

**Please ask for:** Mrs. W. Rowe  
**Extension No:** 4584  
**E-Mail:** [wendyrowe@cannockchasedc.gov.uk](mailto:wendyrowe@cannockchasedc.gov.uk)

22 August 2022

Dear Councillor,

**Planning Control Committee**  
**3:00pm, Wednesday 31 August 2022**  
**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 visit, whichever is the later. Members are requested to note that the following site visit has been arranged: -

<b>Application Number</b>	<b>Application Location and Description</b>	<b>Start Time</b>
CH/22/0228	<b>10 Averill Drive, Rugeley, WS15 2RR</b> Change of Use from Public Land to Domestic Private Land.	2:00pm
CH/22/0229	<b>314 Green Heath Road, Cannock, WS12 4HB</b> Change of Use of Land at Side of Property from Public to Private	2:30pm

Members wishing to attend the site visits are requested to meet at 10 Averill Drive, Rugeley, at 2:00pm, as indicated on the enclosed plan.

Yours sincerely,



**Tim Clegg**  
**Chief Executive**

To: **Councillors**

Thompson, S.L (Chair)  
Beach, A. (Vice-Chair)  
Cartwright, S.M.   Kruskonjic, P.  
Crabtree, S.K.     Muckley, A.M.  
Fisher, P.A.        Pearson, A.R.  
Fitzgerald, A.A.   Smith, C.D.  
Fletcher, J.        Thornley, S.J.  
Hoare, M.W.A.     Wilson, L.J.  
Jones, V.

## **Agenda**

### **Part 1**

**1. Apologies**

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

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

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

**4. Minutes**

To approve the Minutes of the meeting held on 4 August 2022 (enclosed).

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

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

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

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

## Site Visit Applications

	<b>Application Number</b>	<b>Application Location and Description</b>	<b>Item Number</b>
1.	CH/22/0228	<b>10 Averill Drive, Rugeley, WS15 2RR</b>  Change of Use from Public Land to Domestic Private Land.	6.1 - 6.10
2.	CH/22/0229	<b>314 Green Heath Road, Cannock, WS12 4HB</b>  Change of Use of Land at Side of Property from Public to Private	6.11 - 6.20

## Planning Applications

	<b>Application Number</b>	<b>Application Location and Description</b>	<b>Item Number</b>
3.	CH/22/0172	<b>Land at Lime Lane, Pelsall, Walsall, WS3 5AT</b>  Application under Section 73 of the Town & Country Planning Act 1990 to vary Conditions No. 3 (amenity building materials), 6 (internal site layout), 7 (SUDS scheme), 11 (parking and turning areas), 12 (caravans siting), & 13 (plan no. condition) of Planning Permission CH/21/0376.	6.21 - 6.47
4.	CH/21/0404	<b>St Saviours Church, High Mount Street, West Hill, Cannock, WS12 4BN</b>  Demolition of Existing Building and Erection of 6 Bungalows	6.48 - 6.75

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

**Held on Thursday 4 August 2022 at 3.00pm**  
**in the Council Chamber, Civic Centre, Cannock**

**Part 1**

**Present:**

Councillors

Thompson, S.L. (Chair)

Beach, A. (Vice-Chair)

Cartwright, S.M.

Hoare, M.W.A.

Crabtree, S.

Jones, V.

Elson, J.S. (Substitute)

Kruskonjic, P.

Fisher, P.A.

Pearson, A.R.

Fitzgerald, A.A.

Thornley, S.J.

Fletcher, J.

Wilson, L.J.

**16. Apologies**

Apologies for absence were received from Councillors A. Muckley and C.D. Smith.

Notification had been received that Councillor J. Elson would be substituting for Councillor A. Muckley.

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

None declared.

**18. Disclosure of Details of Lobbying by Members**

Councillors A. Beach, P. Fisher, A. Fitzgerald, V. Jones, P. Kruskonjic, S. Thompson and L. Wilson declared that they had been lobbied in respect of Application CH/22/0078, 1-7 Park Road, Cannock, WS11 1JN - Installation of external air conditioning units (re-submission CH/21/0407).

**19. Minutes**

**Resolved:**

That the Minutes of the meeting held on 8 June 2022 be approved as a correct record.

## 20. Members Requests for Site Visits

Councillor A. Pearson referred to the site visits he had requested at the previous meeting in respect of the following applications:

- CH/22/0228 - 10 Avril Drive, Rugeley, WS15 2RR - Change of use from public land to domestic private land.
- CH//22/0229 - 314 Green Heath Road, Hednesford, WS12 4HB - Change of use of land at side of property from public to private.

He confirmed the reason for requesting the site visits was to assess the loss of openness which may be detrimental to the area.

The Planning Services Manager advised that the disposal of these plots of land had been considered separately, prior to the planning application process. Consultation had been carried out with Ward members and other Council departments where no objections were raised to these proposed disposals and a site visit would not assist in their consideration.

Councillor A. Pearson then requested a site visit in respect of Application CH/22/00237, 54 Lloyd Street, Cannock, WS11 1HE - Outline application, access only, for the residential development of land to the rear of 54 Lloyd Street (including demolition of No. 54) in order to assess the impact on highways. Councillor V. Jones confirmed that she had already submitted a written request for a site visit in respect of this application.

## 21. **Application CH/22/0177, The Bridge Inn, 387, Cannock Road, Chadsmoor, Cannock, Staffordshire, WS11 5TD - Demolition of Existing Structures, Change of Use of Public House (Sui Generis) to form a (Class E) Drive-thru Coffee Shop (260 sqm. gross) with Single Storey Front and Side Extension, Rear Drive-thru Pod and Canopy, Enclosed Bin Store and Plant Area, Drive-thru Lane, Car and Cycle Parking and Associated Works**

Following a site visit, consideration was given to the report of the Interim Development Control Manager (Item 6.1 – 6.25) presented by the Senior Planner.

The Senior Planner provided a presentation to the Committee outlining the application showing photographs and plans of the proposals.

Prior to determination of the application representations were made by Mrs. J. Gough, an objector, speaking against the application and Gary Swarbrick, the applicant's agent, speaking in support of the application.

Several Members raised concern about the potential for increased traffic as a result of the development. The Legal Services Manager advised that it would be difficult to sustain an objection on highways grounds given that Staffordshire County Council had raised no objection to the proposal.

### **Resolved:**

That the application be approved subject to the conditions contained in the report for the reasons outlined therein.

**22. Application CH/22/0078, 1-7 Park Road, Cannock, WS11 1JN - Installation of External Air Conditioning Units (re-submission of CH/21/0407)**

Consideration was given to the report of the Interim Development Control Manager (Item 6.26 – 6.49) presented by the Technical Assistant.

The Committee was provided with the following update that had been circulated in advance of the meeting:-

“Following completion of the report, officers received additional comments from another neighbour in objection to the amended proposal. The comments raise the following concerns:

- The amended plans show a larger enclosed building that leaves no room for the storage of refuse and therefore exacerbating the existing situation
- That there should be a purpose-built screened area for storage of waste from the supermarket.
- That there continues to be a number of cages being stored on what should be a landscaped area which was part of the original conditions when the original planning permission was granted for the building

In response, officers would advise that whilst the proposed enclosure would result in a loss of part of the yard area for use for the storage of refuse bins, sufficient proportions would remain to house waste bins. Moreover, there is no requirement in the previous permissions relating to the application property for this area to be retained as waste bin storage.

As such, the officer recommendation to approve the proposal subject to conditions remains unchanged”.

The Chair reminded Members that this application had previously been considered by the Committee and therefore only those Members present at the meeting on 8 June 2022 could vote on this matter. The Members eligible to vote were Councillors A. Beach, S. Cartwright, P. Fisher, A.A. Fitzgerald, V. Jones, P. Kruskonjic, A. Muckley, S.L. Thompson and L.J. Wilson. However, Councillor A. Muckley was not present at today’s meeting.

The Technical Assistant then provided a presentation to the Committee outlining the application showing photographs and plans of the proposals.

Prior to determination of the application representations were made by Stephen Humphries, an objector, speaking against the application and Jim Shaw, the applicant, speaking in support of the application.

In response to Members questions the Technical Assistant confirmed that, should the application be approved, a condition would be attached to ensure the acoustic enclosure was erected within three months of the date of the permission (Condition 2). He further confirmed that the permission was for a temporary period of 12 months during which time the applicant could assess the mitigating impact of the acoustic enclosure. The applicant would be required to submit a new application following this 12-month period.

**Resolved:**

That the application be approved for a temporary period of 12 months (expiring 4 August 2023) subject to the conditions contained in the report for the reasons outlined therein.

The meeting closed at 4.45 pm.

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**Chair**



**Application No:** CH/22/0228

**Location:** 10, Averill Drive, Rugeley, WS15 2RR

**Proposal:** Change of use from Public Land to Domestic Private Land

**Item No. 6.1**



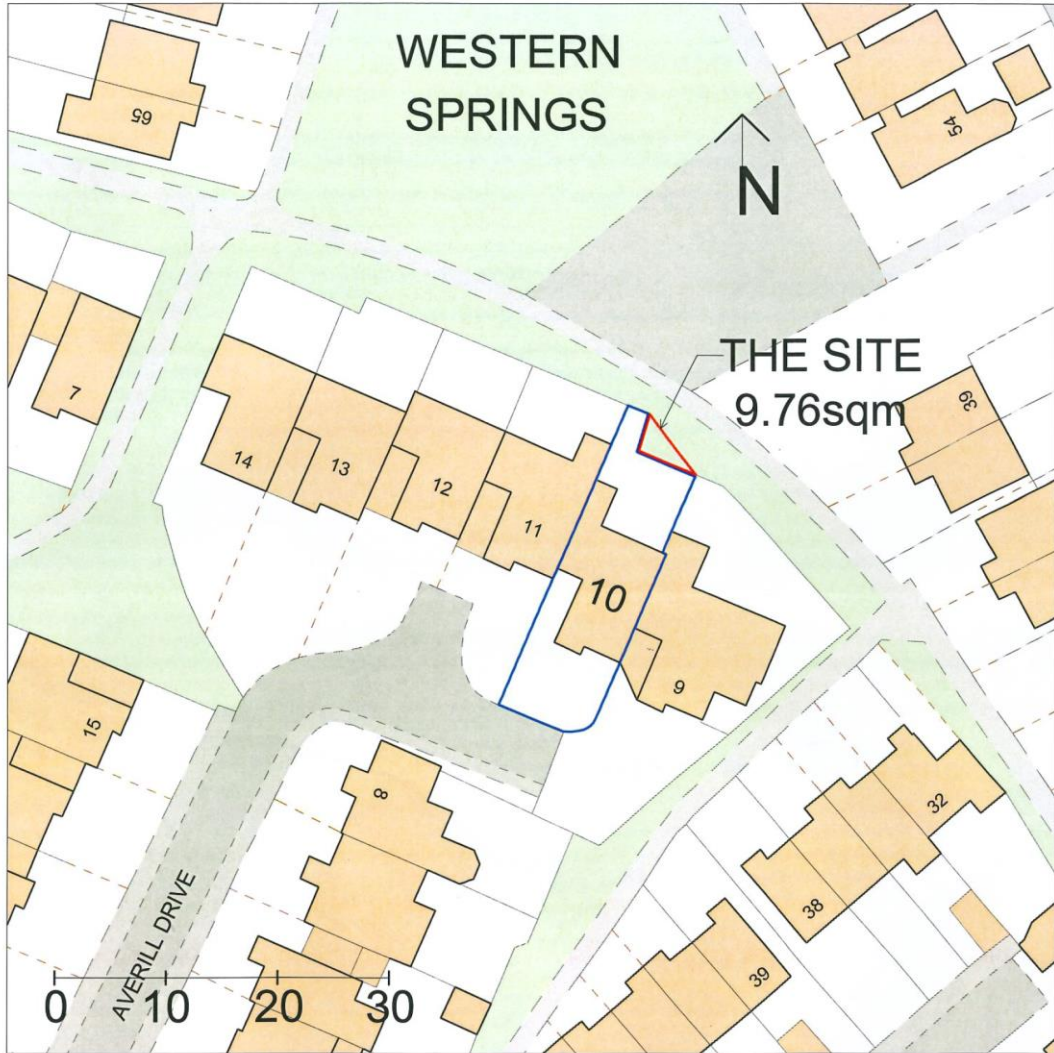


# Location Plan



## LOCATION PLAN 1:1250

# Site Plan



SITE PLAN 1:500

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

<p><b>Planning Control Committee</b></p> <p><b>31 August 2022</b></p>
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<b>Application No:</b>	CH/22/0228
<b>Received:</b>	20-Jun-2022
<b>Location:</b>	10, Averill Drive, Rugeley, WS15 2RR
<b>Parish:</b>	Rugeley CP
<b>Ward:</b>	Western Springs
<b>Description:</b>	Change of use from Public Land to Domestic Private Land
<b>Application Type:</b>	Full Planning Application

**Recommendation:**

Approve Subject to Condition

**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)**

The development hereby permitted shall be carried out in accordance with the plans

Location Plan

Site Plan

Reason

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

<b>Consultations and Publicity</b>
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**External Consultations****Rights of Way Officer**

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

The County Council has not received any application under Section 53 of the Wildlife and Countryside Act 1981 to add or modify the Definitive Map of Public Rights of Way, which affects the land in question.

It should be noted, however, that this does not preclude the possibility of the existence of a right of way at common law, or by virtue of a presumed dedication under Section 31 of the Highways Act 1980.

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

### **Internal Consultations**

#### **Landscaping Officer**

- The site does not have any landscape designation. The area has already been enclosed as part of the garden area.
- Consultation regarding the possible sale of the land was held in August 2020 at which it was noted that:
- The application site consists of an area of mown grass located to the rear of the existing garden.
- The proposed development would remove a 90-degree inward bend in the boundary creating a smooth boundary to the rear gardens. This would be advantageous in removing potential hiding points and in so doing making maintenance simpler and easier.
- There is a semi mature Sorbus Tree between the proposed boundary and the adjacent path. The tree would remain within public ownership and would slightly overhang the site but not to the detriment of its use.
- No objection was made to the proposed sale. As such there is no objection to the present application.

#### **Summary**

- No objection to the change of use.

#### **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/06/0578: Detached summer house in rear garden - Full - Approval Conditions - 09/15/2006
- CH/90/0216: Single storey domestic extension to rear of dwelling Full - Approval with Conditions - 04/26/1990

## 1 Site and Surroundings

- 1.1 The application site comprises a triangular piece of public land sited to the rear garden of a link-detached bungalow. It is sited adjacent to a public footpath, located to the rear boundary of the dwelling.
- 1.2 The application site is unallocated within the Local Plan, and is undesignated land, located within a Mineral Consultation Area and Low Risk Area.

## 2 Proposal

- 2.1 The applicant is seeking retrospective consent for change of use from public land to domestic private land. The public land forming the application site has been enclosed with 2m high fencing and hard surfaced.

## 3 Planning Policy

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

- 3.2 The Development Plan currently comprises the Cannock Chase Local Plan (2014) and the Minerals Local Plan for Staffordshire (2015 – 2030). Relevant policies within the Local Plan include: -

CP1 - Strategy – the Strategic Approach

CP3 - Chase Shaping – Design

Relevant policies within the minerals plan include: -

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

### 3.3 National Planning Policy Framework

- 3.4 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.

- 3.5 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.

- 3.6 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, 130, 132, 134: Achieving Well-Designed Places  
218, 219 Implementation

- 3.7 Other relevant documents include  
Design Supplementary Planning Document, April 2016.  
Secure By Design

#### **4 Determining Issues**

- 4.1 The determining issues for the proposed development include:

- i) Principle of development.
- ii) Impact on the character and form of the area.
- ii) Impact on residential amenity.
- iii) Impact on highway safety.
- iv) Minerals safeguarding.

#### **4.2 Principle of the Development**

- 4.2.1 The use of the land is forming domestic curtilage extension of the rear garden area. It is located within an established residential estate located within the main urban area of Rugeley and the site is not allocated within the Local Plan or subject to any designation that would affect the principal of the development. As such, the principle of development is acceptable.

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

- 4.3.1 In respect to issues in relation to design Policy CP3 of the Local Plan requires that, amongst other things, developments should be: -

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

- 4.3.2 Relevant policies within the NPPF in respect to design and achieving well-designed places include paragraphs 126, 130, 132 and 134. Paragraph 126 makes it clear that the creation of high-quality buildings and places is fundamental to what the planning and development process should achieve.

- 4.3.3 Paragraph 130 of the NPPF, in so much as it relates to impacts on the character of an area goes on to state: -

Planning policies and decisions should ensure that developments:

- a) will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development.

- b) are visually attractive as a result of good architecture, layout and appropriate and effective landscaping.
- c) are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities).
- d) establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming, and distinctive places to live, work and visit.

4.3.4 Finally Paragraph 134 states planning permission should be refused for development that is not well designed, especially where it fails to reflect local design policies and government guidance on design, taking into account any local design guidance and supplementary planning documents such as design guides and codes. Conversely, where the design of a development accords with clear expectations in plan policies, design should not be used by the decision taker as a valid reason to object to development. Conversely, significant weight should be given to:

- a) development which reflects local design policies and government guidance on design, taking into account any local design guidance and supplementary planning documents such as design guides and codes; and/or
- b) outstanding or innovative designs which promote high levels of sustainability or help raise the standard of design more generally in an area, so long as they fit in with the overall form and layout of their surroundings.

4.3.5 The change of use is retrospective, and the loss of the public land does not have a significant impact on the overall area, given that it is a relatively small piece of land within a wider area of network of footpaths and open grassland opposite (Western Springs).

Furthermore, it is evident that the enclosure of the land removes a potential hiding place for criminals and as such improves natural surveillance of the rear boundaries to the residential properties, in accordance with Secure By Design principles.

As such, having had regard to Policy CP3 of the Local Plan and the above-mentioned paragraphs of the NPPF, it is considered that the change of use of the land to domestic private land does not have a significant impact on the character and form of the wider area.

#### **4.4 Impact on Residential Amenity**

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

4.4.2 Paragraph 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.

4.4.3 The 2m high fencing enclosing the public land is not sited near to habitable room windows of neighbouring dwellings. The rear fencing is appropriate in scale, design, and height, matching with the existing surrounding and is located adjacent to other pieces of land used as such. Therefore, the proposal does not introduce any significant impacts to neighbour's amenity over that of the existing situation. As such it is considered that the proposal is acceptable, and it would meet the requirements of the NPPF, Policy CP3 of the Cannock Chase Local Plan and the Council's Design SPD.

#### **4.5 Impact on Highway Safety**

4.5.1 Paragraph 111 of the NPPF states that development should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

4.5.2 The enclosure of the land with the 2m high fencing does not raise any concerns with regards to highway or pedestrian safety, due to there being no rear vehicular access available to the properties. As such, the proposal does not have any adverse impact on highways safety and is therefore in accordance with Paragraph 111 of the NPPF.

#### **4.6 Mineral Safeguarding**

4.6.1 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.

4.6.2 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.

4.6.3 The development falls under Item 2 within the exemption list as an application for change of use and is therefore permitted. As such the proposal is compliant with Policy 3 of the Minerals Local Plan.



