- 14.2 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. The main risk to ecological assets as part of the development is likely to be the removal of bat roosting opportunities as part of any demolition. Such is required to be considered up front as part of any outline application.

The applicants have provided a Preliminary Roost Assessment which concluded that not all of the buildings were able to be examined and that further survey work

was required. A subsequent Bat Emergence Survey dated June 2023 was provided.

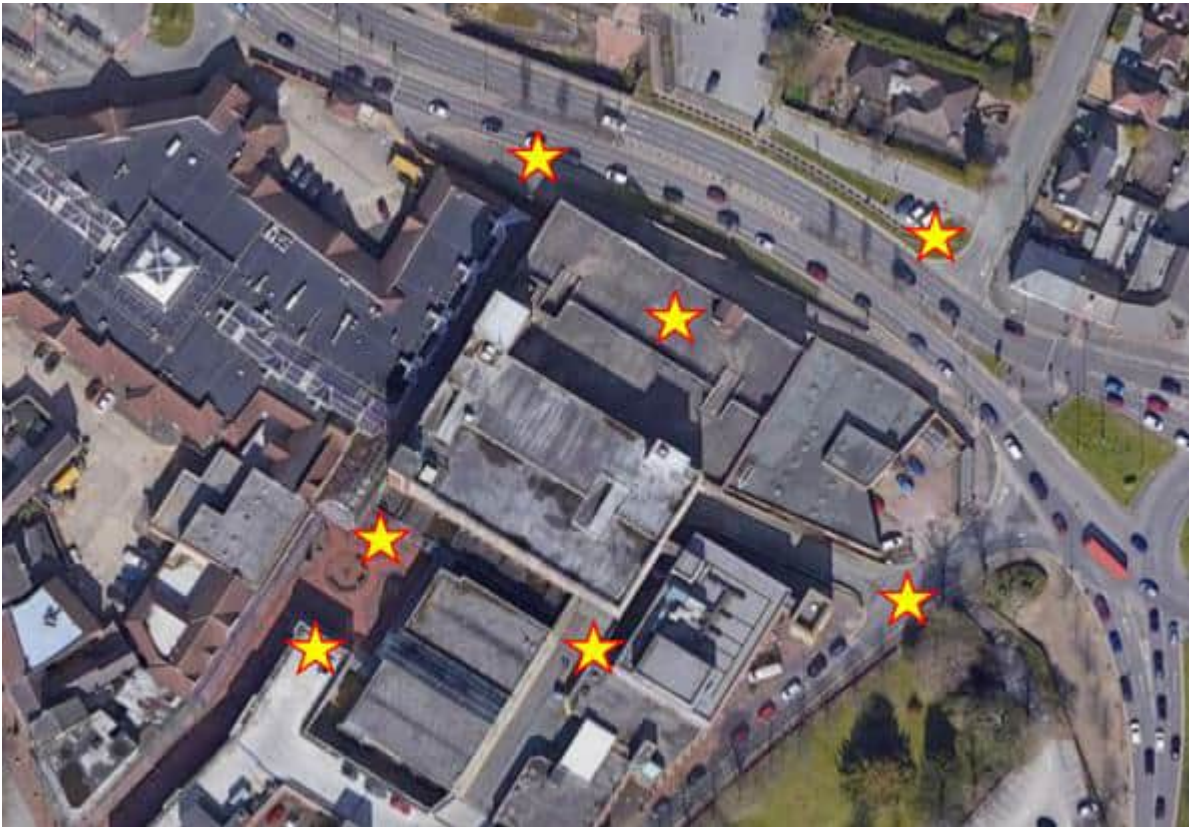


Figure 2: Surveyor Locations during bat survey of the site taken from the submitted report

- 14.3 This confirmed that having carried out on site emergence work on the 4th May and 7th June respectively, no bats were seen to emerge from buildings in the centre of the town. As such the conclusions within the report state there are no further survey requirements identified during the emergence surveys conducted to date. However, populations of bats were observed to be using both the site and surrounding habitats for commuting or feeding so a level of protection must be implemented during development to prevent disturbance. This should include general site protocols to avoid entrapping animals and control over lighting in particular. Control over lighting is a suggested condition within this report. In light of this condition, the application is considered to be in accordance with Policy CP12.

Cannock Chase SAC Contributions

- 14.4 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.
- 14.5 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. Whilst these proposals are described as retirement accommodation, these could conceivably contribute to recreational use of the Cannock Chase 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. No clear rationale as to why the use proposed is not C3 is made in the submissions and therefore Officers

assess the that a contribution to SAC mitigation should be required in line with the Council's published guidance.

- 14.6 Subject to this contribution, Natural England Standing Advice confirms that the impacts upon the SAC are proportionately mitigated against.

Environment Act 2021

- 14.7 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.
- 14.8 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.
- 14.9 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.
- 14.10 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.

