

Please ask for: Mrs. W. Rowe

Extension No: 4584

E-Mail: wendyrowe@cannockchasedc.gov.uk

7 January, 2020

Dear Councillor,

**PLANNING CONTROL COMMITTEE
3:00 PM, WEDNESDAY 15 JANUARY, 2020
COUNCIL CHAMBER, CIVIC CENTRE, CANNOCK**

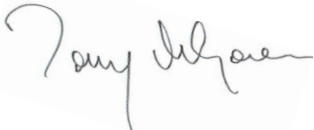
You are invited to attend this meeting for consideration of the matters itemised in the following Agenda.

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/19/201	<i>Rugeley 'B' Power Station, Power Station Road, Rugeley, WS15 2HS</i> – Outline Planning Application with the points of access included for the creation of a development platform and the demolition of existing office building and environmental centre, site clearance, remediation and mixed-use development of land at the former Rugeley Power Station comprising: up to 2,300 new dwellings and residential units (Use Classes C3 and C2), up to 1.2 ha of mixed-use (Use Class A1, A2, A3, A4, A5, C1, C2, C3, D1 & D2) up to 5ha of employment (Use Classes B1(a, b and c) and B2), 1 No. 2 form entry primary school (Use Class D1), formal and informal Publicly Accessible Open Space, key infrastructure including new adoptable roads within the site and the provision of a new primary access junction on to the A513, ground mounted solar panels with 2 No. existing electricity substations (132 kV & 400 kV) retained	12:30pm
CH/19/375	<i>40 March Banks, Rugeley, WS15 2SA</i> – Side extension to create 2 nd lounge, new dining room at ground floor, 2 new bedrooms and family bathroom at 1 st floor.	1:35pm
CH/19/048	<i>Grove Colliery, Lime Lane, Pelsall</i> - Change of Use of Land to Gypsy Traveller Residential site for up to 7 caravans, of which no more than 3 would be static caravans. The construction of a day room block and utility block, creation of a new vehicular access and the laying of hard standing.	2:20pm

Members wishing to attend the site visits are requested to meet at the Civic Centre, Beecroft Road, Cannock, WS11 1BG at 12:00 noon.

Yours sincerely,



T. McGovern
Managing Director

To Councillors:-

Cartwright, Mrs. S.M. (Chairman)
Allen, F.W.C. (Vice-Chairman)

Crabtree, S.K.	Smith, C.D.
Dudson, A.	Startin, P.D.
Fisher, P.A.	Stretton, Mrs. P.Z.
Fitzgerald, Mrs. A.A.	Thompson, Mrs. S.L.
Jones, Mrs. V.	Todd, Mrs. D.M.
Layton, Mrs. A.	Woodhead, P.E.
Pearson, A.R.	

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 December, 2019 (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.

SITE VISIT APPLICATIONS

<u>Application Number</u>	<u>Application Location and Description</u>	<u>Item Number</u>
1. CH/19/201	<i>Rugeley 'B' Power Station, Power Station Road, Rugeley, WS15 2HS</i> - Outline Planning Application with the points of access included for the creation of a development platform and the demolition of existing office building and environmental centre, site clearance, remediation and mixed-use development of land at the former Rugeley Power Station comprising: up to 2,300 new dwellings and residential units (Use Classes C3 and C2), up to 1.2 ha of mixed-use (Use Class A1, A2, A3, A4, A5, C1, C2, C3, D1 & D2) up to 5ha of employment (Use Classes B1(a, b and c) and B2), 1 No. 2 form entry primary school (Use Class D1), formal and informal Publicly Accessible Open Space, key infrastructure including new adoptable roads within the site and the provision of a new primary access junction on to the A513, ground mounted solar panels with 2 No. existing electricity substations (132 kV & 400 kV) retained	6.1 – 6.148

SITE VISIT APPLICATIONS

<u>Application Number</u>	<u>Application Location and Description</u>	<u>Item Number</u>
2. CH/19/375	<i>40 March Banks, Rugeley, WS15 2SA</i> – Side extension to create 2 nd lounge, new dining room at ground floor, 2 new bedrooms and family bathroom at 1 st floor.	6.149 – 6.164
3. CH/19/048	<i>Grove Colliery, Lime Lane, Pelsall</i> – Change of Use of Land to Gypsy Traveller Residential site for up to 7 caravans, of which no more than 3 would be static caravans. The construction of a day room block and utility block, creation of a new vehicular access and the laying of hard standing.	6.165 – 6.236

PLANNING APPLICATIONS

4. CH/19/363	<i>Land adjacent to 38 Flaxley Road, Rugeley, WS15 1LY</i> – Residential Development, one detached 3 bedroom dwelling.	6.237 – 6.254
5. CH/19/411	<i>71 Old Penkridge Road, Cannock, WS11 1HY</i> – Demolition of existing two storey house and erection of 2no. houses and associated works (Resubmission of CH/19/015).	6.255 – 6.285

CANNOCK CHASE COUNCIL
MINUTES OF THE MEETING OF THE
PLANNING CONTROL COMMITTEE
WEDNESDAY 18 DECEMBER, 2019 AT 3:00 P.M.
IN THE CIVIC CENTRE, BEECROFT ROAD, CANNOCK

PART 1

PRESENT: Councillors Cartwright, Mrs. S.M. (Chairman)
 Allen, F.W.C. (Vice-Chairman)

Crabtree, S.K.	Pearson, A.R.
Fitzgerald, Mrs. A.A.	Smith, C.D.
Jones, Mrs. V.	Startin, P.D.
Layton, Mrs. A.	Stretton, Mrs. P.Z.
Martin, Mrs. C.E. (substitute for	Todd, Mrs. D.M.
A. Dudson)	Woodhead, P.E.

78. Apologies

Apologies for absence were received from Councillors A. Dudson and P.A. Fisher.

(Notification had been received that Councillor Mrs. C.E. Martin would be substitute for Councillor A. Dudson).

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

Nothing declared.

80. Disclosure of lobbying of Members

None disclosed.

81. Minutes

RESOLVED:

That the Minutes of the meeting held on 20 November, 2019 be approved as a correct record.

82. Members' Requests for Site Visits

None.

83. Application CH/19/19/366, 32 Holly Street, West Chadsmoor, Cannock WS11 5RU – Change of use from 8 bed HMO to 10 bed HMO

Following a site visit consideration was given to the report of the Development Control Manager (Item 6.1 – 6.17 of the Official Minutes of the Council).

Prior to consideration of the application representations were made by Mr. Borg, the applicant, speaking in favour of the application.

RESOLVED:

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

84. Application CH/19/305, Mercury House, 63 Union Street, Bridgtown, Cannock WS11 0BS – variation of Condition (2) parking provision and (6) approved plans – pursuant to CH/19/129

Consideration was given to the report of the Development Control Manager (Item 6.18 – 6.28 of the Official Minutes of the Council).

The Development Control Manager circulated the following update:-

Following compilation of the report for the Committee agenda, officers have received further concerns regarding the potential lack of use of the rear parking area proposed. Your Officers consider the following conditions to be appropriate:-

- 1) Within 3 months of the grant of approval a lighting scheme shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include lights along the access to the parking area at the rear. The approved details shall thereafter be provided and retained for the lifetime of the development.

Reason: To ensure the continued protection of neighbouring occupiers in accordance with Policy CP3 of the Cannock Chase Local Plan and paragraph 127(f) of the National Planning Policy Framework.

- 2) Within 3 months of the grant of approval, a scheme for signage shall be submitted to and approved in writing by the Local Planning Authority. The approved details shall include directional signage to the rear parking area for customers. The approved details shall thereafter be provided and retained for the lifetime of the development.

Reason: To ensure the continued protection of neighbouring occupiers in accordance with Policy CP3 of the Cannock Chase Local Plan and paragraph 127(f) of the National Planning Policy Framework.

Prior to consideration of the application representations were made by Mr. Eccleston, an objector, speaking against the application and Mrs. Pritchard, the applicant, speaking in favour of the application.

RESOLVED:

That the application be approved subject to the conditions contained in the report for the reasons stated therein and to the following additional conditions:-

- 1) Within 3 months of the grant of approval, a lighting scheme shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include lights along the access to the parking area at the rear. The approved details shall thereafter be provided and retained for the lifetime of the development.

Reason: To ensure the continued protection of neighbouring occupiers in accordance with Policy CP3 of the Cannock Chase Local Plan and paragraph 127(f) of the National Planning Policy Framework.

- 2) Within 3 months of the grant of approval, a scheme for signage shall be submitted to and approved in writing by the Local Planning Authority. The approved details shall include directional signage to the rear parking area for customers. The approved details shall thereafter be provided and retained for the lifetime of the development.

Reason: To ensure the continued protection of neighbouring occupiers in accordance with Policy CP3 of the Cannock Chase Local Plan and paragraph 127(f) of the National Planning Policy Framework.

The meeting closed at 3.30pm.