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

### **Human Rights Act 1998**

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

### **Equalities Act 2010**

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

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

- Eliminate discrimination, harassment, victimisation, and any other conduct that is prohibited.
- Advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it.
- Foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

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

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

## **6 Conclusion**

- 6.1 In respect to all matters of acknowledged interest and policy tests it is considered that the proposal, subject to the attached conditions, does 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 condition.

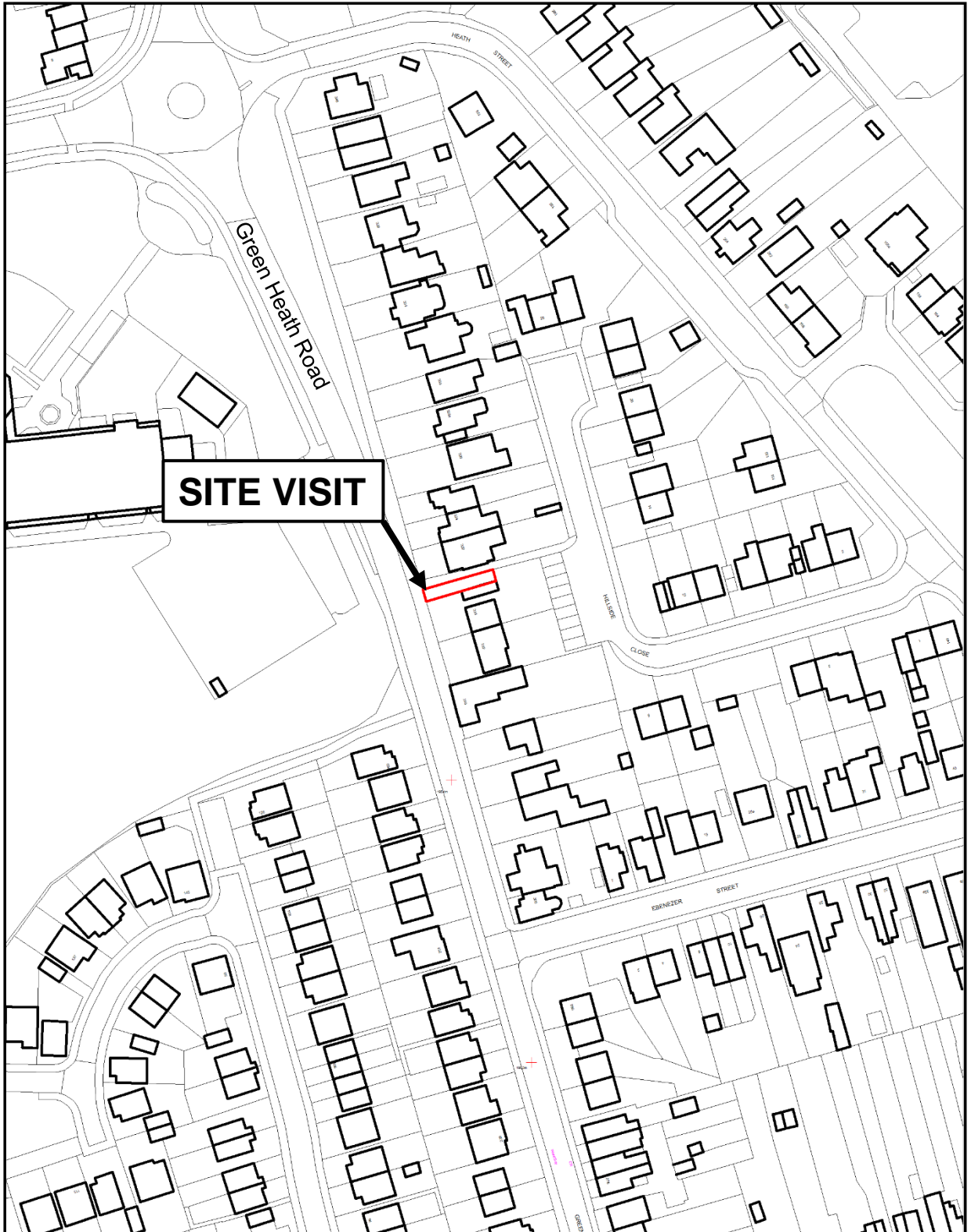


**Application No:** CH/22/0229

**Location:** 314 Green Heath Road, Green Heath, Cannock, Staffordshire WS12 4HB

**Proposal:** Change of Use of land at side of property from public to private

**Item No. 6.11**



# Location Plan

HM Land Registry  
Current title plan

Title number **SF659964**  
Ordnance Survey map reference **SJ9913SW**  
Scale **1:1250**  
Administrative area **Staffordshire : Cannock Chase**



**314 GREENHEATH ROAD**



— APPLICATION SITE BOUNDARY.

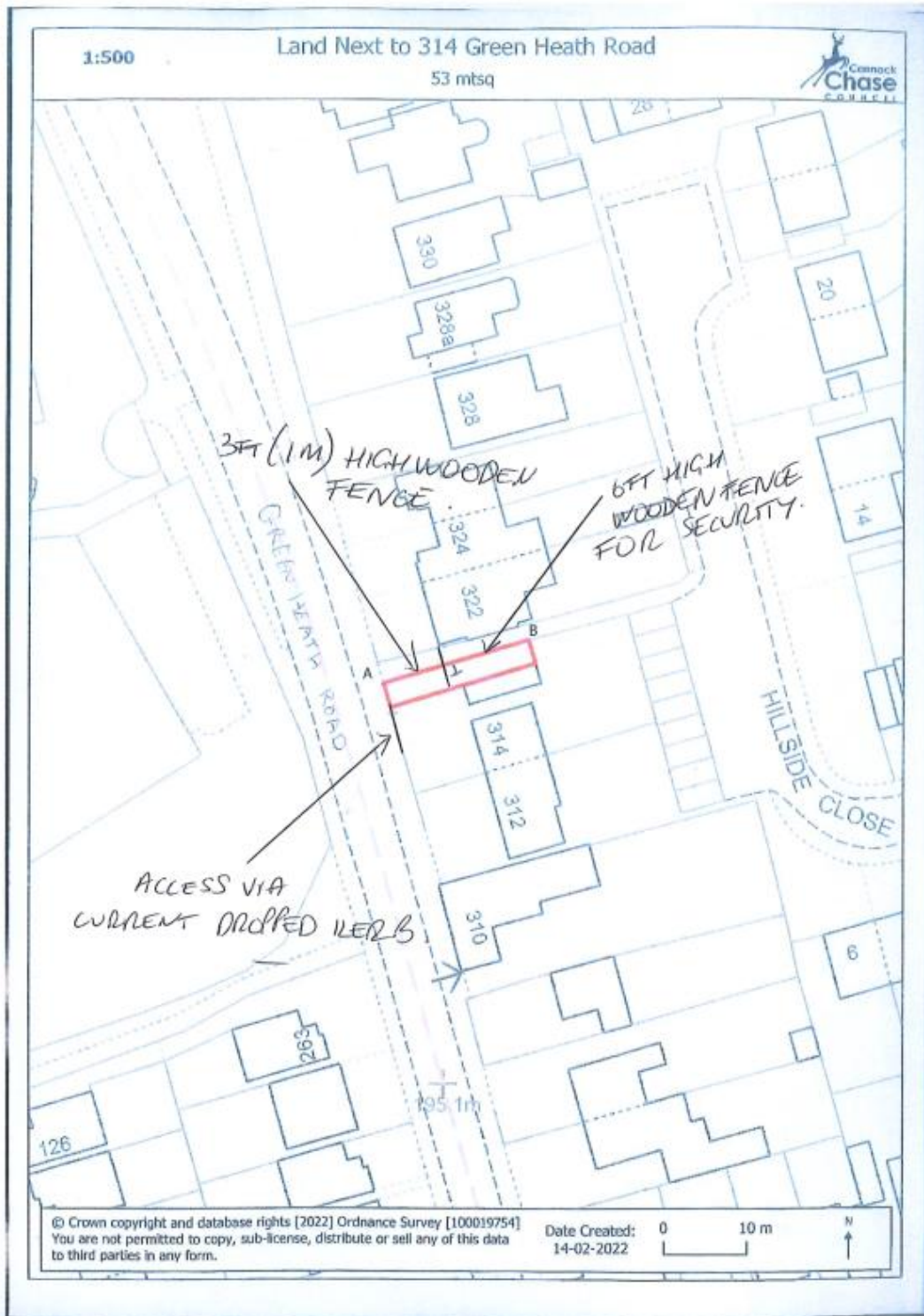
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This title is dealt with by HM Land Registry, Birkenhead Office.

# Site Plan



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

<p><b>Planning Control Committee</b></p> <p><b>31 August 2022</b></p>
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<b>Application No:</b>	CH/22/0229
<b>Received:</b>	20-Jun-2022
<b>Location:</b>	314 Green Heath Road, Green Heath, Cannock, Staffordshire WS12 4HB
<b>Parish:</b>	Hednesford CP
<b>Ward:</b>	Hednesford North
<b>Description:</b>	Change of Use of Land at Side of Property from Public to Private
<b>Application Type:</b>	Full Planning Application

**Recommendation:**

Approve Subject to Conditions

**Reason(s) for Recommendation:**

Reason for Grant of Permission

In accordance with paragraph 38 of the National Planning Policy Framework the Local Planning Authority has worked with the applicant in a positive and proactive manner to approve the proposed development, which accords with the Local Plan and 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 plans received on 20 June 2022.

Reason

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

## Notes to the Developer:

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

Further information is also available on the Coal Authority website at: [www.gov.uk/government/organisations/the-coal-authority](http://www.gov.uk/government/organisations/the-coal-authority)

## Consultations and Publicity

### External Consultations

#### Rights of Way Officer

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

The County Council has not received any application under Section 53 of the Wildlife and Countryside Act 1981 to add or modify the Definitive Map of Public Rights of Way, which affects the land in question.

It should be noted, however, that this does not preclude the possibility of the existence of a right of way at common law, or by virtue of a presumed dedication under Section 31 of the Highways Act 1980.

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

#### Hednesford Town Council

No adverse observations

### Internal Consultations

#### Response to Publicity

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

## Relevant Planning History

No recent relevant planning history.

### 1 Site and Surroundings

- 1.1 The application site comprises a rectangular piece of public land located between the side boundary of the front garden of a semi-detached house and public footpath leading to Hillside Close.
- 1.2 The application site is unallocated within the Local Plan, and is undesignated land, located within a Mineral Consultation Area and Low Risk Area.

## 2 Proposal

- 2.1 The applicant is seeking consent for change of use of land at side of property from public land to private land. The grass land forming the application site would be enclosed with a combination of 1.8m high wooden fence sited approximately 1m forward of the existing side detached garage; and 1m high wooden fencing from thereon to abut the back of pavement adjacent to the vehicular highway.

## 3 Planning Policy

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

- 3.2 The Development Plan currently comprises the Cannock Chase Local Plan (2014) and the Minerals Local Plan for Staffordshire (2015 – 2030) and Hednesford Neighbourhood Plan. Relevant policies within the Local Plan include: -

CP1 - Strategy – the Strategic Approach

CP3 - Chase Shaping – Design

Relevant policies within the minerals plan include:

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

### 3.3 National Planning Policy Framework

- 3.4 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.

- 3.5 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.

- 3.6 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, 130, 132, 134: Achieving Well-Designed Places

218, 219 Implementation

### 3.7 **Other relevant documents include:**

Design Supplementary Planning Document, April 2016.  
Secure By Design

<h2>4 <b>Determining Issues</b></h2>
--------------------------------------

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

- i) Principle of development.
- ii) Impact on the character and form of the area.
- ii) Impact on residential amenity.
- iii) Impact on highway safety.
- iv) Minerals safeguarding.

#### 4.2 **Principle of the Development**

4.2.1 The use of the land would be to form domestic curtilage extension of the front garden area for parking of vehicles as indicated on the application form. It is located within an established residential estate located within the main urban area of Hednesford and the site is not allocated within the Local Plan or subject to any designation that would affect the principal of the development. As such, the principle of development is acceptable.

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

4.3.1 In respect to issues in relation to design Policy CP3 of the Local Plan requires that, amongst other things, developments should be: -

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

4.3.2 Relevant policies within the NPPF in respect to design and achieving well-designed places include paragraphs 126, 130, 132 and 134. Paragraph 126 makes it clear that the creation of high-quality buildings and places is fundamental to what the planning and development process should achieve.

4.3.3 Paragraph 130 of the NPPF, in so much as it relates to impacts on the character of an area goes on to state: -

Planning policies and decisions should ensure that developments:

- a) will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development.
- b) are visually attractive as a result of good architecture, layout and appropriate and effective landscaping.



- c) are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities).
  - d) establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming, and distinctive places to live, work and visit.
- 4.3.4 Finally Paragraph 134 states planning permission should be refused for development that is not well designed, especially where it fails to reflect local design policies and government guidance on design, taking into account any local design guidance and supplementary planning documents such as design guides and codes. Conversely, where the design of a development accords with clear expectations in plan policies, design should not be used by the decision taker as a valid reason to object to development. Conversely, significant weight should be given to:
- a) development which reflects local design policies and government guidance on design, taking into account any local design guidance and supplementary planning documents such as design guides and codes; and/or
  - b) outstanding or innovative designs which promote high levels of sustainability or help raise the standard of design more generally in an area, so long as they fit in with the overall form and layout of their surroundings.

- 4.3.5 The change of use and the loss of the public land would not have a significant impact on the overall area, given that it is a relatively small piece of land within a wider network of footpaths and open grassland opposite the site.

Furthermore, it is evident that the enclosure of the land would improve security and natural surveillance of the residential properties, in accordance with Secure By Design principles.

As such, having had regard to Policy CP3 of the Local Plan and the above-mentioned paragraphs of the NPPF, it is considered that the change of use of the land to domestic private land would not have a significant impact on the character and form of the wider area.

#### **4.4 Impact on Residential Amenity**

- 4.4.1 Policy CP3 of the Local Plan states that the following key requirements of high-quality design will need to be addressed in development proposals and goes onto include [amongst other things] the protection of the "amenity enjoyed by existing properties". This is supported by the guidance as outlined in Appendix B of the Design SPD which sets out guidance in respect to space about dwellings and garden sizes.
- 4.4.2 Paragraph 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.
- 4.4.3 The 1.8m high fencing would step down to 1m high fencing, enclosing the public land. The 1.8m high fencing would not be sited near to habitable room windows

of neighbouring dwellings. The proposed fencing would be appropriate in scale, design, and height, matching with the existing surrounding fencing and would be located adjacent to other pieces of land used as such. Therefore, the proposal would not introduce any significant impacts to neighbour's amenity over that of the existing situation. As such it is considered that the proposal is acceptable, and it would meet the requirements of the NPPF, Policy CP3 of the Cannock Chase Local Plan and the Council's Design SPD.

#### **4.5 Impact on Highway Safety**

4.5.1 Paragraph 111 of the NPPF states that development should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

4.5.2 The fence would be stepped down to 1m high at the front section to abut the back of the front pavement. The enclosure of the land with fencing would not raise any concerns with regards to highway or pedestrian safety, due this stepped design. As such, the proposal would not have any adverse impact on highways safety and is therefore in accordance with Paragraph 111 of the NPPF.

#### **4.6 Mineral Safeguarding**

4.6.1 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.

4.6.2 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.

4.6.3 The development falls under Item 2 within the exemption list as an application for change of use and is therefore permitted. As such the proposal is compliant with Policy 3 of the Minerals Local Plan.

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

### **Human Rights Act 1998**

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

## **Equalities Act 2010**

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

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

- Eliminate discrimination, harassment, victimisation, and any other conduct that is prohibited.
- Advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it.
- Foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

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

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

<b>6 Conclusion</b>
---------------------

6.1 In respect to all matters of acknowledged interest and policy tests it is considered that the proposal, subject to the attached conditions, would 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.

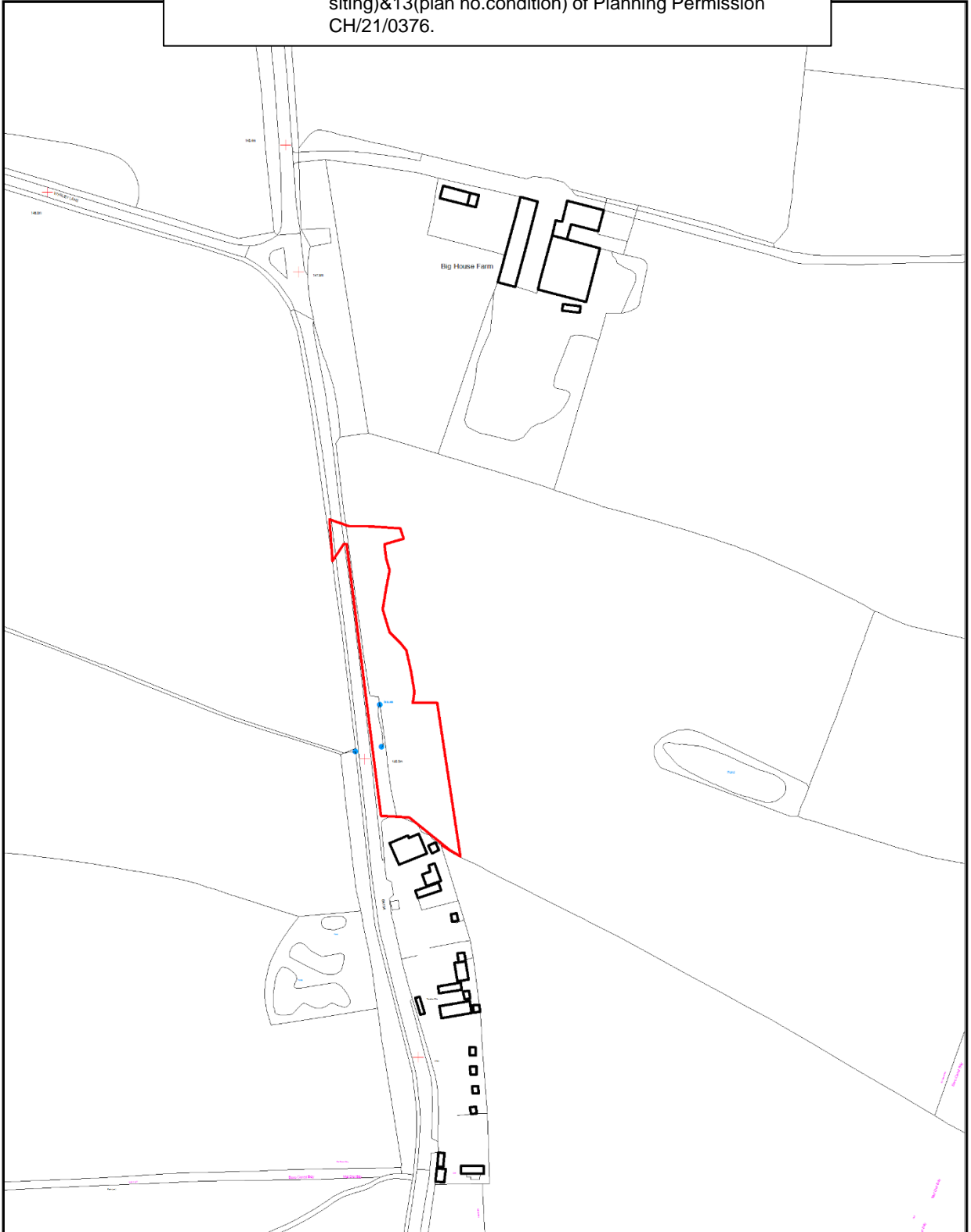


**Application No:** CH/22/0172

**Location:** Land at Lime Lane, Pelsall, Walsall, WS3 5AT

**Proposal:** Application under Section 73 of the Town & Country Planning Act 1990 to vary Conditions No. 3 (amenity building materials) ,6 (internal site layout),7(SUDS scheme),11 (parking and turning areas)12(caravans siting)&13(plan no.condition) of Planning Permission CH/21/0376.