15. AIR QUALITY

- 15.1 An Air Quality Assessment has been prepared by Tetrattech dated Feb 2023 and accompanies the planning application for the proposed development. The report considers potential impacts during the demolition and construction phases of the development and from the operational phases of the development separately.
- 15.2 In relation to construction/demolition, the main potential effects are dust emissions from a range of sources (e.g. tracked out materials during earthworks, construction and demolition. In relation to these sources the report suggests the following mitigation:
- (i) *Communications with stakeholders and engagement prior to commencement should be undertaken. Displaying the name and contact details of the person accountable for air quality and dust issues on the site.*
 - (ii) *Implementing dust management protocols, recording complaints, liaison with other construction sites in the vicinity, implementing inspection processes, plan site layouts so dust generating uses are located away from receptors as far as possible, taking account of weather, enclosing high dust generating activity, avoiding site run off.*

- (iii) *During demolition using water suppression, soft stripping buildings ahead of demolition, avoiding explosive blasting*
- (iv) *Minimising trackout of material, avoiding dry sweeping, implementing wheel wash facilities, installing hard surfaced haul routes where required.*

15.3 In relation to the operational phase of the development, Baseline 2019 traffic data and projected 2024 Future Year Baseline traffic data have been obtained for the operational phase assessment in the form of Annual Average Daily Traffic figures (AADT). For the operational year of 2024, assessment of the effects of emissions from the proposed traffic associated with the scheme, has been undertaken using the Emissions Factor Toolkit (EFT) 2024 emissions rates which take into account of the rate of reduction in emission from road vehicles into the future with the following factors:

- (i) *2019 Baseline = Existing Baseline Conditions; and,*
- (ii) *2024 Future Year Baseline = Baseline Conditions + Committed Development Flows (through local growth factor).*

15.4 Taking account the expected uplift, detailed dispersion modelling of traffic pollutants has been undertaken for the proposed development. An operational year assessment for 2024 traffic emissions has been undertaken to assess the effects of the Proposed Development. The impacts during the operational phase take into account exhaust emissions from additional road traffic generated due to the proposed development. The conclusions within the report state:

- (i) *All proposed receptor locations are expected to be exposed to air quality below the Air Quality Objectives for NO₂, PM₁₀ and PM_{2.5}.*

15.5 The Council's Environmental Health Officer raises no objections to the proposed methodology utilised to examine the effects of the development. Furthermore the results are below the Air Quality Objective levels set by Government and as such comments from Environmental Protection state the development is unlikely to have an adverse impact on receptors following the development of the site. No further conditions are recommended therefore.

15.6 Officers conclude that subject to conditions requiring the provision of a Construction Management Plan, therefore would be no significant risk from air quality impacts as part of the demolition and construction phases. As such compliance with Local Plan Policy CP3 is assured.

16. DRAINAGE AND FLOOD RISK

16.1 The application is accompanied by a Drainage Technical Report and Flood Risk Assessment. In particular the Drainage Technical Report highlights the site in is formed of two distinct areas which will be served by 3 separate networks with the existing impermeable areas as follows:

Table 1 - Existing Impermeable Areas

Location	Existing Areas (sqm)			
	Adopted Highway	Roofs	Walkways etc.	Total
Northern Gateway	1862	390	374	2626
Theatre and Public Realm	1119	4246	1511	6876

Figure 3: Table taken from Drainage Technical Report document showing extent of existing impermeable areas within the application site area

- 16.2 In discussions with the Lead Flood Authority it was agreed to try to reduce the peak runoff from the theatre and public realm area to as close to 20l/s as reasonably practical, treating the area as a single catchment and subdividing the target outflow to create efficient networks.
- 16.3 The report goes on to explore means of achieving this reduced run off rate. Importantly it is noted that:
- (i) *5.4 Infiltration to the ground around the Northern Gateway is unlikely to be feasible. The creation of steps and a series of ramps to address the level difference between the existing A34 Ringway and the current shopping area will dictate the use of demolition arisings to make up levels creating a depth of "made ground" of increasing thickness towards the northern boundary of the site.*
 - (ii) *5.5 At present and based on currently available Ground Investigation the area around the existing Prince of Wales Theatre is not expected to offer opportunities for percolation or infiltration, but further tests will be carried out following the demolition of the car park. Infiltration requires several other criteria beyond simple percolation such as standoffs from existing and proposed foundations and the requirement to ensure that any percolation structure is at least 1m above the seasonal groundwater level.*
- 16.4 Taking the above into account it is concluded that the surface water network for the site will need to discharge to existing surface water sewers.
- 16.5 In the case of the Northern Gateway Area and in the absence of infiltration type drainage, to provide betterment to the existing system and to provide water quality enhancements, sustainable drainage will be incorporated within the planters to both increase the time of concentration which will reduce peak flows and provide a treatment path through a filtration process. Other areas such as the service yards and Civic Square public realm space, both Green Roof solutions and permeable paving (where appropriate) are viable options.
- 16.6 The LLFA have considered the options presented and are satisfied that some degree of flood risk and drainage betterment and resilience may be embedded in the delivery of the proposals. Additionally the LLFA are satisfied that there is a viable means of surface water discharge but that further work is required on the detailed design of the solutions. The designs as tabled currently are indicative and preliminary only, and have not been approved as a detailed design by the LLFA. Therefore conditions are recommended which seek to tie in the proposed 25/L/s discharge rate amongst a range of other matters. . Therefore, to reiterate, further detailed design work is required. Subject to these conditions Officers are satisfied the proposals seek to achieve drainage buffering and betterment above and