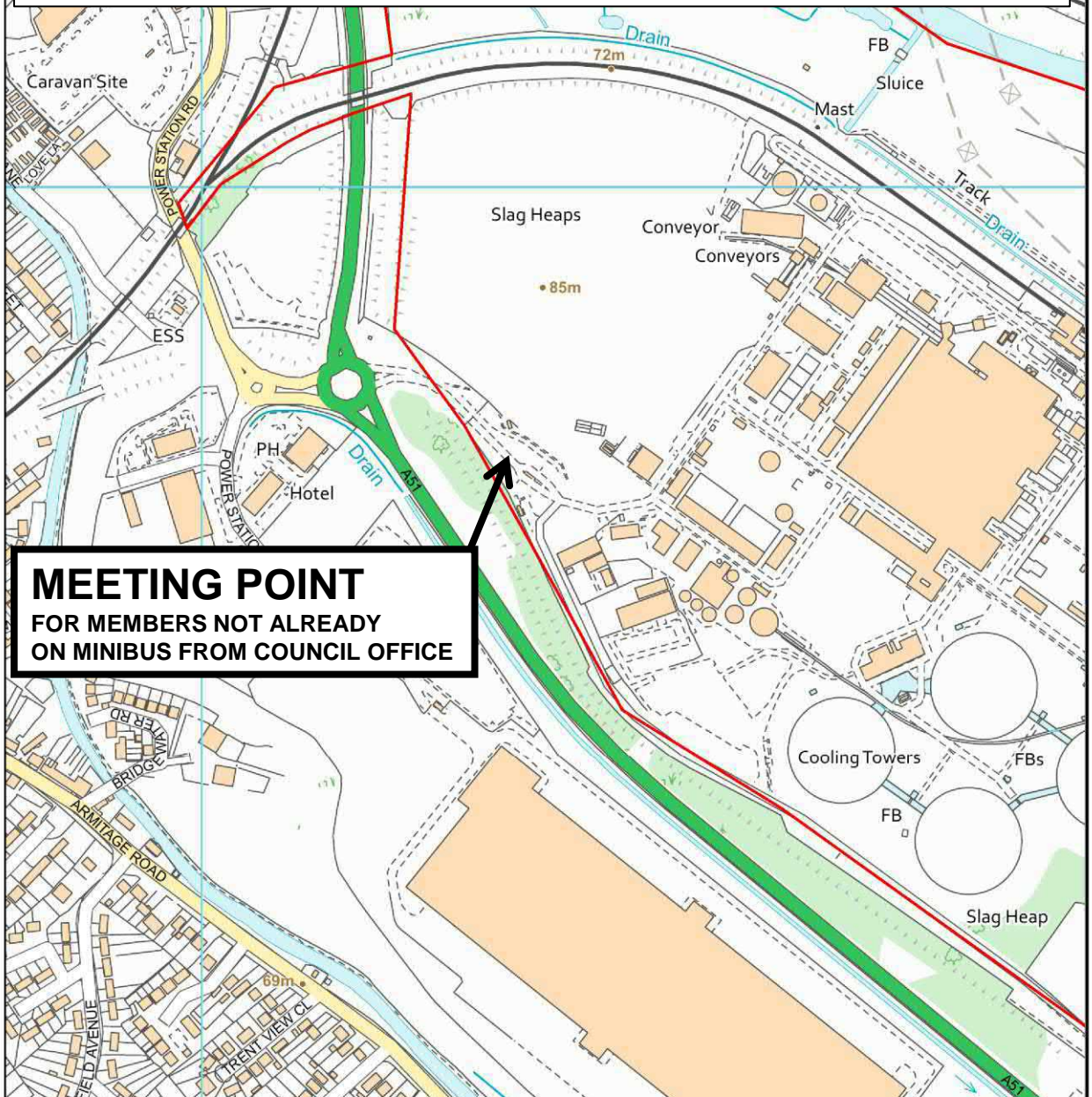
CHAIRMAN

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Application No: CH/19/201

Location: Rugeley B Power Station, Power Station Road, Rugeley, WS15 2HS

Proposal: Outline planning application for the creation of development platform and the demolition of existing office building and environmental centre, site clearance, remediation and mixed-use development comprising: Up to 2,300 new dwellings and residential units (Use Classes C3 and C2); up to 1.2ha of mixed use (Use Classes A1, A2, A3, A4, A5, C1, C2, C3, D1 & D2) up to 5ha of employment (Use Classes B1a,b,c & B2); 1 No. 2 Form Entry Primary School (Use Class D1); Formal and Informal Publicly Accessible Open Space; Key Infrastructure including new adoptable roads within the site and the provision of a new primary access junction on to the A513; ground mounted solar panels and 2 No. existing electricity substations (132 kV & 400 kV) retained (All matters reserved except access)



MEETING POINT
FOR MEMBERS NOT ALREADY
ON MINIBUS FROM COUNCIL OFFICE

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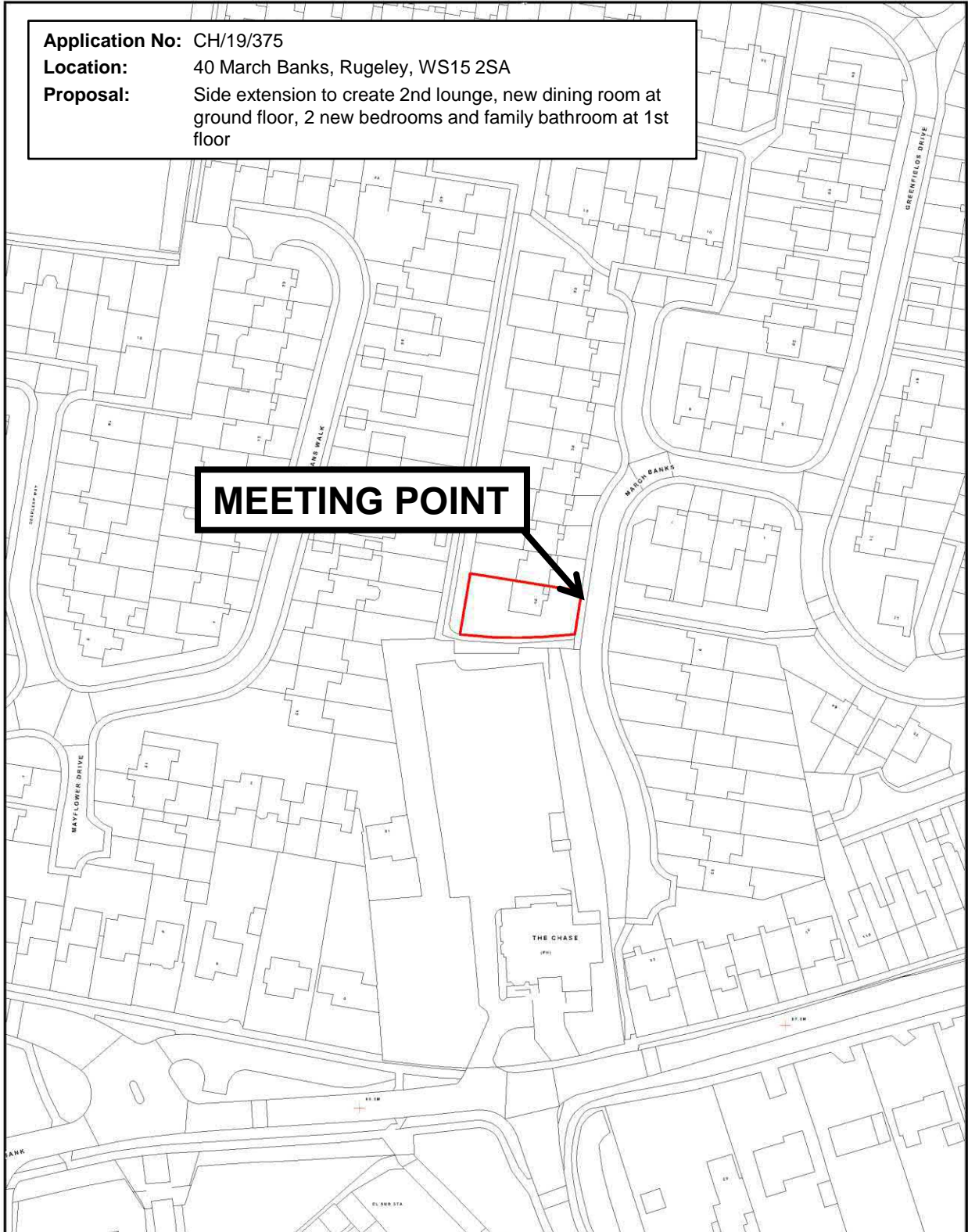
SITE VISIT



Application No: CH/19/375

Location: 40 March Banks, Rugeley, WS15 2SA

Proposal: Side extension to create 2nd lounge, new dining room at ground floor, 2 new bedrooms and family bathroom at 1st floor



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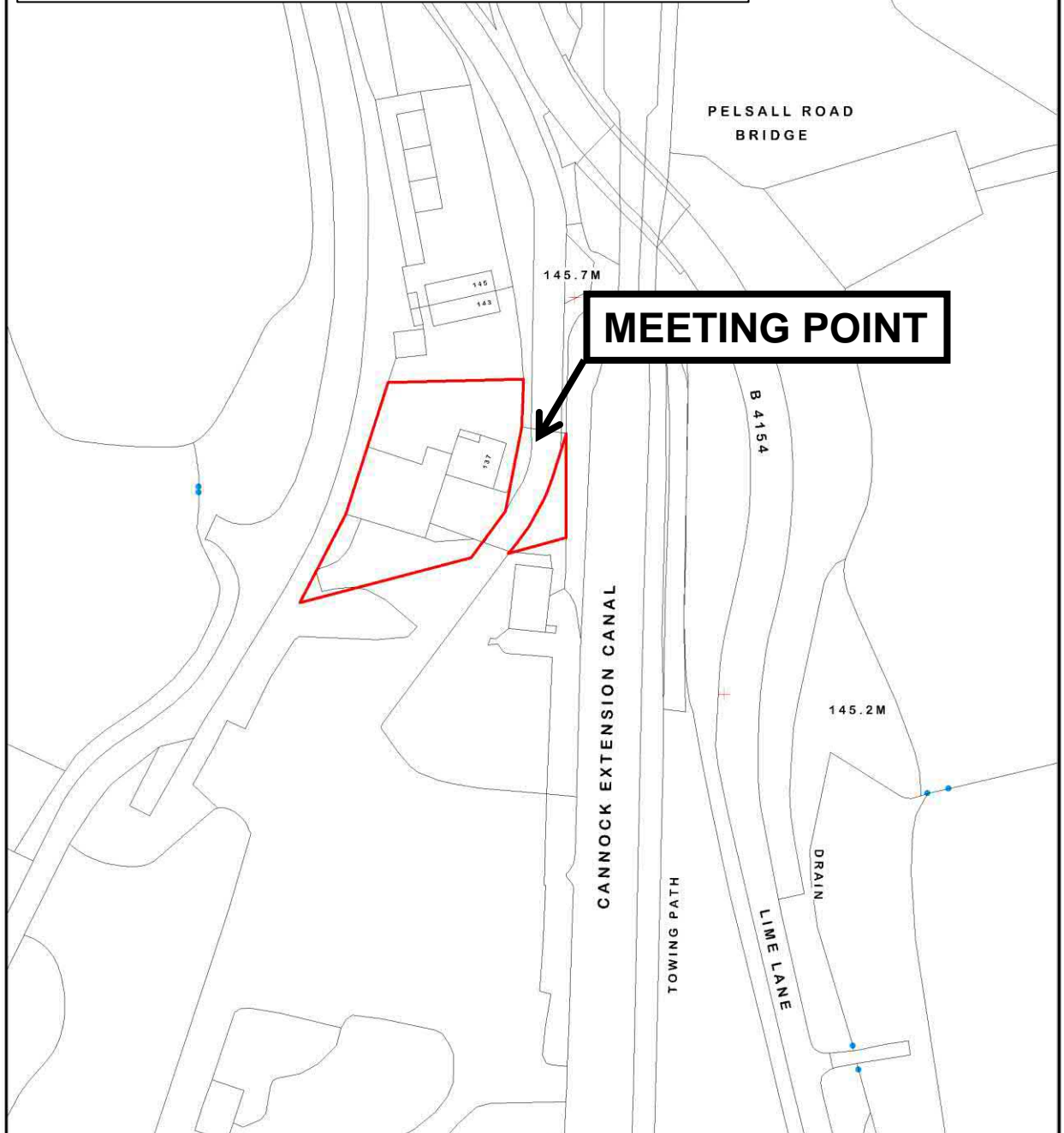
SITE VISIT



Application No: CH/19/048

Location: Grove Colliery, Lime Lane, Pelsall, Walsall, WS3 5AW

Proposal: Change of Use of land to Gypsy Traveller Residential site for up to 7 caravans, of which no more than 3 would be static caravans. The construction of a day room block and utility block, creation of a new vehicular access and the laying of hard standing.