**Item No. 6.21**



# Proposed Site Plan



**FISHER GERMAN**  
 Fisher German LLP, a 'limited liability partnership' under the laws of England and Wales  
 One, The Quadrant, Chichester, West Sussex PO19 1HQ  
 Tel: 01244 919164 Fax: 01244 409600

**Client:** Wytley Farms Limited

**Project:** Wytley Traveller site

**Title:** Proposed site plan

**Scale:** 1:500 @ A2

**Date:** August 2020

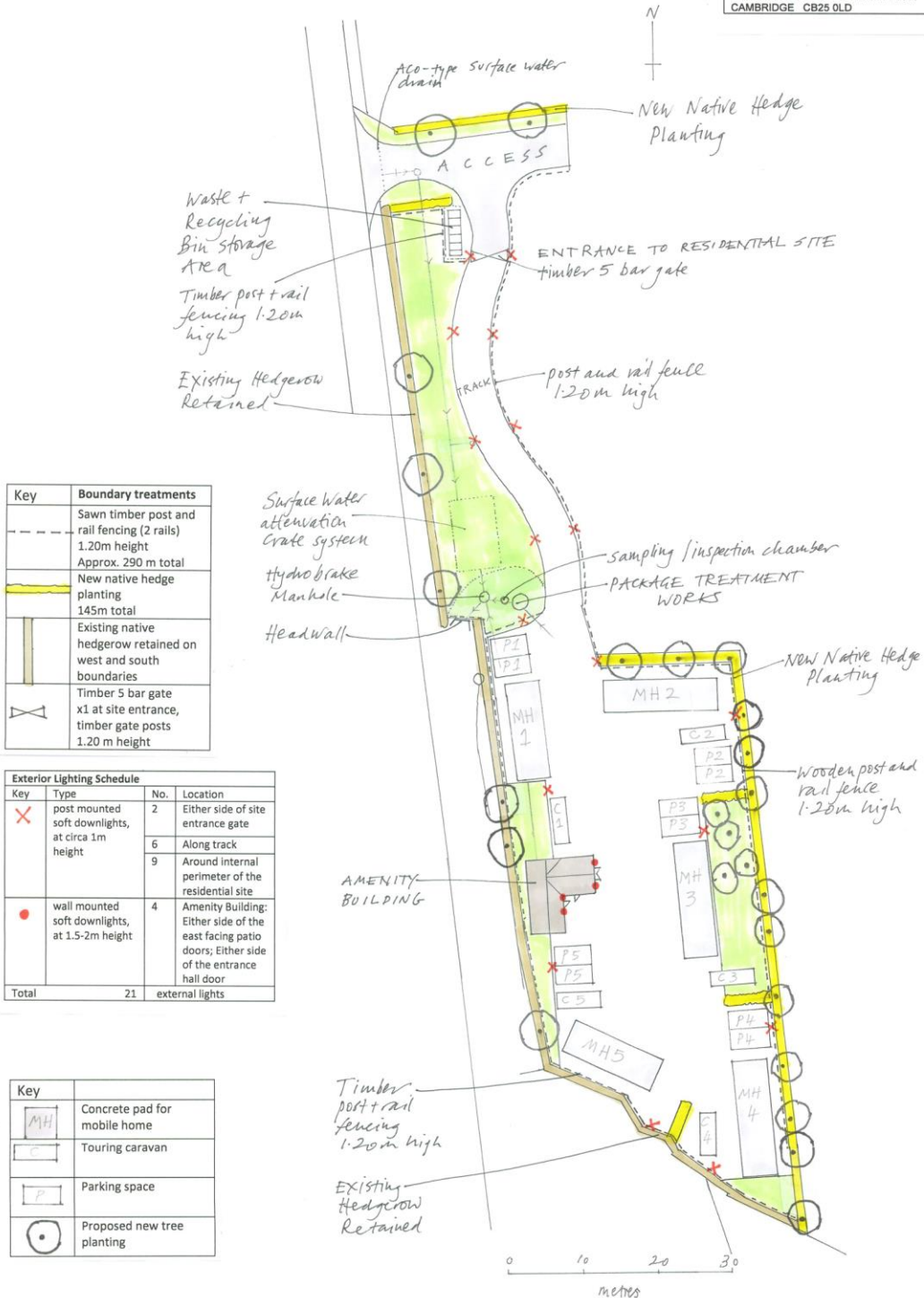
**Drawn:** KT **Checked:** NC

**Dwg No:** 104370-025-01

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# Site Development Scheme Plan

RC03 v.3 Wyrley Traveller Site,  
Site Development Scheme  
Scale 1:500 at A3  
Drawn by C.J Tyler  
MICHAEL HARGREAVES PLANNING  
5 HIGH STREET SWAFFHAM PRIOR  
CAMBRIDGE CB25 0LD



# Landscape Plan

New Hedge Planting Schedule			
Key	145 metres of new native boundary hedging to be planted. 96 metres along the eastern boundary of the site to sensitively screen the residential area and create new wildlife habitats and foraging opportunities. 24 metres to the north of the site highway access to help filter views of the development from neighbouring Big House Farm to north. 8 metres screening of bin storage area. 17 metres (total) creating 3 screening hedges between pitches within the residential area of the site		
Total = 145 metres of new native hedging, to be planted 5 plants per linear metre in double staggered row, plants 50cm apart. 725 plants required			
Species and percentage of mix	Number	Size	
<i>Crataegus monogyna</i> Hawthorn	50%	363	40/60 cm bare rooted
<i>Ilex aquifolium</i> Holly	3%	22	40/60 cm pot grown
<i>Acer campestre</i> Field Maple	20%	144	40/60 cm bare rooted
<i>Prunus spinosa</i> Blackthorn	15%	108	40/60 cm bare rooted
<i>Corylus avellana</i> Hazel	5%	36	40/60 cm bare rooted
<i>Rosa canina</i> Dog Rose	4%	30	40/60 cm bare rooted
<i>Malus sylvestris</i> Crab Apple	3%	22	40/60 cm bare rooted
number of new hedge plants required 725			

Existing Hedgerow Enhancement (western boundary)			
Key	118 metres of existing native hedgerow on the western boundary alongside Lime Lane to be enhanced with native species. This will improve species diversity and increase the wildlife value of the hedge.		
Planting at the equivalent of one new plant per linear metre of hedgerow and ensuring any existing gaps in the hedgerow are filled - 118 new plants required			
Species and percentage of mix	Number	Size	
<i>Crataegus monogyna</i> Hawthorn	20%	23	40/60 cm bare rooted
<i>Ilex aquifolium</i> Holly	10%	12	40/60 cm pot grown
<i>Acer campestre</i> Field Maple	20%	23	40/60 cm bare rooted
<i>Prunus spinosa</i> Blackthorn	15%	18	40/60 cm bare rooted
<i>Corylus avellana</i> Hazel	15%	18	40/60 cm bare rooted
<i>Rosa canina</i> Dog Rose	15%	18	40/60 cm bare rooted
<i>Malus sylvestris</i> Crab Apple	5%	6	40/60 cm bare rooted
number of new hedge plants for hedgerow enhancement 118			
<b>TOTAL no. NEW NATIVE HEDGE PLANTS 843</b>			

**Wryley Traveller Site, New Tree and Hedge care**

◀ New tree and hedge planting to take place during Autumn or Spring. Each tree to be planted in a well prepared tree pit: 500mm x 500mm x 500mm and backfilled with good quality topsoil. Each to be supported with a stake and tied, given a 1m diameter circle of woodchip mulch to help keep the base of the tree grass and weed free. ▶ New hedging plants to be firmly planted in groups of 3 or 4 same plant types 50 cm apart in double staggered rows along a well prepared trench - 5 plants per linear metre

▶ Planting will be protected with shrub guards or spiral guards against deer and rabbits. ▶ All guards and stakes and ties to be inspected regularly to ensure they are effective, and removed after 3 years or when the planting is fully established. ▶ New planting will be maintained until fully established by keeping a circle 75cm in diameter around each plant, free from all grass and weeds for the first three years. ▶ All new hedge plants and trees to be watered thoroughly on planting and during the first growing season ▶ New hedges to be trimmed back in the second and fourth year to encourage side growth at the base and thereafter kept trimmed as required. Trimming to be carried out between 1<sup>st</sup> September and end of February (ie outside the bird nesting season). ▶ Any plant failures within 5 years of the date of planting will be replaced the following planting season.

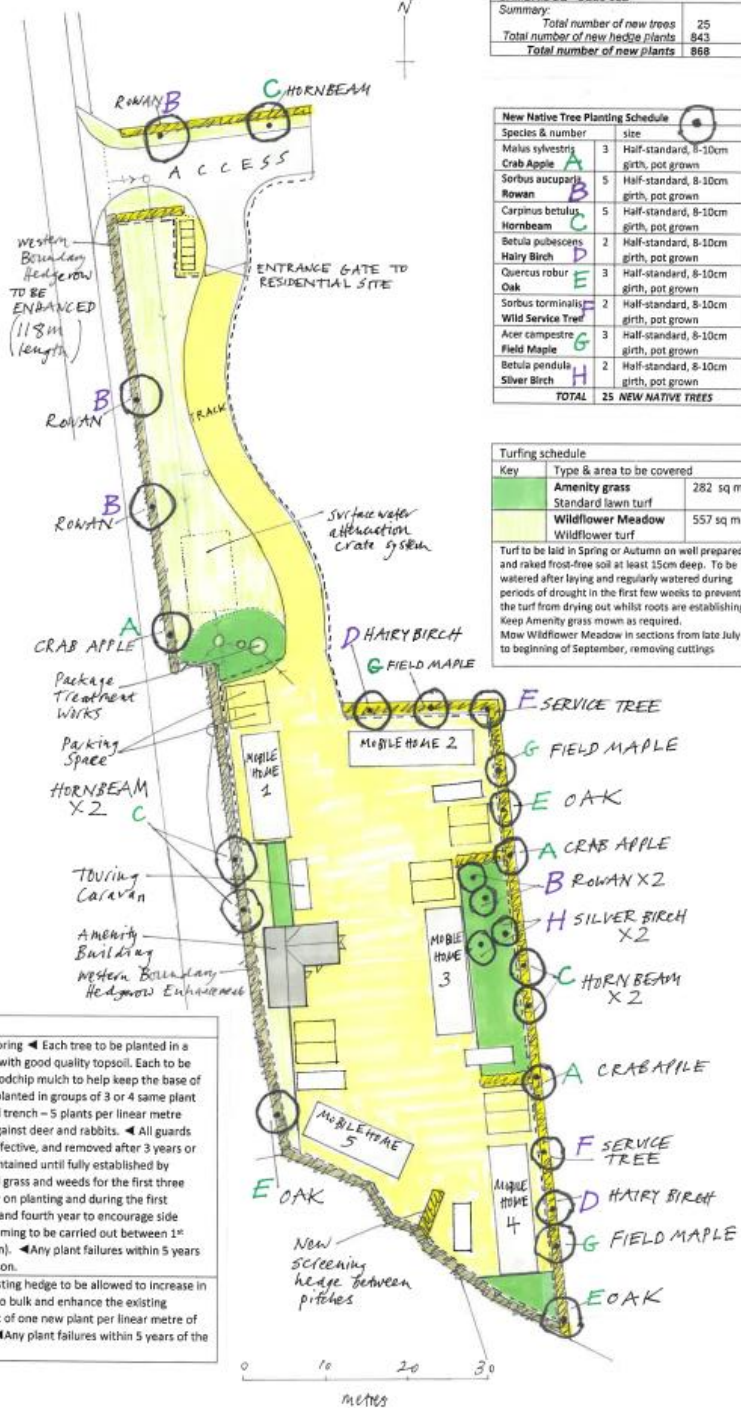
**Existing Hedgerow Enhancement (western boundary)** ▶ The existing hedge to be allowed to increase in height to 2metres and thereafter kept trimmed at this height. ▶ To bulk and enhance the existing hedgerow, new hedging plants are to be planted at the equivalent of one new plant per linear metre of hedgerow, ensuring any existing gaps in the hedgerow are filled. ▶ Any plant failures within 5 years of the date of planting will be replaced the following planting season.

RCO4 v.4 Wryley Traveller Site, Soft Landscaping Proposals and Planting Schedule	
Scale 1:500 at A3	
Drawn by C J Tyler	
MICHAEL HARGREAVES PLANNING 5 HIGH STREET SWAFFHAM PRIOR CAMBRIDGE CB25 0LD	
Summary:	
Total number of new trees	25
Total number of new hedge plants	843
<b>Total number of new plants</b>	<b>868</b>

New Native Tree Planting Schedule	
Species & number	Size
<i>Malus sylvestris</i> Crab Apple	3 Half-standard, 8-10cm girth, pot grown
<i>Sorbus aucuparia</i> Rowan	5 Half-standard, 8-10cm girth, pot grown
<i>Carpinus betulus</i> Hornbeam	5 Half-standard, 8-10cm girth, pot grown
<i>Betula pubescens</i> Hairy Birch	2 Half-standard, 8-10cm girth, pot grown
<i>Quercus robur</i> Oak	3 Half-standard, 8-10cm girth, pot grown
<i>Sorbus torminalis</i> Wild Service Tree	2 Half-standard, 8-10cm girth, pot grown
<i>Acer campestre</i> Field Maple	3 Half-standard, 8-10cm girth, pot grown
<i>Betula pendula</i> Silver Birch	2 Half-standard, 8-10cm girth, pot grown
<b>TOTAL</b>	<b>25 NEW NATIVE TREES</b>

Turbing schedule		
Key	Type & area to be covered	
	Amenity grass	282 sq m
	Standard lawn turf	
	Wildflower Meadow	557 sq m
	Wildflower turf	

Turf to be laid in Spring or Autumn on well prepared and raked frost-free soil at least 15cm deep. To be watered after laying and regularly watered during periods of drought in the first few weeks to prevent the turf from drying out whilst roots are establishing. Keep Amenity grass mown as required. Mow Wildflower Meadow in sections from late July to beginning of September, removing cuttings



<b>Contact Officer:</b>	Audrey Lewis
<b>Telephone No:</b>	01543 464528

<p><b>Planning Control Committee</b></p> <p><b>31 August 2022</b></p>
---

<b>Application No:</b>	CH/22/0172
<b>Received:</b>	03-May-2022
<b>Location:</b>	Land at Lime Lane, Pelsall, Walsall, WS3 5AT
<b>Parish:</b>	Norton Canes CP
<b>Ward:</b>	Norton Canes
<b>Description:</b>	Application under Section 73 of the Town & Country Planning Act 1990 to vary Conditions No. 3 (amenity building materials), 6 (internal site layout), 7 (SUDS scheme), 11 (parking and turning areas), 12 (caravans siting), & 13 (plan no. condition) of Planning Permission CH/21/0376.
<b>Application Type:</b>	Full Planning Application

**Recommendation:**

Approve subject to conditions.

**Reason(s) for Recommendation:**

In accordance with paragraph 38 of the National Planning Policy Framework the Local Planning Authority has worked with the applicant in a positive and proactive manner to approve the proposed development, which accords with the Local Plan and the National Planning Policy Framework.

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

1. The occupation of the 5 residential pitches shown on the approved site layout plan shall be carried out only by the following persons and their resident dependants: Mr Raymond Clee and his wife Mrs Dorcas Clee; Jermaine Clee and his wife Mrs Kayleigh Clee, Mr Sean Clee, and his wife Mrs Chantelle Clee; and Mr John Cameron and his wife Mrs Donna Marie Cameron.

**Reason**

The granting of this planning permission is based on, at least in part, on the personal circumstances of the Clee family.

2. There shall be no more than 5 permanent residential pitches, as shown on the approved Site Layout Plan. On each of those pitches there shall be no more than



## Item No. 6.26

2 caravans as defined in the Caravan Sites and Control of Development Act 1960 and the Caravan Sites Act 1968 stationed at any time and no more than 1 caravan on each of those pitches shall be a static caravan.

### Reason

For the avoidance of doubt as to what hereby has been permitted.

3. The proposed amenity building shall be built in accordance with the submitted drawing entitled Wyrley Traveller Site Utility Block, Revision A, Drawing No: 104370-025-06, and shall be constructed using the following external materials:

- Sandhurst Commons 65mm Trade Brick e.g., as shown at <https://www.dbmdiy.com/sandhurst-commons-65mm-trade-brick-pack500-DBMTB02.html>;
- Marley Modern Smooth Grey Roofing Tiles.
- Windows and Doors Dark Grey PVC frames.'

### Reason

In the interest of protecting the character and form of this rural location in accordance with Policy CP3 of the Cannock Chase Local Plan.

4. No commercial activities shall take place on the land, including the storage of materials.

### Reason

In the interest of protecting the character and form of this rural location in accordance with Policy CP3 of the Cannock Chase Local Plan.

5. No vehicle over 3.5 tonnes shall be stationed, parked, or stored on the site.

### Reason

In the interest of protecting the character and form of this rural location in accordance with Policy CP3 of the Cannock Chase Local Plan.

6. Prior to first use of the development hereby permitted, the site shall be carried out in accordance with drawing: RC03 v.3, Wyrley Traveller Site, Site Development Scheme'

### Reason

In the interest of protecting the character and form of this rural location in accordance with Policy CP3 of the Cannock Chase Local Plan.

7. Prior to first use of the development hereby approved, the agreed details for foul and surface water drainage should be implemented in accordance with the following documents:

- 21-OP-1176 - A1 - 002 - Drainage Construction Details
- 21-OP-1176- A2 - 001 - Proposed Drainage Strategy - Rev B.
- 21-OP-1176- A2 – 003 – Overland Exceedance Plan.
- Simulation Calcs 1 in 100yr and 40 CC – Rev A.

**Item No. 6.27**

The foul and surface water drainage works shall be maintained for the lifetime of the development in accordance with the proposals in the document: 21-OP-1176 - Maintenance Strategy.'

Reason

In the interest of protecting the character and form of this rural location in accordance with Policy CP3 of the Cannock Chase Local Plan.

8. The development hereby permitted shall not be brought into use until the access to the site, within the limits of the public highway, shall be completed.

Reason

In the interests of highway safety and to comply with S.C.C. requirements for access.

9. The development hereby permitted shall not be brought into use until the access drive within the site has been surfaced in a bound material as indicated on submitted Drg. RC03 v.3, Wyrley Traveller Site, Site Development Scheme.

Reason

In the interests of highway safety and to comply with S.C.C. requirements for access.

10. The development hereby permitted shall not be brought into use until visibility splays of 2.4m x 160m have been provided. The visibility splays shall thereafter be kept free of all obstructions to visibility over a height of 900 mm above the adjacent carriageway level.

Reason

In the interests of highway safety.

11. The development hereby permitted shall not be brought into use until the parking and turning areas have been provided in accordance with Drawing RC03 v.3, Wyrley Traveller Site, Site Development Scheme - subject of this consent and shall thereafter be retained at all times for their designated purposes.

