

Please ask for: Mrs. W. Rowe

Extension No: 4584

E-Mail: wendyrowe@cannockchasedc.gov.uk

30 April, 2018

PLEASE NOTE: THOSE MEMBERS WHO ARE NOT RE-ELECTED ON 3 MAY, 2018 WILL NOT BE ELIGIBLE TO ATTEND THE MEETING AS A MEMBER OF THE COMMITTEE

Dear Councillor,

**PLANNING CONTROL COMMITTEE
3.00PM WEDNESDAY 9 MAY 2018
COUNCIL CHAMBER, CIVIC CENTRE, CANNOCK**

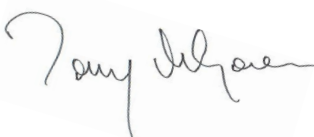
You are invited to attend this meeting for consideration of the matters itemised in the following Agenda.

The meeting will commence at 3.00pm or at the conclusion of the site visits, whichever is the later. Members are requested to note that the following site visits have been arranged:-

<u>Application Number</u>	<u>Application Description</u>	<u>Start Time</u>
CH/18/095	Application to vary condition 28 of planning permission CH/16/139 to enable a minor material change comprising the removal of steps to the skate park from dam crest and removal of footpath around the southern and eastern boundary - <i>Land to the East of Western Springs Road (Hagley Playing Fields), Rugeley. WS15 2GD</i> <i>(MEMBERS MAY BE REQUIRED TO WEAR HIGH VIS VESTS AND HARD HATS)</i>	1:30pm
CH/18/073	Stable building and hardstanding – <i>Field adjoining Wolseley Park Estate, Stafford Brook Road, Rugeley, WS15 2TU</i>	2:15pm

Members wishing to attend the site visit are requested to meet at the land to the East of Western Springs Road (Hagley Playing Fields), Rugeley, WS15 2GD at 1:30pm as indicated on the enclosed plan.

Yours sincerely,



**T. McGovern
Managing Director**

To Councillors:

*Cartwright, Mrs. S.M. (Chairman)
Pearson, A.R. (Vice-Chairman)

*Allen, F.W.C.	Kraujalis, J.T.
Cooper, Miss J.	Lea, C.I.
*Dean, A.	Snape, D.J.
Dudson, A.	Snape, P.A.
Grice, Mrs. D.	Sutherland, M.
*Grocott, M.R.	Todd, Mrs. D.M.
Hoare, M.W.A.	

(*NOTE: Members who are not re-elected on 3 May, 2018 will not be eligible to attend the meeting as a Member of the Committee. This also applies to any Members appointed as substitutes for this Committee.)

A G E N D A

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 18 April, 2018 (enclosed).

5. Members' Requests for Site Visits

6. Report of the 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 Development Control Manager.

Finding information about an application from the website

- On the home page click on planning applications, listed under the 'Planning & Building' tab.
- This takes you to a page headed "view planning applications and make comments". Towards the bottom of this page click on the text View planning applications. By clicking on the link I agree to the terms, disclaimer and important

notice above.

- The next page is headed "Web APAS Land & Property". Click on 'search for a planning application'.
- On the following page insert the reference number of the application you're interested in e.g. CH/11/0001 and then click search in the bottom left hand corner.
- This takes you to a screen with a basic description - click on the reference number.
- Halfway down the next page there are six text boxes - click on the third one - view documents.
- This takes you to a list of all documents associated with the application - click on the ones you wish to read and they will be displayed.

<u>Application Number</u>	<u>Application Description</u>	<u>Item Number</u>
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SITE VISIT APPLICATIONS

- | | | |
|--------------|---|-------------|
| 1. CH/18/095 | Application to vary condition 28 of planning permission CH/16/139 to enable a minor material change comprising the removal of steps to the skate park from dam crest and removal of footpath around the southern and eastern boundary - <i>Land to the East of Western Springs Road (Hagley Playing Fields), Rugeley WS15 2GD</i> | 6.1 – 6.26 |
| 2. CH/18/073 | Stable building and hardstanding – <i>Field adjoining Wolseley Park Estate, Stafford Brook Road, Rugeley, WS15 2TU</i> | 6.27 – 6.38 |

OTHER APPLICATIONS

- | | | |
|--------------|---|-------------|
| 3. CH/17/380 | Residential development – erection of detached 4 bedroom dwelling (resubmission of planning application CH/17/166) – <i>1 Nirvana Close, Cannock WS11 1HT</i> | 6.39 – 6.57 |
|--------------|---|-------------|

APPEAL DECISION

- | | | |
|--------------|--|-------------|
| 4. CH/17/221 | Residential Development: Two Storey Side Extension – <i>6 Coppice Court, Cannock. WS11 1PB</i> | 6.58 – 6.61 |
|--------------|--|-------------|

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CANNOCK CHASE COUNCIL
MINUTES OF THE MEETING OF THE
PLANNING CONTROL COMMITTEE
WEDNESDAY 18 APRIL, 2018 AT 3:00 P.M.
IN THE CIVIC CENTRE, BEECROFT ROAD, CANNOCK
PART 1

PRESENT:
Councillors

Cartwright, Mrs. S.M. (Chairman)
Pearson, A.R. (Vice-Chairman)

Allen, F.W.C.	Smith, C.D. (substitute for
Cooper, Miss J.	P.A. Snape)
Dudson, A.	Snape, D.J.
Grice, Mrs. D.	Todd, Mrs. D.M.
Grocott, M.R.	Witton, P.T. (substitute for
Hoare, M.W.A.	J.T. Kraujalis)
Lea, C.I.	

123. Apologies

Apologies for absence were received from Councillors A. Dean, J.T. Kraujalis, P.A. Snape and M. Sutherland.

Notification had been received that Councillor C.D. Smith would be acting as substitute for Councillor P. Snape and Councillor P.T. Witton would be acting as substitute for Councillor J.T. Kraujalis.

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

There were no declarations of interests submitted.

125. Disclosure of lobbying of Members

Nothing declared.

126. Minutes

RESOLVED:

That the Minutes of the meeting held on 28 March, 2018 be approved as a correct record.

127. Members' Requests for Site Visits

None

128. Application CH/18/016, Change of use of the Grade II listed Cedar Tree Hotel to provide 9 no. residential apartments, change of use of the annex to create 2 no. dwellings and development of the hotel car parks to create 16 no. new dwellings. The development will include demolition of an existing squash court (as separate application ref CH/18/011) and demolition of a function room attached to the listed building, Cedar Tree Hotel, 118 Main Road, Brereton

Consideration was given to the report of the Development Control Manager (Item 6.1 – 6.37 of the Official Minutes of the Council).

The Development Control Manager advised Members that in terms of drainage there were no objections. He also advised that the Education contribution was covered under the requirements of the Community Infrastructure Levy (CIL) and therefore the recommendation would be amended to remove the contribution towards Education provision from the Section 106 Agreement.

Prior to consideration of the application representations were made by Parish Councillor P. Fisher (objector) and Mr. J. Preet (applicant, speaking in favour of the application).

The Development Control Manager advised that Condition 12 would be amended as follows should permission be granted:

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

RESOLVED:

(A) That the applicant be requested to enter into an Agreement under Section 106 of the Town and Country Planning Act, 1990 to secure the provision of 20% on site Affordable Housing.

(B) On completion of the Agreement the application be approved subject to the conditions contained in the report for the reasons stated therein and to the amendment of Condition 12 as outlined above.

129. Application CH/17/476, Application for the removal of condition 5 of planning permission CH/15/0040 to allow 24 hour operation of the site, Unit 17 to 20 Bellsie Close, Norton Canes

Consideration was given to the report of the Development Control Manager (Item 6.38 – 6.48 of the Official Minutes of the Council).

Prior to consideration of the application representations were made by Ward Councillor J. Preece, who raised a number of issues with regard to the application on behalf of residents.

In view of the issues raised the Development Control Manager agreed to contact the applicant after the meeting to outline the issues that had been discussed.

Representations were then made by David Landgale, the applicant, who spoke in support of the application and addressed some of the issues that had been raised. He agreed to meet with Councillors and a representative for the residents to talk through their concerns and take measures to address them where possible.

RESOLVED:

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

(At this point in the proceedings the meeting adjourned for a 5 minute comfort break.)

130. Application CH/18/095, Application to vary condition 28 of planning permission CH/16/139 to enable a minor material change comprising the removal of steps to the skate park from dam crest and removal of footpath around the southern and eastern boundary, Land to the East of Western Springs Road (Hagley Playing Fields), Rugeley

Consideration was given to the report of the Development Control Manager (Item 6.49 – 6.71 of the Official Minutes of the Council).

Prior to consideration of the application representations were made by Parish Councillor B. Dipple, an objector, speaking against the application and Matthew Griffin, representing the applicant, speaking in favour of the application.

RESOLVED:

That the application be deferred to enable the applicant to provide further information with regards to the application and to allow Members of the Committee to undertake a site visit to give themselves a better understanding of the site.

The meeting closed at 5.05 p.m.

CHAIRMAN

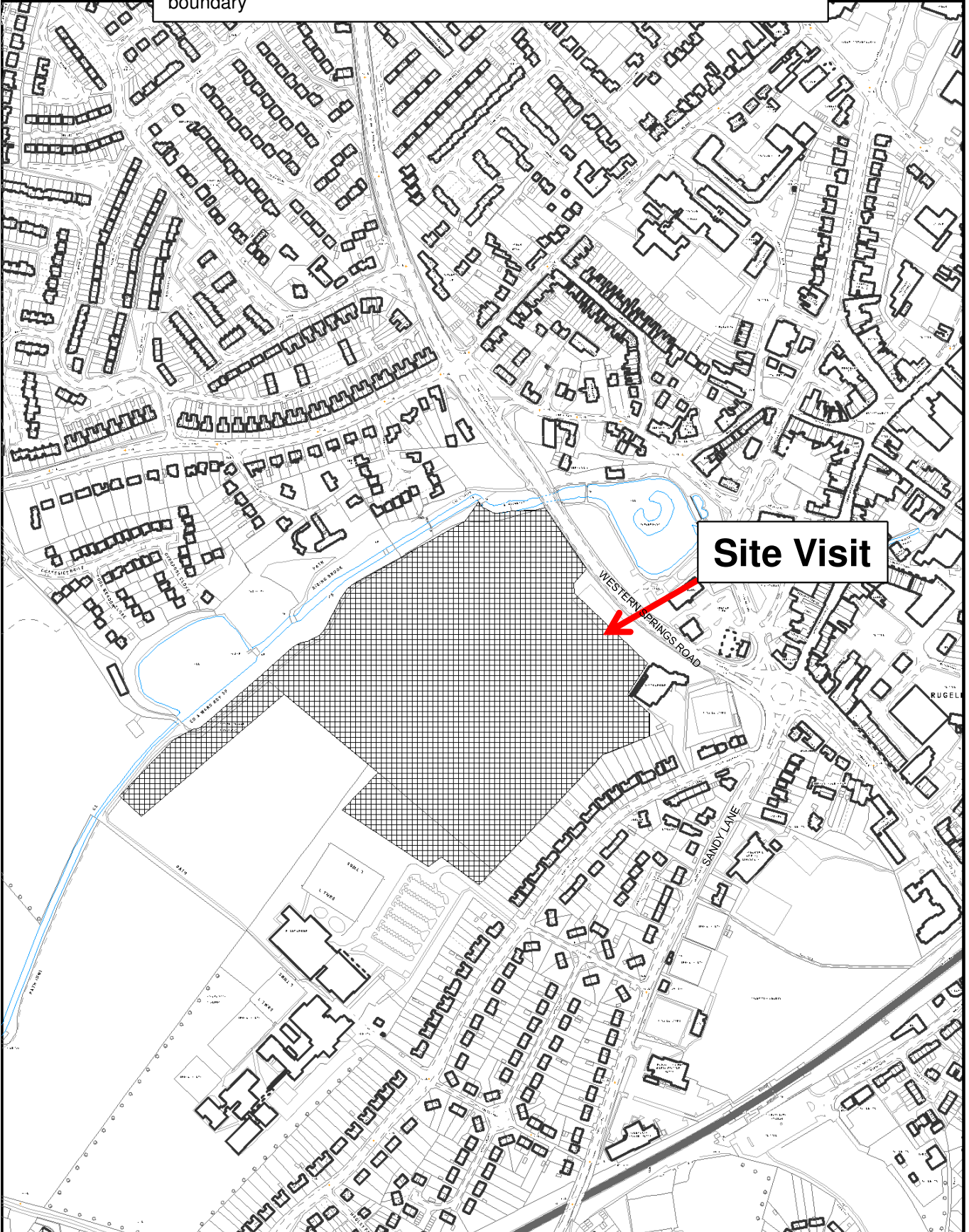
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CH/18/095

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

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



Site Visit

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CH/18/073

Field adjoining Wolseley Park Estate, Stafford Brook Road, Rugeley, WS15 2TU

Stable building and hardstanding



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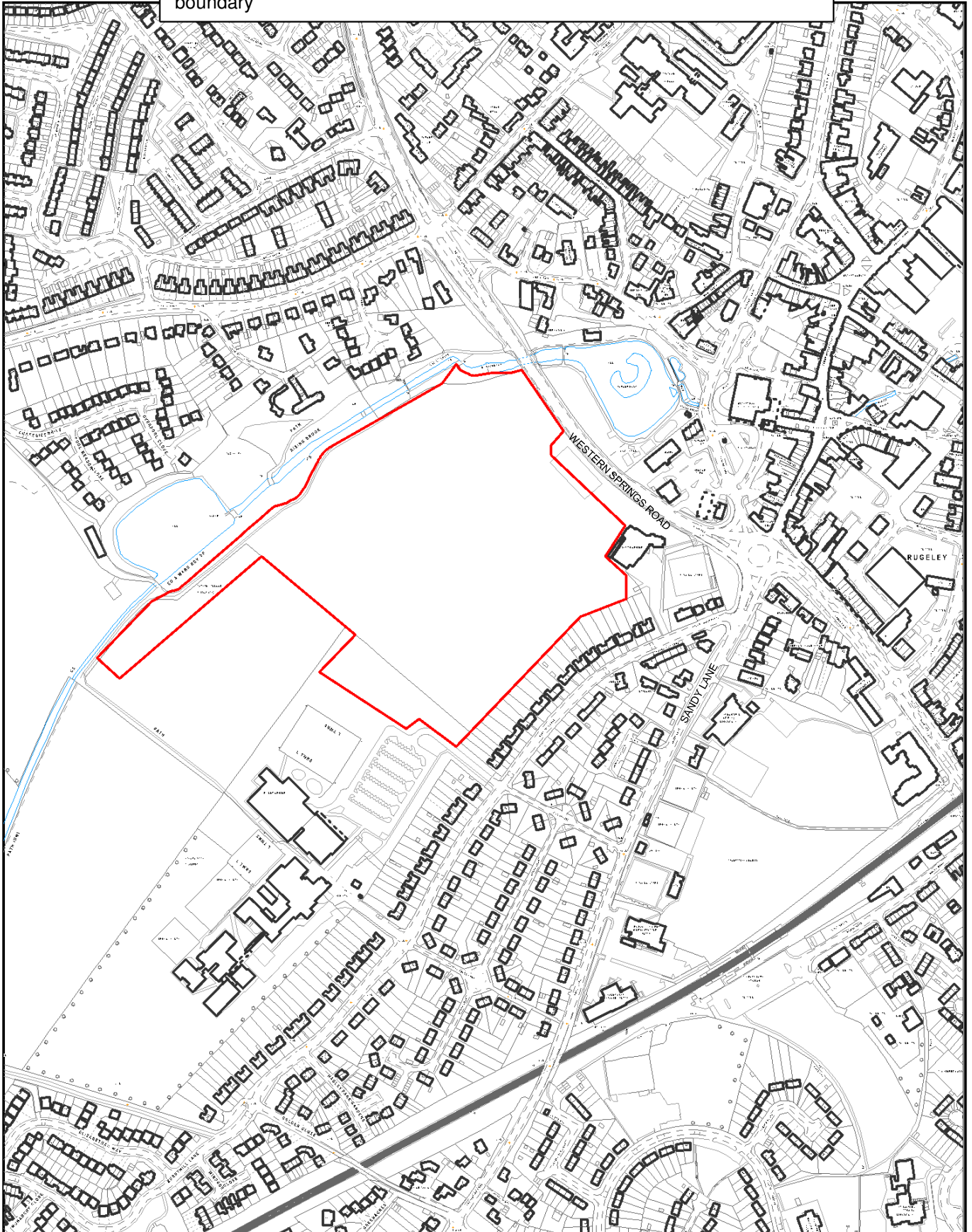
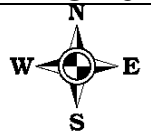