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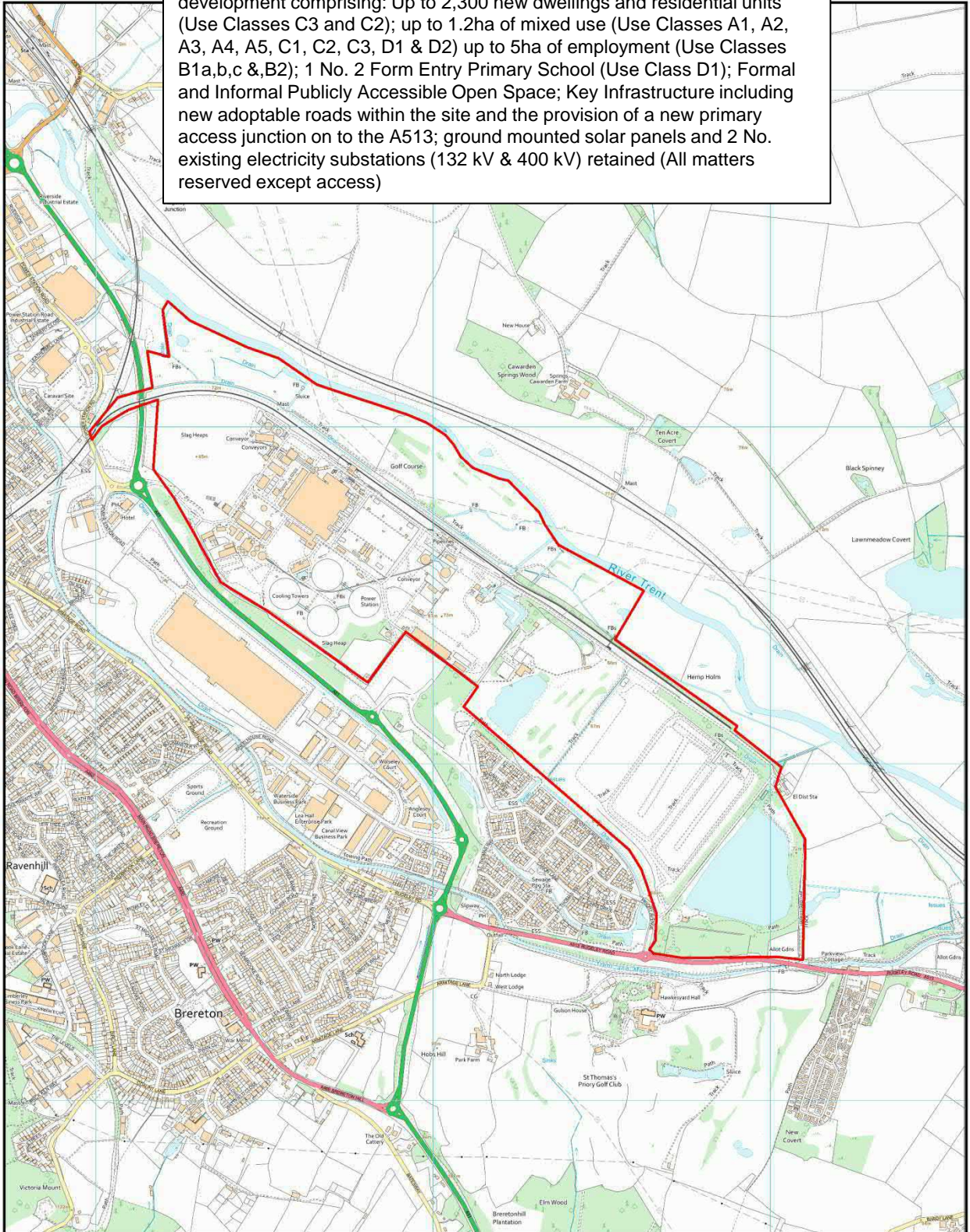
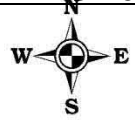


Application No: CH/19/201

Location: Rugeley B Power Station, Power Station Road, Rugeley, WS15 2HS

Proposal: Outline planning application for the creation of development platform and the demolition of existing office building and environmental centre, site clearance, remediation and mixed-use development comprising: Up to 2,300 new dwellings and residential units (Use Classes C3 and C2); up to 1.2ha of mixed use (Use Classes A1, A2, A3, A4, A5, C1, C2, C3, D1 & D2) up to 5ha of employment (Use Classes B1a,b,c & B2); 1 No. 2 Form Entry Primary School (Use Class D1); Formal and Informal Publicly Accessible Open Space; Key Infrastructure including new adoptable roads within the site and the provision of a new primary access junction on to the A513; ground mounted solar panels and 2 No. existing electricity substations (132 kV & 400 kV) retained (All matters reserved except access)

ITEM NO. 6.1



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

PLANNING CONTROL COMMITTEE

15 JANUARY 2020

Application No:	CH/19/201
Received:	28-May-2019
Location:	Rugeley 'B' Power Station, Power Station Road, Rugeley, WS15 2HS
Parishes:	Brereton and Ravenhill Rugeley
Description:	Outline Planning Application with the points of access included for the creation of a development platform and the demolition of existing office building and environmental centre, site clearance, remediation and mixed-use development of land at the former Rugeley Power Station comprising: up to 2,300 new dwellings and residential units (Use Classes C3 and C2), up to 1.2 ha of mixed-use (Use Class A1, A2, A3, A4, A5, C1, C2, C3, D1 & D2) up to 5ha of employment (Use Classes B1(a, b and c) and B2), 1 No. 2 form entry primary school (Use Class D1), formal and informal Publicly Accessible Open Space, key infrastructure including new adoptable roads within the site and the provision of a new primary access junction on to the A513, ground mounted solar panels with 2 No. existing electricity substations (132 kV & 400 kV) retained
Application Type:	Full Planning Application Major with ES

RECOMMENDATION:

Approve subject to the conditions within this report and:

(1) Subject to the owners/applicants first entering into a Section 106 Legal Agreement under the Town and Country Planning Act (as amended) to secure contributions/planning obligations towards:-

1. On-site affordable housing provision equivalent to 17.6% spread evenly across the site (approx. 405 dwellings total)
2. On-site Sports Provision (including changing facilities and management).
3. On-site Public Open Space Provision (including delivery of Riverside Park, retained and new allotments and public art)

4. Delivery of 2 form of entry primary school on site or £7.9 Million contribution and secondary school contribution of £8 Million
5. Highways and Transport Contributions (Off-site Highway Works costed to approximately £4.6 Million), off site linkage improvements, Trent Valley Station Improvements and canal towpath improvements
6. Public Transport Contribution (approx. £3.345 Million) or equivalent similar provision of public transport
7. Travel Plan Monitoring Sum £50,000
8. Air Quality Mitigation Contribution towards Cannock Chase SAC (£2.387 Million)
9. Provision of on-site Community Building and Healthcare Contribution (between £430-736K)

Note a separate Unilateral Undertaking relating to the payment of £221 per dwelling for the mitigation of visitor pressure on the Cannock Chase SAC is also required.

(2) If the S106 legal agreement / Unilateral Undertaking are not signed/completed by the 13th April 2020 or the expiration of any further agreed extension of time, then powers be delegated to officers to refuse planning permission based on the unacceptability of the development, without the required contributions and undertakings, as outlined.

(3) And delegated approval to Officers to make minor changes to conditions as may be required

Executive Summary

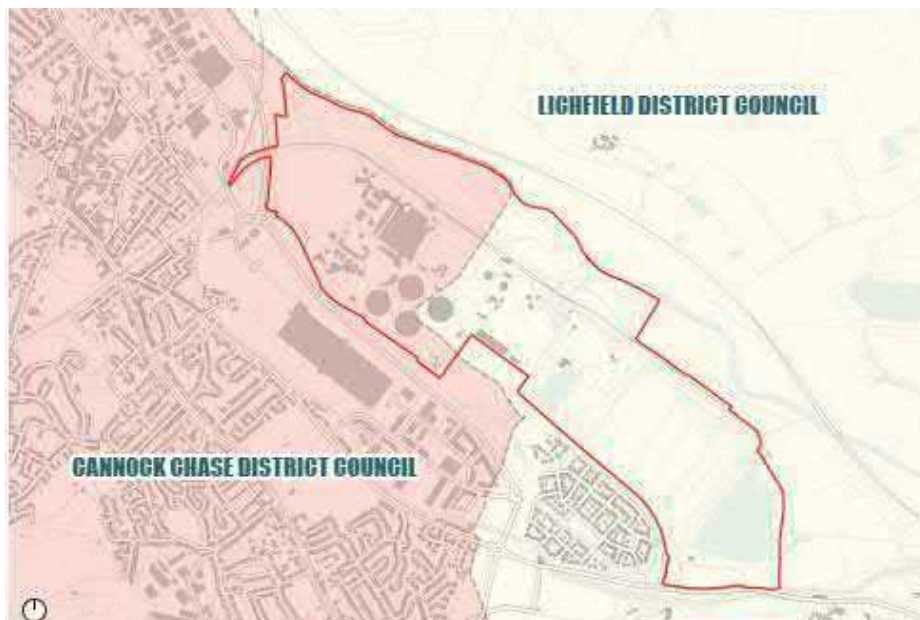


Figure 1: Rugeley Power Station Design and Access Statement Extract (Pg 8)

- 1.1 The revised application seeks outline planning permission with the points of access included for the development of up to 2,300 dwellings, 1.2 ha of mixed-uses and up to 5ha of employment land. The proposal is cross boundary, affecting land within both Lichfield and Cannock Chase Districts. The submissions include a high level illustrative master plan showing how the

resultant site could appear. Matters relating to appearance, the precise layout of the site, landscaping and the scale/ height of the buildings are reserved for subsequent approval and as such do not fall for full determination at this time. However the applicant has provided details for approval in the form of Parameters Plans which convey the broad site layout, density, intended movement framework and building heights amongst others features.

Environmental Statement

- 1.2 By virtue of the size and scale of the proposed development and the potential for significant effects during the construction and operational phases of the development, an Environmental Statement has been submitted with the application. The Environmental Statement (ES) describes and assesses the likely environmental impacts of the proposed development and proposes various mitigation measures to avoid, remedy or reduce impacts where appropriate.
- 1.3 In terms of the Environmental Impact Assessment, it is considered that the implementation of the mitigation measures referenced within the ES will prevent the proposed development from having any significant adverse environmental effects. However this is not the same as concluding the development would not have any impacts on the local area from a planning perspective. These are explored and explained later in this report.
- 1.4 Therefore, a key issue in the determination of this application is whether the proposed development is acceptable, or can be made acceptable in planning terms with due regard to the relevant local and national planning policies and all other relevant planning considerations, including the proposed planning conditions and Section 106 obligations.