Reason

In the interests of highway safety.

12. The caravans shall be sited in accordance with Drawing RC03 V3, Wyrley Traveller Site, Site Development Scheme.

Reason

For the avoidance of doubt as to what hereby has been permitted.

13. Prior to first occupation of the development hereby approved, the landscaping scheme indicated in Drg No. RC04-4 v.4 Wyrley Traveller Site, Soft Landscaping Proposals & Planting Schedule shall be carried out prior to the end of the first planting season. Planting and maintenance shall be carried out and maintained in accordance with the proposals for new tree and hedge care in that document.

The landscaping scheme shall be maintained for the life of the development.

Any trees or hedges that die within the first 5 years shall be replaced within the first planting season.

**Reason**

In the interest of protecting the character and form of this rural location in accordance with Policy CP3 of the Cannock Chase Local Plan.

14. The proposed utility block as detailed on Dwg.No104370-025-06 titled 'Wyrley Traveller Site, proposed utility block revision A', shall remain for purposes ancillary to the occupiers of the site and at no time converted into or used as a separate dwelling without prior permission of the Local Planning Authority.

**Reason**

In the interest of protecting the character and form of this rural location in accordance with Policy CP3 of the Cannock Chase Local Plan

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

- Wyrley Traveller Site Utility Block, Revision A, Drawing No: 104370-025-06,
- 21-OP-1176 - A1 - 002 - Drainage Construction Details
- 21-OP-1176- A2 - 001 - Proposed Drainage Strategy - Rev B.
- 21-OP-1176- A2 – 003 – Overland Exceedance Plan.
- Simulation Calcs 1 in 100yr and 40 CC – Rev A.
- 21-OP-1176 - Maintenance Strategy
- Drg. RC03 v.3, Wyrley Traveller Site, Site Development Scheme.
- Drg No. RC04-4 v.4 Wryley Traveller Site, Soft Landscaping Proposals & Planting Schedule
- Proposed Site Plan - 104370-025-01

**Reason**

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

**Notes to Developer:**

**Staffordshire County Council Highway Authority has advised:**

With reference to Condition 1 above the proposed site access works shall require a Highway Works Agreement with Staffordshire County Council. The applicant is requested to contact Staffordshire County Council in order to secure the Agreement. The link below is to the Highway Works Information Pack including an application form. Please complete and send to the address indicated on the application form or email to [road.adoptions@staffordshire.gov.uk](mailto:road.adoptions@staffordshire.gov.uk). The applicant is advised to begin this process well in advance of any works taking place in order to meet any potential timescales.

<https://www.staffordshire.gov.uk/Highways/highwayscontrol/HighwaysWorkAgreements.aspx>

Any proposed soakaways/septic tank shall be located a minimum of 5.0m and 10.0m respectively rear of the highway boundary.

**The Environmental Health Officer has advised the following: -**

1. If planning approval is granted, the occupier of the land will be required to obtain a Caravan Site Licence for Permanent residential use under the provisions of the Caravan Sites and Control of Development Act 1960, which would be granted subject to conditions being met. Approval does not authorise use of the land as a caravan site by any persons other than gypsies and travellers, as defined in paragraph 15 of ODPM Circular 01/2006
2. There is a requirement to register small domestic sewage discharges from septic tanks and small sewage treatment plants with the Environment Agency. This includes complying with specified standards. More information regarding this can found through the following link:  
<http://www.environment-agency.gov.uk/homeandleisure/118753.aspx>

**Consultations and Publicity**

**External Consultations**

**Fire Officer**

Appropriate supplies of water for firefighting and vehicle access should be provided at the site, as indicated in Approved Document B Volume 1 requirement B5, section 13 and section 14.

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

**AUTOMATIC WATER SUPPRESSION SYSTEMS (SPRINKLERS)**

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

**DOMESTIC SPRINKLERS**

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

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

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

**Natural England**

No comments.

## **Walsall Council**

No comments.

## **County Flood Risk Management (SUDS)**

This development is Non-Major; therefore, we are non-statutory consultees.

However, the documents submitted appear to have already been reviewed by the LLFA. Therefore we have no further comment or objections relating to this proposal should this be the case.

## **Canal & River Trust**

This application falls outside the notified area for its application scale. We are therefore returning this application to you as there is no requirement for you to consult us in our capacity as a Statutory Consultee.

## **Severn Trent Water Ltd**

The submitted drainage plan shows all foul sewage and surface water is proposed to discharge to the nearby watercourse; this would need to be discussed and agreed with the LLFA/EA. Based upon these proposals I can confirm we have no objections to the discharge of the drainage related condition.

## **Parish Clerk Norton Canes Parish Council**

The Planning Committee have considered the above application and raise no objections.

## **Internal Consultations**

### **Landscaping Officer**

Note that the Proposed site plan does not show the correct site layout - refer to Dwg RC03-3 V3

- The Drainage strategy & Overland exceedance plans also show incorrect site layout - location of refuse collection point has been adjusted and screened from entrance way. Additionally, the existing hedgerow fronting Lime Lane is plotted incorrectly. Correct locations shown on the Dwg RC03-3 & RC04-4.
- The proposed site development layout is acceptable.
- The soft landscape proposals and planting schedule would be acceptable however two small adjustments to tree species are required.

## **SUMMARY**

- Drawings to update with correct site layout, to avoid any future confusion.
- Tree species to be adjusted on soft landscape details

### **Landscaping Officer (Re-consultation)**

The revised landscape details are acceptable. Landscape implementation and retention to be conditioned.

## Travel Management and Safety

### NOTE TO PLANNING OFFICER

This application relates to rewording of Conditions No.11 (parking and turning areas) only of granted planning permission Pursuant to CH/21/0376.

The highway authority is content with the information submitted and has no further comments 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/20/305: Change of Use of the land to a Gypsy & traveller residential site with up to 10 Full - Approval with Conditions - 02/15/2021

CH/21/0376: Application under Section 73 of the Town & Country Planning Act 1990 to develop Full - Approval with Conditions - 11/24/2021

## 1 Site and Surroundings

- 1.1 The application site is part of a wider arable field, located off lime Lane in the Parish of Norton Canes, towards the southern edge of Cannock District. The site benefits from planning permission for a Gypsy and Traveller residential site. At the time of the officer site visit works had commenced on site, with access created, hardcore laid out and 5 concrete slabs in preparation for caravans to be sited, as indicated on the RC03 V3 Wryley Traveller Site, Site Development Scheme.
- 1.2 The western edge of the site is denoted by a traditional hedgerow, but to the north and east is the remaining part of the arable field. To the south is an existing site offering accommodation for gypsy and traveller families.
- 1.3 The site is in a relatively open area of countryside with no amenities in the immediate vicinity. However, the site is approximately 922m from the junction of Norton Road and Lichfield Road in Pelsall. Pelsall has a reasonable variety of shops, public houses, schools, and other services to meet the day to day needs of the community.
- 1.4 The site is located within the West Midlands Green Belt and a minerals conservation area.
- 1.5 The Cannock Extension Canal Special Area of Conservation (SAC) and Site of Special Scientific Interest (SSSI) is located approximately 300m to the west of the site.

## 2 Proposal

- 2.1 The applicant is seeking consent for Application under Section 73 of the Town & Country Planning Act 1990 to develop the land not in accordance with conditions

relating to the approved plans pursuant to planning permission CH/21/0376. The applicant wishes to vary Conditions No. 3 (amenity building materials), 6 (internal site layout), 7(SUDS scheme), 11 (parking and turning areas), 12 (caravans siting) & 13 (plan no. condition) of Planning Permission CH/21/0376.

2.2 The Applicant's Planning Statement explains that:

- The fresh application is required because of changes to the site layout in drawing RC03 v.3, Wyrley Traveller Site, Site Development. The main changes from the approved Drawing Wyrley Traveller Site Proposed Site Plan, Revision L, which we are submitting with this application, are:
  - Mobile home 2 has been turned through 90°. This has been done in order that pitches 2, 3 and 4 can accommodate 15.25m. mobile homes. The proposed occupants need mobile homes of this size because they require three-bedroom units on the basis they each have boy and girl children. (The mobile homes shown on pitches 1 and 5 are unaltered at 13m.).
  - To avoid cutting into the hedge line the parking area at the entrance into the residential area of the site has been reduced from five to two spaces with the other three spaces relocated to adjacent to the corresponding mobile home.
  - To accommodate the above changes the amenity building has been moved northwards by 4.5m and the positions of some of the car parking spaces and touring caravans moved; and
  - In the light of the Council's Landscape Adviser's feedback, the refuse and recycling bin storage area has been relocated away from the site entrance.

2.3 The current proposals take account of feedback, particularly from the Lead Local Flood Authority and the Council's Landscape Adviser on the details provided to discharge the conditions to permission CH/21/0376.

2.4 As well as the changes to site layout, the proposed variations of conditions have been drafted to provide the information required by the pre-commencement conditions to Planning Permission CH/21/0376 in regard to such matters as external materials, soft landscaping and foul and surface water drainage without having to submit a further application for the discharge of conditions.

### **3 Planning Policy**

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

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

3.3 Relevant Policies within the Local Plan Include:

- CP1 - Strategy – the Strategic Approach

- CP2 - Developer contributions for Infrastructure
- CP3 - Chase Shaping – Design
- CP13 -Cannock Chase Special Area of Conservation (SAC)
- CP14- Landscape Character and Cannock Chase Area of Outstanding Natural Beauty (AONB)

3.4 The relevant policies within the Minerals Plan are

3.2 Mineral Safeguarding.

### 3.5 National Planning Policy Framework

3.6 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

3.7 The NPPF (2012) confirms the plan-led approach to the planning system and that decisions must be made in accordance with the Development Plan unless material considerations indicate otherwise

3.8 Relevant paragraphs within the NPPF include paragraphs: -

8:	Three dimensions of Sustainable Development
11-14:	The Presumption in favour of Sustainable Development
47-50:	Determining Planning Applications
111:	Highway Safety and Capacity
126, 130, 132, 134:	Achieving Well-Designed Places
133, 134, 143, 144, 149, 150:	Green Belt
167:	Flood Risk
174; 180:	Countryside and Biodiversity
183, 184:	Ground Conditions and Pollution
218, 219	Implementation

### 3.9 Other relevant documents include

Design Supplementary Planning Document, April 2016.

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



## 4 Determining Issues

### 4.1 Principle of the Development

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

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

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

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

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

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

4.2.4 Although often referred as “variation of condition” applications, an approval of an application submitted under Section 73 results in the granting of a brand-new permission which will sit side by side with the original consent. As such it is pertinent to ensure that an appropriate schedule of conditions and the appropriate obligations are attached to any permission granted. The starting point for the drafting of the new schedule of conditions is the original schedule but this would need amending to reflect that part of the conditions which have already been discharged (that is the required schemes have been submitted and approved and, or the works pursuant to those approved schemes have been implemented).

4.2.5 In this case the material minor amendment sought relates to a change in the internal site layout, increase in the size of 3 No. of the static caravans (each would be 2.5m longer), discharge of pre-commencement details for; materials of the utility block, sustainable drainage, landscaping, parking, and turning facilities. Changes in siting of the caravans results in consequent changes to the layout of the site to accommodate the changes. This would be brought about by amending conditions 3 (amenity building materials), 6 (internal site layout), 7 (SUDS drainage) 11 (parking & turning areas) and 13 (approved plan number condition) on the approval, which lists the approved plans so that the new permission refers to the plans which have been submitted under the current application. Therefore, the only substantive issues in the determination of this application are whether

the increased size of the caravans is acceptable, impact on highway safety, residential amenity and whether any changes in circumstances would necessitate the redrafting of any of the other conditions or other obligations attached to the original permission.

4.2.6 The principle of the use of the site and its general layout as a residential caravan site for 5 gypsy families was established under the previous consent CH/20/305. However, an increase in the size of 3 No. caravans would have an impact on its acceptability in terms of Green Belt policy, as due to their increased footprint and volume could potentially has a greater impact on the openness of the Green and potentially conflicts with the purposes of including land within it.

4.2.7 Both the NPPF and the Local Plan contain a presumption in favour of sustainable development, the latest version of which is contained within the NPPF (2021) and states: -

“For decision-taking this means:

- c) approving development proposals that accord with an up-to-date development plan without delay; or
- 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. the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or
  - ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.

4.2.8 As such the decision taker needs to determine whether the proposal is in accordance with the development plan. In this respect it is noted that the application site lies within West Midlands Green Belt, wherein there is a presumption against inappropriate development. Inappropriate development is, by definition, harmful to the Green Belt and any such development should be considered a departure from the development plan.

4.2.9 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, including the making of material changes of use of land.

4.2.10 Paragraph 146 states: -

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

- a) buildings for agriculture and forestry.
- b) the provision of appropriate facilities (in connection with the existing use of land or a change of use) for outdoor sport, outdoor recreation, cemeteries and burial grounds and allotments as long as the facilities preserve the openness of the

Green Belt and do not conflict with the purposes of including land within it.

- c) the extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building.
- d) the replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces.
- e) limited infilling in villages.
- f) limited affordable housing for local community needs under policies set out in the development plan (including policies for rural exception sites); and
- g) limited infilling or the partial or complete redevelopment of previously developed land, whether redundant or in continuing use (excluding temporary buildings), which would:
  - not have a greater impact on the openness of the Green Belt than the existing development; or
  - not cause substantial harm to the openness of the Green Belt, where the development would re-use previously developed land and contribute to meeting an identified affordable housing need within the area of the local planning authority.

4.2.11 It is common ground between the applicant and officers that the proposal does not fall within any of the typologies of development identified as being allowed in the Green Belt as set out in paragraphs 149 and 150 of the NPPF. It is also common ground that the proposal would cause harm to the Green Belt by reason of inappropriateness and through loss of openness (albeit only marginally above that of the consented scheme) and therefore constitutes inappropriate development in the Green Belt.

4.2.12 Given that the proposal constitutes inappropriate development in the Green Belt the proposal would not be in accordance with the development plan.

4.2.13 In the Green Belt it should be noted that paragraph 147 of the NPPF makes it clear that inappropriate development should not be approved except in “very special circumstances”. Furthermore, paragraph 148 of the NPPF states that “When considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt” adding “‘Very special circumstances’ will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations”.

4.2.14 Therefore, in accordance with paragraph 148 it is considered that substantial weight should be given to the harm to the Green Belt identified above

4.2.15 This report will now go on to consider what other harms may or may not arise as a consequence of the proposal before going on to consider what ‘other considerations’ exist in support of the proposal and the weight to be attached to these and then finally proceeding to weigh up those considerations to determine

whether they clearly outweigh the harm to the Green Belt and any other harm such that very special circumstances have been demonstrated that would justify approval of the application.

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

4.3.1 In respect to issues in relation to design Policy CP3 of the Local Plan requires that, amongst other things, developments should be: -

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

4.3.2 Relevant policies within the NPPF in respect to design and achieving well-designed places include paragraphs 126, 130, 132, 134. Paragraph 124 makes it clear that the creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve.

- (e) optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public space) and support local facilities and transport networks; and
- (f) create places that are safe, inclusive, and accessible and which promote health and well-being, with a high standard of amenity for existing and future users; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.

4.3.3 Finally Paragraph 134 states: -

Development that is not well designed should be refused, especially where it fails to reflect local design policies and government guidance on design, taking into account any local design guidance and supplementary planning documents which use visual tools such as design guides and codes. Conversely, significant weight should be given to:

- (a) development which reflects local design policies and government guidance on design, taking into account any local design guidance and supplementary planning documents which use visual tools such as design guides and codes; and/or
- (b) outstanding or innovative designs which promote high levels of sustainability or help raise the standard of design more generally in an area, so long as they fit in with the overall form and layout of their surroundings.

4.3.4 The impact of the gypsy site and its smaller caravans was considered during the determination of the previous applications CH/20/305 and CH/21/0376, where it was considered that the proposal would result in some harm to the rural character of the area.

- 4.3.5 In the present case it is noted that 3 No. caravans would be larger than the ones that were granted consent. However, by virtue of their size, scale, design, and location with the site it is considered that any impacts on the character of the wider area arising from the increased size would only be marginal over and above that of the consented scheme.
- 4.3.6 In design terms the proposed submitted materials for the amenity block would replicate materials found within close proximity to the site and similar to those seen on dwellings abutting the southern boundary of the site. As such, it is considered that they are appropriate for the location.
- 4.3.7 In relation to the 'proposed site plan' details noted as a not correlating with other plans by the Landscape officer, the applicant's statement explains that this plan has only been submitted to explain the changes proposed from what has already been permitted and does not constitute part of the proposed schedule of works. It is considered that the conditions each referencing the relevant plans are clear in regard to site layout which would be completed in accordance with RC03 v.3 Wyrley Traveller Site, Site Development Scheme and & RC04 v.4 Soft Landscaping Proposals and Planting Schedule. The drainage plans that do not correspond with the details of Drg No. RC03 v.3 Wyrley Traveller Site, Site Development Scheme are listed within the drainage conditions only for the avoidance of doubt.
- 4.3.8 Having had regard to the above it is considered that the proposal as per the consented scheme, due to its erosion of the rural character of the area would be contrary to Policy CP3 of the Local Plan and the above-mentioned paragraphs of the NPPF and further that moderate weight should be afforded to that harm.

#### **4.4 Impact on Residential Amenity**

- 4.4.1 Policy CP3 of the Local Plan states that the following key requirements of high-quality design will need to be addressed in development proposals and goes onto include [amongst other things] the protection of the "amenity enjoyed by existing properties". This is supported by the guidance as outlined in Appendix B of the Design SPD which sets out guidance in respect to space about dwellings and garden sizes.
- 4.4.2 Paragraph 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.
- 4.4.3 Having regard to the above it is considered that the proposed larger caravans, by virtue of their siting screened from neighbouring properties would have no significant impact on the residential amenity of the occupiers of the neighbouring site to the south which is enclosed by 2m high fencing.
- 4.4.4 In addition to the above it is noted that the proposed increase in size of the caravans is intended to accommodate families with children of each sex in order to prevent overcrowding effects on physical and mental health that poor standards of accommodation can bring. The proposal would therefore result in a high standard of residential amenity of the occupiers of the wider site. This point is discussed further in this report.
- 4.4.5 It is therefore concluded that the proposal in respect to the high standard of residential amenity would not be contrary to Policy CP3 of the Cannock Chase Local Plan and paragraph 130(f) of the NPPF.

#### 4.5 **Impact on Highway Safety**

- 4.5.1 Paragraph 109 of NPPF states that development should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.
- 4.5.2 It is clear from the proposal that the compound is more than adequate to accommodate the vehicle parking needs associated with 5 pitches. Furthermore, the Highway Authority has no objections to the proposed changes to parking layout within the site.
- 4.5.3 It is therefore considered that subject to the attached conditions the proposal would not result in an unacceptable impact on highway safety and that the residual cumulative impacts on the road network would not be severe.