CH/18/095

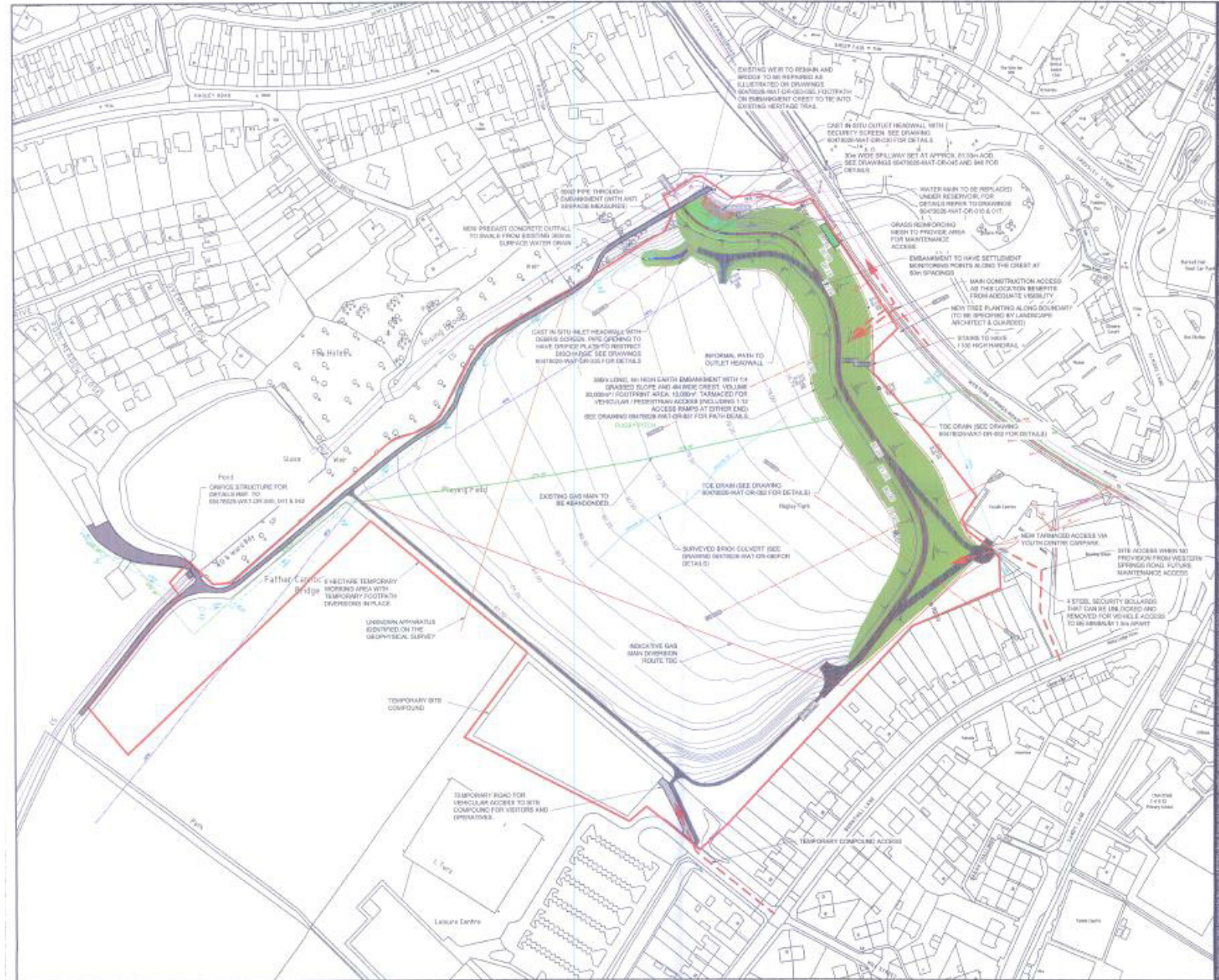
Land to the east of Western Springs Road (Hagley Playing fields), Rugeley, WS15 2GD

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

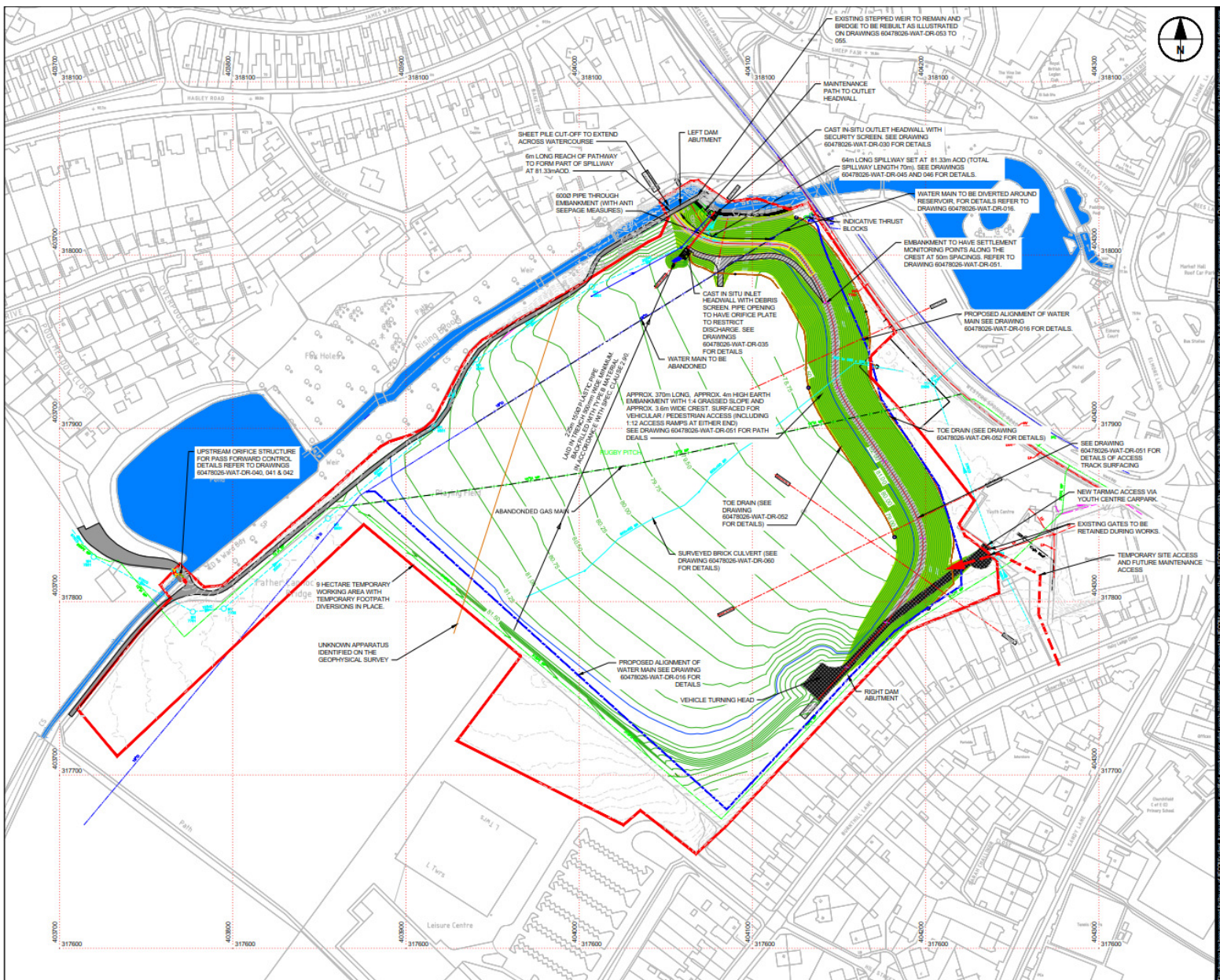
ITEM NO. 6.1



Site Layout previously approved under CH/16/139



Proposed Site Layout



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Application No: CH/18/095

Received: 3 March 2018

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

Parish: Rugeley

Ward: Hagley

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

Recommendation: Approve subject to the conditions attached to the report presented to Planning Committee on 18th April 2018 (see Appendix 1).

Reason for Granting Permission

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

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

Background

At Planning Committee on 18th April it was resolved that the application be deferred to allow Members to undertake a site visit and to allow the Environment Agency to provide additional information in support of the proposal.

The Environment Agency in support of the Application has made the following statement: -

“The Reservoir Act 1975 (Act) sets out the legal requirements in order to ensure that all reservoirs are designed, built and maintained to a safe standard to minimise the risk of dam failure and hazard to life or damage to infrastructure. (There was a recent legal case on the Butterley Reservoir Spillway improvement Remediation in which a precedent was set that dam safety takes precedence, but with recognition of planning requirements).

For Rugeley the All Reservoir Panel Engineer, acting as the qualified civil engineer (QCE) under the Act, identified design elements (the steps) that presented a hazard to the function of the dam and hence the need for removal for safety.

With regard to desire lines, until the playing field is opened to the public the location of desire lines is unknown given the changes to the field. It is something that needs to be monitored and assessed with regard to safety of the dam and public. The Environment Agency will do this as undertakers of the reservoir under the Reservoir Act. The grass seed mix for the embankment has been designed in accordance with CIRIA 116 for low maintenance sites to provide erosion protection during overflowing conditions.

The footpath in question is outside of the extent of 100 year + CC water level and as such should not pose an increase in H&S risk as it will be no boggier than it previously was. However under the Probable Maximum Flood event (1 in 10,000 years!) the path would likely be inundated. In this huge flood event the crest of the embankment is also being overtopped. For further context, the majority of the field (within the 100 year + CC level) is planned for sports pitch use so we have no concerns about the unsurfaced footpath being unsuitable for public use in normal weather conditions.”

5.0 HUMAN RIGHTS ACT

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

6.0 CONCLUSION

6.1 The issue in the determination of this application is whether the removal of the proposal for a surfaced footpath around the site and steps across the embankment of the wall would be acceptable in planning terms.

6.2 In respect to all matters of acknowledged interest the proposal would cause no harm in planning terms. Although the elements proposed to be removed would provide an element of betterment/ enhancement to the area they are not considered essential or necessary to make the wider flood alleviation scheme acceptable in planning terms. The variation of the condition is therefore considered acceptable.

6.3 The granting of permission under Section 73 provides a new consent in its own right which sits alongside the permission granted under the approved consent. The developer therefore can choose which consent that they wish to implement. As such the schedule of recommended conditions has been revised so that they would reflect the current situation (see the officer report under Appendix 1).

6.4 It is therefore recommended that the application be approved subject to the conditions attached to the officer report in Appendix 1.

Appendix 1: Report Presented to Planning Committee on 18th April 2018

Application No: CH/18/095

Received: 3 March 2018

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

Parish: Rugeley

Ward: Hagley

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

Recommendation: Approve subject to the attached conditions

Reason for Granting Permission

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

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

Conditions

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

Reason

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

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

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

Reason

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

3. Within 3 months of the date of this permission a scheme detailing the external environment-landscape, including planting, fencing, walls, surface treatment & construction details for the site shall be submitted to and approved by the Local Planning

Authority. The details shall be in the form as specified in Annex C of the Supplementary Planning Guidance 'Trees, Landscape and Development'.

Reason

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

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

Reason

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

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

Reason

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

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

Reason

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

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

Reason

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

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

Reason

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

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

Reason

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

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

Reason

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

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

Reason

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

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

Reason

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

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

Reason

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

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

Reason

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

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

Reason

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

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

Reason

In order to comply with para 32 of the NPPF.

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

Reason

In order to comply with para 32 of the NPPF.

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

19. Reason

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

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

Reason

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

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

Reason

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

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

Reason

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

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

Paving/surfacing details

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

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

Reason

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

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

Environmental Action Plan - March 2016;

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

Preliminary Bat Roost Assessment Report - February 2016.

Reason

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

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

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

Environmental Action Plan - March 2016;

Preliminary Bat Roost Assessment Report - February 2016.

Construction Management Plan Mar 16 (V2)

Archaeological Evaluation - Report No. 1446.

WAT-DR001- Site Location Plan

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

WAT-DR-013-A01 Embankment Sections

WAT-DR-018-101 Footpath diversions

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

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

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

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

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

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

WAT-DR-030-A01 Outlet Headwall

WAT-DR-035-A01 Inlet Headwall

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

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

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

Reason

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

IMPORTANT INFORMATIVES

Flood Risk Team

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

Severn Trent Water

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

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

Rights of Way Officer

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

If the path does need diverting as part of these proposals the developer would need to apply to your Council under section 257 of the Town and Country Planning Act 1990 to divert the footpath to allow the development to commence. The County Council will need to be formally consulted on the proposal to divert this footpath. The applicants should be reminded that the granting of planning permission does not constitute authority for

interference with the right of way or its closure or diversion. For further information the applicant should be advised to read section 7 of DEFRA's Rights of Way Circular (1/09).

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

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

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

EXTERNAL CONSULTATIONS

Rugeley Town Council

The town council wish to register an objection.

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

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

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

Sport England

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

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

Environment Agency

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

County Council Minerals

No objection.

Staffordshire County Council Footpaths

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

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

Local Lead Flood Authority

No comments to make.

INTERNAL CONSULTATIONSEnvironmental Health

No objections.