Principle of Development

- 1.5 The application site straddles the boundary between Cannock Chase District Council and Lichfield District Council. The site as a whole is not identified or allocated for any purpose within the current adopted Local Plan (Part 1) in Cannock Chase District. The closure and redevelopment of the Power Station site was not envisaged in the processes that lead to the production of the Local Plan (Part 1) prior to 2014. Although the Council is working to progress a Local Plan Review, this work is in its early stages and cannot be given substantial weight in determining the current application. The site is also subject to the Rugeley Power Station Development Brief SPD that was jointly produced between the respective Council's and this provides guidance about the wider redevelopment of the site.
- 1.6 The site is allocated for residential development of a minimum of 800 dwellings within the development plan governing the land within Lichfield District Council's administrative area. The Armitage with Handsacre Neighbourhood Plan applies to the area of land around the Borrow Pit Lake, suggesting this should be Protected Open Space. A small development parcel is proposed within the application to the north of the Borrow Pit Lake. This portion of the development runs in conflict with Policy AH4 in the Armitage with Handsacre Neighbourhood Plan, although the general thrust and purpose of AH4 reflects the ambitions of the Rugeley Power Station SPD to retain the Borrow Pit as a landscape/water

feature and promote improved access and recreational use of such assets, which the proposed development achieves.

- 1.7 Spatially the site is located on the edge of Rugeley town and is in part previously developed land (aka Brownfield). The development proposed is considered to be sustainably located with good access to public transport and day to day facilities, which could be further improved as part of the development. Accordingly, in spatial planning policy terms the development is considered acceptable.

Design Concept

- 1.8 The site will include a new link to Rugeley town centre via the former rail link into the site. This will provide access from the town to a new neighbourhood centre inclusive of a convenience retail store (up to 500sqm), a community building and other mixed uses, closely associated with the proposed primary school, employment uses, formal sports provision and the proposed 25Ha Riverside Park. Also proposed is a smaller neighbourhood centre close to the Borrow Pit Lake with a more recreation related focus as well as links interconnecting with neighbouring land. Additional sports facilities are to be provided around the location of the former Power Station Social Club. The features will be linked by extensive walkable routes including the 'Riverside Walk' spanning much of the length of the site. The density and scale of development would be up to 4 and 5 storeys in the more accessible western portion of the site and would be largely up to 2.5 to 3 storeys to the eastern portion.

Transport

- 1.9 Detailed transport modelling has been carried out to predict the uplift of traffic associated with the site. The predicted uplifts require certain improvements to offsite junctions and the wider pedestrian, cycle and canal towpath network. These improvements would be secured by conditions and S106 as would improvements to access to Rugeley Town and Trent Valley railway stations and local bus services.

Socio-economic Considerations

- 1.10 The application includes the provision of an on-site primary school alongside contributions of approximately £8 million to secondary school improvements in line with requests from the County Education Authority. Affordable housing contributions equivalent to 17.6% across the whole site, which following the application of Vacant Building Credit would be policy compliant. Community facilities would be provided in the form of retained and new allotments, a community centre, health contributions comprising an on-site dentist and up to £735k towards the improvement of GP surgeries (to be agreed with the NHS CCG) and formal sports facilities of better quality than those which previously existed on the site. A total of 66Ha of publicly accessible open space is proposed across the site.

Landscape

- 1.11 The development proposes a mixture of up to 4 and 5 storey properties with generally a higher density in the more accessible portion of the site closest to

the town centre. These properties have been considered in detail in terms of their integration with Rugeley centre and indicative sections and CGI imagery showing such have been provided. Officers are satisfied with the relationship to the town and its landscape context in light of this imagery.

- 1.12 Development of up to 2.5 to 3 storeys is proposed broadly to the east of the site - with the exception of up to 4 storeys of development on a small portion to the northern edge of the Borrow Pit Lake. Officers have considered this development in terms of its landscape impact and the effect on the Borrow Pit Lake as observed from main public vantage points around the site. Officers consider the level of change proposed would not be significant in landscape terms on the basis of the information provided.

Biodiversity

- 1.13 Detailed study of the ecological habitats and species within the site has been undertaken and extensive mitigation proposed. In particular a Habitat Management Plan, Construction Environment Management Plan and Ecological Management Plan would be secured by condition. Subject to these measures, habitats in the immediate vicinity of the site would be protected and an uplift of 20% Biodiversity Net Gain would be secured.
- 1.14 Impacts from increased recreational pressure on Cannock Chase SAC would be addressed by contributions to wider established SAMM measures, which seek to implement projects to mitigate and reduce this pressure. Of particular relevance in this case is the uplift in long term nitrate deposition in Cannock Chase SAC through increased traffic movements when the development is fully operational. Mitigation in the form of habitat creation is proposed to offset this impact and would be secured by contributions via S106. This approach has been the subject of an Appropriate Assessment which follows considerable discussions between the two Councils, the SAC Partnership and has been agreed with Natural England.

Heritage

- 1.15 The effects of the development on heritage assets within the context of the site have been considered in detail within the submissions. All impacts on designated heritage assets are suggested to be negligible in EIA terms and are assessed as being at the lower end of less than substantial harm by the Lichfield District Council Conservation Officer. Such harms are required to be weighed against the wider public benefits of the proposals in line with paragraph 196 of the NPPF. In the Officer's view, the identified public benefits outweigh the harm, and by extension the Councils are able to satisfy the duty at Sections 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

Air Quality

- 1.16 Detailed air quality modelling has been undertaken as part of the EIA process. This considers both construction phase effects and effects once the development is completed. Subject to conditions to ensure appropriate site management to be agreed with Environmental Health, no significant concerns are raised regarding construction. In relation to long term air quality

considerations, the modelling suggests uplift in nitrogen dioxide, PM2.5 and PM10 concentrations will be moderate to negligible overall, and that no additional mitigation is required because concentrations will remain below relevant standards.

Noise and Vibration

- 1.17 The dominant noise sources likely to affect the proposed development are the existing road traffic movements and train movements along the West Coast Mainline. Also of relevance are the potential noise emissions from the proposed employment uses within the site, the retained power infrastructure and sports pitches. Planning conditions will seek to ensure adequate noise attenuation is provided within the design of buildings as part of the phased submission of Reserved Matters.

Water Environment

- 1.18 The site where development is proposed is predominantly within Flood Zone 1. Foul drainage capacity in the area is shown to be extensive and capable of accommodating the development. Extensive modelling to accommodate the uplift in surface drainage flows has been produced and in particular consultees in the form of the Environment Agency, Severn Trent and the County Lead Local Flood Authority have been consulted to comment on surface water drainage and flooding matters. No objections have been received subject to provision of further details as the Reserved Matters come forward.

Overall Conclusions

- 1.19 The application proposes a residential-led sustainable extension to Rugeley. This broadly accords with both the Lichfield and Cannock Chase Council intentions to secure an appropriate re-use of the site within the adopted SPD. The development proposed accords with the adopted Lichfield Local Plan Allocations Document Policy R1 and broadly accords with the sustainability emphasis within the Cannock Chase Local Plan 2014. The application does in part run in conflict with Policy AH4 within the Armitage with Handsacre Neighbourhood Plan in that it proposes development within the area earmarked for protection to the north of the Borrow Pit Lake. In addition the development results in less than substantial harm to designated heritage assets in the vicinity of the site. Some limited negative effect on the landscape setting of the Borrow Pit Lake is also considered to occur.
- 1.20 These harms must be weighed against the benefits of the proposals, which include the provision of up to 2,300 dwellings, employment land and the remediation and reuse of a large potentially derelict site. The redevelopment would provide a significant amount of new publicly accessible open space, including the early delivery of the Riverside Park, and would overall result in a net gain in biodiversity.
- 1.21 It is also a public benefit that the population associated with the development would be likely to sustain use of the main town and would have good access to a varied means of sustainable transport infrastructure, some of which would be improved and enhanced as part of the proposals. The development significantly

boosts housing supply in the area in a manner consistent with the NPPF ambition. The development provides for these benefits in part on Previously Developed Land, the re-use of which should be afforded substantial weight, as per NPPF paragraph 118(c). The development has been assessed in terms of its Environmental Impact and is shown to be able to come forward, subject to mitigation, without significant impacts on the environment or biodiversity.

- 1.22 When considering the extent of the benefits associated with the proposals versus the identified conflicts or harms above, Officers consider the planning balance weighs substantially in favour of the development. As such the development is recommended for approval on the basis of its broad compliance with policies identified within this report, subject to planning conditions and subject to Section 106 Agreement to secure the identified requirements.

Consultations and Publicity (Alphabetical Order)

External Consultations (in summary form)

Armitage with Handsacre Parish Council

No response received albeit a response is known to have been provided to Lichfield District Council of relevance to the Parish Council's Neighbourhood Plan. This states:

Overall the Parish Council approve of the development. However the councillors have concerns over the borrow pit area and the demolition of the environmental hut. The planned properties on the banks of the borrow pit are not in keeping with it being behind the recreational space where the public will walk and relax. The borrow pit is a barrier from Armitage and it is crucial that we do not allow the development of houses around this area. The environmental centre, we were told it was to be kept and now it is to be demolished. This is a hub for all the recreational groups in the area and would continue to be used, if handed over for the benefit of this purpose.

Brindley Heath Parish Council –

Comments

1. The Parish Council supports a mixed development comprising employment, housing, leisure, local retail, and education provision.
2. A proportion of the development should be allocated to commercial/business/employment use (such as light industry and service industries). Provision should be made for new businesses to be set up and for existing businesses to expand. To this end, it is worth taking into account the strong possibility that JCB will be vacating their current site which is adjacent to the Rugeley Power Station. Dates and timings should be within reach of Cannock Chase Council.
3. Although this planning application is being considered in isolation of JCB's future business plans, the importance of achieving a good balance of different land uses locally should be recognised. Concern is expressed about allocating too much land to employment use and that incorporating green open spaces and leisure and recreation facilities/opportunities into the development would be preferable. This should include integrating the canal and creating walkways and cycle routes into

the town.

4. Development of the surrounding infrastructure should be included within the plans. The surrounding road network, transport, primary healthcare, education (a secondary school) and shopping opportunities would require expansion in Rugeley as the occupants of the new homes will naturally look to their nearest town for these needs to be served. Rugeley is already stretched to the limit.
5. It is understood that the site will be split with a higher percentage of industrial uses on the Rugeley/Cannock side and a greater number of new homes constructed on the Lichfield side of the development. Councillors would not wish to see a division between property types whereby larger aspirational housing is located only on the Lichfield side and affordable housing and block type/high density accommodation on the Rugeley/Cannock side.

Brereton & Ravenhill Parish Council

Object

Brereton and Ravenhill Parish Council (BRPC) has given this application serious consideration and concluded it is fundamentally defective as a result of its unsustainability. Because of inadequacies in of its employment provision, the essential nature of this development is housing for commuting, most of which will be private motor vehicles.

There should be enough land for both new employment and for existing businesses to expand. Rugeley and Brereton have lost too many businesses to other places. This is especially important on the site of a former major generator of employment and indeed the former largest employer. Regrettably, instead of providing substantial employment land, the site will do little, if anything, to support the economy of the area.