beyond the existing scenario and that the proposals would therefore be acceptable in flood risk and drainage terms.

17. MINERAL SAFEGUARDING

17.1 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.

17.2 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.*

17.3 Table 7 of Appendix 6 outlines "Exemptions Criteria for Mineral Safeguarding" and includes, amongst other things, safeguarding areas (see 13 below);

17.4 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

17.5 In this respect it is noted that the site is relatively 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.

17.6 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

18. DEVELOPER CONTRIBUTIONS

NHS Health Contributions

18.1 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 (£56,874) 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).

- 18.2 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

- 18.3 For the reasons set out within the Ecological Considerations section of this report, a SAMM recreational impacts contribution as is typical sought for new housing is justified in this case. As such for all residential units, the developer contribution for the 2023-2024 financial year is set at £329.83 per unit.

Affordable Housing

- 18.4 The Council's Housing Officer confirms that assuming the retirement accommodation is C2 use classification - then there is no affordable housing contribution for this application. Should the extra care/retirement accommodation actually be C3 dwellinghouse then an affordable housing contribution would be applicable.
- 18.5 Officers see no reason to dispute this and suggest that affordable housing requirements for C3 units should be incorporated into any future S106.

19. OTHER ISSUES

- 19.1 The comments from the owners of Home Bargains about a lack of engagement are noted. This is not strictly a material planning consideration and nevertheless, liaison with the Council's Economic Development Manager suggests that engagement, but not ultimately agreement, with the owners of Home Bargains has been undertaken over a prolonged period with further discussions scheduled.
- 19.2 Irrespective of the above, it is understood that the existing store in its current format would be retained and worked around. Concerns around disruption to the store during the redevelopment process are understandable and to assure this point is dealt in a similar manner to that raised by the adjacent church, more precise information reference the means of demolition and access arrangements will be required. A detailed demolition and development phasing plan will be required and the submission and agreement of details pertaining to all closures or impacts on the public realm (including vehicular and pedestrian circulation spaces) will be required. Subject to these conditions and effective planning of pedestrian routings during the works, Officers are satisfied that impacts on the trading performance of nearby stores can be minimised.
- 19.3 Various other observations from interested parties point to unquantified observations the proposals do not contribute to regeneration of the centre. The office proposals, improvements to the theatre, improved public realm and new residential uses will all contribute to the viability of the centre and as such Officers see no basis for this assertion. In relation to the observation that the Theatre refurbishment should feature later in the build programme, this application seeks solely overarching approval and conditions requiring details of the phasing are included. As such phasing considerations are not as yet a consideration for meaningful discussion.

20. HUMAN RIGHTS ACT 1998 AND EQUALITY ACT 2010

Human Rights Act 1998

- 20.1 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

- 20.2 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.
- 20.3 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.

21. CONCLUSION

- 21.1 The application is part of a wider Levelling Up Fund project that will repurpose c. 1.70ha, including vacant retail floorspace, and proposes various redevelopment elements all within Cannock Town Centre. The key aim is to enhance accessibility, traffic movement, parking and servicing and the public realm.
- 21.2 In terms of assessment of the application, in principle Policy CP11 identifies Cannock as a strategic sub-regional centre and the aims of the policy seek to retain and strengthen this role. The policy identifies main town centre uses which should be given priority in the regeneration of the town centre within the defined boundary. The uses include retail, offices, leisure, and cultural facilities – which fully align with the nature of the current proposals in principle.
- 21.3 Key public concerns around assuring access to the local church and nearby businesses are understandable particularly in the absence of detailed plans. Conditions are proposed to require both the provision of detailed phasing demolition and phasing plans as well as a specific plan showing access routes to the public realm and details of screening during site redevelopment.

- 21.4 Overall the development is assessed as broadly complying with the requirements of Local Plan Policy CP11 which seeks to building upon Cannock Town Centre's role as a subregional strategic centre. The uses proposed align with those within Policy CP11 and the site is a sustainable location which is Previously Developed Land, the re-use of which should be afforded substantial weight, as per NPPF paragraph 118(c). Whilst other matters cannot yet be examined fully, in principle the redevelopment of this town centre site aligns with the NPPF ambition to promote economic growth through the regeneration of sustainably located town centre sites.