Trees, Landscape and Countryside

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

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

- The proposed footpath along the western boundary followed an existing very well used public footpath linking to Burnthill Lane. The one on the southern boundary would be a continuation of that still proposed from the Youth centre to link up with the western path. This would avoid people cutting across the corner of the field and down embankments. All in all giving some enhancement to the usability of the site given that there has been little other enhancement compared to what was proposed.
 - The drawing indicated the use of *Acer saccharinum* species (Sugar Maple) adjacent Weston Springs Road. Not suitable species in this particular location, change to *Tilia cordata* (Small leaved lime)
 - Additional trees were removed to facilitate development on basis would be compensatory planting – not details indicated or provided!
- Summary
- Landscape drawing is not acceptable re tree species
 - Loss of steps to skate park will lead to likely additional maintenance requirements as well as limiting access.
 - Maintenance vehicle access issue.
 - Loss of proposed enhancements/mitigation overall without suitable justification.

RESPONSE TO PUBLICITY

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

RELEVANT PLANNING HISTORY

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

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

1. SITE AND SURROUNDINGS

- 1.1 The application site comprises the Hagley Park Playing Fields which are located to the west of Rugeley town centre. The site was formerly maintained as football and rugby pitches but recently has been subject to works involved in the creation of a flood defence system pursuant to planning permission CH/16/139.
- 1.2 To the east of the site is a youth centre, bowling-green and skate park. Immediately beyond these are the A460 Western Springs Road; the Rising Brook and associated fringing woodland to the north and agricultural fields to the west.

- 1.3 The site area is approximately 9ha and the principal access to the site is via the A460.
- 1.4 There is a public footpath that runs along the southern boundary of the site and the Chase Heritage Trail runs along the western boundary.
- 1.5 To the north of the suite across Western Springs Road lies Elmore Park which falls within the Sheepfair and Bow Street Conservation Area. Adjacent to the western boundary of the site are two grade II listed structures, a bridge and a Grotto.
- 1.6 The site is designated as Green Belt in the Cannock Chase Local Plan (Part 1) and is located within a Minerals Safeguarding Area.

2. PROPOSAL

- 2.1 The applicant is seeking, under Section 73 of the Town and Country Planning Act 1990, a variation of condition 28 (approved plans) to facilitate a minor material amendment to planning permission CH/16/139 which would include removal of
- (i) the proposed steps to skate park from dam crest; and
 - (ii) the proposed footpath around the southern and eastern boundary

from the approved scheme.

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

-

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

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

The plans showing the removal of the steps and footpath have been presented to and discussed with both the Cannock Chase District Council project team and the public. Public consultation, since the removal of these elements, has not resulted in any complaints or negative feedback from previous discussions with CCDC it was understood that given the project challenges these revisions would be acceptable and could be progressed without risk.

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

3. PLANNING POLICY

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

Cannock Chase Local Plan Part 1 (2014)

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

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

3.5 National Planning Policy Framework

- 3.6 The NPPF sets out the Government’s position on the role of the planning system in both plan-making and decision-taking. It states that the purpose of the planning system is to contribute to the achievement of sustainable development, in economic, social and environmental terms, and it outlines the “presumption in favour of sustainable development”.
- 3.7 The NPPF confirms that a plan-led approach to the planning system and decisions must be made in accordance with the Development Plan. In particular the following NPPF references are considered to be appropriate.

3.8 Relevant sections and paragraphs of the NPPF include: -

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

3.9 Other Relevant Documents

Other relevant documents include: -

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

4. DETERMINING ISSUES

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

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

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

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

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

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

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

4.5 Impact on the Green Belt

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

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

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

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

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

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

4.6.2 Paragraph 61 of the NPPF goes on to state that

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

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

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

4.7 Impact on Heritage Assets

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

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

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

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

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

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

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

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

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

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

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

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

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

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

4.8 Impact on Residential Amenity

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

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

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

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

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

4.9 Impact on Highway Safety and Accessibility

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

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

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

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

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

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

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

4.9.3 Paragraph 35 of the NPPF states: -

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

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

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

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

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

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

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

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

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

4.10 Impact on Ecology

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

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

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

4.11 Minerals Conservation

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

4.12 Impact on the Recreational Value of the Playing Fields

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

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

4.12.3 The officer report went on to state

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

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

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

technical specifications.

Reason

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

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

Reason

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

4.12.5 The above conditions were attached to the original consent. The main issue in respect of this is that the provision of the steps and footpaths were not required as mitigation for any impact on the sports pitches by the statutory consultee.

4.12.6 As such it is concluded that although the footpath and steps provide some measure of enhancement to the recreational value of the playing fields they are not an essential part of the proposal and the wider flood alleviation scheme would therefore be acceptable in planning terms without such provision.

4.12.7 As such having had regard to the above the proposal to delete the steps and footpath is considered acceptable.

4.13 Impact on the Function of the Flood Defence Scheme

4.13.1 The main purpose of the original application was to provide a flood alleviation scheme to protect the town centre of Rugeley. The wider issues and policy surrounding this issue were discussed in the original officer report and the relevant policies are given in brief in the policy section of this report.

4.13.2 It is therefore important that the impact of the proposal on the effectiveness of the flood alleviation scheme is considered in the determination of this application. In this respect it is noted considered that the proposed deletion of the footpath around the southern and eastern boundary of the site would have no implication to the flood defences.

4.13.3 However, the applicant has stated: -

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

conditions when the embankment is overflowing. This could ultimately lead to failure of the dam.

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

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

4.13.5 In response the agent AECOM has stated

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

adding

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

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

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

4.14 Other Considerations and Issues Raised by Consultees

4.14.1 In respect to the submitted drawing indicating the use of *Acer saccharinum* species (Sugar Maple) adjacent Weston Springs Road not being a suitable species in that particular location, it is noted that this has no relevance to the issue for determination

which is solely in respect of the removal of tar mac path around the site and the steps up the embankment. The fact that the species appears on the plans submitted can be readily rectified by a condition stating that any permission granted is in respect to the path and steps and no other details of the submitted/ approved plans.

- 4.14.2 The issue in respect to the suggestion that additional trees were removed to facilitate development on basis would be compensatory planting and that these are not details indicated or provided again as no relevance to the issue to be determined and should be pursued through the discharge of conditions mechanisms.
- 4.14.3 The issues raised by the County Council Footpath Officer are noted. However, it is clear that the application is to vary a condition on a planning application so that a proposal to provide tar mac paths is removed from the consented scheme. This should not be construed that any footpath that exists across the site will be extinguished.

5.0 HUMAN RIGHTS ACT

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

6.0 CONCLUSION

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

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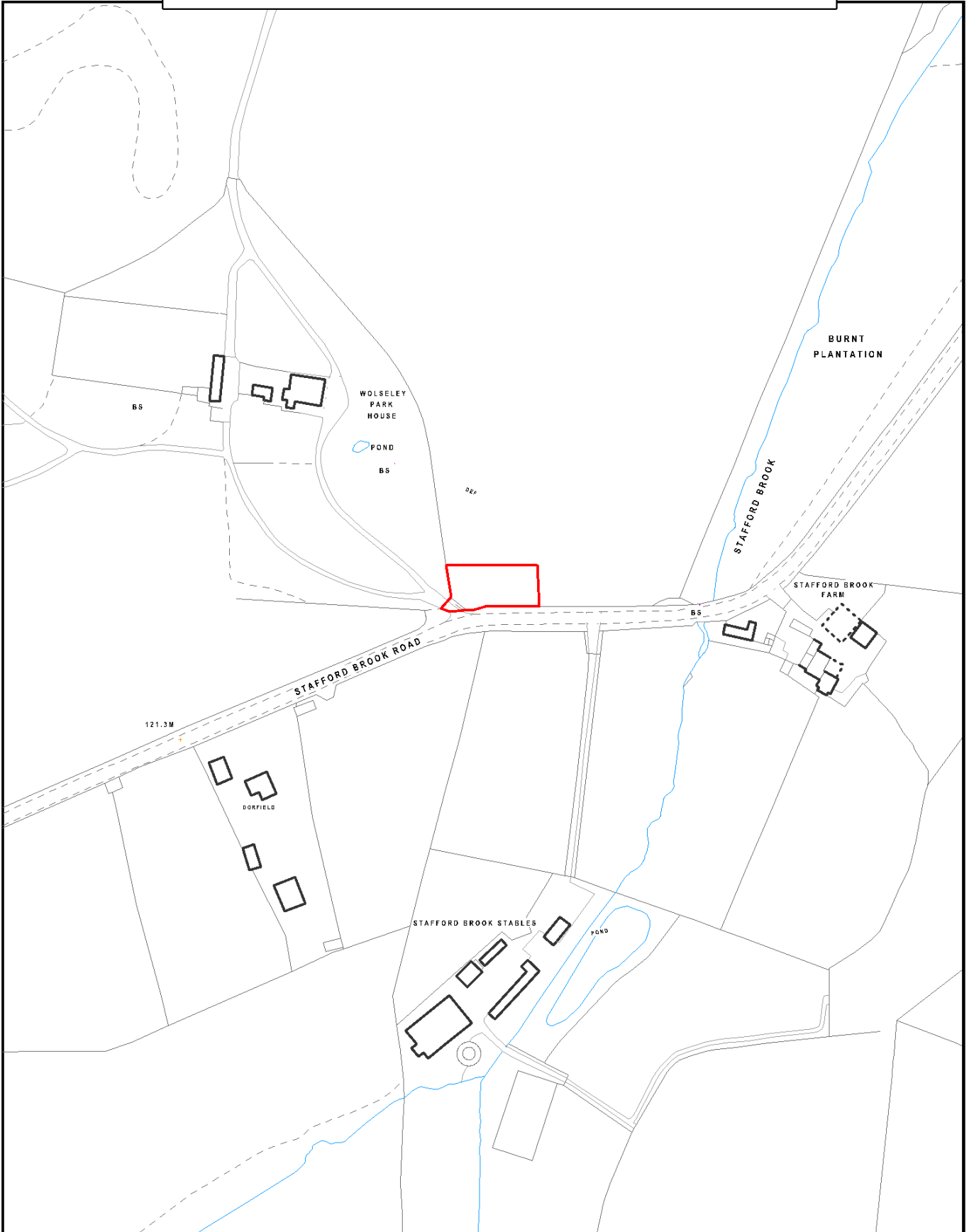


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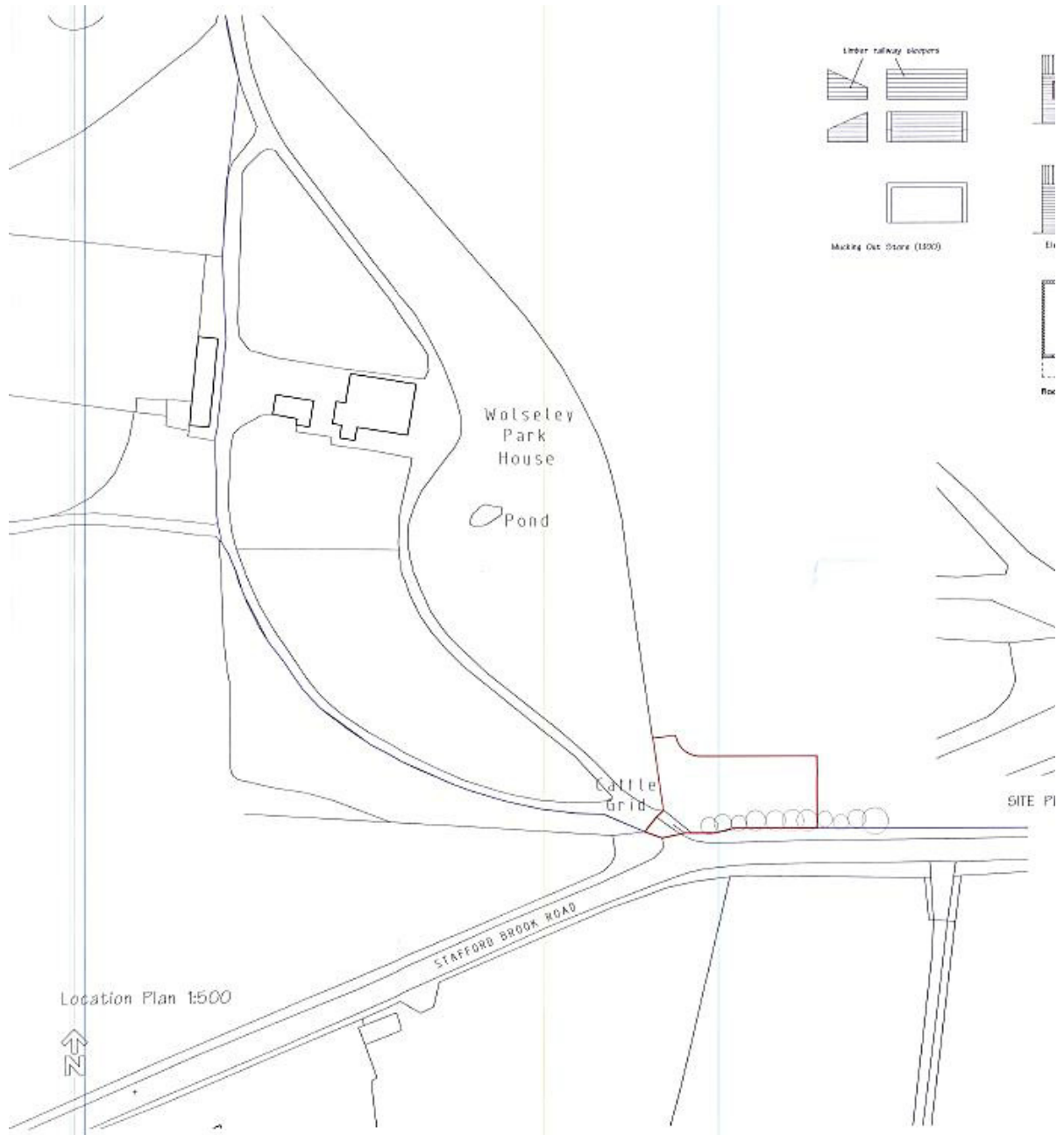
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Stable building and hardstanding

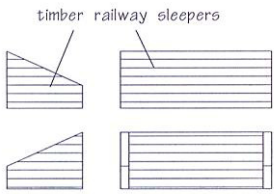
ITEM NO. 6.27



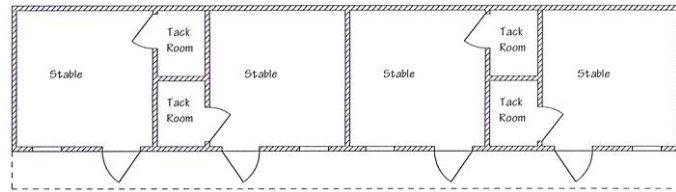
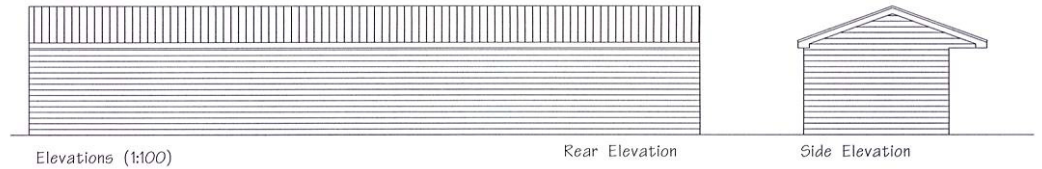
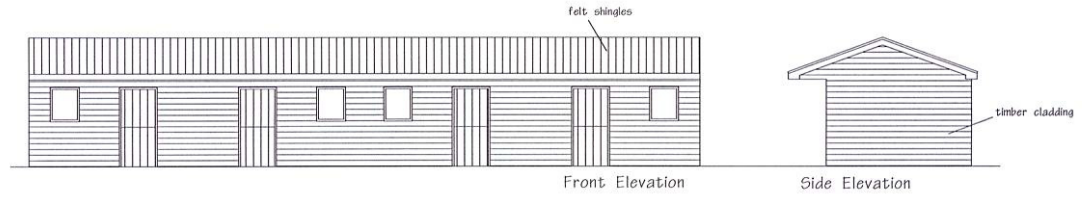
Location Plan