#### 4.6 **Drainage and Flood Risk**

- 4.6.1 Paragraph 155 of the NPPF states 'inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk (whether existing or future)' adding 'where development is necessary in such areas, the development should be made safe for its lifetime without increasing flood risk elsewhere'.
- 4.6.2 The proposal permitted under the previous permissions were found to be acceptable in terms of impact in respect to drainage and flood risk and the Local Lead Flood Authority has no objections to the details submitted under the current proposal.
- 4.6.3 Therefore subject to the revised condition No.7 for means of disposal of foul and surface water it is considered that the proposal would be acceptable in respect to flood risk, drainage, and protection of the aquatic environment

#### 4.7 **Mineral Safeguarding**

- 4.7.1 The site falls within a Mineral Safeguarding Area (MSAs) for bedrock sand. Paragraph 206, of the National Planning Policy Framework (NPPF) and Policy 3 of the Minerals Local Plan for Staffordshire (2015 – 2030), both aim to protect mineral resources from sterilisation by other forms of development.
- 4.7.2 Policy 3.2 of the new Minerals Local Plan states that:

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

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

4.7.3 However, it is noted that the County Planning and Minerals Authority have no objections to the proposal' and it is therefore concluded that the proposal would not result in the sterilization of mineral deposits. The proposed amendment that is the subject of the current application does not alter this conclusion.

#### **4.8 Waste and Recycling**

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

4.8.2 It is clear that sufficient space within the site has been designated for waste and recycling facilities and there is sufficient space at the entrance to accommodate a collection point. As such the amended proposal is acceptable in respect to Policy CP16(1) (e) of the Cannock Chase Local Plan.

#### **4.9 Site Specific Impacts on Ecology**

4.9.1 In order to inform the original application (CH/20/305 the applicant submitted an Ecological Assessment dated May 2020 which noted that the site comprises arable land with an improved grassland margin and species-poor hedgerow. In respect to on-site impacts the report states: -

- (i) Standard pollution prevention and dust control measures should be set out in a Construction Environmental Management Plan (CEMP) and implemented during site clearance and works. The CEMP will ensure the unlikely potential for indirect impacts on designated sites and retained habitats, including S41 hedgerow, within and adjacent to the site are reduced to a reasonable minimum.
- (ii) Retained trees adjacent to the site should be protected from accidental damage during site clearance and construction, in accordance with BS5837:2012 Trees in relation to design, demolition and construction.
- (iii) The arable land and <10m section of hedgerow will be lost to development. The arable land has limited ecological value.
- (iv) The proposed planting of an additional ~110m of new hedgerow and grassland creation will compensate for the minor loss of habitats and enhance the limited habitats present within the site.
- (v) There is no potential bat roosting habitat present within the site. The soft landscaping proposals will increase potential foraging and commuting habitat for bats within the site post-development. Potential indirect impacts caused by increased light spill on retained potential bat foraging and commuting habitat within and adjacent to the site, and potential bat roosting habitat adjacent to the site, should be addressed through the implementation of a sensitive lighting strategy during site clearance and construction works, and post-development.
- (vi) Reasonable Avoidance Measures Method Statement (RAMMS) should be implemented during site clearance to avoid impacts on protected or

notable species, including badgers, reptiles, amphibians, brown hare, hedgehog, and polecat.

- (vii) Precautionary working measures during site clearance have been recommended to avoid impacts on local wildlife and a variety of enhancement measures have been identified to benefit biodiversity in line with National Planning Policy Framework (NPPF) requirements.

4.9.2 The conclusions and recommendations set out in the report were accepted and it was considered that subject to the attached conditions and implementation of a suitable amended landscape scheme there would be no significant impact on the existing ecological value of the site and over time a small improvement in the biodiversity value.

4.9.3 It is considered that the proposed larger caravans and revised layout would not have any significant impact over and above that of the consented scheme and is therefore considered acceptable.

#### **4.10 Impacts of Cannock Chase Special Area of Conservation**

4.10.1 Under Policy CP13 development will not be permitted where it would be likely to lead directly or indirectly to an adverse effect upon the integrity of the European Site network and the effects cannot be mitigated. Furthermore, in order to retain the integrity of the Cannock Chase Special Area of Conservation (SAC) all development within Cannock Chase District that leads to a net increase in dwellings will be required to mitigate adverse impacts. The proposal would lead to a net increase of 4 dwellings and therefore is required to mitigate its adverse impact on the SAC. Such mitigation would be in the form of a contribution towards the cost of works on the SAC and this is provided through CIL. However, given that the combined floor area of buildings on the site would be less than 100m<sup>2</sup> the proposal would not be CIL liable. As such the mitigation would be secured through a commuted sum via the alternative means of a unilateral undertaking under section 106. This could be paid in respect to the previous permission in which case the matter would be resolved. If not, then any permission would need to be subject to a unilateral undertaking to secure the SAC contribution.

4.10.2 In the original application the LPA undertook a Habitats Regulations Appropriate Assessment which was accepted by Natural England, and which concluded that subject to a payment towards mitigating impacts on the SAC the proposal would be acceptable. The payment has been made with respect to the original application CH/20/0305 and there is nothing in this application which would necessitate further payment, as the number of dwellings/ households would remain the same.

#### **4.11 Impacts on Cannock Extension Canal SAC**

4.11.1 The site is within 300m of the Cannock Extension Canal Special Area of Conservation (SAC) and Site of Special Scientific Interest (SSSI), and evidence provided by the drainage strategy submitted by the applicant suggest that the site would drain towards the canal. The proposal therefore has the potential to affect its interest features, especially as the site is directly linked via watercourses to the Canal. European sites are afforded protection under the Conservation of Habitats and Species Regulations 2010, as amended (the 'Habitats Regulations').



- 4.11.2 The Cannock Extension Canal Special Area of Conservation/ SSSI is an example of anthropogenic, lowland habitat supporting floating water-plantain *Luronium natans* at the eastern limit of the plant's natural distribution in England. A very large population of the species occurs in the Canal, which has a diverse aquatic flora and rich dragonfly fauna, indicative of good water quality. The low volume of boat traffic on this terminal branch of the Wyrley and Essington Canal has allowed open-water plants, including floating water-plantain, to flourish, while depressing the growth of emergents.
- 4.11.3 Members are advised that as a competent authority under the provisions of the Habitat Regulations, the Local Planning Authority should have regard for any potential impacts that a plan or project may have, as required under Regulation 63 of the Habitats and Species Regulations 2017.
- 4.11.4 The potential impacts on the SAC are intrinsically linked to the drainage system to be adopted in the proposal. At the time of the original application officers undertook an appropriate assessment which was accepted by Natural England and who stated that they have no objections to the current application. It is noted that the proposed larger caravans and site layout changes would not have any significant implications on the drainage of the site and hence the Cannock Extension Canal SAC.
- 4.11.5 Therefore, it is considered that the proposal would be acceptable in respect to the requirements of Policy CP13 and the Habitats Regulations.

#### **4.12 Education**

- 4.12.1 Policy CP2 states that all housing developments will be required to contribute towards providing the infrastructure necessary for delivery of the Local Plan informed by viability assessment. It goes on to state that contributions will be secured primarily via (i) rates set out in a community Infrastructure Levy (CIL) charging schedule and (ii) Section 106 planning obligations.
- 4.12.2 The Education Authority, in respect to the original application, advised that the proposal would not necessitate an education contribution. Given that the current proposal would not involve any change in the number of households on the site it is considered that there are no grounds to suggest that a contribution would be needed in respect to the current application.
- 4.12.3 As such it is considered that the proposal is acceptable in respect to Policy CP2 without an education contribution.

#### **4.13 The Applicant's Case for Very Special Circumstances**

- 4.13.1 In support of the application the applicant has provided the following statement to demonstrate that very special circumstances exist that would justify approval of the application: -
- 4.13.2 'The wording of Condition 6 to Permission CH/21/0376 which requires the internal layout of the site to 'broadly accord with the approved Site Layout' establishes that it would be acceptable for the scheme to vary from that approved. The current proposals are substantially based on the approved scheme and vary from it in only limited ways. It would be difficult to argue that the current proposals do not 'broadly accord' with the approved scheme.

- 4.13.3 In determining whether to approve the revised layout in Drawing RC03 v.3 the Council needs to consider whether the harm to the Green Belt and to the character of the area is clearly outweighed by other material considerations such that very special circumstances exist to justify approval of the submitted development scheme.
- 4.13.4 The Council has already twice accepted that very special circumstances are established in regard to very similar proposals for the site.
- 4.13.5 In regard to the original application CH/20/305 the Council considered that substantial weight was afforded to the harm to the Green Belt, including the harm to the openness of the Green Belt and to the purposes of including land within it, and moderate weight to the harm to the character of the area. It found that substantial weight should be afforded to the personal need of the extended family for a settled site, the lack of any realistically available alternative sites, the personal circumstances with regard to health and education, the effect on the human rights if the family was required to leave the site, and the best interests of the children. It also concluded that uncertainty about the future provision of sites in the district and neighbouring districts, the fact that the site falls within the general area of search for Traveller sites in the Local Plan, the strong likelihood that future sites will be located in the Green Belt, and the sustainability benefits of providing a settled site each carried moderate weight in favour of the application. On that basis the Council accepted that the harm to the Green Belt and character of the area was clearly outweighed by the above considerations such that very special circumstances existed.
- 4.13.6 Para 4.3.6 of the Officer Report on application CH/21/0376 found:

‘it is noted that the proposed amenity block would be significantly larger than the one that was granted consent. However, by virtue of its, size, scale, design, and location with the site it is considered that any impacts on the character of the wider area arising from the increased size would only be marginal over and above that of the consented scheme. This is accepted by the Landscape Officer who has commented that ‘The increased [sic] in the size of the utility building is limited to increased floor plan. This would overall not increase the impact of the site within the location, given the previous approval.’ The Report stated that the factors weighing in favour and against the new application remained the same. However, the provision of an appropriately sized amenity block commensurate to the size of the extended family’s day to day needs and their changed circumstances added moderate weight in favour of the proposal. Para 4.15.6 concluded, subject to conditions and completion of a unilateral undertaking, that the harm to the Green Belt and character of the area was clearly outweighed such that very special circumstances existed to justify approval.

- 4.13.7 In regard to the current proposals, very similar considerations apply on both sides of the balance compared with the previous two decisions. Are there any material differences?

The footprints of the amenity building, mobile homes, and touring caravans in submitted drawing RC04v.3 would be greater by some 7.4% than the equivalent structures on approved drawing, Wyrley Traveller Site: Proposed Site Plan Revision L (a footprint of 471.9 m<sup>2</sup> compared with 439.5m<sup>2</sup>);

- We would question whether such an increase would represent a material difference in terms of visual impact or impact on openness.
- That percentage increase is also overstated on the basis it does not take account of the vehicles which will be parked on the site.

4.13.8 There is another reason why there is no material difference between the current proposals and the approved scheme. In granting planning permissions CH/20/305 and CH/21/0376, the Council did not grant planning permission for the siting of mobile homes and touring caravans of the sizes shown in the drawings. Rather, the planning permission was for the siting of structures, which conformed with the legal definition of caravans and mobile homes. A caravan is ‘...Any structure designed or adapted for human habitation which is capable of being moved from one place to another (whether being towed, or by being transported on a motor vehicle or trailer) and any motor vehicle so designed or adapted but does not include any railway rolling stock which is for the time being on rails forming part of a system, or any tent.’ A twin unit mobile home is composed of not more than two sections and when assembled is physically capable of being moved by road from one place to another (whether towed or transported on a motor vehicle or trailer) with maximum dimensions of 20m. by 6.8m by 3.05m high.

4.13.9 These definitions mean the existing planning permission allows considerably larger caravans and mobile homes to be sited on the land than those illustrated in the approved drawings. Through the submitted drawing the applicant is effectively showing how three marginally larger mobile homes can be accommodated on the site. On that basis it would be difficult to argue that the proposals differ materially from those approved and that permission should not be granted.’

#### 4.14 **Appraising the Applicant’s Case**

4.14.1 In essence the applicant’s case that very special circumstances exist is that the scheme as proposed would provide a substandard degree of residential amenity to meet the needs of the extended family and that approval of 3 No. caravans would rectify this.

4.14.2 As stated by the applicant’s agent the site is occupied by an extended Romany gypsy family comprising five distinct households and that this is controlled via a planning condition which restricts occupancy of the site to certain named individuals and their dependants.

4.14.3 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.

4.14.4 The above points are accepted, and it is considered that the proposal would provide the high standard of amenity required under paragraph 130(f) of the NPPF and in doing so would prevent the problems of overcrowding and associated problems of mental and physical health that are linked to overcrowded accommodation.

- 4.15 Assessment as to whether the Harm to the Green Belt and Any Other Harm is Clearly Outweighed by Other Circumstances such that Very Special Circumstances Exist to Justify Approval**
- 4.15.1 Inappropriate development in the Green Belt should only be approved where 'very special circumstances' have been demonstrated to exist. The term 'very special circumstances' is not defined in the NPPF, which merely states that they will not exist unless the harm to the Green Belt and any other harm is clearly outweighed by other considerations. Ultimately, each case has to be judged on its own merits with weight given to all relevant considerations according to their relative gravity.
- 4.15.2 In this respect it is noted that in the original application, substantial weight was afforded to the harm to the Green Belt, including the harm to the openness of the Green Belt and the purposes of including land within it. In addition, moderate weight was afforded to the harm to the character of the area. Given the relatively marginal impact of the proposed 3 No. larger caravans in the context of the impact of wider site, it is considered that the current proposal does not significantly alter the previous overall conclusions in respect to the harm caused.
- 4.15.3 Turning now to the issue of other considerations which weigh in favour of the proposal. It is noted that in the original application substantial weight was afforded to the personal needs of this extended family for a settled site, the lack of any realistically available alternative sites and personal circumstances with regard to health and education. The best interests of the children living on existing overcrowded sites with the current uncertainties regarding their accommodation were also acknowledged as a primary consideration and therefore was given substantial weight in favour of the proposal. Furthermore, the current uncertainty regarding the future provision of sites for travellers in the District and the neighbouring districts, that the site fell within the general area of search for travellers sites as identified in the Local Plan (Part 2) and the strong likelihood that should future sites come forward in this area that they would also be located in the Green Belt, the sustainability benefits of providing a settled site, including adequate accessibility to a range to services and facilities, were also considered to carry moderate weight in favour of the proposal.
- 4.15.4 As such it was determined in the original application that the harm to the Green Belt and any other harm was clearly outweighed by the other considerations such that very special circumstances had been demonstrated.
- 4.15.5 In the case of the current application all these factors remain the same, however, it is considered that the provision of an appropriately sized caravans commensurate to the size of the extended family's day to day needs and their changed circumstances adds moderate weight in favour of the proposal.
- 4.15.6 It is therefore concluded that, subject to the attached conditions, the harm to the Green Belt and to the character of the area is clearly outweighed by the above considerations such that very special circumstances exist that would justify approval of the application.

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

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

**Equalities Act 2010**

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

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

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

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

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

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

Such consideration has been balanced along with other material planning considerations and it is considered that the proposal is acceptable in respect to the requirements of the Act. Having had regard to the particulars of this case, officers consider that the proposal would not conflict with the aim of the Equalities Act and would be a positive step in advancing the equality of opportunity in respect to accommodation provision for the traveller community

**6 Conclusion**

- 6.1 The application seeks consent under Section 73 of the 1990 Town & Country Planning Act to develop the land not in accordance with approved plans pursuant to planning permission CH/21/0376, but in accordance with Drg No: RC03 v.3 Wryley Traveller Site, Site Development Scheme, Drg No: RC04-4 v.4 Wryley Traveller Site, Soft Landscaping Proposals & Planting Schedule and Wryley Traveller Site Utility Block, Revision A, Drawing No: 104370-025-06 to allow for the construction of 3 larger static caravans.
- 6.2 The application site lies within West Midlands Green Belt, wherein there is a presumption against inappropriate development. Inappropriate development is by definition harmful to the Green Belt and any such development should be considered a departure from the development plan.

**Item No. 6.47**

- 6.3 The proposal constitutes inappropriate development in the Green Belt. Paragraph 147 of the NPPF makes it clear that inappropriate development should not be approved except in “very special circumstances”.
- 6.4 It is concluded that, subject to the attached conditions the harm to the Green Belt and to the character of the area is clearly outweighed by the above considerations such that very special circumstances exist that would justify approval of the application
- 6.5 It is recommended that subject to the amended schedule of conditions that the application be approved.
- 6.6 As in the original permission, given the overwhelming unmet need for traveller accommodation it is considered that any permission granted should be on a permanent basis. However, given that the personal circumstances of the family and the best interest of the child have added substantial weight in favour of the proposal it is recommended that approval should be subject to a condition that the site can only be used for accommodation by the named adults and their dependents.