The parameters in the outline application are defective in both providing too little employment land, and in using a wording that would allow the developer to do less than apparently proposed. At least 10 Hectares of employment land should be provided. Making their 5Ha a maximum with the dangerous phrase 'upto' means that it could be far less than the 5Ha apparently proposed.

The result is a proposal that is contrary to Lichfield Core Policies 1 and 3. Far from reducing the need to travel, this motorcar based commuter development on the site of the former largest employer will increase it. In terms of National Policy, conflict with each of three objectives in NPPF (2019) Para 8 is apparent. The proposals fail to limit the need to travel and car use, contrary to Para 103 and 122(c). The proposals hinder the move to a low carbon future contrary to Para 148.

BRPC is also concerned about the consultation process. The applicant has pursued its original intentions, ignoring views contrary to those intentions in report-backs and claiming incorrectly that people at events supported those original intentions when it did not seek the views of most people.

Amended Comments reiterate the employment land quantum concerns and also suggest that B8 uses should be provided within the site. Concerns in relation to a

failure to consider non-designated heritage assets appropriately are also raised albeit, no specific assets are identified within the comments provided.

British Pipelines

No objection

We are not aware that any of BPA Pipelines apparatus, falls within the vicinity of the above noted location.

Canal and Rivers Trust

No objections subject to S106

Supportive of the proposed amendments. However, note that the proposed towpath works, which would be a natural continuation of the improvement works currently being undertaken by SCC Highways, do not connect up, with an unimproved area of approximately 230 metres. Request the scheme be extended to include this area and the need for the delivery of the works be detailed within the draft S106 Heads of Terms (21/11/2019).

Previous Comments: The proposed Heads of Terms currently fail to include provision for completion of the off-site towpath enhancement works identified as part of the application. Advise that they are happy for the County Council to undertake these works, thereby negating the need for the Trust to be a signatory of the S106 (07/11/2019).

The towpath in the area adjacent to the application site is not in a condition that can support the additional footfall arising as a consequence of the development. Recommend that the applicant therefore provide a s106 contribution, to upgrade the condition of the towpath and canal public realm, in the vicinity of the development.

Notes that the applicant is proposing to formalise a pedestrian access point to the towpath to the southern edge of the site. Any new access or works to the Trust's land will require an agreement with the Estates Team. The applicant is also suggested to contact the Trust's Sales Team, in order to consider the canal as a water source for heat pumps proposed to be used within the development and also for use for surface water drainage (18/07/2019).

Cannock Chase AONB Unit

No objection

As you are aware, the AONB is a statutory designated area under the Countryside and Rights of Way Act 2000 (CROW). CROW places a duty on all public bodies (including Parish Councils) to "have regard to the purpose of conserving and enhancing the natural beauty of the area of outstanding natural beauty". The provisions of the Act are:

- “(a) the purpose of conserving and enhancing the natural beauty of the area of outstanding natural beauty, and

- (b) the purpose of increasing the understanding and enjoyment by the public of the special qualities of the area of outstanding natural beauty,

but if it appears to the board that there is a conflict between those purposes, they are to attach greater weight to the purpose mentioned in paragraph (a).”

The requirements of the National Planning Policy Framework, and the policies of the adopted Local Plan, will also apply. Cannock Chase Local Plan Core Policy 14 – Landscape Character and Cannock Chase Area of Outstanding Natural Beauty is relevant to this development, though not referred to in the Design and Access Statement (DAS). Additionally, I draw your attention to the Cannock Chase AONB Management Plan 2019 -2024, which sets out policies that seek to reduce negative impacts of recreation on sensitive sites within the SAC and the wider AONB. Policy WN1 seeks to minimise impacts on the condition of the SAC, whilst Policy EE2 seeks: reduce recreational and visitor pressure within the AONB through supporting improvements to the quality and connectivity of existing, and development of new Green Infrastructure and Open Space outside of the AONB boundary.

Site and proposed development:

The proposal is for up to 2300 dwellings and employment uses. The DAS notes that the AONB is 8km from the site, however parts of the AONB such as Chetwynds Coppice lie less than 1.5km of the site. Chetwynds Coppice is already under high pressure from recreational use.

The application site lies on the north eastern edge of Rugeley. There are established areas of housing and employment uses, adjacent to the site. I am satisfied that development of the site would not give rise to direct landscape or visual effects on the AONB or its setting. Therefore, any potential AONB issues relate to:

- Potential for increased user pressure affecting the special qualities of the AONB.
- Adequacy of CIL/S106 for SAC mitigation and other AONB related measures.

We have commented in the past on the Core Strategy and the CIL to the effect that AONB considerations, linked with, but separate, from those of the SAC, should form part of the consideration of infrastructure requirements as development is planned and permitted. Therefore, with reference to Planning Obligations and the use of CIL, should the proposed development proceed, it would be appropriate to direct some funds towards work within the AONB to mitigate potential effects of the new development on the area. Projects that could be considered should relate to the AONB Management Plan, including habitat and access management work. The AONB Joint committee also welcomes provision of recreation facilities that would encourage users to participate in activities outside the AONB, thereby helping to reduce user pressures within the AONB. Enhancing recreational provision on the site and opportunities to link to pedestrian and cycling routes along the Trent Valley and the wider countryside should be therefore be supported.

Provided that any wider impact on the AONB is taken into account and appropriate measures required, the AONB Joint Committee has no objection to this planning application.

Cannock Chase Clinical Commissioning Group (CCG)

No objection subject to contributions

The development is proposing 1036 **(A)** dwellings within Cannock Chase District which based on the average household size in the area of 2.4 per dwelling would result in an increased patient population of approx. 2486 **(B)** (2.4 x A). Calculations in line with Dept of Health HBN11-01 standards suggest an additional 65 hours of consulting room time and 17.4 hours of treatment room time would be required to service this level of population. The surgeries likely to be affected by the increased population are:

- Brereton Surgery, 88 Main Road, Brereton, Rugeley, WS15 1DU
- Horse Fair Practice Group, Sandy Lane Health Centre, Sandy Lane, Rugeley, WS15 2LB
- Aelfgar Surgery, Church Street, Rugeley, WS15 2AB

The practices listed above are looking to expand/alter their surgeries, or are part of a wider strategic redevelopment, to provide additional patient space to meet the demands of the patients. We request a contribution from the housing development towards the expansion of the above premises. The estimated cost of providing the expansion required is estimated to be £735,974.40 and should be secured by S106. An on site solution is not the CCG's preferred option on the basis it does not reflect the most cost efficient approach to health provision.

Cannock Chase SAC Group

No objection subject to securing mitigation

The SAC Team agrees with the information submitted by the applicant (Shadow HRA, Nov 2019) that the development is unlikely to result in significant impacts (alone or in combination) on: Pasturefields Saltmarsh SAC; Cannock Extension Canal SAC; & West Midlands Mosses SAC. There is sufficient evidence that these 3 designated sites should be screened-out at stage 1 of the Habitats Regulation Assessment.

The SAC Team agrees with the information submitted by the applicant that the development (alone and in combination) is likely to result in a significant impact upon Cannock Chase SAC due to both increased visitor pressure and increased level of atmospheric deposition of Nitrogen Oxide, Nitrite and Nitrate (NO_x). Appropriate Assessment (AA) must be undertaken to consider these two impacts upon Cannock Chase SAC; conclude the likely scale of the harm; and determine if the mitigation measures recommended by the applicant are logical, achievable and proportional to the scale of impact.

It is considered that the information provided within the Shadow HRA (Nov 2019) is sufficient to allow the LPA's to complete HRA and that the mitigation schemes suggested by the applicant to address both of their negative impacts to Cannock Chase SAC are robust and proportional to the determined scale of impact.

As such, at this time the SAC Team deems that the LPA's are able undertake and complete HRA for Cannock Chase SAC, discharging their statutory responsibility as per Regulation 63 (1) of the Conservation of Habitats and Species Regulations 2017.

Coal Authority

No objections

The application site does not fall with the defined Development High Risk Area and is located instead within the defined Development Low Risk Area. This means that there is no requirement under the risk-based approach that has been agreed with the LPA for a Coal Mining Risk Assessment to be submitted or for The Coal Authority to be consulted.

In accordance with the agreed approach to assessing coal mining risks as part of the development management process, if this proposal is granted planning permission, it will be necessary to include The Coal Authority's Standing Advice within the Decision Notice as an informative note to the applicant in the interests of public health and safety.

Environment Agency

No objections subject to conditions

Groundwater and Contamination - The site is located in a sensitive location in relation to 'Controlled Waters'. Our maps and previous site investigations have shown that the underlying geology consists of upto 15m thick Alluvium Clay and River Terrace Deposits over Triassic Sherwood Sandstone. The site has a shallow water table (in general 1.5m to 2m below ground level) and is located adjacent to the River Trent. There are various surface water ponds, drains and channels running straight into the Trent.

The majority of the development area is underlain by old PFA deposits and/or on top of historically landfilled areas. Moreover the current groundwater abstraction license for the previous cooling processes on site is said to be traded with one of the water companies to add the existing bore hole on site to their potable supply network. This will introduce a new Source Protection Zone locally and will increase the sites vulnerability.

Chapter 12 of the Environmental Statement sets out precautions and mitigation measures that are to be put in place during development. Chapter 10 assesses potential impacts from construction and operational phases on surface water quality and water resources (particularly the River Trent). This includes urban diffuse pollutants, WFD assessments, future surface water drainage and SUDS, water quality monitoring.

Past investigations indicate groundwater is known to be already impacted locally (e.g. elevated concentrations of cadmium, copper, manganese and nickel have been recorded near the PFA lagoons). This may increase during construction to the potential for ground disturbance, dewatering and contaminant mobilisation. Therefore additional ground investigation must be undertaken prior to development commencing to enable more encompassing and detailed consideration of risks from potentially contaminative sources. Where risks are deemed significant, detailed remediation strategies and long term monitoring will have to be developed accordingly.

Flood Risk - The site boundary lies within Flood Zone 3 of the River Trent. In section 4.4.1.2 (Additional Modelling Undertaken by AECOM) of the FRA, it has been demonstrated that the ground levels of the railway embankment are between 0.7m and 1.9m above the 1 in 100 year plus 50% climate change flood level and the ground levels within the site are above all modelled flood water levels.

Biodiversity - Chapter 10 of the ES and the Preliminary Water Framework Directive (WFD) by AECOM present possible enhancement opportunities for areas and waterbodies within the site. Currently the River Trent has 'poor' ecological status under the Water Framework Directive and the aim is for all waterbodies to meet 'Good' status by 2027. The provision of a final WFD Enhancement Opportunities Plan secured by condition will ensure opportunities for enhancement are not missed.