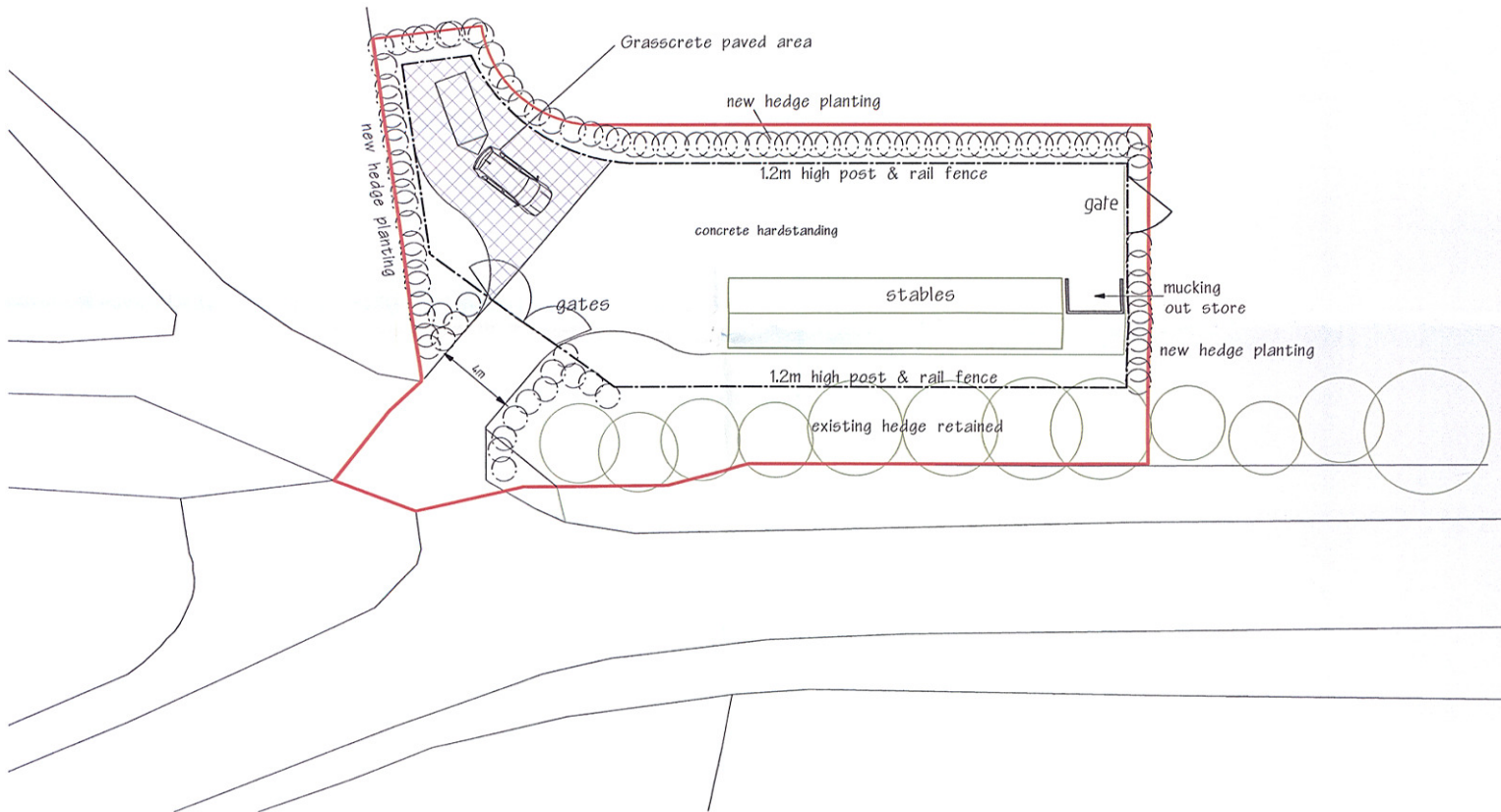
Site Plan and Elevations



Mucking Out Store (1:100)



Floor Plan (1:100)



SITE PLAN 1:250

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Application No: CH/18/073

Received: 19-Feb-2018

Location: Field adjoining Wolseley Park Estate, Stafford Brook Road, Rugeley,

Parish: Brindley Heath

Ward: Etching Hill and The Heath Ward

Description: Stable building and hardstanding

Application Type: Full Planning Application

RECOMMENDATION Approve Subject to Conditions

Reason for Grant of Permission

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

1. B2 Standard Time Limit
2. D2 Materials to be Specified
3. E12 Landscape Implementation
4. Approved Plans

EXTERNAL CONSULTATIONS

Brindley Heath Parish Council

Objection for the following reasons:

1. The stable would be a new building on open land, having a negative impact on the landscape character of the AONB and the openness of the Green Belt,
2. The stable would be inappropriate development in this protected and sensitive setting.
3. The stables have the potential to be converted into other uses.
4. The site entrance to be used by horses, horse boxes and trailers is on an extremely dangerous bend. Access from the west would be particularly hazardous as the driveway from this direction turns back on itself requiring an approx. 45 degree approach. To add to the risk, there is a stable complex located almost opposite the site entrance and Stafford Brook Road is a busy lorry route used by very large HGVs travelling to and from the nearby quarry.

AONB Unit

No objection.

The proposal is located in the same position as the previous scheme (withdrawn) which was objected to by the AONB Unit. This proposal is more limited comprising of 4 stables

in timber with felt shingle roofing and measures have been taken in terms of design, siting and landscaping. In addition there is a clear link between the stable and the use of the existing grazing land which related to only 4 horses. There would be no adverse impact of the proposal on the landscape and scenic beauty of the AONB, subject to the suggested conditions.

Staffordshire County Highways

No objection subject to conditions.

INTERNAL COMMENTS

Planning Policy

No objection.

The National Planning Policy Framework (NPPF, p4, March 2012) says that development proposals that accord with the development plan should be approved without delay, except where specific policies in this framework indicate development should be restricted. This includes policies relating to Green Belt and AONB. Cannock Chase Local Plan – Local Plan (Part 1) Policy CP1 reflects the national policy position set out in the NPPF.

The NPPF (p20, March 2012) states that a local planning authority should regard the construction of new buildings as inappropriate in the Green Belt in order to preserve openness and prevent conflict with the purposes of including the land within it; exceptions include appropriate facilities for outdoor recreation as long as they preserve openness and do not conflict with the purposes of Green Belts. The NPPF (p26-7) also states that great weight should be given to conserving the landscape in the AONB. Local Plan Policy CP14 indicates that landscape character will be considered in all proposals to protect and conserve rural openness and locally distinctive qualities and maximise opportunities for strengthening landscape features. Proposals in the AONB which are compatible with its management objectives will be supported, including good management of horse pasture including field boundary treatments and gapping up of hedgerows. Development proposals including for appropriate development in the Green Belt must ensure they do not have an adverse impact on their setting through design, layout or intensity. Policy CP3 in the Local Plan requires high quality design and integration with the existing environment and appropriate designs that fit in with the surrounding landscape within the Green Belt.

The Council's Design SPD 2016 provides design guidance relating to equestrian development: whilst most small scale equestrian development can be assimilated into its surroundings with careful siting and management, some aspects can have a significant visual impact. A key issue is larger stable buildings with potential for future conversion to other uses. Freestanding stables need to be sensitively located and where possible sited so that they closely relate to existing natural screening. Additional screening may be required in appropriate circumstances. Within the AONB conservation of natural beauty is the primary objective. Stables need to be of a size that is comfortable for their purpose,

in general each loose box 10-15 sq m in floor area. Height need not exceed 2.3m to the eaves and all stables should have a pitched roof in the interests of visual amenity. Materials should reflect the nature and purpose of the building. Extensive hard surfacing should be avoided and permeable surfaces used instead. Applications for stables should include details of drainage and storage/disposal of bedding/manure.

Appropriate facilities for outdoor recreation, such as stables, may be considered an exception to Green Belt policy providing they preserve openness and do not conflict with Green Belt purposes, including safeguarding the countryside from encroachment. The site is within open land but with some natural screening along the southern boundary and the stables are proposed in a sensitive location along the line of this hedgerow. In addition the development would be bounded by new post and rail fencing backed up by a new hedge of native planting, thus strengthening existing landscape features in the locality, supporting good management of horse pasture in the AONB and fitting into the surrounding landscape within the Green Belt. The size of the individual stables and height of the building fall within guidance parameters set out in the Design SPD and its design, layout and materials are appropriate to its use.

The extent of the proposed hard surfacing will also have a bearing on overall visual impact and it is requested that if this could be reduced and partly substituted by a permeable surface it could further minimise the visual impact of the development on both the Green Belt and AONB.

RESPONSE TO PUBLICITY

Adjacent occupiers notified and site notice erected adjacent the site with no letters of representation received.

1. SITE AND SURROUNDINGS

- 1.1. The application site is located within the Green Belt and Area of Outstanding Natural Beauty (AONB).
- 1.2. The application site is on land associated with Wolseley Park House, Stafford Brook Road. The main house is located some 56m to the north west of the application site. The wider site covers some 30 acres.
- 1.3. The land has direct access off Stafford Brook Stables utilising the existing access to Wolseley House. The application site comprises part of a larger site with an area of 30 acres.
- 1.4. The topography of the site is undulating with existing young and mature landscaping within the curtilage. The land is bound to the south by a hedgerow and trees. There are intermittent views through this landscaping to the land beyond.

2. PROPOSAL

- 2.1. The proposal seeks planning permission for the construction of a stable block on land within the curtilage of Wolseley Park House.
- 2.2. The proposed stable block would be used for the stabling of four horses and would also be used for the storage of feed, bedding and equipment. The individual stables would be accessed internally.
- 2.3. The proposed stable block comprises a linear building positioned adjacent the southern boundary of the land to the east of the main house. The footprint of the proposed stable block would measure 17.6m x 3.8m and would be constructed with a pitched roof at a maximum height of 3.4m (2.3m to the eaves). The individual stables comprise a footprint of 14m² which also incorporates individual tack rooms.
- 2.4. The proposed stable block would be constructed using treated timber vertical boarding to the walls and fibre cement profile sheeting to the roof. Hardstanding is proposed to the front of the stable with an additional turning area paved in grasscrete. A new 1.2m high post and rail fence would surround the site and this would be complemented with new hedgerow planting.
- 2.5. The proposed stable block would accommodate four horses associated with the existing grazing use of the land which comprises 12.5 hectares.

3.0 PLANNING POLICY

- 3.1 Section 38 of the Planning and Compulsory Purchase Act 2004 requires planning applications to be determined in accordance with the provisions of the Development Plan, unless material considerations indicate otherwise.
- 3.2 The Development Plan currently comprises the Cannock Chase Local Plan (2014).
- 3.3 Other material considerations relevant to assessing current planning applications include the National Planning Policy Framework (NPPF) and Supplementary Planning Guidance/Documents.
- 3.4 Cannock Chase Local Plan (2014):
 - CP1 - Strategy – the Strategic Approach
 - CP3 - Chase Shaping – Design
 - CP13 - Cannock Chase Special Area of Conservation (SAC)
 - CP14- Landscape Character and Cannock Chase Area of Outstanding Natural Beauty (AONB)

3.5 National Planning Policy Framework

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

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

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

- 7, 11-14, 17, 56, 57, 58, 61, 64, 79 - 89 & 115.

3.9 Other Relevant Documents

- Design Supplementary Planning Document, April 2016.

4.0 DETERMINING ISSUES

4.1 The determining issues for the proposal are: -

- i) The principle of the proposed development in the Green Belt,
- ii) The design of the development and its impact on the Area of Outstanding Natural Beauty (AONB) and Green Belt,
- iii) The impact on amenity,
- iv) The impact on highway safety.

4.2 The Principle of the Proposed Development in the Green Belt -

4.2.1 The site is located within the West Midland Green Belt, wherein there is a presumption against inappropriate development, which should only be approved in 'very special circumstances'. Paragraph 79 of the NPPF states that the Government attaches great importance to Green Belts, adding that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open. As such the essential characteristics of Green Belts are their openness and permanence.

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

- (a) In the first instance a decision has to be taken as to whether the proposal constitutes appropriate or inappropriate development.

- (b) If the proposal constitutes inappropriate development then it should not be allowed unless the applicant has demonstrated that 'very special circumstances' exist which would justify approval.
 - (c) If the proposal is determined to constitute appropriate development then it should be approved unless it results in significant harm to acknowledged interest.
- 4.2.3 Local Plan Policy CP1 & CP3 require that development proposals at locations within the Green Belt must be considered against the NPPF and Local Plan Policy CP14. Local Plan Policy CP14 relates to landscape character rather than to whether a proposal constitutes appropriate or inappropriate development.
- 4.2.4 Whether a proposal constitutes inappropriate development is set out in Paragraphs 89 and 90 of the NPPF. Paragraph 89 relates to new buildings and Paragraph 90 to other forms of development. The lists contained within these paragraphs are closed and therefore are fixed.
- 4.2.5 Paragraph 89 of the NPPF states 'a local planning authority should regard the construction of new buildings as inappropriate in the Green Belt' adding 'exceptions to this are' and goes on to include, amongst other things 'provision of appropriate facilities for outdoor sport, outdoor recreation and for cemeteries, as long as it preserves the openness of the Green Belt and does not conflict with the purposes of including land within it'.
- 4.2.6 The proposed stable block would provide for outdoor sport and outdoor recreation. The applicant has indicated that the stables are for personal use and would accommodate four stables with integral tack/ store rooms. The integral store rooms would keep food for the horses and would prevent external storage and as a consequence would negate the need for tarpauling which is usually used to cover food stored externally. The tack and equipment for cleaning the stables would also be stored within these rooms.
- 4.2.7 The proposed stables are relatively small scale and are intended for outdoor sport and recreation. As such the scale and use of the proposed building is considered appropriate in this location.