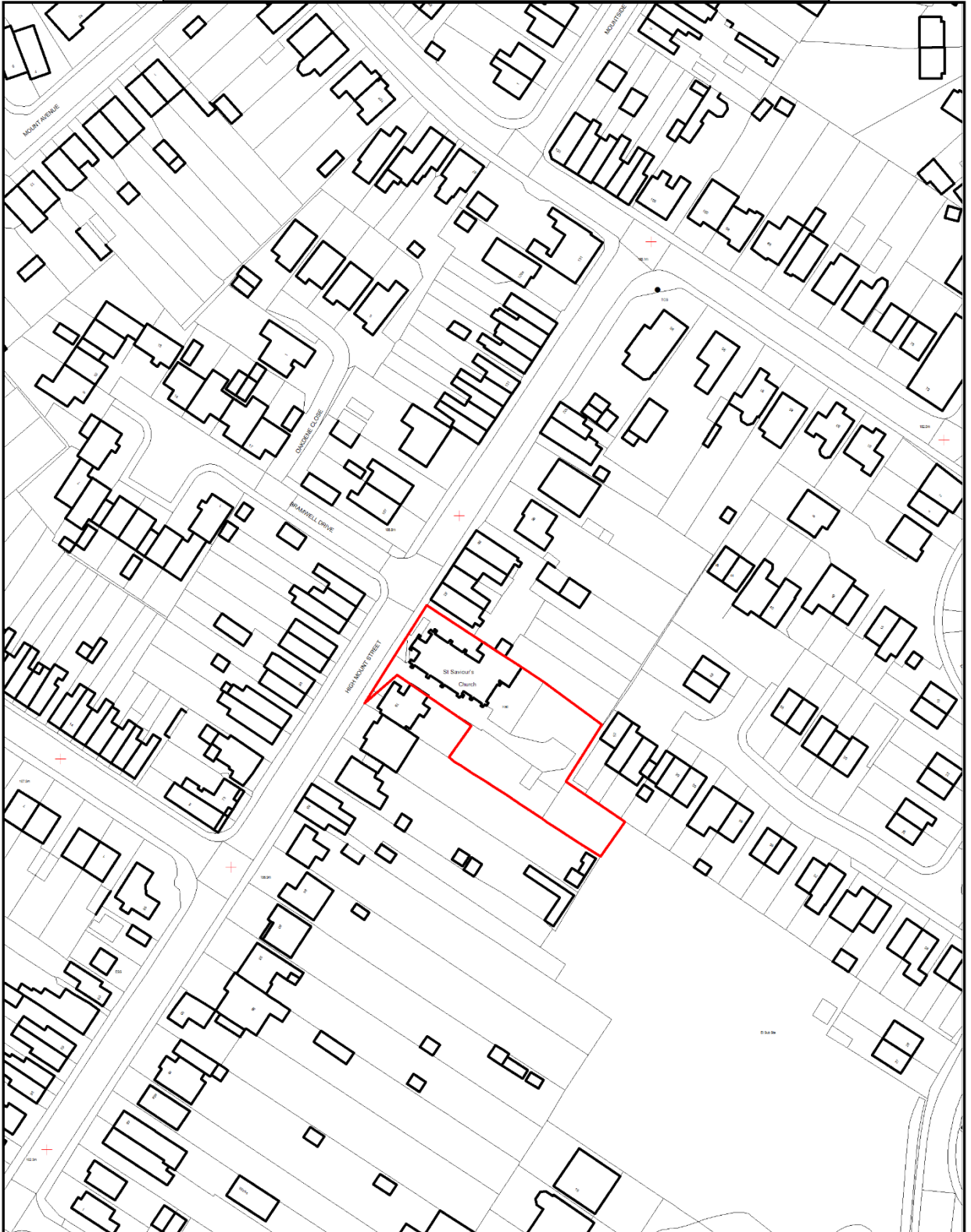


**Application No:** CH/21/0404

**Location:** St Saviours Church, High Mount Street, West Hill, Cannock, WS12 4BN

**Proposal:** Demolition of existing building and erection of 6 bungalows - DEPARTURE FROM THE DEVELOPMENT PLAN

**Item No. 6.48**



# Location Plan

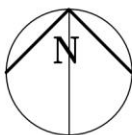
**JOHN  
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**location plan 1:1250**

Plotted at A4

PROJECT  
**RESIDENTIAL  
DEVELOPMENT**  
ST SAVIOURS CHURCH  
High Mount Street  
Hednesford  
WS12 4BN

Sept 2021



# Existing Site Plan



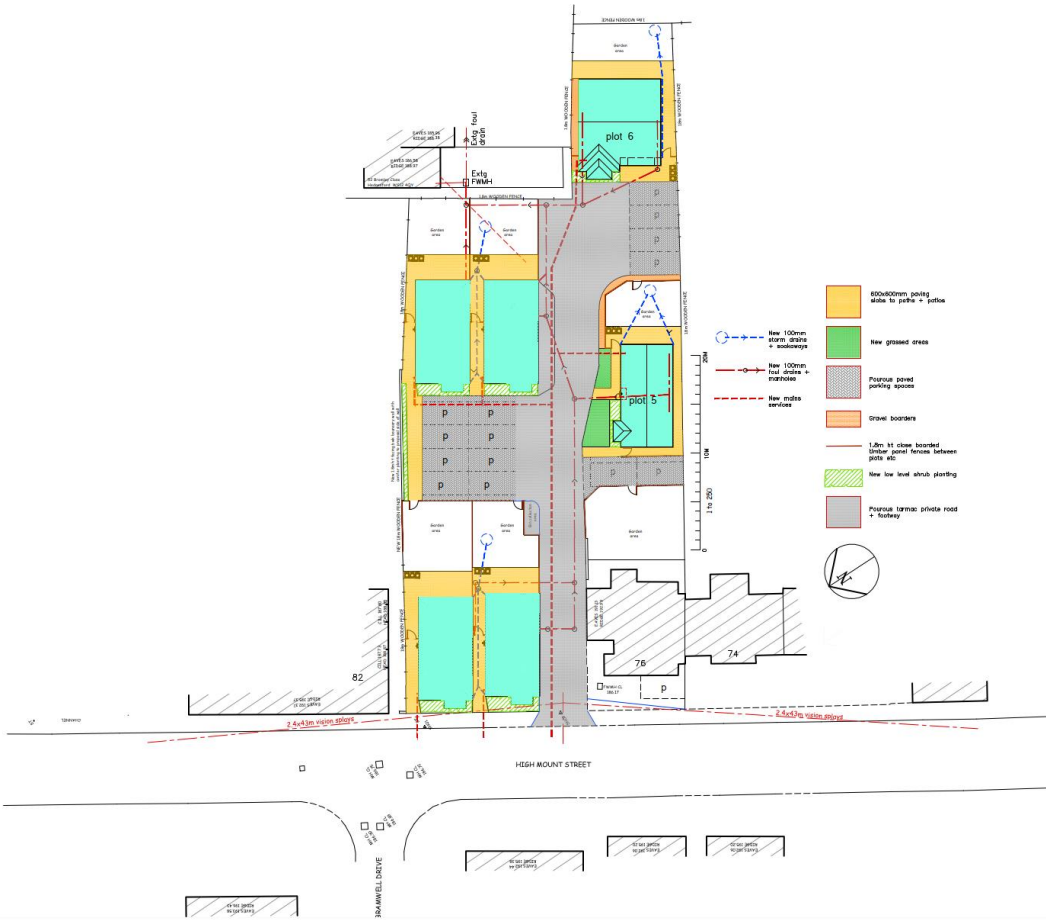
existing site plan 1:250

REVISIONS

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**RESIDENTIAL DEVELOPMENT**  
ST SAUVOURS CHURCH  
High Mount Street  
Reddresford  
WS12 4BN  
Sept 2021  
Dr no  
**2021:130:01**

# Proposed Site Plan



**REVISIONS**

REV B  
Pitched roofs to plot 1 to 4 made into hipped roofs, brickwork boundary wall together with corner planting added to end of parking spaces between plots 1 + 3

REV A  
General revisions

21.12.2021

12.02.2022

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CLIENT  
**LAMM HOMES LTD**

PROJECT  
**RESIDENTIAL DEVELOPMENT**

ST SAVOUS CHURCH  
High Mount Street  
Hednesford

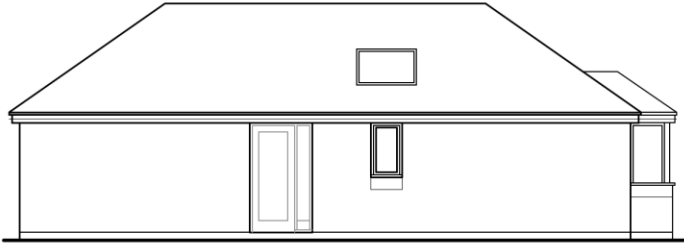
Sept 2021  
Dr. ng  
2021:130:02B

proposed site plan 1:250

# Plots 1 & 2 Plans and Elevations



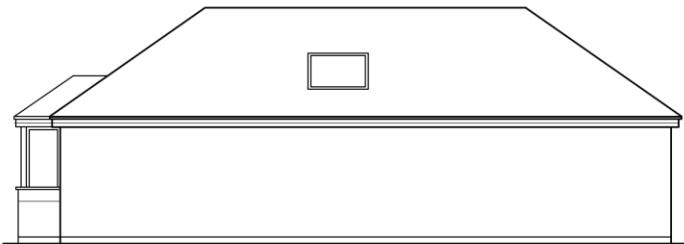
**FRONT ELEVATION 1:100**



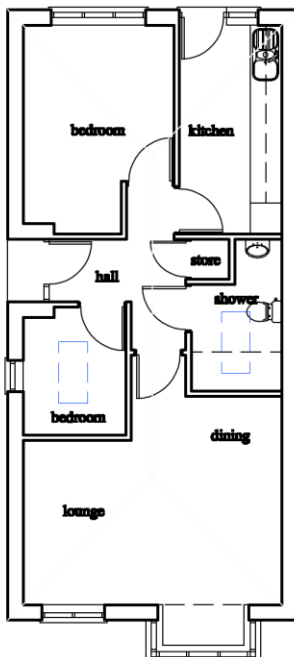
**SIDE ELEVATION 1:100**



**REAR ELEVATION 1:100**



**SIDE ELEVATION 1:100**



GROUND FLOOR PLAN 1:100

## PLOTS 1 + 2

**FACING MATERIALS**  
Roof tiling, facing brickwork  
+ white upvc windows, doors  
+ Velux rooflights  
all to LA approval

Plotted at **A3 JOHN REYNOLDS & ASSOCIATES ARCHITECTURAL CONSULTANT**  
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High Mount Street  
Hednesford  
WS12 4BN

Sept 2021

Dr no **2021:130:05A**

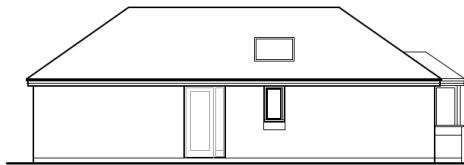
REVISIONS  
REV A  
Roof made into hipped  
roofs 14.02.2022

**floor plan + elevations 1:100**

# Plots 3 & 4 Plans and Elevations



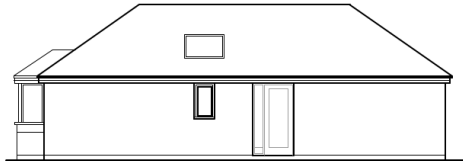
FRONT ELEVATION 1:100



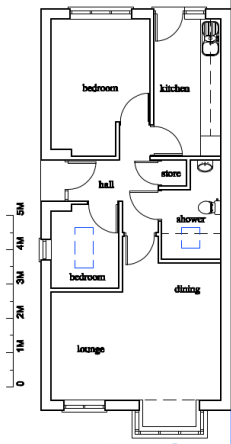
SIDE ELEVATION 1:100



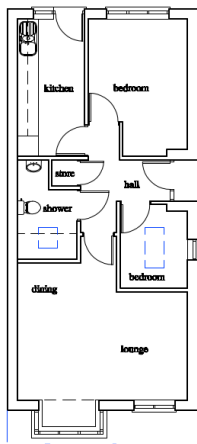
REAR ELEVATION 1:100



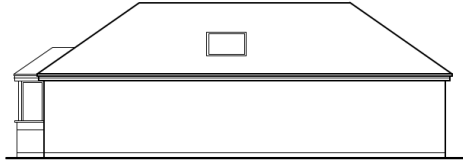
SIDE ELEVATION 1:100



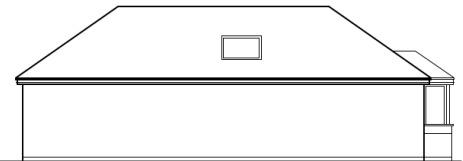
plot 3



plot 4



SIDE ELEVATION 1:100



SIDE ELEVATION 1:100

**PLOTS**  
3 + 4

**FACING MATERIALS**  
Roof tiling, facing brickwork  
+ white upvc windows, doors  
+ Velux rooflights  
all to LA approval

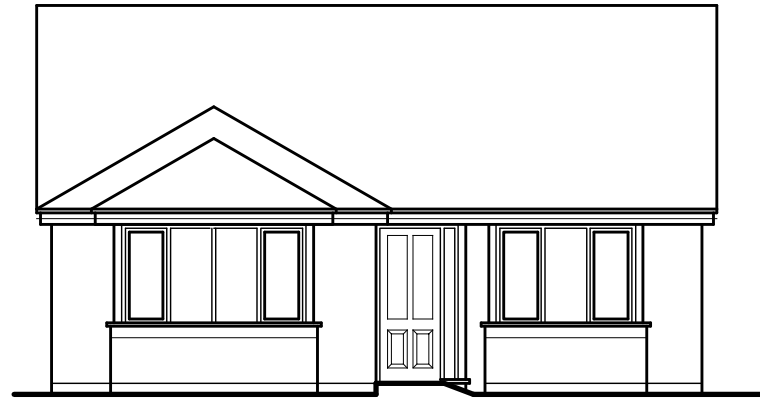
**floor plans +  
elevations 1:100**

Plotted at A3

of **JOHN REYNOLDS & ASSOCIATES ARCHITECTURAL CONSULTANT**  
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**REVISIONS**  
REV A  
Roof made into hipped  
roofs 14.02.2022

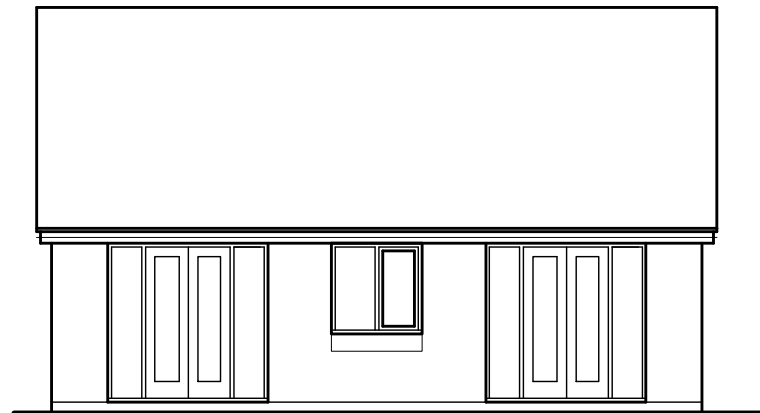
**CLIENT**  
LAMM HOMES LTD  
**PROJECT**  
RESIDENTIAL  
DEVELOPMENT  
ST SAVIOURS CHURCH  
High Mount Street  
Hednesford  
WS12 4BN  
Sept 2021  
Dr no  
**2021:130:06A**



FRONT ELEVATION 1:100



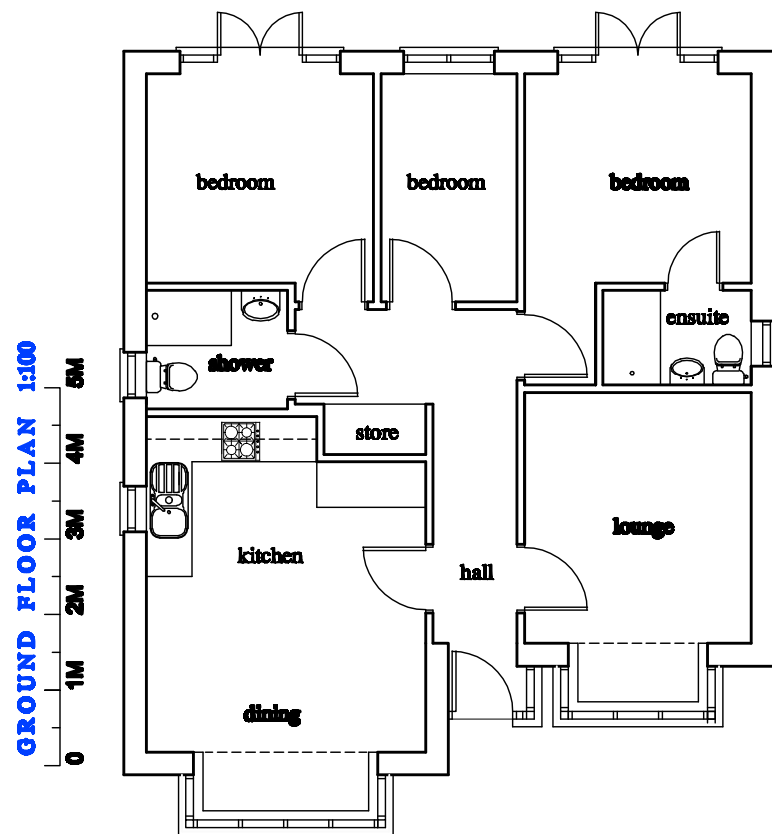
SIDE ELEVATION 1:100



REAR ELEVATION 1:100



SIDE ELEVATION 1:100



GROUND FLOOR PLAN 1:100

REVISIONS

**PLOT 6**

**FACING MATERIALS**  
 Roof tiling, facing brickwork  
 + white upvc windows, doors  
 + Velux rooflights  
 all to LA approval

**floor plans +  
 elevations 1:100**

Plotted at A3  
**JOHN  
 REYNOLDS &  
 ASSOCIATES**  
 ARCHITECTURAL  
 CONSULTANT

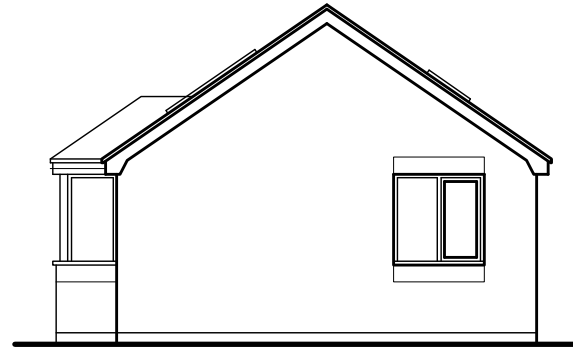
3 Meadway Close  
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 johnreynoldsand  
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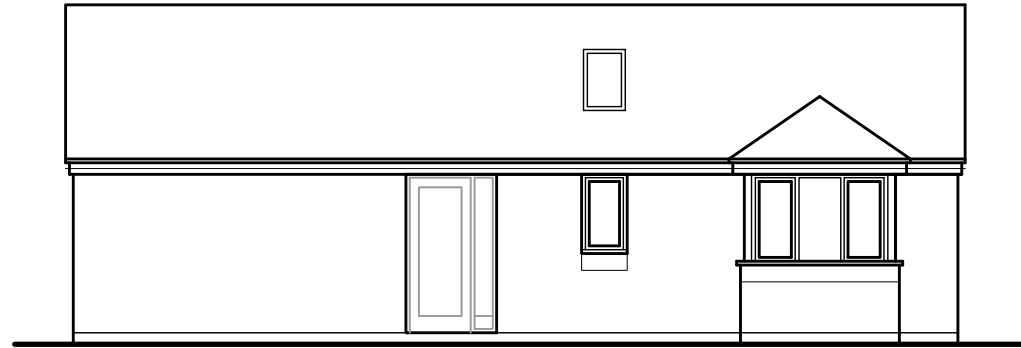
CLIENT  
**LAMM HOMES LTD**  
 PROJECT  
**RESIDENTIAL  
 DEVELOPMENT**  
 ST SAVIOURS CHURCH  
 High Mount Street  
 Hednesford  
 WS12 4BN

Sept 2021

Dr no  
**2021:130:08**



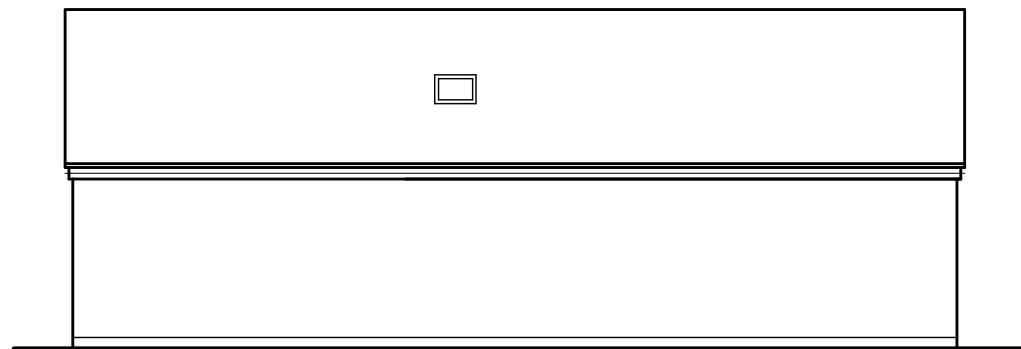
FRONT ELEVATION 1:100



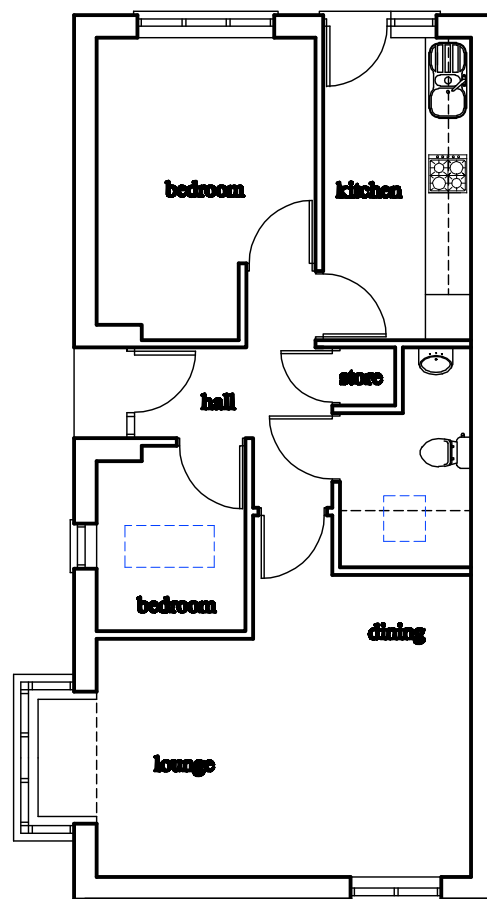
SIDE ELEVATION 1:100



REAR ELEVATION 1:100



SIDE ELEVATION 1:100



**PLOT 5**

**FACING MATERIALS**  
 Roof tiling, facing brickwork  
 + white upvc windows, doors  
 + Velux rooflights  
 all to LA approval

**floor plans + elevations 1:100**

Plotted at A3  
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REVISIONS

CLIENT  
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 ST SAVIOURS CHURCH  
 High Mount Street  
 Hednesford  
 WS12 4BN

Sept 2021

Dr no  
**2021:130:07**

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

<p><b>Planning Control Committee</b> <b>31 August 2022</b></p>
--

<b>Application No:</b>	CH/21/0404
<b>Received:</b>	29-Sep-2021
<b>Location:</b>	St Saviours Church, High Mount Street, West Hill, Cannock, WS12 4BN
<b>Parish:</b>	Hednesford CP
<b>Ward:</b>	Hednesford North
<b>Description:</b>	Demolition of Existing Building and Erection of 6 Bungalows
<b>Application Type:</b>	Full Planning Application

**Recommendation:** Approve subject to conditions

**Reason(s) for Recommendation:**

In accordance with paragraph 38 of the National Planning Policy Framework the Local Planning Authority has worked with the applicant in a positive and proactive manner to approve the proposed development, which accords with the Local Plan and the National Planning Policy Framework.