Foul Drainage and Water Quality - Section 10.2.45 of the ES suggests spare capacity exists within the Rugeley Waste Water Treatment Plant for approx. 48,984 dwellings. We strongly advise that once the hydraulic assessment and information on the impact of the proposals on the wider network is complete it is submitted for review. We require confirmation on baseline Severn Trent will be using to determine whether there is sufficient capacity within the current network as assessing whether the pipes are big enough to convey flow is potentially different to hydraulic assessment to ascertain the impact on the environment. This is important because the hydraulic assessment determines how often combined sewer overflows overflow and at what volume compared with current spill frequencies. We also note there is a possibility of a foul pumping station. We would expect to see final confirmation that the increased effluent flows would not cause deterioration and promote recovery of existing waterbodies.

Water Resources - Dust suppression and habitat creation are proposed. Depending on the scale of water required for these purposes, they may require abstraction licences. It can take 4 months for a licence. We support the use of water efficiency measures to minimise demand on water resources.

The following conditions in summary form are recommended (Full condition wording provided elsewhere in this report):

1. Prior to commencement provide site investigation details and remediation details to be provided
2. Prior to commencement verification report to be provided demonstrating completion of the works within the remediation strategy
3. No infiltration of surface water drainage to ground
4. Piling or other foundation designs using penetrative methods shall not be permitted unless agreed
5. Carry out development in line with the Flood Risk Assessment. All built development to be within Flood Zone 1 and no ground raising within Floodplain
6. Submit and agree landscape and ecological management plan
7. Submit and agree Water Framework Directive Enhancement Opportunities plan

Health and Safety Executive

No objection

The site area identified does not cross any consultation zones. The area identified does not currently lie within the consultation distance of a major hazard site or major

accident hazard pipeline; therefore at present HSE does not need to be consulted in relation to the development of the site.

Highways England

No objection

Historic England

No objections

The application has assessed the impact upon settings within the 'Built Heritage' chapter of the Environmental Statement. This covers the majority of the assets likely to be impacted and concluded there to be negligible or neutral effects upon significance. As highlighted in the submissions, the removal of the power station is likely to have beneficial impacts upon the settings, removing highly visible and dominant modern structures from the back drop and key viewpoints of a number of designated heritage assets, 'restoring' some of these views to something more akin to the assets' historic surroundings. We welcome this beneficial impact. We also welcome the the development minimises the impact upon the Trent and Mersey Canal Conservation Area with a green buffer between the canal and the new housing in the southeast of the site.

Historic England has no objection to the outline application in principle. We recognise the removal of the existing power station would have a beneficial impact upon the setting of multiple designated heritage assets. It is important that any negative impacts from the new development are fully understood and, where possible, minimised. To that end we previously recommended a more detailed assessment of Castle Ring scheduled monument was undertaken. This additional information has been prepared and it is concluded there are no impacts on the significance of Castle Ring as a consequence of the proposals.

HS2 Ltd

No objections.

Further to the email on 28 June 2019 I can confirm the House of Lords Select Committee Clerks have published their petitioning guidance. The guidance clarifies the petitioning process and, of particular relevance to this proposal is the guidance which relates to additional provisions. I am pleased to confirm that the guidance provides HS2 Ltd with sufficient confidence to confirm that it has no objection to the proposed development. This is on the basis that while the proposed development would affect land currently within the limits of land subject to safeguarding directions for the construction and/or operation of Phase 2A of the railway, the Bill's continued progress through the parliamentary process will confirm that the affected land subject to safeguarding is no longer required for the purposes of constructing and operating the railway.

Lichfield District Council Ecologist

No objections subject to conditions

The Ecology Team is satisfied with the methodologies and the information provided within the submitted Environmental Statement, Chapter 9 Ecology, the Environmental Statement Addendum, Technical Appendix 9.8, Biodiversity Net Gain and Letter Appendix A – Ecology Correspondence. The Ecology Team concurs with the conclusions of the above documents in that (given the data provided) it can now be considered unlikely that the proposed works would negatively impact upon a European Protected Species (EPS) in a manner as defined as an offence under the Conservation of Natural Habitats Regulations (Habitat Regs.) 1994 (as amended 2017); or upon a protected or priority species or habitat, as defined by the Wildlife and Countryside Act 1981 (as amended 2016); The Protection of Badgers Act 1992 or listed under section 41 of the Natural Environment and Rural Communities (NERC) Act 2006) subject to the appropriate suggested measures of avoidance and mitigation as outlined in 9.7 Additional Mitigation, Compensation and Enhancement Measures of the Environmental Statement, Chapter 9 Ecology, the Environmental Statement Addendum.

The LPA is therefore in a position to demonstrate compliance with regulation 9(3) of the Habitat Regs. 1994 (as amended 2017), which places a duty on the planning authority when considering an application for planning permission, to have regard to its effects on European protected species. It is also deemed that the LPA has sufficient understanding to discharge its “Biodiversity Duty” (as defined under section 40 of the Natural Environment and Rural Communities (NERC) Act 2006).

Adherence by the applicant to all recommendations and methods of working detailed within Section 9.7 Additional Mitigation, Compensation and Enhancement Measures of the Environmental Statement, Chapter 9 Ecology, the Environmental Statement Addendum must be made a condition of any future planning approval (i.e. the submission of a Habitat Management Plan (HMP), Ecological Mitigation Strategy (EMS), Construction Environmental Management Plan (CEMP) prior to submission of Reserved Matters and the adoption of Reasonable Avoidance Measures (RAMS) and further surveys as required throughout the phasing of the development.

The Ecology Team is satisfied with the quantitative data submitted by the applicant at this time via the Technical Appendix 9.8, Biodiversity Net Gain dated May 2019.

The Ecology Team considers that the quantitative data submitted is an accurate depiction of value/s of the habitat current on the site of proposed development (as regards total area, type, distinctiveness and condition) and agrees it to be accurate for the sites current biodiversity value to be viewed as 398.31 Biodiversity Units (BU). Equally the Ecology Team agrees that the Biodiversity Impact Calculator is accurate in describing the likely achievable biodiversity value of the site post development, as 426.20 Biodiversity Units (BU).

Achievement of both No-Net-Loss to Biodiversity and a sufficient Quantitative net-gain as per the quantitative data submitted is sufficient to provide assurance to the LPA that the current development scheme as described by the Technical Appendix 9.8, Biodiversity Net Gain dated May 2019 and as depicted in the Green Infrastructure Plan and Ecology Environmental Statement is unlikely to result in a net-loss to biodiversity value and as such is deemed to conform to the guidance of paragraphs 9, 109 and the requirements of paragraph 175 of the NPPF 2019.

The Ecology Team welcomes the applicant’s intention to deliver net gains of 27.89 BU

as part of the proposed development scheme. The Ecology Team approves of the new habitats proposed for creation as part of the development scheme and considers them in adherence with the Lichfield District Biodiversity Opportunity Map (see Appendix E map 4 of the Biodiversity and Development SPD) and the recently adopted Nature Recovery Network Mapping. As such the development scheme is viewed as likely being able to achieve a 20% net-gain to Biodiversity Value and so complies with both policy NR3 of the Local Plan and the requirements of the Biodiversity and Development SPD.

However, the applicant will need to submit to the LPA a Construction Environment Management Plan (CEMP) and a Habitat Management Plan (HMP) detailing, in full, the future habitat creation works (and sustained good management thereof) demonstrating a net gain to a value of no less than 27.89 BU. This should be supported by an updated biodiversity metric for the site. The CEMP will also need to contain all information detailed within section 9.7 Additional Mitigation, Compensation and Enhancement Measures of the Environmental Statement. This information should be provided via pre-commencement conditions of any future planning approval.

Lichfield District Council Planning Policy Team

No objections in principle subject to assessment.

The site is located to the east of Rugeley Town Centre and traverses the boundary between Cannock Chase District and Lichfield District Council. The site is located adjacent to the East of Rugeley Strategic Development Area and allocated within the emerging Local Plan Allocations for a minimum of 800 dwellings as identified on Inset 18 of the Local Plan Policies Maps. Within Lichfield District, the site is situated within the Armitage and Handsacre Neighbourhood Plan Area.

In summary, there are no policy objections to the principle of the proposed development at the former Rugeley Power Station, which is allocated for the development of a minimum of 800 dwellings in the emerging Local Plan Allocations document. From a policy perspective, the development scheme should seek to deliver 35% affordable housing provision on site however it is noted that this is subject to a vacant building and potential viability assessment. Further, in accordance with Policy AH4 of the Armitage with Handsacre Neighbourhood Plan the education centre should be protected, however I will leave this to the Case Officer to consider and balance as part of the wider proposed scheme.

In response to the amended plans, it is suggested conditions restricting neighbourhood retail provision should be included. It is also noted the proposed locations of centres and development are not in conformity with the principles set out in the Rugeley Power Station SPD, which consider a more central location for retail to be appropriate. In addition, support for the proposed health facilities within the site should be secured from the CCG.

Lichfield District Council Conservation Officer

It is considered that the proposed development would cause less than substantial harm to a number of designated heritage assets. The highest level of harm (but still less than substantial) would be caused to the Trent and Mersey Canal Conservation Area due to the increased noise and movement generated by the development. Also

being affected, but to a lesser degree of harm, is Mavesyn Ridware Conservation Area. It is also considered that the significance of a number of the listed buildings and structures will be harmed by the proposed development and these are identified later in these comments. Where harm is considered to result from the proposed development, in all cases this is considered to be less than substantial.

While there are no demonstrable heritage related public benefits identified as part of the planning application or any mitigation for the harm, there are some potential mitigation works and heritage-related public benefits which are discussed below and which could be explored as part of the application. There are also significant non-heritage related public benefits that will be derived from the proposed development and it is considered that these should be balanced by the decision maker, against the less than substantial harm to the relevant designated heritage assets.

There is concern that the full impact of the development is not being considered by the current application. The proposed development will bring built form much closer to a number of the DHA's and both the construction phase, but more permanently, the occupation will massively increase the level of noise, movement, activity in and around the DHA's, so affecting many of them, some more than others. Further comments are provided.

Lichfield District Council Urban Designer

In summary, some concerns remain about the achievability of the high densities proposed even in light of the additional parking, amenity space and refuse storage details. Nevertheless, these are detailed matters for consideration at a later stage and are flagged at this stage for the applicants benefit. Original comments on the submitted proposals were as follows:

1. Access and Movement

- I would continue to reiterate that the provision of a 3rd vehicular access would significantly improve the accessibility and sustainability of the site as well as improving its permeability and its integration into the wider area. The Rugeley Power Station Development Brief SPD is clear that 2 access points are the minimum that are required. The two current accesses are around 2.2km apart as the crow flies meaning that there will be significant vehicular journeys through the site. Even if this connection cannot be provided at present; consideration should still be given and provision made for its creation in the future, if land ownership issues or other problems are resolved. This aspect of the development should be future proofed so not to preclude the possibility of a third vehicular access point at a future date.
- Access to the school has been clarified with considerable additional information being provided to demonstrate the various routes that could be taken and their safety. Provision has been made for some parking, as while walking and cycling are encouraged it is inevitable that some parents/guardians will drive so it is welcomed that this potential issue is being addressed at this stage.
- The former railway, which are intended to act as a key pedestrian/cycle route will not serve as such for the full length of the site. The Access and Movement Parameter Plan shows it as a purple dashed line running the whole length of

the 'Rail Way' which is described in the key as 'including sustainable transport routes, pedestrian/cycle routes, drainage elements, planting and occasional vehicular access'. On the masterplan around a third of this 'Rail Way' is shown as a road and potentially even a bus route which is not compatible with a safe pedestrian/cycle route. If, as per the SPD, no built form was proposed to the north of the former railway then this would allow this safe pedestrian/cycle route to be extended for the full length of the former railway and so would solve this aspect of lack of connectivity to the south-eastern corner of the site.