Assessment of the Impact on the Openness of the Green Belt

- 4.2.8 In this respect to impacts on openness it is worth considering issues surrounding the concept of openness as it applies to the determination of planning applications. Openness is the absence of built form and as such any new building would have the potential to impact on openness as all buildings have a volume and therefore a mass. Whether a building detracts from openness will therefore depend on its size and scale. However, impacts on openness equally depend on the openness of the

- locality. Not all parts of the Green Belt are open, as the designation can wash over hamlets, villages and farmyards all of which already contain buildings. Therefore the potential impact on openness therefore can equally depend on the relationship between the proposed buildings and existing buildings, structures and landscape features, which can include woodland hedges and field corners against high hedges.
- 4.2.9 In respect to whether the proposal would conflict with the purposes of including land in the Green Belt it is noted that Paragraph 80 of the NPPF gives the five reasons for Green Belt which includes (amongst others) to assist in safeguarding the countryside from encroachment.
- 4.2.10 Given the above it is noted that the overall proposed stable block building would have a footprint of 64.6m² and be constructed to a maximum height of 3.4m. The stable block would be situated abutting a hedge in a field corner, where its impact would be ameliorated, running parallel with the adjacent highway away from field margins where its alignment would further exacerbate the difference between the mass of the building and the openness of the wider field.
- 4.2.11 Given the above, it is concluded that the proposed stable block would constitute an appropriate facility for outdoor sport and recreation and whilst the proposal would introduce a building into the open countryside, due to the siting, scale and design of the building and proposed landscaping, it would have little impact on the openness of the Green Belt in this location and would not conflict with the purposes of including land within the Green Belt.
- 4.2.12 As such it is considered that the proposal would not constitute inappropriate development within the Green Belt and therefore would be acceptable in principle.
- 4.3 Impact on the Cannock Chase Area of Outstanding Natural Beauty (AONB)
- 4.3.1 Paragraph 115 of the NPPF sets out that great weight should be given to conserving the landscape and scenic beauty of an AONB. This is continued in Local Plan Policy CP14 which states: -
- “Development proposals including those for appropriate development within the Green Belt ... must be sensitive to the distinctive landscape character and ensure they do not have an adverse impact on their setting through design, layout or intensity.”
- 4.3.2 In addition to the above the Design SPD (Equestrian Development page 63-64) seeks free standing stables to be sensitively located adjacent to existing buildings or hedgerows with additional planting proposed to minimise the impact on the surroundings. The size of stables should be comfortable for their intended purpose being approx. 10-14m² per box. The height of stables should not exceed 2.3m to

- the eaves but should have a pitched roof. It continues that extensive hardstanding should be avoided and permeable surfaces used.
- 4.3.3 Officers note that although objections have been received by the parish council in respect of the impact of the stable on the landscape character of the AONB, the AONB Unit has not raised an objection to the proposal.
- 4.3.4 Having had regard to the above officers note the topography of the site is undulating with existing young and mature landscaping. The land is bound to the south by a hedgerow and trees. There are intermittent views through this landscaping to the land beyond. The stable block is of an acceptable design and appearance and is typical of development associated with rural and open countryside locations. As such, the stable block, by virtue of its appearance, would have no adverse impact on the character of the AONB and therefore is in accordance with Local Plan Policy CP14, which seeks to preserve and enhance the character of the Green Belt and Area of Outstanding Natural Beauty.
- 4.3.5 Given the above assessments, it is concluded that the proposed stable block would constitute an appropriate facility for outdoor sport and recreation in accordance with the guidance set out within the Design SPD. Whilst the introduction of the proposed stable block and hardstanding, would have some impact on the character of the area, the potential for encroachment from the development has been kept to a minimal in terms of scale, design and siting to a degree commensurate with the intended use. As such, the proposal is not considered to harm the character and appearance of the locale and the AONB in accordance with Local Plan Policies CP1, CP3 and CP14, the Design SPD and the NPPF.
- 4.4 Parking and Highway Safety
- 4.4.1 Paragraph 32 of the NPPF states that 'development should only be prevented or refused on transport grounds, where the residual cumulative impacts of development are severe'.
- 4.4.2 The proposed stable block would be located adjacent the public highway and is said to serve solely the applicant / occupiers of Wolseley Park House and the adjacent converted barn so there would be little traffic generation as a consequence of the proposal. Also, the horses would be grazed within the Park estate itself. Furthermore, Staffordshire County Highways were consulted on the application and raised no concern to the proposal in terms of highway safety.
- 4.4.3 As such it is considered that the proposal would not result in any significant harm to highway safety and therefore would not be contrary to Paragraph 32 of the NPPF.

4.5 Other Issues Raised by Objectors

- 4.5.1 In respect to the assertion that the stables could be used for other purposes it is noted that the application must be determined on its own merits. What may or may not happen in the future would be assessed against the relevant policy tests at that time.

5.0 HUMAN RIGHTS ACT

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

6 CONCLUSION

- 6.1 The proposal constitutes appropriate development within the Green Belt and therefore is acceptable to approve in this Green Belt location.
- 6.3 The proposal is considered acceptable in respect to acknowledged interests, including impacts on the character of the AONB and highway safety.
- 6.4 It is therefore recommended that the application be approved subject to the attached conditions.

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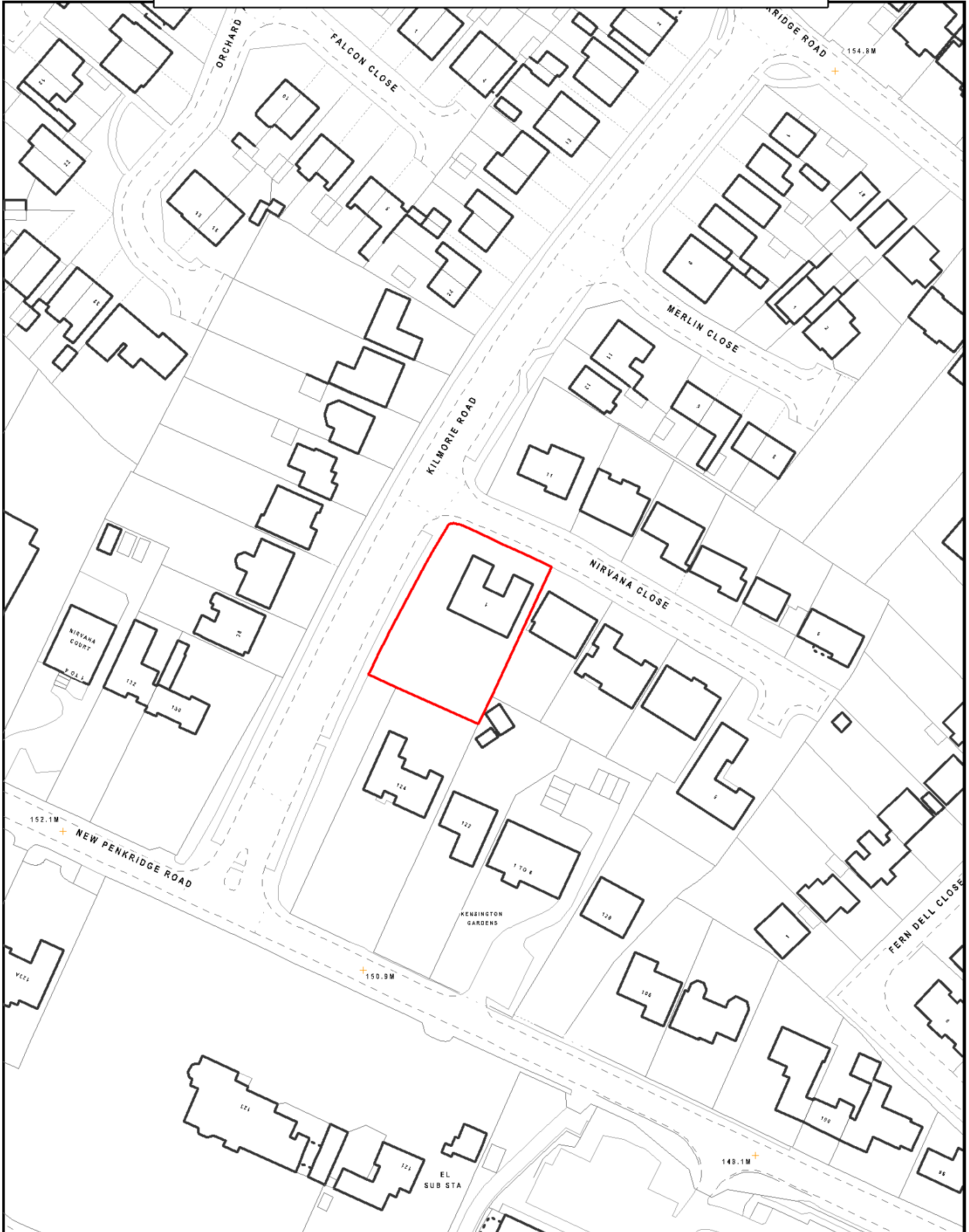


CH/17/380

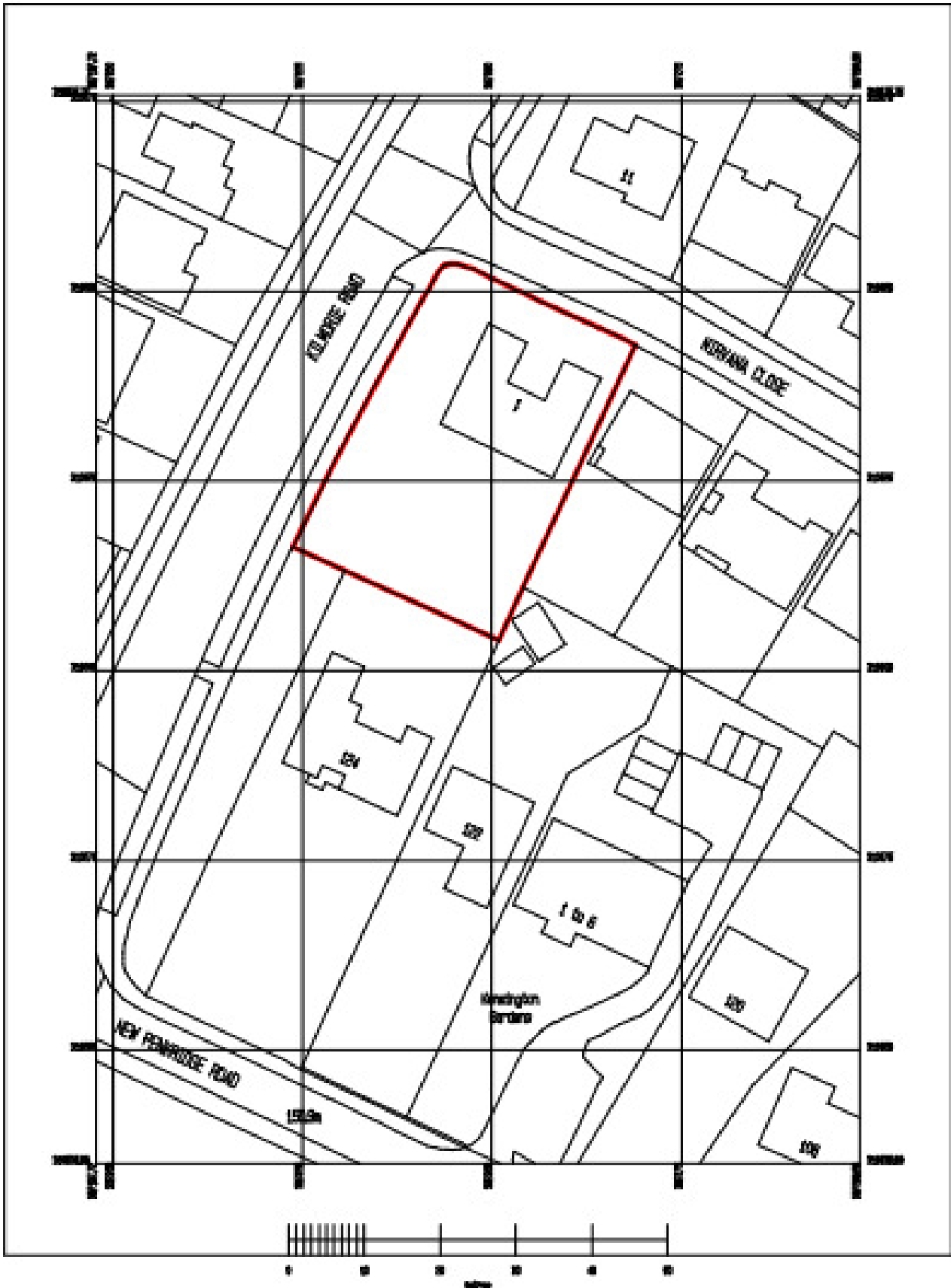
1, Nirvana Close, CANNOCK, WS11 1HT

Residential development:- Erection of detached 4 bedroom dwelling
(resubmission of planning application CH/17/166)