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

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

Location Plan

2021:130:02B Proposed Site Plan

2021:130:05A Floor Plans & Elevations Plots 1 & 2

2021:130:06A Floor Plans & Elevation Plots 3 & 4

2021:130:07 Floor Plans & Elevations Plot 5

2021:130:08 Floor Plans & Elevations Plot 6

Tree Report Ref: THC/2021/08/13 AS 13th August 2021

Bat & Bird Assessment 16th August 2021

Reason

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

**Item No. 6.55**

2. 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.

3. No part of the development hereby approved shall be undertaken above ground level until details of the materials to be used for the external surfaces have been submitted to and approved by the Local Planning Authority.

Reason

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

4. The development hereby approved shall not be commenced until:
  - i) A Ground Gas Remediation Statement with supporting justification shall be submitted to and approved in writing by the Local Planning Authority. The Remediation Statement shall detail the exact manner in which any necessary mitigation works are to be carried out and provide justification as to why the level of mitigation measures proposed are deemed appropriate. The statement shall also include details of validation testing that will be carried out once works have been completed.
  - ii) The development shall not be occupied until a validation report has been submitted to and approved in writing by the Local Planning Authority. A Validation Report is required to confirm that all remedial works have been completed and validated in accordance with the agreed Remediation Method Statement.

Reason

In order to enable the development to proceed in a safe environment and to protect the health and safety of its occupiers and to ensure compliance with Local Plan Policy CP3 and the NPPF.

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

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

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

Reason

In order to enable the development to proceed in a safe environment and to protect the health and safety of its occupiers and to ensure compliance with Local Plan Policy CP3 and the NPPF.



6. No part of the development hereby approved shall be undertaken above ground level until a scheme detailing the external environment-landscape, including planting, fencing, walls, surface treatment & construction details for the site has been submitted to and approved by the Local Planning Authority. The details shall be in the form as specified in Annex C of the Supplementary Planning Guidance 'Trees, Landscape and Development' and shall include an Arboricultural Method Statement.

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

**Reason**

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

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

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

**Reason**

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

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

thereafter be retained for the lifetime of the development unless otherwise approved in writing by the Local Planning authority.

**Reason**

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

9. No dwelling hereby permitted shall be completed above ground floor level until a scheme for the provision of bat roosts has been submitted to and approved in writing by the Local Planning Authority. The submitted scheme shall indicate the plots to be provided with bat roosts, which shall be either integrated into the roof or the house in question, and their height and location. Any dwelling shown to be host to such a bat roost shall be completed in accordance with the approved scheme.

**Reason**

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

10. The development hereby permitted shall not commence until drainage plans for the disposal of foul and surface water flows have been submitted to and approved by the Local Planning Authority.

Thereafter, the development shall be implemented in accordance with the approved details before the development is first brought into use.

**Reason:**

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

11. The development hereby permitted shall not be occupied until the vehicular access onto High Mount Street has been fully constructed in accordance with the approved plan.

Thereafter, the access shall be retained for the lifetime of the development.

**Reason**

In the interests of highway safety and the National Planning Policy Framework

12. The proposed car parking spaces and internal private access drive as shown on the approved plans shall be sustainably drained, hard surfaced in a bound material, and marked out prior to the first occupation of the site hereby permitted.

Thereafter these parking areas shall be retained in accordance with the approved plans for the lifetime of the development, unless otherwise agreed in writing by the Local Planning Authority.

**Reason**

In the interests of highway safety and the National Planning Policy Framework

13. The development hereby permitted shall not be brought into use until the visibility splays shown on the approved plans have been provided. The visibility splay shall thereafter be kept free of all obstructions to visibility over a height of 600 mm above the adjacent carriageway level.

Reason

In the interests of highway safety and the National Planning Policy Framework

14. The development hereby permitted shall not be occupied until details for secure, covered, and safe cycle parking facilities have been submitted to and approved in writing by the Local Planning Authority.

Thereafter the approved facilities shall be retained in perpetuity.

Reason

In the interests of highway safety and the National Planning Policy Framework

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

Thereafter, development shall be implemented in accordance with the agreed details.

Reason

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

16. Notwithstanding the approved details, prior to the commencement of development, a Construction Method Statement shall be submitted to and approved in writing by the Local Planning Authority.

The statement shall have regard to relevant guidance; including but not limited to, Control of Dust and Emissions during Construction and Demolition, Guidance on Assessment and Monitoring of Dust from Demolition and Construction, and BS5288 with regard to noise management. The submitted statement shall provide:

- Hours of working
- The parking of vehicles for site operatives and visitors,
- Routing and timing of delivery vehicles to and from the site,
- Measures to control the emission of dust and dirt during construction, including minimising the track-out of any material onto the public highway,
- Noise and vibration management procedures, including how complaints will be handled.

Thereafter, the approved statement shall be adhered to throughout the construction period (including demolition).

Reason

In order to enable the development to proceed in a safe environment and to protect the health and safety of its occupiers and to ensure compliance with Local Plan Policy CP3 and the NPPF.

17. Notwithstanding the approved plans, the details for any lighting scheme proposed to the access and parking areas of the development shall first be submitted to and approved in writing by the Local Planning Authority.

Thereafter, the approved lighting scheme shall be implemented in accordance with the approved details and retained for the lifetime of the development.

**Reason**

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

18. No plant or machinery shall be operated, no loading or unloading of vehicles and no movement of commercial vehicles to or from the site and no construction works shall take place outside the hours of 08:00hrs to 18:00hrs Monday - Friday, 08:00hrs to 13:00hrs on Saturdays. None of the above operations shall be carried out at any time on Sundays or Bank and Public Holidays.

**Reason**

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

**Notes to the Developer:**

**1. Severn Trent**

Severn Trent Water advise that there may be a public sewer located within the application site. Although our statutory sewer records do not show any public sewers within the area you have specified, there may be sewers that have been recently adopted under the Transfer Of Sewer Regulations 2011. Public sewers have statutory protection and may not be built close to, directly over or be diverted without consent and contact must be made with Severn Trent Water to discuss the proposals. Severn Trent will seek to assist in obtaining a solution which protects both the public sewer and the building.

Please note that there is no guarantee that you 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 you contact 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.

**2. Highway Authority**

The works required will require the relevant permit from our Network Management Section. Please note that prior to the access being constructed you require Section 184 Notice of Approval from Staffordshire County Council. The link below provides a further link to 'vehicle dropped crossings' which includes a 'vehicle dropped crossing information pack' and an application form for a dropped crossing. Please complete and send to the address indicated on the application form, which is Staffordshire County Council at Network Management Unit, Staffordshire Place 1 Tipping Street, STAFFORD, Staffordshire, ST16 2DH. (or email to [nmu@staffordshire.gov.uk](mailto:nmu@staffordshire.gov.uk))  
<http://www.staffordshire.gov.uk/transport/staffshighways/licences/>

### 3. Cadent

Cadent Gas own and operate the gas infrastructure within the area of your development. There may be legal interest 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 [cadentgas.com/diversions](http://cadentgas.com/diversions)

Prior to carrying out works, including the construction of the access points, please register on [www.linerearchbeforeudig.co.uk](http://www.linerearchbeforeudig.co.uk) to submit details of the planned works for review, ensuring requirements are adhered to.

### 4. Staffordshire County Rights of Way

The County Council has not received any application under Section 53 of the Wildlife and Countryside Act 1981 to add or modify the Definitive Map of Public Rights of Way, which affects the land in question.

It should be noted, however, that this does not preclude the possibility of the existence of a right of way at common law, or by virtue of a presumed dedication under Section 31 of the Highways Act 1980. It may, therefore, be necessary to make further local enquiries and seek legal advice in respect of any physically evident route affecting the land, or the apparent exercise of a right of way by members of the public.

## Consultations and Publicity

### External Consultations

#### Hednesford Town Council

No objection

#### Travel Management and Safety

No objection subject to condition

#### Severn Trent Water

No objection subject to condition

#### Cadent

No objection subject to informative.

#### Staffordshire Public Rights of Way Officer

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

#### ASC Ltd on behalf of the Local Planning Authority

In normal circumstances from a structural point of view there would be no reason why the church should not be converted to residential/office use. However, we are unable to comment on costs of such a conversion.

**Andrew Golland Associates Limited on behalf of the Local Planning Authority**

I confirm that a scheme for the conversion of the building into residential accommodation together with the construction of two detached dwellings in the grounds would be unviable.

**Inspire Heritage on behalf of the Local Planning Authority**

Objection

The church is prominent in the street scene making a positive contribution to the street and wider area.

St Saviours Church provides a sense of place and contributes to local distinctiveness of the area, this would be lost if demolished and replaced as proposed. The scheme also fails to respond to the character and appearance of area due to the single storey massing and form proposed. The proposal would cause a level of harm disproportionate to the significance of the building as a non-designated heritage asset. Due to the demolition of the building and its total loss this is categorized as being of substantial harm. As such the proposal conflicts with paragraphs 201 and 203 of Section 16 of the Framework.

The scheme would fail to comply with local plan policies Policy BE1 of the Hednesford Neighbourhood as the building is identified as for inclusion in the District Council's Local List. Plan and states There will be a presumption that the buildings listed in appendix 4 will be retained

**Internal Consultations**

**CIL Officer**

The proposed development would be CIL liable.

**Environmental Health**

No objection subject to conditions

**Planning Policy**

No objection

**Parks & Open Spaces**

Objection

- o Land ownership query re Plot 6 and Certificate A.
- o Tree report insufficient and incomplete information as noted.
- o Fully detailed landscape scheme required inc. both hard and soft landscaping.
- o Requirement for documents not supplied, such as planting being retained, proposed planting plans, detailed design for gardens & access for parking.

## Response to Publicity

The application has been advertised by site notice and neighbour letter. 6 letters of representation have been received. The comments are summarised below:

- Occupiers within Bromley Close, have no current light or noise pollution
- Wildlife Impact from the proposal as there are currently no properties at the rear of Bromley Close and occupiers enjoy the wildlife and greenery
- The layout in the site plan shows a foul drain feed into current drain from 52 Bromley Close, where the main sewage will feed into? Any soakaway at the rear of proposed plot 6 could affect my property with possible flooding and or subsidence
- Value / re-sale would be impacted for existing properties
- Shame if the historical building is demolished to make way for a few bungalows
- Birds and bats on the site
- Potential overlooking and loss of light / privacy from the development as its on higher ground than some of the surrounding properties
- Already existing parking issues within the wider area. The internal layout would introduce vehicle movements within close proximity to neighbouring properties
- Dust and dirt that will be generated
- Asbestos present within the church
- Where will boiler plumes discharge
- Potential lighting of the access and private road may impact on neighbours
- New boundary treatments being 1.8m high would be higher than the existing and would impact on neighbours.
- Existing neighbours would be impacted if new dwelling owners construct sheds / extensions / outbuildings.
- Proposals are an invasion on personal space for existing residents,
- The applicant does not have permission to access No.52 Bromley Close to use the foul drain.
- Plans show new mains service that travels from the rear of proposed plot 3 into the rear garden area of 52 Bromley Close crossing the access to 54 Bromley close; What is the new mains service? as its not indicated on the drawing to what type of service it is, it seems to vanish under paving slabs of plot 3
- The soundness of the building its viability for other uses
- The building is of value to the local community

<b>Relevant Planning History</b>
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CH/12/0268	Two storey side and rear extension, and a single storey rear extension. Full-Approval with Conditions-10/16/2012
CH/88/096	Proposed refurbishment of existing toilets Full-Approval-03/23/1988
CH/91/0123	Residential development (outline) Outline-Approval With Conditions-04/17/1991

<b>1 Site and Surroundings</b>
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- 1.1 The application site relates to a former church building and associated land sited in High Mount Street, Hednesford.
- 1.2 The application site was constructed in 1888 and comprises of a red brick building which sits behind a short-overgrown frontage onto High Mount Street.
- 1.3 St Saviours Church is identified as a non-designated heritage asset and locally listed within the Hednesford Neighbourhood Plan. The building has been extended at the side and rear with somewhat unsympathetic two storey and single storey flat roofed extensions.
- 1.4 The application site benefits from a frontage of approx. 19m which includes an existing access to the side of the building which provides access to the rear. A further 5m across the front of No.76 is also included in the application to provide for the visibility splay.
- 1.5 The site has a depth of 52 which extends back from the edge of the highway to the boundary with No. 52 Bromley Close. The site also extends back behind No. 76 for approx. 47m and incorporates land to the rear of 52 – 56 Bromley Close. The land is currently hard & soft landscaped which is overgrown.
- 1.6 The site slopes from High Mount Street to the south-eastern boundary where it joins the rear gardens on Bromley Close, a fall of approx. 5m. Most of the site is enclosed with timber fencing.
- 1.7 The site also includes part of the rear garden of the existing dwelling 76 High Mount Street and a separate area of land to the rear of this property, both of which are within the ownership of the applicant.
- 1.8 The wider street scene is residential and contains a mix of two storey terraced houses dating from the late 19th/early 20th century, together with more recent infill development. The dwellings are mostly 2 storey houses however there are a number of bungalows within the area, including an infill site located to the southwest of the application site, known as 'High Meadows Close'.
- 1.9 The site does not fall within any formal landscape designations or include any Tree Preservation Orders (TPO) but is within the forest of Mercia Community Forest boundary. The site is also located within a mineral safeguarding area and a Coal Authority designated low risk area.



## **2 Proposal**

- 2.1 The applicant is seeking consent for the demolition of existing building and erection of 6 bungalows.
- 2.2 The proposed dwellings comprise of two detached two bedroomed bungalows which would front High Mount Street in place of the existing building. A further three detached two bedroomed bungalows and one detached three bedroomed bungalow would be provided to the rear of the site.
- 2.3 The proposed bungalows would have footprints of between approx. 52m<sup>2</sup> and 64m<sup>2</sup> and would be constructed to between 4.5m and 5m in height (2.4m to the eaves). The proposed bungalows would be constructed from facing brickwork and tile. The private amenity areas would be denoted by close board fencing and would comprise of approx. 43m<sup>2</sup> and 63m<sup>2</sup>.
- 2.4 The access to the site would be in place of the existing access which would be widened to 5m and would run along the side of 76 High Mount Street. The access would narrow to 4.2 metres with a turning head at its eastern end providing access to 8 parking spaces.
- 2.5 The garden area to No.76 has been reduced in order to accommodate part of the wider site. The retained rear garden to this dwelling would measure 65m<sup>2</sup> and two parking spaces accessed from the private drive, would be provided to serve this existing dwelling.

## **3 Planning Policy**

- 3.1 Section 38 of the Planning and Compulsory Purchase Act 2004 requires planning applications to be determined in accordance with the provisions of the Development Plan, unless material considerations indicate otherwise.
- 3.2 The Development Plan currently comprises the Cannock Chase Local Plan Part 1 (2014), the Hednesford Neighbourhood (2017 – 2028) and the Minerals Local Plan for Staffordshire (2015 – 2030).
- 3.3 Relevant policies within the Local Plan include: -
  - CP1 - Strategy – the Strategic Approach
  - CP3 - Chase Shaping – Design
  - CP6 – Housing Land
  - CP7 – Housing Choice
  - CP10 – Sustainable Transport
  - CP12 – Biodiversity and Geodiversity
  - CP14 – Landscape Character and Cannock Chase Area of Outstanding Natural Beauty
  - CP15 – Historic Environment

3.4 Relevant Policies within the Minerals Plan Include:

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

3.5 Relevant policies within the Hednesford Neighbourhood Plan include: -

Policy BE1 – There will be a presumption that the buildings listed in appendix 4 will be retained. When the original use of a building becomes redundant or unviable, a flexible approach will be taken to supporting changes of use, provided that the uses are compatible with the immediate surroundings and secure long-term life of the building.

Policy H1 – The building of bungalows will be supported where it is viable either as a component of the dwelling types or, on appropriate small developments as the whole development.

3.6 **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
64:	Affordable housing not required for non-major applications
111:	Highway Safety and Capacity
126, 130, 132, 134:	Achieving Well-Designed Places
174, 180:	Biodiversity
194 – 208:	Proposals Affecting Heritage Assets
218, 219	Implementation

3.7 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
- (iv) National Planning Policy Guidance (NPPG).

<b>4 Determining Issues</b>
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4.1 The determining issues for the proposed development include:

- i) Principle of development
- ii) Design and impact on the character and form of the area
- iii) Impact on residential amenity.
- iv) Impact on highway safety.

- v) Impact on nature conservation
- vi) Drainage and flood risk
- vii) Mineral safeguarding
- viii) Waste and recycling facilities
- ix) Ground conditions and contamination
- x) Affordable housing
- xi) Other Issues raised

## 4.2 Principle of the Development

4.2.1 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.

4.2.2 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.’

4.2.3 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.”

4.2.4 Other than the above general strategic approach there are no relevant policies within the Local Plan in respect to the approach to be taken with regard to the development of wind-fall sites. As such the proposal falls to be determined in accordance with the tests set out in subsection (d) (i) or (ii) of paragraph 11 of the NPPF show above.

4.2.5 With that in mind it is noted that the application site is not designated as Green Belt, AONB or as a SSSI or SAC; nor is it located with flood zones 2 or 3, with

the exception that it does affect a locally listed heritage asset. This issue is assessed in the next section of this report.