2. Land Use Parameter Plan

- The principle of built form in two areas marked on the land use parameter plan which are numbered 5 (adjacent to the Borrow Pit) and 8 (adjacent to the new riverside park) on the Illustrative Masterplan are still of concern.
- Both of the areas are shown as being strategic landscaping in the SPD. Therefore it remains the position that built form in this area should be resisted.
- In terms of policy these comments are based on the RPS SPD. In Figure 4.4 neither the area to the NE of the Railway sidings or adjacent to the Borrow Pit are shown as residential use. In Figure 2.6 Strategic Landscape it is shown as forming part of the strategic landscaping for the site.

3. Building Heights Parameter and Density Parameter Plans

- Some clarification has been provided on this parameter plan that in the areas marked as being up-to 5 storey, a maximum of 10% will actually be 5 storey and in the areas marked as being up-to 4 storey and maximum of 20% of the buildings will be 4 storey with the rest being lower. This is welcomed.
- Notwithstanding the fact that the SPD shows no built form in the area north-east of the former railway, in terms of the proposed development, there remains concerns that while the maximum height proposed in this area has been reduced to 3 storey, no clarification has been provided as to how much will be 3 storey and generally this is still considered too high. If any development were to be permitted in this area, it should show a clear reduction in height and density towards the edges of the site and not an increase as is currently shown on this parameter plan.
- Notwithstanding the fact that the SPD shows no built form in the area adjacent to the Borrow Pit, in terms of the proposed development, there remains concerns that the proposed development in this area is shown as having a maximum height of 4 storeys. Again, if any development were to be permitted in this area, this should be considerably lower in height and density given its sensitive location between the Borrow Pit and open countryside.
- Notwithstanding the concerns over the principle of built form in the locations to the north-east of the former railway and adjacent to the Borrow Pit, paragraph 4.58 of the SPD states that lower densities should be proposed towards the southern and eastern edges so that the built edge can be assimilated into the countryside.

- LDC's Sustainable Development SPD states in paragraph 3.53 that, 'The density of a proposed development, expressed through its layout, should be a product of the design process, rather than the driver of it... for development to be sustainable it must also be desirable. As well as integrated movement patterns, new developments should relate positively to the context within which they will sit, and take cues from the local characteristics that are identified as worth emulating.' Paragraph 3.55 also states that, 'It is also necessary for layouts to respect the cultural and natural heritage of the area and landscape within which it sits in order to achieve development which is sustainable in environmental terms.'
- The proposed heights and high densities along the boundary of the proposed developable areas of the site with the open countryside will create a strong hard edge when, if the proposed development were designed to transition comfortably from a built up area to open countryside it would be expected for the development to be no more than 2 storeys in height and a much lower density. Similar schemes have densities of around 20dph at the rural edges.
- The maximum height at the northern entrance to the site has been reduced to 4 storeys (with the same caveat of only 20% being 4 storeys) and this is welcomed.
- There remain some concerns regarding the proposed 5 storey development adjacent to the railway sidings at the north of the site. An amended cross section B-B on drawing 01585_SK_056 C shows the Riverside Promenade providing considerable screening. As there will only be 10% of the development at 5 storeys, it would be preferable to see the lower heights being used directly adjacent to the walkway.
- In terms of density, as has been discussed before, the proposed densities are considerably higher than those previously approved on most other allocated. This is not to say that these densities cannot be accommodated but simply that both the LPA's need to be satisfied that this will not be at the detriment of the finished scheme and should not compromise the attractiveness of the development and its desirability as a place to live.

4. Green Infrastructure Parameter Plan

- There are still few, if any, informal, incidental green open spaces within the residential parcels. These would really improve the quality of the residential areas, in particular the high density areas and those areas which are further away from the formal play areas. There is a single LEAP within the large residential area adjacent to the Borrow Pit marked on the Parameter Plan but there are 4 potential locations for surface attenuation ponds and basins. While ponds are design to be permanently in water, basins are designed to be dry for the majority of the time and so could these double up as informal 'kick-about' spaces?
- In the areas of highest residential density there is a concern that these will be overly dominated by hard landscaping, the application needs to show that the green infrastructure will carry on through these heavily developed areas.

- The SPD includes a key principle of the development of the site being the creation of useable, well connected green infrastructure. The Green Infrastructure Parameter Plan shows many elements of the green infrastructure isolated amongst areas of built development. The masterplan shows the primary road as being tree lined, but this is not shown as green infrastructure on this parameter plan. A primary road with green verges and suitable, structural tree planting could contribute towards the desire to create a useable and well connected green infrastructure.
- All structural planting, such as that along a tree lined primary road, or other planting that is needed to achieve the desired quality of development should be in public spaces that are maintained by the Management Company. Additional non-structural planting can be in private gardens and spaces.

5. Parking

- The parking strategy should include provision for parking for the facilities that are to be provided. This could include the sports pitches, allotments and Borrow Pit Lake. Some of these facilities may also require some built form such as storage for the allotments of changing facilities for the formal sports pitches so these should be accommodated.
- Rear parking courts, where used, need to be clearly overlooked by neighbouring properties to provide natural surveillance and to deter crime. Ideally the resident should be able to see their parked car from their house.
- The SPD states in paragraph 4.33 that the parking should be integrated into the development in order to limit the impact on visual amenity. To enhance visual interest and break up the streetscene, generous planting will be required where there is surface level parking. The application needs to demonstrate that this can be achieved.

National Grid

No objection subject to maintaining access rights

National Grid is willing to engage constructively with the applicant to ensure that the development of the site can proceed appropriately without prejudice to the operation and maintenance of pre-existing on-site electricity assets and any assets that require re-location or alteration as a result of the proposed development. It is requested that the Illustrative Masterplan and Parameter Plans are amended prior to any outline planning permission to clarify that National Grid assets will be appropriately accommodated within the proposed development and that appropriately worded conditions and informatives be included on that planning permission such that future developers of the site are clear as to the site constraints and National Grid requirements.

Please note that these representations relate only to electricity assets owned by National Grid, not to any such assets that may be operated in the area by Distribution Network Operators.

Natural England

No objection subject to appropriate mitigation being secured

We consider that without appropriate mitigation the application would have an adverse effect on the integrity of the Cannock Chase SAC. In order to mitigate the adverse effects and make the development acceptable, the following mitigation measures should be secured:

- Delivering mitigation for recreational impacts on Cannock Chase SAC by means of the Strategic Access Management and Monitoring (SAMM) measures
- Delivering mitigation for air quality impacts on Cannock Chase by means of the agreed measures when set out in a finalised Appropriate Assessment
- Integrate into the scheme design and construction management plan the proposed mitigation measures for protected species, as outlined in the Environmental Statement dated May 2019.

We advise an appropriate planning condition or S106 is utilised to secure these measures.

The decision taking Authority is required to undertake an Appropriate Assessment in line with the Habitats Regulations (2010 as amended).

Natural England welcomes the strong green infrastructure emphasis shown in the proposed development and the commitment to Net Biodiversity Gain.

Network Rail

No objections subject to conditions

Construction works and access and egress from the site must not impact any Network Rail infrastructure assets. When designing proposals, the developer and council are advised, that any measurements must be taken from the operational railway / Network Rail boundary and not from the railway tracks themselves. From the existing railway tracks to the Network Rail boundary, the land will include critical infrastructure (e.g. cables, signals, overhead lines, communication equipment etc.) and boundary treatments (including support zones) which might be adversely impacted by outside party proposals unless the necessary asset protection measures are undertaken.

Transport Assessments should include consideration of the impacts of the proposal on Rugeley Town Railway Station and Rugeley Trent Valley Railway Station. Full developer funding for enhancements should be included within the proposal (either via S106 or CIL) and agreed prior to any planning application decision. Discussion of the impacts of potential increased footfall at the railway stations should be undertaken with Network Rail and the TOC.

The developer is to submit directly to Network Rail, a Risk Assessment and Method Statement (RAMS) for all works to be undertaken within 10m of the operational railway under Construction (Design and Management) Regulations, and this is in addition to any planning consent.

A suitable trespass proof steel palisade fence of a minimum height of 1.8m adjacent to the boundary with the railway/railway land.

If vibro-compaction machinery / piling machinery or piling and ground treatment works are to be undertaken as part of the development, details of the use of such machinery and a method statement must be submitted to the Network Rail for agreement. CFA piling is preferred as this tends to give rise to less vibration. Excessive vibration caused by piling can damage railway structures and cause movement to the railway track as a result of the consolidation of track ballast. The developer must demonstrate that the vibration does not exceed a peak particle velocity of 5mm/s at any structure or with respect to the rail track.

Network Rail is aware that residents of developments adjacent to or in close proximity to, or near to the existing operational railway have in the past discovered issues upon occupation of dwellings with noise and vibration. It is therefore a matter for the developer and the council via mitigation measures and conditions to ensure that any existing noise and vibration, and the potential for any future noise and vibration are mitigated appropriately prior to construction.

It is requested the Local Planning Authority adds the following conditions and satisfies themselves that noise will not cause a future issue to prospective occupiers:

- Drainage
- Piling
- Excavation and earthworks
- RAMS
- Lighting within 50m of functional track

Planning Casework Support Unit

No comments

We acknowledge receipt of the Environmental Statement. We have no comments to make.

Rugeley Town Council

Offer Comments

Amended Comments (20 December 2019)

- The site was previously a large employer. Its closure resulted in the loss of many jobs. Neighbouring developments have not gone far enough to replace the lost employment.
- Temporary employment will be created during construction. Requests are made that recruitment should be targeted at local builders/ tradesman.
- The development could potentially be inward looking. Creating strong physical links between the development and the town facilities is imperative. Such links should be delivered early in the process to promote use by workers during construction.
- Bicycle parking and electric bike charging should be provided for in the town.
- Enhanced disabled access along the canal towpath should be provided.