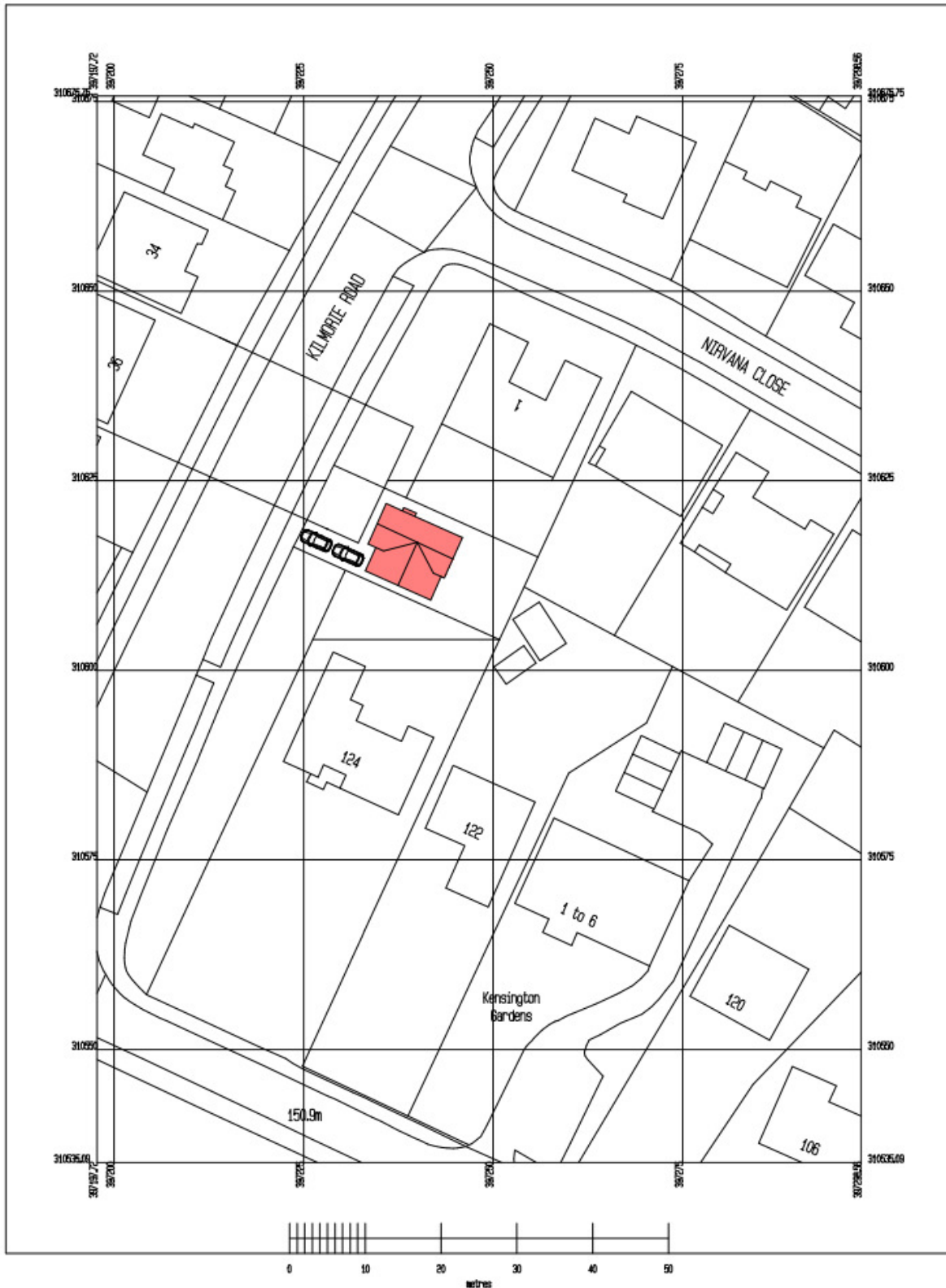
ITEM NO. 6.39



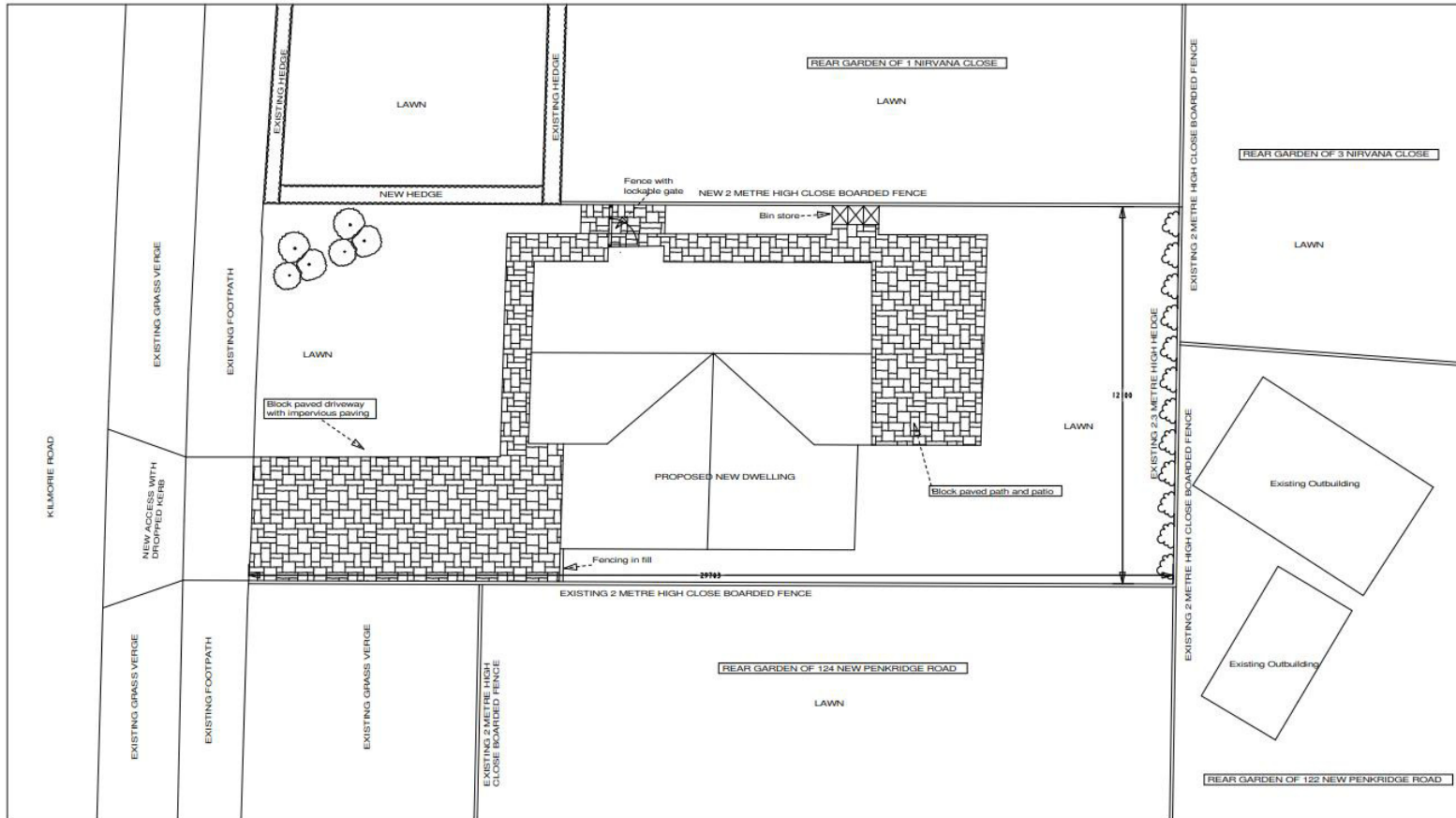
Location Plan



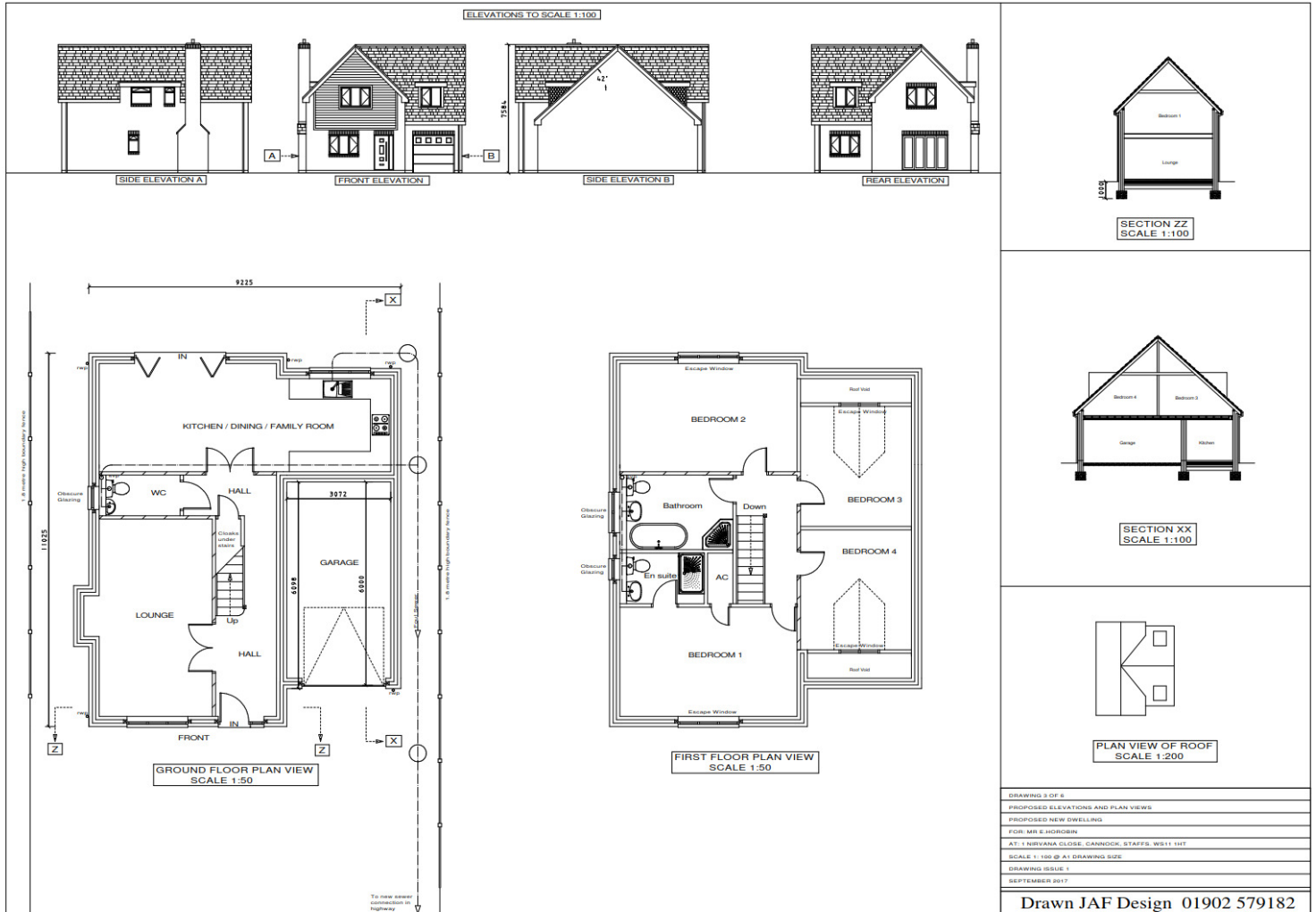
Block Plan



Site Layout Plan



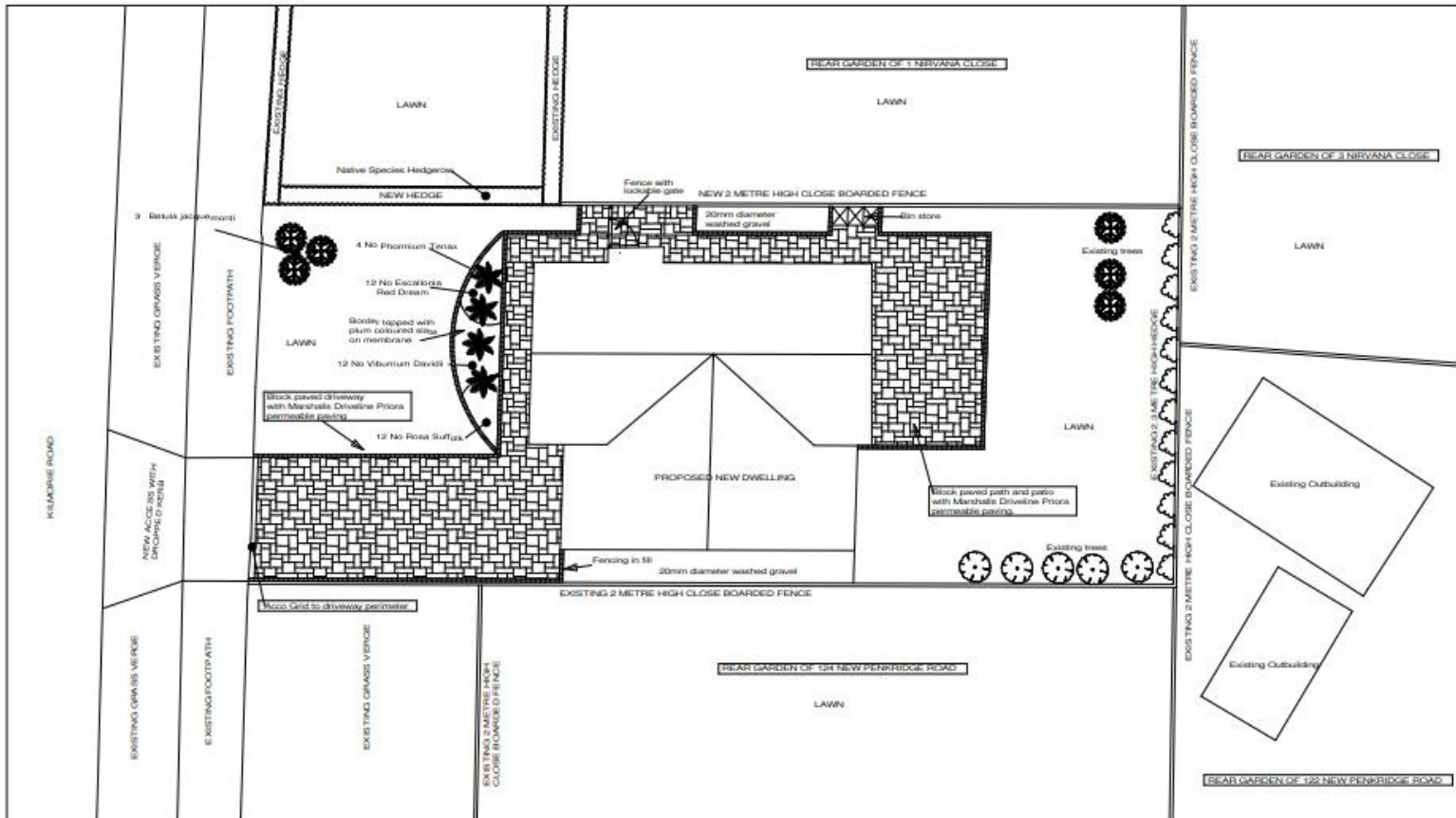
Proposed Plans and Elevations



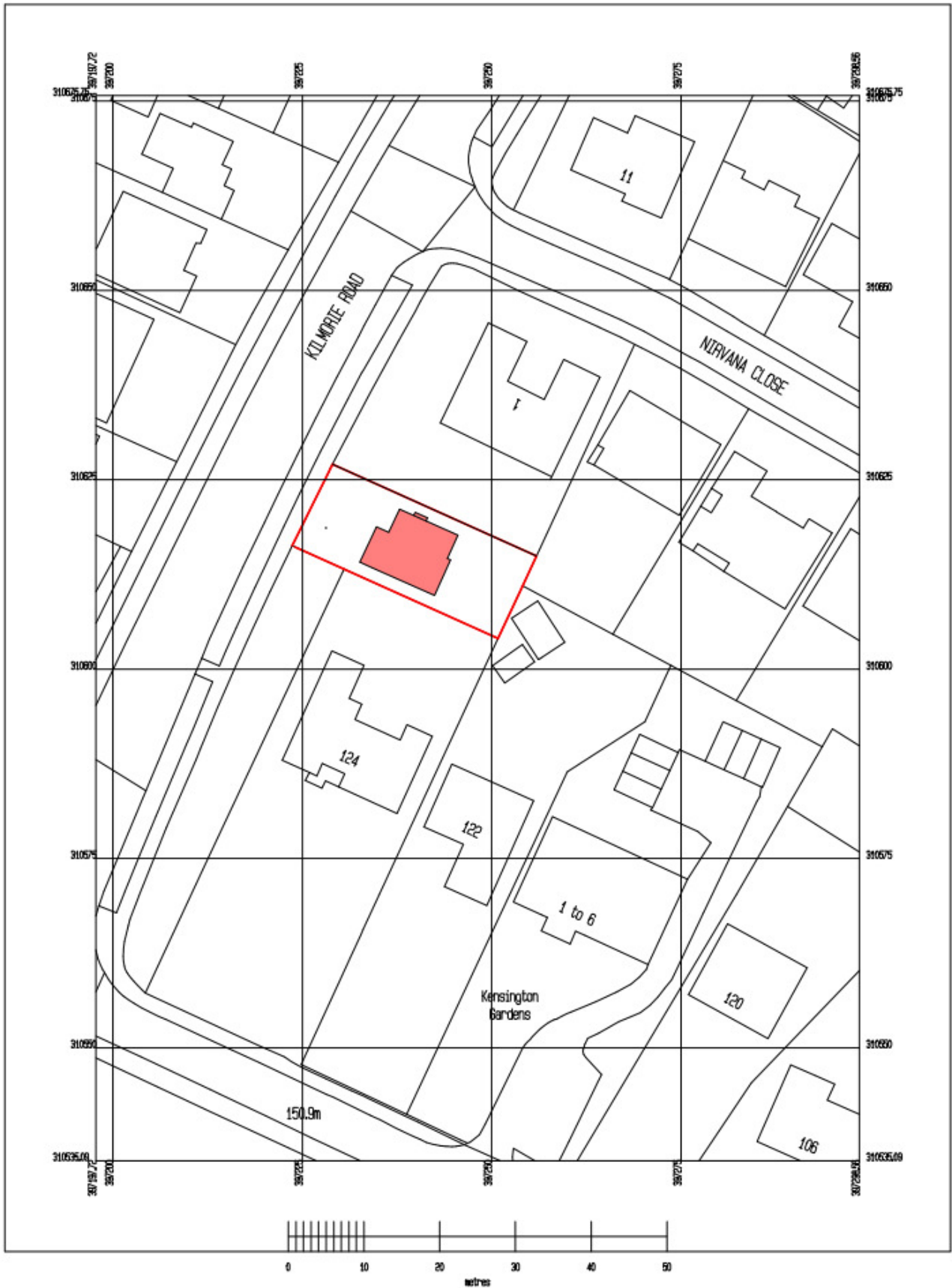
Proposed Street Scene



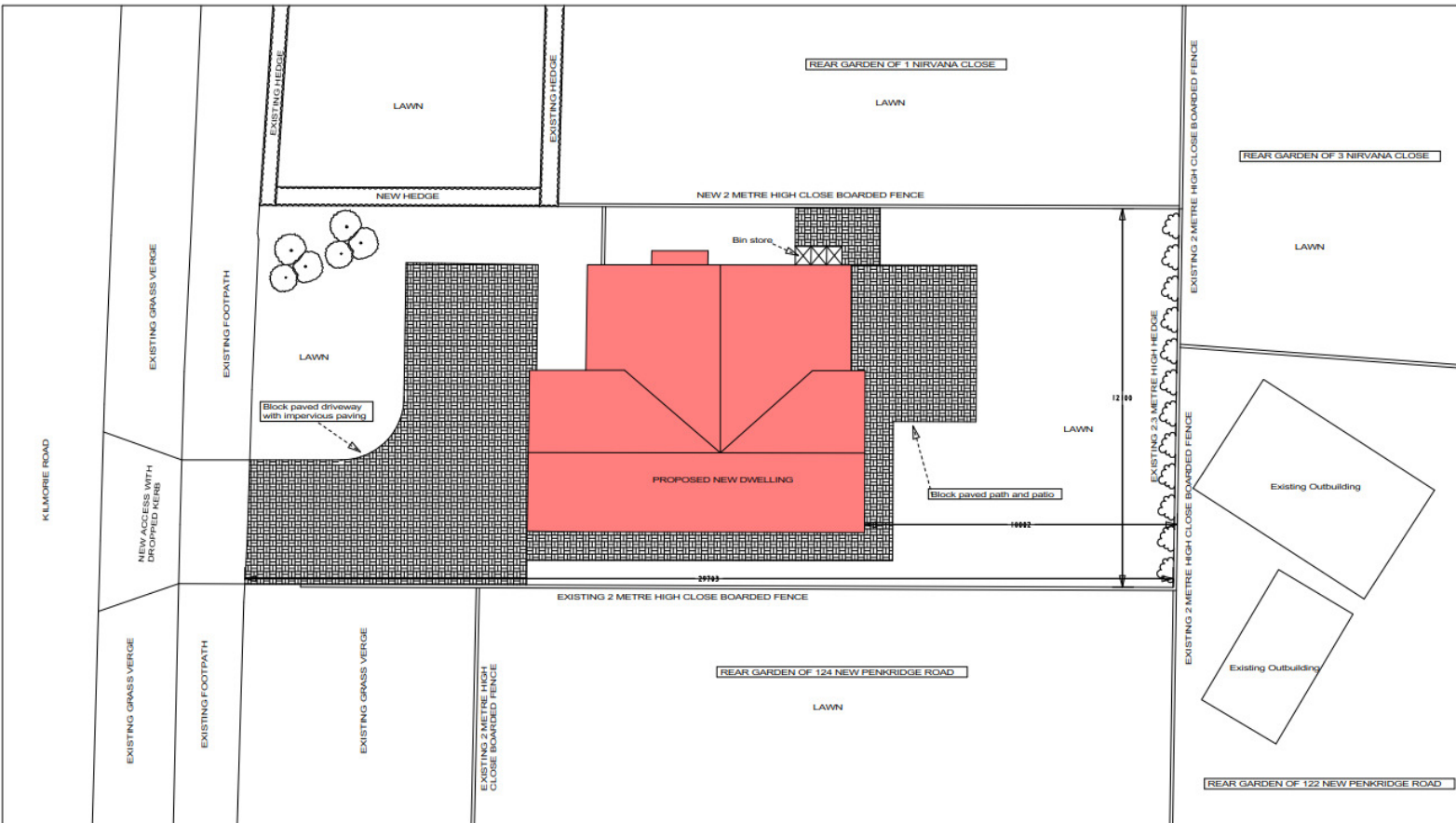
Landscape Plan



Previously Approved Scheme CH/17/166

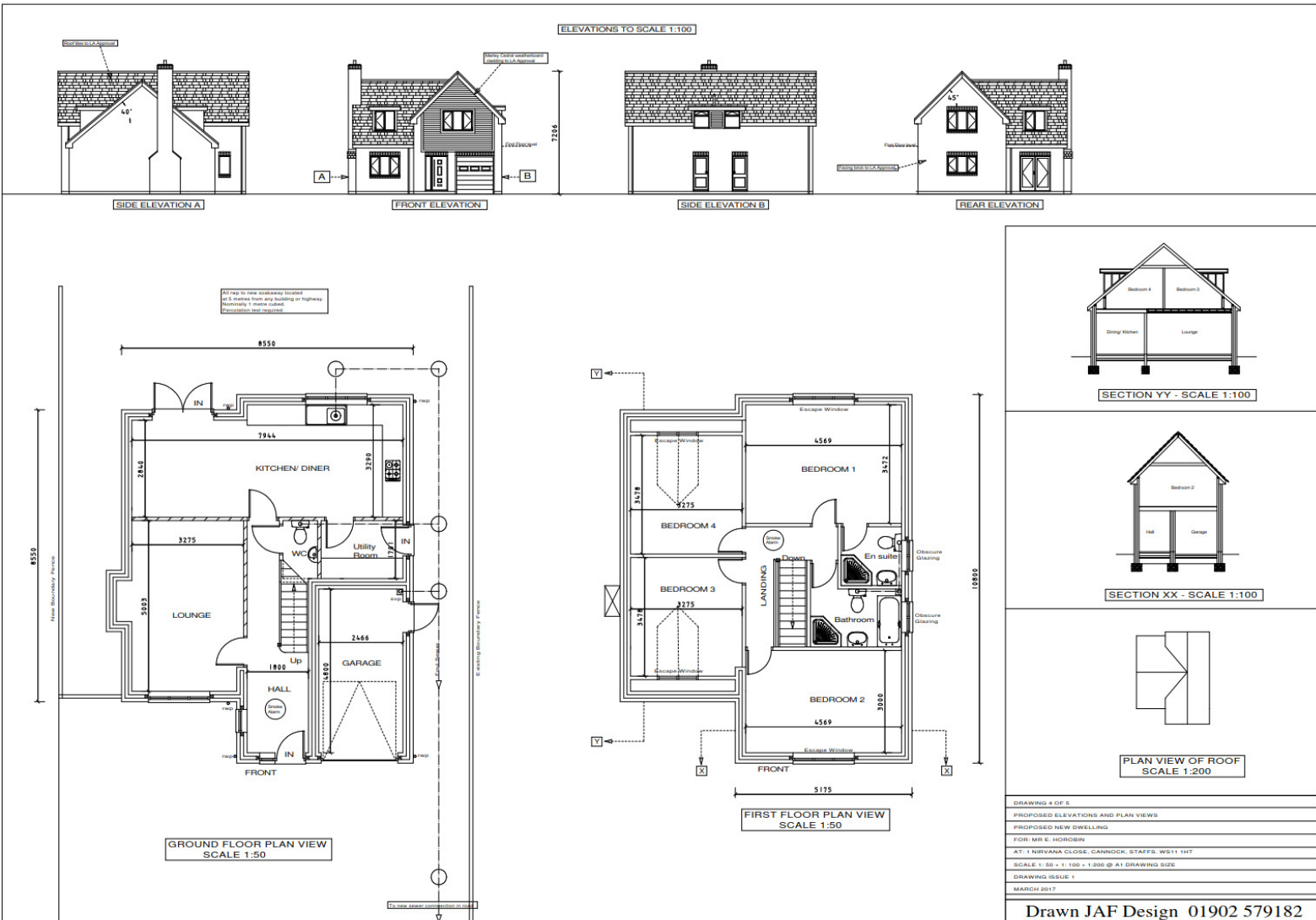


Previously Approved Scheme CH/17/166



Previously Approved Scheme CH/17/166

ITEM NO. 6.47



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Application No: CH/17/380

Received: 25-Sep-2017

Location: 1, Nirvana Close, Cannock, WS11 1HT

Parish: Non Parish Area

Ward: Cannock West Ward

**Description: Residential development:- Erection of detached 4 bedroom dwelling
(resubmission of planning application CH/17/166)**

Application Type: Full Planning Application

RECOMMENDATION: Approve Subject to Conditions

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

Standard Time Limit

1. Materials - Details Required
2. Visibility Splay (Carriageway)
3. Private Garage
4. Highways - Access
5. Highways – Porous Surfacing
6. Obscured Glazing
7. Construction Method Statement
8. Approved Plans

i- 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, Wedgwood Building, Tipping Street, Stafford, Staffordshire ST16 2DH (or email to nmu@staffordshire.gov.uk).

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

ii- Any soakaways should be located a minimum of 4.5m rear of the highway boundary.

Reason for Committee Decision

The application has been called in by a Councillor.

EXTERNAL CONSULTATION

Staffordshire County Highways

No objection subject to conditions.

INTERNAL COMMENTS

Environmental Health

No objection.

Housing Strategy

No objection.

Planning Policy

No comments received to date.

Trees, Landscape & Countryside

No objection in principle subject to further landscape details.

RESPONSE TO PUBLICITY

Adjacent occupiers notified and a site notice posted with 2 letters of objection received. To date two letters of objection have been received and the matters raised are summarised below:

- The proposal includes a single drive with no hammerhead which would result in cars reversing off and on to the drive. Many cars park on the road during school opening and closing periods and concerns raised in regards to the safety of young children who use the adjoining footpath to attend the local schools.
- The house is between two bungalows and therefore an inappropriate building for this plot.
- The proposal constitutes an inappropriate use of garden land and would erode the amenity of the local area.

1.0 SITE AND SURROUNDINGS

1.1 The application site comprises of part of the rear garden of the 1.5 storey modern bungalow of 1 Nirvana Close. The current property of 1 Nirvana Close has 2 off street car parking spaces and one integral garage.

1.2 The site fronts Kilmore Road and faces the properties located on the adjacent site of Kilmore Road namely no's 36 and 34 Kilmore Road. The application site borders no 122 New Penkridge Road, 124 New Penkridge Road and No 2 Nirvana Close.

- 1.3 The rear garden of 1 Nirvana Close is approximately 22 metres in length. The application site contains a variety of landscaping including hedgerows and various trees. There is currently no direct highway access to the rear garden of the application site from Kilmorie Road.
- 1.4 The property is located within an established residential area which contains a mixture of 1.5 storey bungalows and two storey detached and semi-detached dwellings.