4.2.6 The site is within a residential location in Hednesford and therefore is close to the schools and served by bus routes giving access by public transport. As such the site has good access by public transport, walking and cycling to a range of goods and services to serve the day to day needs of the occupiers of the proposed development. The site is not designated as a statutory or non-statutory site for nature conservation.

4.2.7 Given the above, the proposal is compatible with the surrounding land uses and is considered acceptable in principle subject to the proposal being acceptable in respect to its impact on the non-designated heritage asset. The proposal is also still required to meet the provisions within the development plan in respect to matters of detail.

### **4.3 Impact to the Locally Listed heritage Asset**

4.3.1 The application site is not nationally listed however it is listed within the Hednesford Neighbourhood Plan under Policy BE1. A locally listed building is of architectural or historic interest which makes a valuable contribution to the character of an area but does not qualify for inclusion on the statutory list.

4.3.2 Policy BE1 identifies that there will be a presumption that the buildings listed in appendix 4 will be retained. Where the original use of a building becomes redundant or unviable, a flexible approach will be taken to supporting changes of use, provided that uses are compatible with the immediate surroundings and secure the long-term life of the building.

4.3.3 Further guidance within Paragraph 203 of the NPPF identifies that the effect on the significance of a non-designated heritage asset should be taken into account when determining an application. This includes applications that directly or indirectly affect non-designated heritage assets. A balanced judgement must be reached with regard to the scale of any harm or loss caused and the significance of the heritage asset.

4.3.4 In this instance, St Saviours Church, comprises of a red brick church of traditional construction which is prominent in the street scene. The simple rectangular plan form, use of local red brick and clay tile roof covering contribute to the surviving historic and architectural interest of this vernacular building.

4.3.5 Architectural details include a large oculus window to the principal elevation, entrance porch with decorative brick arch, two pinnacles and bell tower to front façade and to the side and rear of the building are projecting brick columns separating the large arched windows. The building has been extended at the side and rear with somewhat unsympathetic two storey and single storey flat roofed extensions. The rest of the land to the rear of the church is largely overgrown.

4.3.6 The application form identifies that the property has been vacant since 2017 and has been redundant in its use as a church. However, the demolition of the extant building would be contrary to the provisions of Policy BE1 of the Hednesford Neighbourhood Plan.

4.3.7 In this respect, the Conservation Officer states that the demolition of the heritage asset is of significant concern due to the high-quality architectural design of the

building and its historic interest. Notwithstanding this, the building is a non-designated heritage asset and therefore in accordance with Paragraph 203 of the NPPF a balanced judgement must be reached with regard to the scale of any harm or loss caused and the significance of the heritage asset.

- 4.3.8 The Conservation Officer also references Policy BE2 of the Hednesford Neighbourhood Plan stating that the building makes a positive contribution to the character and appearance of the street scene and is noted within the neighbourhood plan as “*an area of special local character*” forming part of Green Heath Road, Station Road, and High Mount Street. However, your officers confirm that this is designation is located approx. 300m from St Saviours Church and focusses on Green Heath Road, West Hill Avenue and includes the south-western end of High Mount Street (West Hill Primary School) only. The Conservation Officer did opine however that where infill bungalows have been allowed these are minimal interventions.
- 4.3.9 The Conservation Officer raised concern regarding the loss of the building stating that the building while in need of attention is capable of conversion as noted with ASC design Limited report. The ASC report was carried out on behalf of the Planning Authority and whilst it did state that the building was capable of conversion, it also continued that the author was unable to comment on the costs of such a conversion.
- 4.3.10 In this respect the applicant has submitted a viability assessment with which to demonstrate that the conversion of the existing building into four apartments and the construction of land to the rear for two further dwellings would be economically unviable. In this respect the comments of the neighbours are noted in terms of the viability of the building and other uses. Following this, Your Officers commissioned Andrew Golland to provide an independent assessment of the proposed development.
- 4.3.11 Andrew Golland concluded that:
- “The Existing Use Value of the site relates to the value of the existing building and land. The land and building is best described as ‘community’. As such, it has little value, either on a comparative or investment basis. It may be possible to rent the church out for various community events, but I can’t see that this would really be a commercial operation or exercise; and hence the land and buildings have little existing use value. The appraise shows a residual value of minus £137,000.”*
- 4.3.12 Given the above, It has been demonstrated that the conversion of the existing building would be economically unviable. This gives no incentive to bring forward the site for the retention of the existing building and its conversion into residential apartments.
- 4.3.13 It is noted that whilst the application site is listed within the Hednesford Neighbourhood Plan for retention, Hednesford Town Council have not objected to the demolition of the building.
- 4.3.14 Further, Hednesford Neighbourhood Plan Policy H1 identifies that the building of bungalows would be supported where it is viable either as a component of the dwelling types or, on appropriate small developments as a whole. The application site would re-use a sustainably located brownfield site and the provision of bungalows would add to the Councils Housing stock.

4.3.15 Given the above, whilst it is regrettable that a locally listed building would be lost, it has been demonstrated that its retention would be economically unviable and, the re-use of a brownfield site, within a sustainable urban location would add to the Councils housing stock and is not being objected to by the Town Council. It is therefore concluded that, on balance, the proposed development is acceptable in this respect.

#### **4.4 Design and Impact on the character and appearance of the area**

4.4.1 In this respect, it is noted that character assessment as per the Design SPD states that Hednesford is a small town at the foot of Hednesford Hills which is largely 20<sup>th</sup> century in character but with remnants of former industry / Victorian properties.

4.4.2 The street scene is characterized by two storey residential dwellings in the form of semi-detached and terraced dwellings. These are constructed in brick or have been rendered and many have low brick boundary walls or hedging to provide enclosure to the back of pavement. Many dwellings are built directly onto the back of pavement, and some boundary treatments have been removed to provide car parking. In-fill development is characteristic of High Mount Street and the wider location.

4.4.3 The layout plan demonstrates how the proposed dwellings would be accommodated within the site. The application proposal would construct two single storey dwellings set behind short frontages onto High Mount Street. These dwellings would be constructed in place of the existing building and whilst further forward within the site, would be of a reduced depth and height. The private gardens would be to the rear. The existing access into the site would be used for access to the four dwellings proposed to the rear. The four dwellings would be single storey with private amenity space to the rear or side. There would be two parking areas to the rear within the curtilage of the application site.

4.4.4 The street scene is already well varied in terms of designs, materials, and periods of construction and in fill development is a characteristic of the wider location including High Meadows Close, Windsor Court and Mavis Road which are all examples similar development sites to the proposal comprising of between 3 and 5 bungalows accessed via a short private drive. As such, the proposed bungalows would reflect the design and appearance of this location.

4.4.5 With the exception of the overgrown frontage there is little significant tree planting within the site. The applicant has however, provided a tree survey with which to inform the application for the few trees on and around the rear of the site. The tree report concluded that the tree stock in general is of low quality. The area behind both the church building and the house have not been managed for some time and consequently the area has become overgrown with invasive vegetation. The report concludes that the proposal can be achieved with no tree removal.

4.4.6 The comments of the Councils Landscape Officer are noted and details for a landscaping scheme to include an Arboricultural method Statement has been recommended.

4.4.7 Paragraph 131 of the NPPF stresses the importance trees make to the character and quality of urban environments and that opportunities are taken to incorporate trees into new development. In this instance, there is very little scope for any tree planting to be provided. It is noted that a hedgerow would be planted along

part of the shared boundary with No. 83 and that there would be scope within the rear gardens of the individual plots for some further planting. In this respect, the comments of The Councils Landscape Officer are noted with regard to requiring details for the private rear gardens. However, your Officers do not consider it reasonable to control what future occupiers of the plots plant within their private gardens.

4.4.8 In respect to the comments from the Councils Landscape Officer in terms of land ownership, the applicant has provided evidence within the submission that they have ownership of the site in its entirety.

4.4.9 Therefore, having had regard to Policy CP3 of the Local Plan and the above-mentioned paragraphs of the NPPF it is considered that the proposal would be well-related to existing buildings and their surroundings, successfully integrate with existing features of amenity value, maintain a strong sense of place and visually attractive such that it would be acceptable in respect to its impact on the character and form of the area.

#### **4.5 Impact on Residential Amenity**

4.5.1 In this respect the nearest residential properties to the proposal are located to the immediate north, east and west of the site. The comments from the objectors are noted in relation to the potential for overlooking, impact on daylight and outlook and overbearing.

4.5.2 In respect to the property to the immediate north of the site, this is a two-storey dwelling and the proposed dwellings (plots 1 & 2) would be sited adjacent the side of this property, separated by approx. 3m. It is noted that there are windows in the side elevation of No.82, at ground floor level. It is understood that these windows comprise a secondary window to a lounge and a secondary window to a kitchen. The side facing windows are currently impeded by the position of the two-storey church building. Whilst the existing building is sited 6m from the side of this dwelling it is considered that the proposal for single storey dwellings constructed to a lower height and of a shorter depth than the existing building would improve the daylight and outlook from these windows for the adjacent occupiers.

4.5.3 The dwellings proposed to the rear of the site would be single storey and would be on lower ground than that of No.82. No. 82 has its parking and turning area to the immediate rear and the private rear garden adjacent this. The proposed parking area would be sited adjacent to the outdoor amenity of No.82 however the proposal incorporates a brick wall with planting in this location which would provide a screen for the proposed parking area. The proposed single storey dwelling (plot 4) would be constructed adjacent the parking area and would remain approx.21m. from the main dwelling of No.82. Notwithstanding, the single storey design of the dwelling and the intervening boundary treatments would ensure the existing occupiers are adequately screened.

4.5.4 With regard to the dwellings to the rear, Nos 52 to 56 Bromley Close would have a dwelling (plot 6) located adjacent their rear boundaries. Proposed plot 6 would be single storey and would be constructed 0.8m from the shared boundaries. The proposed dwelling would remain 14.4m from the rear elevation of No. 52. It is noted that Nos.54 and 56 benefit from a single storey rear extension however the proposed dwelling would still remain over 12m from the rear elevation of these extensions. The Design SPD states that where a side elevation faces a

rear elevation the distance retained should be no less than 10.7m for single storey structures in order to avoid any overbearing impact. As such, the proposed dwelling exceeds the required separation distance for space about dwellings.

- 4.5.5 Proposed plots 3 and 4 would be sited within the wider site and would be orientated with the rear elevations facing towards the side boundary of No.52 Bromley Close. The proposed dwellings would be separated from this neighbour by the rear gardens, a distance of 8.6m to the shared boundary, 9.6m to the side elevation of the two-storey dwelling. This separation distance would represent a shortfall in the spatial separation distance set out within the Design SPD for 10.7m, which is to avoid any overbearing on existing properties. In this instance, it is noted that the proposed dwellings are single storey and the intervening boundary treatments would adequately screen the amenity space of No.52. It is also noted that the proposed dwellings would comply with the Councils Daylight Outlook Standard in respect to openings within the principal elevations of No.52. As such, the proposed development would not be significantly overbearing on the occupiers of No. 52 Bromley Close.
- 4.5.6 In order to further protect the amenity of the adjacent occupier, a condition has been recommended for the permitted development rights to be removed from the new dwellings so they cannot extend without first seeking planning permission and a further condition recommended for the finished floor levels to be provided. Both recommended conditions would seek to protect the amenity of the adjacent occupiers.
- 4.5.7 An objector had noted that the proposed fencing at 1.8m would be higher than the existing situation and this could have a detrimental impact to the occupiers of adjoining dwellings. Your Officers confirm that the 1.8m high boundary treatments are typical of domestic boundary treatments and this could currently be changed to 2m without planning permission as this is the height permissible under Schedule 2, Part 2, Class A of the General Permitted Development Order (GPDO).
- 4.5.8 An objector has stated that houses within Bromley Close currently have no noise pollution. Your Officers confirm that the application is for residential dwellings and as such any noise generated from this use would be compatible with the surrounding development which comprises of residential properties.
- 4.5.9 Given the above, and subject to the recommended conditions, it is considered that the proposal would, on balance, not cause any significant detrimental impact upon amenity to the occupiers of the neighbouring units. The proposal is therefore considered acceptable in accordance with Local Plan Policy CP3 and the NPPF.

#### **4.6 Highway Implications**

- 4.6.1 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 objections from neighbours are noted in respect of existing parking issues.
- 4.6.2 There is an existing access into the site from High Mount Street which would be retained and used. This access is located immediately between the Church building and the side elevation with No.76 High Mount Street. The access would



be increased in width to 5m at its widest to allow for vehicles to pass. The access would extend into the site giving access to two parking areas and a turning head. There would be parking provided for 14 vehicles which would be allocated to the individual dwellings.

- 4.6.3 Staffordshire County Highway Authority was consulted on the application and raised no objections to the proposal in terms of highway safety, subject to the recommended conditions and the requirement to widen the existing dropped kerb.
- 4.6.4 The parking provision complies with the Councils Parking Standard SPD based on the scale of the dwellings proposed.
- 4.6.5 Given the above, it is concluded that, subject to the attached conditions the proposal would not lead to unacceptable impacts on highway safety and that the residual cumulative impacts on the road network would not be severe. As such the proposal would accord with the broad thrust of Policy CP10 of the Local Plan and Paragraph 111 of NPPF.

#### **4.7 Impact on Nature Conservation Interests**

- 4.7.1 The comments of the neighbours are noted in terms of impact on wildlife however, the application site is not subject to any formal or informal nature conservation designation and is not known to support any species that are given special protection, or which are of particular conservation interest. Furthermore, no substantial evidence has been presented to demonstrate that any such species or habitat exists on the site.
- 4.7.2 Notwithstanding this, the applicant has submitted a bat and bird survey with which to inform the application. This found that there was no evidence of bats using the building as a place of shelter and the emergence surveys have shown no bats emerging from the building. As such, the demolition of the building will not affect a place of shelter for bats. The demolition of the building will not affect nesting birds.
- 4.7.3 Given the above, the site has no significant ecological value and therefore the proposal would not result in any direct harm to nature conservation interests.
- 4.7.4 In order to enhance the nature conservation opportunities for the site, a condition requiring the bat boxes be included in the construction of the dwellings as per the recommendations in the applicants Bat Survey.
- 4.7.5 Under Policy CP13 development will not be permitted where it would be likely to lead directly or indirectly to an adverse effect upon the integrity of the European Site network and the effects cannot be mitigated. Furthermore, in order to retain the integrity of the Cannock Chase Special Area of Conservation (SAC) all development within Cannock Chase District that leads to a net increase in dwellings will be required to mitigate adverse impacts. The proposal would lead to a net increase in dwellings and therefore is required to mitigate its adverse impact on the SAC. Such mitigation would be in the form of a contribution towards the cost of works on the SAC and this is provided through CIL.
- 4.7.6 Given the above it is considered that the proposal, would not have a significant adverse impact on nature conservation interests either on, or off, the site. With the recommendation to include a bat box, the proposal would provide

opportunities to enhance nature conservation. In this respect the proposal would not be contrary to Policies CP3, CP12 and CP13 of the Local Plan and the NPPF.

#### **4.8 Drainage and Flood Risk**

4.8.1 The site is located in Flood Zone 1 on the Environment Agency's Flood Zone Maps. The comments of the neighbours are noted in respect to instances of localised flooding and drainage. Policy in respect to drainage and flood risk is provided by 159-169 of the NPPF. Of particular note is paragraph 167 which states:

‘When determining any planning applications, local planning authorities should ensure that flood risk is not increased elsewhere’.

4.8.2 In this respect it is noted that the building and surrounding hardstanding already exist and is serviced by drainage. The proposal would not increase the area of buildings or hard standing occupying the site to such an extent that would generate significant additional run-off from the site.

4.8.3 Severn Trent was consulted on the application and raised no objection in terms of drainage or flooding issues. As such it is concluded that the proposal would be acceptable from a flood risk and drainage perspective.

#### **4.9 Mineral Safeguarding**

4.9.1 The site falls within a Mineral Safeguarding Area (MSAs). Paragraph 209, of the National Planning Policy Framework (NPPF) and Policy 3 of the Minerals Local Plan for Staffordshire (2015 – 2030), both aim to protect mineral resources from sterilisation by other forms of development.

4.9.2 The advice from Staffordshire County Council as the Mineral Planning Authority does not require consultation on the application as the site falls within the development boundary of an urban area and is not classified as a major application

4.9.3 As such, the proposal would not prejudice the aims of the Minerals Local Plan.

#### **4.10 Ground Conditions and Contamination**

4.10.1 The site is located in a general area in which Coal Authority consider to be a development low risk area. As such, the Coal Authority does not require consultation on the application, and it is advised that any risk can be managed by the attachment of an advisory note to any permission granted.

4.10.2 Paragraphs 183 – 185 of the NPPF seek to ensure new development is suitable for the proposed use taking into account ground conditions and any risks arising from land instability and contamination.

4.10.3 The Council Environmental Health Officer was consulted on the application and raised no objection to the proposal subject to conditions. As such, the proposal is considered to accord with the requirements of the NPPF and Policy CP16 of the Cannock Chase Local Plan, subject to the recommended conditions.

#### **4.11 Affordable Housing**

- 4.11.1 Under Policy CP2 the proposal would be required to provide a contribution towards affordable housing. However, paragraph 64 of the NPPF states that the 'provision of affordable housing should not be sought for residential developments that are not major developments, other than in designated rural areas (where policies may set out a lower threshold of 5 units or fewer)'.
- 4.11.3 As such, it is considered on balance that the proposal is acceptable without a contribution towards affordable housing.

#### **4.12 Objections received not already covered above:**

- 4.12.1 An objector has raised concern regarding the potential for dust and dirt that will be generated. Your Officers confirm that a condition has been recommended for a Construction method Statement to be provided to the Local Planning Authority which will seek to control emission of dust and dirt during construction.
- 4.12.2 An objector has raised concerns regarding potential asbestos present within the church. Your Officers confirm that asbestos was not detected in either of the structural assessments carried out at the building.
- 4.12.3 An objector has queried where boiler plumes will be discharged. Your Officers confirm that this is not a material consideration of the determination of the application and would be control under the specific boiler flue regulations
- 4.12.4 An objector has raised concern regarding potential lighting of the access and private road and its impact on existing residents. Your Officers confirm that no lighting is identified on the submitted plans. A condition has however, been recommended for details of any future lighting scheme to be submitted for prior approval.
- 4.12.5 An objector has stated that the applicant does not have permission to access No.52 Bromley Close to use the foul drain. Your Officers confirm that the grant of planning permission does not grant permission for the applicant to access third party land. The applicant would need to seek further permission from the landowner to carry out any works separately.
- 4.12.6 An objector has queried a line marked on the Proposed Site Plan which he states seems to show new mains service that travels from the rear of proposed plot 3 into the rear garden area of 52 Bromley Close crossing the access to 54 Bromley close; 1) What is the new mains service and 2) it seem to vanish under paving slabs of plot 3. With regard to the first query, your Officers confirm that the line indicates the foul drains and manholes. With regard to the second part of the query, your Officers confirm that the line shown on the plan leading from No. 52 Bromley Close to the rear garden of proposed plot 3 denotes the 45° line.
- 4.12.7 An objector has stated that the proposal would impact upon property values. Your Officers confirm that this is not a material consideration for the determination of the planning application.

## **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. 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**

- 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.