- 1.5 The site is not allocated within the Cannock Chase Local Plan (Part 1) Adopted but it lies within the existing settlement boundary of Cannock. The site is within walking distance both to local bus routes and is within walking distance to Cannock Town Centre and local schools.

2.0 PROPOSAL

- 2.1 The applicant is seeking full planning permission for the construction of a 1.5 storey new dwelling with a pitched roof. The new dwelling is proposed to be located in part of the rear garden of No 1 Nirvana Close. The proposals involve the creation of a new separate road access off Kilmorie Road.
- 2.2 The new 1.5 storey dwelling is proposed to contain 4 bedrooms to have two off street car parking spaces and one integral single garage.
- 2.3 The proposal would front Kilmorie Road and to the front is a proposed garden with a proposed bin store and paved area to the side. To the rear of the property is a proposed garden measuring approximately 126sqm.
- 2.4 A 2 metre high close boarded fence would be erected on the side boundaries of the site. The existing 2.3 metre fence bordering the rear of 122 Penkridge Road and no 3 of Nirvana Close is proposed to be retained.
- 2.5 The rear garden of 1 Nirvana Close would be reduced from approximately 638 sqm to 209sqm.

3.0 RELEVANT PLANNING HISTORY

CH/17/166: - Residential Development: - Erection of 1No. dwelling. Granted on 15th June 2017. (Officers would advise that the main differences between the approved scheme and the current proposal is the size and layout of the dwelling, notably the switching of the first floor rooms. The driveway has also been altered with the removal of a hammerhead to allow for a larger lawn area to the front.)

4.0 PLANNING POLICY

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

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

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

4.4 Cannock Chase Local Plan (2014):

- CP1 - Strategy – the Strategic Approach
- CP2 - Developer contributions for Infrastructure
- CP3 - Chase Shaping – Design
- CP6 - Housing Land
- CP7 - Housing Choice
- CP13 - Cannock Chase Special Area of Conservation (SAC)

4.5 National Planning Policy Framework

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

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

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

7, 11-14, 17, 49, 50, 56, 57, 58, 60, 61, 64,

4.9 Other Relevant Documents

Design Supplementary Planning Document, April 2016.

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

5.0 DETERMINING ISSUES

5.1 The determining issues for the application are;

- Principle of the development,
- Impact on the character and form of the area,
- Impact upon residential amenity,
- Impact on highway safety,
- Impact upon the Special Area of Conservation (SAC),
- Landscaping
- Affordable housing

5.2 Principle of the Development

5.3 Although the Local Plan has a housing policy it is silent in respect of its approach to windfall sites on both greenfield and previously developed land. As such in accordance with Policy CP1 of the Local Plan the proposal falls to be considered within the presumption in favour of sustainable development, outlined in paragraph 14 of the NPPF. This states that where the development plan is absent, silent or relevant policies are out of date, granting permission unless:

- Any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this framework, taken as whole, or
- Specific policies in this framework indicate otherwise.

5.4 The site is located in an established residential urban area within Cannock. The proposal is for the creation of one new dwelling on part of the rear garden of 1 Nirvana Close and the creation of a new road access off Kilmorie Road.

5.5 Both the NPPF and the Cannock Chase Local Plan Policy CP1 advocate a presumption in favour of sustainable development unless the material considerations indicate otherwise. Further to this, the Local Plan Policy CP6 seeks to support the creation of new homes within the existing urban area.

5.6 In addition to the above it is also noted that the principle of a dwelling on this site was firmly established under planning permission CH/17/166 which was granted in 2017.

5.7 As such it is concluded that the principle of residential development for a single dwelling is acceptable at this location.

5.8 Design and impact on the Character and Form of the Area

- 5.8.1 Local Plan Policy CP3 seeks new development to be well related within the development and to the existing buildings and their surroundings in terms of their layout, density, access, scale, appearance, landscaping and materials. The NPPF also attached great importance to the design of sustainable development.
- 5.8.2 The existing properties that front Kilmore Road consist of single storey bungalows, one and a half and two storey modern detached and semi-detached properties with off street car parking. The proposal is for a 1.5 storey dwelling which would front Kilmore Road and the proposed layout is considered to be in-keeping with the existing dwellings along the wider street scene of Nirvana Close and Kilmore Road.
- 5.8.3 The proposed 1.5 dwelling could be accommodated comfortably within part of the existing rear garden of No 1 Nirvana Close. The layout of the proposed development is considered to be acceptable and would maximise the use of the site whilst complying with the guidance for space about dwellings as stipulated within the Council's Design SPD.
- 5.8.4 The existing dwellings within the street scene are made up of two storey, one and a half storey and single storey buildings which face towards the rear gardens of Nirvana Close and New Penkrige Road. The scale of the proposed dwelling is considered to be in-keeping with the scale of properties within the immediate surroundings.
- 5.8.5 The design of the proposed dwellings is similar to the dwelling found directly adjacent, those located along Nirvana Close and those within the wider vicinity. Consequently, the proposed dwelling is similar to the existing urban structure, and the proposed scale and appearance would match the existing dwellings located on the street scene and in the wider urban area to the site. Therefore it is considered that the proposed dwelling is of a good quality of design. As a result it is considered that the proposals would comply with the NPPF, Policy CP3 of the Cannock Chase Local Plan Part 1 and the Council's Design SPD.

5.9 Impact upon Residential Amenity

- 5.9.1 A core planning principle is that planning should always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings and this has been accommodated within Policy CP3 of the Local Plan and supported by the guidance as outlined in the Design SPD.
- 5.9.2 The first floor windows to the rear of the proposed dwelling would overlook onto the rear gardens of the neighbouring properties of No 122 New Penkrige Road and No 3 Nirvana Close. However, the proposed rear garden would be 10m in

- depth and the overlooking is towards the rear of the gardens of the affected properties and not the actual rear elevations. In light of this the impact on the neighbouring properties residential amenity would be marginal and insufficient to warrant refusal.
- 5.9.3 The front elevation would have first floor windows which would face onto the principal windows of properties opposite on Kilmore Road. However these properties are located over 37 metres away and therefore the proposal complies with the Council's Design SPD which recommends a minimum 21.3 metres separation distance between front facing windows.
- 5.9.4 The proposed northern side elevation would be approximately 12.2 metres from the rear elevation of No.1 Nirvana Close and at the first floor elevation contains two small obscure glazed windows. As these windows are obscure glazed they would not result in any overlooking in respect to No. 1 Nirvana Close. These two obscure glazed windows could be controlled by the provision of a planning condition to restrict them to 45 degree top opening only to ensure there is no overlooking onto the rear of No 1 Nirvana Close.
- 5.9.5 The proposed southern side elevation approximately 10.5 metres from No. 124 New Penkridge Road at its closest point. The Council's Design SPD recommends a separation distance of 10.7 metres for single storey developments. However, the closest part of No. 124 to the proposed development consists of a bathroom which is a non-habitable room and the rest of the property is over 15 metres away. On balance, it is therefore considered that the proposal would not result in any significant overbearing impact on No. 124 New Penkridge Road.
- 5.9.6 The property would have adequate garden space to the rear which would be bordered by a new 2 metre high close boarded fence to the adjacent neighbouring properties with the exception of the existing 2.3 metre fence which currently part borders the adjacent properties of no 3 Nirvana Close and No 122 New Penkridge Road, where the 2.3 metre fence would be retained. The Council's Design SPD recommends a minimum garden size of 80sqm for dwellings with four or more bedrooms, the proposed garden comprises an area of 126sqm and therefore significantly exceeds the guidance.
- 5.9.7 Due to the existing layout and the proposed boundary treatments, the proposed separation distances and layout of the proposed development, it is considered that the new dwelling would not result in a significant adverse impact on the adjacent occupiers in terms of loss of daylight/outlook or overlooking, overshadowing and overbearing impact. It is acknowledged that there would be a small element of impact to No 1 Nirvana Close but it is considered that the proposed separation distances are sufficient to address the requirements of the Council's Design SPD.
- 5.9.8 There is a range of established landscaping located within and bordering the site. The proposal only involves the removal of part of this landscaping. The proposal

includes the provision of a front and rear gardens consisting of a variety of planting with lawns and landscaped areas. It is considered that the removal of established landscape features would be outweighed by the benefits that provision of a new dwelling would make in respect to meeting the objectively assessed housing needs of the District.

5.10 Access and Parking

5.10.1 The proposed vehicular access for the development would be created off Kilmorrie Road. The proposal seeks to provide sufficient car parking provision in the form of two off street car parking spaces and one integral garage and this meets the requirements of the Council's Supplementary Planning Document entitled 'Parking Standards, Travel Plans and Developer Contributions for Sustainable Transport. A condition could be attached to ensure that the garage is retained for the parking of motor vehicles only to ensure that adequate parking provision will remain throughout the life of the proposed development.

5.10.2 Local resident's concerns in respect to the driveway of the proposed dwelling and the potential for increased risk to pedestrians by nature of its design are noted, however the proposed dwelling would not result in a significant increase in transport movements and the County Council Highways Department has raised no objections to the proposed access and parking arrangements subject to a number of planning condition in relation to the access and parking requirements.

5.10.3 As such the proposal is considered acceptable in respect to parking provision, access and highway safety and is therefore in accordance with Policy CP16 (a) and (c) of the Local Plan and paragraphs 29, 30, 32 and 36 of the NPPF.

5.11 Landscaping

5.11.1 The trees within the residential curtilage of the site are not protected by Tree Protection Orders (TPOs). The applicant has submitted a tree survey with the application The Tree Survey indicates the line of protective fencing required to protect the existing trees within the site which are to be retained. A number of trees are to be removed to allow for the proposed development of which the Tree Survey identifies as being either Class C or U (poor quality).

5.11.2 The landscape scheme proposed comprises a block paved driveway which uses permeable paving and a lawn to the front and rear. The boundaries of the site would be delineated with 2m close boarded fences and 2.3m hedge and there are various trees and shrubbery throughout the site.

5.12 Impact upon the Special Area of Conservation (SAC).

5.12.1 The Council has a duty as a responsible authority under the Conservation of Habitats and Species Regulations 2010 (Habitat Regulations) to ensure that the decisions it makes on planning applications do not result in adverse effects on the integrity of the Cannock Chase Special Area of Conservation (SAC), which has internationally protected status under the Regulations for its unique heathland habitat. The financial requirement for SAC Mitigation would be included in the calculation for the Community Infrastructure Levy.

5.13 Affordable Housing

5.13.1 Local Plan Policy CP7 requires financial contributions for affordable housing on sites of between 1 and 14 dwellings. However, in light of government guidance the Council is not pursuing S106 Contributions including affordable housing for proposed development of 10 or less dwellings.

5.14 Whether any Adverse Impact of Granting Planning Permission would be Significantly and Demonstrably Outweighed by the Benefits, when Assessed Against the Policies in the Framework, Taken as Whole.

5.14.1 Although the Council has a five year supply of housing land it is noted that such a supply is not a ceiling and it is the Government's firm intention to significantly boost the supply of housing. The granting of permission would therefore make a small but significant contribution towards meeting the objectively assessed housing needs and particular affordable housing needs, of the District.

5.14.2 In addition the proposal would have economic benefits in respect to the construction of the property and the occupiers who would make a significant contribution into the local economy.

5.14.3 Finally, the proposal would have an environmental benefit of making efficient use of previously developed land within a sustainable location, the creation of 1 thermally efficient new dwelling which would be required to meet modern building control standards.

5.14.4 Conversely when looking at potential harm it is considered that, subject to the attached conditions there would be no significant and demonstrable harm to highway safety, residential amenity, wider nature conservation interests and flood risk.

5.14.5 As such it is considered that any adverse impact of granting planning permission would not significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework, taken as whole. As such the proposal benefits from the presumption favour of sustainable development and should, subject to the attached conditions, be approved.

6.0 HUMAN RIGHTS ACT

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

7.0 CONCLUSION

7.1 The application site is located in a sustainable location with good access to goods, services and areas of employment by modes of transport other than the private car.

7.2 It is considered that the proposals meet the requirements of the NPPF, the Cannock Chase Local Plan – Part 1 and the Council’s Design SPD and the Council’s Parking Standards, Travel Plans and Developer Contributions for Sustainable Transport Parking SPD.

7.3 In respect to all matters of acknowledged interest the proposal, subject to the attached conditions is considered to be acceptable.

7.4 As such it is considered that any adverse impact of granting planning permission would not significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework, taken as whole. As such the proposal benefits from the presumption in favour of sustainable development and should, subject to the attached conditions, be approved.

7.5 It is therefore recommended that the application be approved subject to the attached conditions.

Application No: CH/17/221

Received: 23/05/2017

Location: 6 Coppice Court, WS11 1PB

Parish: Non Parish Area

Ward: Cannock South Ward

Description: Residential development: Two Storey Side Extension

Application Type: Full

Recommendation: That the report be noted.

On 25th October 2017 Planning Committee resolved to refuse the above application on the following grounds

‘The proposed development would result in the development of the whole of the grass strip between the existing dwelling and the entrance to Coppice Court and as such would constitute an overdevelopment of the site and an intrusion into the sense of openness that was part of the design concept of the original estate to the significant detriment of the street scene contrary to Policy CP3 of the Cannock Chase Local Plan and the NPPF.’

The applicant subsequently appealed the decision and the appeal decision has now been received. The appeal has been upheld and planning permission has been granted.

The appeal decision is attached for information.

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Appeal Decision

Site visit made on 27 March 2018

by F Rafiq BSc (Hons), MCD, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 17th April 2018

Appeal Ref: APP/X3405/D/17/3192979

6 Coppice Court, Cannock, WS11 1PB

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr Brendan Gore against the decision of Cannock Chase District Council.
 - The application Ref CH/17/221 dated 8 May 2017 was refused by notice dated 25 October 2017.
 - The development proposed is a two storey side extension.
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Decision

1. The appeal is allowed and planning permission is granted for a two storey side extension at 6 Coppice Court, Cannock, WS11 1PB in accordance with the terms of the application, Ref CH/17/221, dated 8 May 2017, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than three years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: Dwg No's: 2011-008-01 (Existing Plans & Elevations), 2011-008-02 Rev B (Proposed Plans & Elevations).
 - 3) The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those used in the existing building.
 - 4) Notwithstanding the details on the submitted plans, the extension hereby permitted shall not be occupied until the first floor bathroom window on the rear (south-eastern) elevation has been fitted with obscured glazing, and no part of that window that is less than 1.7 metres above the floor of the room in which it is installed shall be capable of being opened. Details of the type of obscured glazing shall be submitted to and approved in writing by the local planning authority before the window is installed and once installed, the obscured glazing and non-opening shall be retained thereafter.
 - 5) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 as amended (or any order revoking and re-enacting that Order with or without modification), no windows or other
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openings additional to those shown on the approved plans shall be inserted in the side elevation of the extension hereby permitted.

Main Issue

2. The main issue is the effect of the proposal on the character and appearance of the host property and the area.

Reasons

3. The appeal property is a semi-detached dwelling which is one of six similar properties on Coppice Court. The wider area comprises mainly of similar semi-detached dwellings, that are constructed in brick and have pitched roofs. These features, as well as the generally closely spaced nature of dwellings, gives the area a cohesive and attractive character.
4. The proposal seeks permission for a two-storey side extension. I acknowledge the development would occupy a currently open, landscaped area, but I consider the presence of such spaces makes a limited contribution to the character of the area. Reference has also been made to the resultant appeal dwelling having a dominating effect on other properties on Coppice Court. The extension would however be set in from the front and rear building lines of the main dwelling, and also have a lower ridge height. As such, and given the overall architectural style, roof form and the materials proposed are all in keeping with the design of the host dwelling, I do not find that it would have a detrimental effect on the streetscene.
5. I therefore conclude that the proposed development would not have an adverse impact on the character and appearance of the host property or the area. There would therefore be no conflict with Policy CP3 of the Cannock Chase Local Plan, which seeks, amongst other matters, development to be well-related to existing buildings and their surroundings. There would also be no conflict with guidance within Chapter 7 of the National Planning Policy Framework.

Other Matters

6. Concerns have been raised in relation to the loss of privacy and overlooking. The extension would however be sufficiently separated from properties to the front and rear, to not result in any harmful effects in this respect. It would also be no closer than the existing dwelling to other properties on Coppice Court, and whilst it may result in loss of light in the Court area, given the position of the extension, it would not adversely affect the living conditions of the surrounding occupiers within their properties.
7. I have considered the highway related concerns that have been raised, including reference to visibility and parking. Staffordshire County Council Highways have not raised an objection and based on my site observations, I do not consider that visibility around Coppice Court would be unduly impacted. The appeal dwelling would also continue to have two parking spaces, which I consider to be adequate for the size of the dwelling, despite the addition of a third bedroom.

Conclusion

8. For the reasons set out above and having taken into account all other matters raised, including reference to overdevelopment, I conclude the appeal should be allowed.

Conditions

9. The Council have suggested a number of conditions. I consider the standard implementation condition and a condition for the development to be carried out in accordance with the approved plans to be necessary for the avoidance of doubt and in the interests of proper planning. I will also impose a condition in relation to materials in the interests of the character and appearance of the host property and area. A condition is required to ensure the rear first floor window in the extension is obscure glazed and also non-opening below 1.7m to ensure the living conditions of surrounding occupiers is not adversely affected. The same condition is not however required for the WC room, as its ground floor position limits overlooking of neighbouring residential occupiers. A further condition is required to prevent the insertion of windows in the side wall of the proposed extension to maintain privacy for neighbours. I have considered the condition relating to the retention of the parking spaces but as these spaces are existing, I do not consider that this condition is required. I have amended the wording of some of the conditions without changing their overall aim.

F Rafiq

INSPECTOR