- A Regeneration Officer should be provided for a period of at least 3 years to promote inward investment in the centre, promote the town at large and encourage new retailers.
- Education capacity in both primary and secondary is a concern
- There are concerns that creating mixed tenure on the site is in fact creating pockets of various tenure, rather than inclusion. The lower density, higher value housing is located near to the Armitage with Handacre boundary and high density flats at the Rugeley end. This should be spread around the site to avoid segregation.
- Concerns regarding the screening of the retained substation

Original Comments:

- When the Power for All community group had spoken with ENGIE, they advised that the application was not a done deal and the community would still have their say. However within the application it was written that community consultation had taken place and they agreed the application.
- The demolition of the buildings and remediation of the land was not seen as an issue
- Of the 137 Ha site, only 5 Hectares is proposed for commercial use. This is low given the scale of the site
- There was concern the lower cost higher density housing was all focussed on one corner of the site. We would prefer to see this spread across the whole site so a mix of tenure was available rather than ghettoization
- The lack of mix of housing tenures means that the council tax banding will be unfairly proportioned across the development site favouring Lichfield. This will have an impact on the CIL allocated to the District Council's to the detriment of the community most impacted by the development i.e. Rugeley and Brereton and Ravenhill.

Severn Trent Water Ltd

No objection subject to conditions

1. Development shall not commence until drainage plans for foul and surface water submitted and approved by LPA
2. The scheme shall be implemented in accordance with the approved details before the development is first brought into use

South Staffordshire Water Plc

No objections

South Staffordshire Water appear to have assets within the application site. Engagement with the developer at an early stage is required if the asset is proposed to be affected by the construction works. The normal process of an application to secure new connections could also look to provide new assets within the site.

Sport England

No objection subject to conditions

Sport England considers that the proposal has the potential to broadly meet Sport England exception policy E4 subject to conditions and an appropriately worded S106 agreement securing the replacement playing field and ancillary provision alongside management arrangements for the site.

Sport England welcomes reference within the submitted draft heads of terms which highlights that a S106 agreement will be utilised to secure the on-site provision of Community Sports Pitches (indicatively including football, all weather pitches, cricket pitch, tennis and bowls), changing facilities and Multi Use Game Area.

Sport England has also held discussions with the applicant regarding the content of the draft S106 agreement and considers that the agreement should include the following:

- set out an appropriate timeframe for the delivery of the sports and ancillary provision;
- set out the quantum of playing field provision at the Rugeley Social site and the minimum area/court provision (at least two tennis courts) for the MUGA and all weather pitch;
- set out the minimum size of the 4 team change pavilion /clubhouse facility (inclusive of female, male and disabled conveniences/ officials rooms/ bar/club area/kitchen/storage area n.b. list not exhaustive) designed in accordance with Sport England's clubhouse design guidance note (or any successor documents) or the relevant pavilions/clubhouse guidance from the national governing bodies whom will be the primary user of the site (i.e. ECB or Football Association/Football Foundation guidance);
- Set out a timeframe for the submission of the sport provision layout plan for example "No occupation of the []th Dwelling prior to such a time that the layout of the playing pitches, pavilion/clubhouse changing facility, floodlit bowling green, storage area for bowls, MUGA, 3G pitch and car parking spaces to serve the sport site has been submitted and approved by the local planning authority (following consultation with Sport England)";
- Set out the playing pitches should be constructed in accordance with Sport England's Natural Turf for Sport guidance;
- Ensure that a schedule of playing field maintenance including a programme of implementation, informed by specialist turf consultant and having regard to Sport England's technical design guidance note titled 'Natural Turf for Sport (2011) and relevant National Governing Bodies performance quality standards, is submitted and approved by the Local Planning Authority. Following commencement of use of the development the approved schedule should be complied with in full.

It is noted that the quantum of playing field provision will exceed the amount of playing field at the site. However, to ensure that the same sports are capable of being played at the site to at least the equivalent standard and quality, the following conditions are also considered necessary:

- Floodlighting
- Ball Strike Assessment
- Playing Field Construction
- Pitch construction, "Natural Turf for Sport"

In summary Sport England does not wish to raise an objection to this application as it is considered to broadly meet exception E4 of its Playing Fields Policy subject to an appropriately worded S106 agreement addressing the matters raised above and the above conditions being attached to the decision notice. Should Sport England fail to agree to the S106 agreement relating to the sporting provision or the conditions are not attached, Sport England would wish to raise an objection to this application.

Sport England would therefore wish to have further dialogue regarding the contents of the draft section 106 agreement. In relation to the conditions if you wish to amend the wording or use another mechanism in lieu of the above condition(s), please discuss the details with the undersigned. Sport England does not object to amendments to its recommended conditions, provided they achieve the same outcome and it is consulted on any amendments.

Staffordshire County Archaeology

No objection subject to condition

The application is supported by a suite of documents including an illustrative Masterplan, an Environmental Statement containing chapters on built heritage, landscape and visual, and an Outline Remediation and Reclamation Strategy.

Whilst it was agreed Archaeology would be Scoped Out of the EIA, this was with the caveat that once the Masterplan had been developed further, any archaeological mitigation could be picked up as a condition of the consent. This was felt appropriate given the level of made ground on the site, the previous uses, predicted levels of the proposed development and the minimal amount of development proposed to the less developed areas. However this is not to say Archaeological potential does not exist. Indeed the Staffordshire Historic Environment Record and associated datasets suggested potential for prehistoric to early medieval archaeological deposits under the alluvium in the area. This is in addition to above and below ground features associated with post medieval water meadows in the area proposed for the public riverside park.

Having considered the the outline proposals, it is noted the creation of the development platform will necessitate the removal of alluvium deposits across the site down to the natural superficial deposits, in this case river terrace deposits. As such there is some potential for previously unknown prehistoric to early medieval deposits to be encountered as part of the reclamation process.

Accordingly a condition requiring archaeological mitigation is likely to be recommended as a condition of planning consent when further information is provided as part of subsequent or reserved matters applications.

In relation to the amendments we welcome the reduction in the scale of the development and the additional information relating to the viewpoint from Castle Ring. In tandem, this information confirms the proposals will not affect the significance of this asset.

Staffordshire County Flood Risk Management (SUDS)

No objection subject to conditions

We consider that outline planning permission should only be granted to the proposed development if the following planning condition is imposed as set out below.

Condition

Prior to commencement of each phase of the development of a satisfactory water drainage design should be submitted to and approved in writing by, the Local Planning Authority. The drainage design for each phase of the development shall be designed in accordance with the principles set out in the approved Flood Risk Assessment (Report no. WORK\34060387\v.2 Rev 3 dated 14th May 2019 compiled by AECOM) and Drainage Strategy Report (WORK\34060242\v.2 Rev 4 dated 15th May 2019 compiled by AECOM) and the following measures:

- a) Percolation assessments carried out in accordance with BRE digest 365 to determine infiltration potential.
- b) The assessment of existing outfalls and remediation where required to accommodate flows from the development.
- c) The incorporation of SuDS features including source control, permeable paving, swales and open water features within the drainage design to provide adequate water quality treatment in accordance with CIRIA C753.
- d) Surface water discharge from each Area to be limited to the combined restricted rates for the equivalent return period storms as specified in Appendix A of the Drainage Strategy Report.
- e) The provision of adequate on-site attenuation features across the site to limit the maximum surface water discharge to the combined restricted rates for the equivalent return period storms as specified in Appendix A of the Drainage Strategy Report.
- f) Where attenuation features are allocated to serve multiple phases, they will be constructed and operational to serve the relevant phase.
- g) Finished floor levels are set no lower than 150mm above local surrounding ground levels.
- h) The management of overland flows in the event of exceedance or blockage of the drainage network to ensure no flooding to property.
- i) The details of an achievable and site-specific maintenance plan for each phase of the development including the provision of access and maintenance arrangements for the key features to be retained as specified in section 3.1.

The scheme shall be fully implemented and subsequently maintained, in accordance with the timing / phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed, in writing, by the local planning authority.

Staffordshire County Council School Organisation

No objections subject to S106 contribution

The application would result in an education contribution of £15,062,040 (index linked) plus a suitable site to be sought from the developer to mitigate the impact on education. The development would be acceptable from an education perspective subject to a Section 106 agreement which meets this requirement.

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

- a) Necessary to make the development acceptable in planning terms
- b) Directly related to the development, and
- c) Fairly and reasonably related in scale and kind to the development

Based on the location of the proposed development we have considered the impact on school places in Rugeley and the surrounding areas and more specifically Chancel Primary School, Hob Hill CE/Methodist Primary School, Redbrook Hayes Community Primary, The Croft Primary and the Hart School.

To understand the impacts on these schools analysis has been undertaken using the number of pupils on the roll, net capacity/funding arrangements of the schools and pupil projections.

It was calculated that 2300 dwellings would require:

- 104 Early Years Places
- 483 Primary School Places
- 345 Secondary School Places
- 69 Post-16 places

There are projected to be an insufficient number of school places in the local area to accommodate the children generated by the development at both secondary and primary phases of education. In order to mitigate this the developer should provide:

- Primary School: The cost of a 2FE primary school = £7,902,200 plus a suitable site of 2Ha to the a 2FE primary school
- Secondary School: The level of contribution has been calculated based on the cost of providing a 2FE secondary and post 16 places. The contribution will be used to either expand existing secondary provision at Hart School or provide new secondary school provision elsewhere (on/offsite). 2 Form of entry high school places currently cost £8,000,000. Further discussion will be required in terms of on/off site provision.

Based on standard triggers, the development will require payment of the education contribution at the following points:

- 30% on commencement of the development
- 30% on commencement of 30% of the permitted dwellings (i.e. 690 dwellings)
- 40% on commencement of 60% of the permitted dwellings (i.e. 1380 dwellings)

Staffordshire County Council Highways Authority

No objections subject to conditions

No objection. Notes the submission of further information specific to the movement strategy and masterplan, upon which concerns are raised, due to inadequacies in the width of the spine road and design of the community square. However, notes that these details are solely indicative and can therefore be addressed at a later date. Reiterates the need for the conditions as detailed within the response dated 4th October 2019.

The S106 agreement is to secure a public transport service contribution of £3,345,068 for bus services and a Travel Plan Framework Monitoring Sum of £50,000 (13/11/2019).

Previous Comments: No objections, subject to conditions requiring the submission and approval, prior to the submission of any reserved matters application, of a detailed phasing program of delivery and implementation for all off-site highway improvements, a public transport strategy for between the site, town centre and local services and, notwithstanding the submitted details, a detailed Masterplan. Prior to the commencement of development, details shall be approved of a Construction Environment Management Plan, a distributor road between the A51 and the A513 and a Pedestrian and Cyclist Connectivity Scheme. Any reserved matters application is to include details of a bus terminus at the community square, to include electric charging facility, shelter, flag, timetable case and Real Time Passenger information display and bus stopping facilities, along both sides of the distributor road, which is to include a shelter, flag, timetable case and bus markings. Before the construction of any buildings, within any phase of development, details of secure cycle facilities are to be agreed. Prior to the first occupation or use of any building, the driveway, parking, servicing and circulation areas to serve such, shall be provided in a bound material and sustainably drained. No occupation of any of the dwellings within phase 2a, 2b or 2c, as shown on the illustrative phasing plan, shall occur until the roundabout access off the A513 has been completed.

The S106 agreement is to secure a public transport service contribution of £3,145,500 for bus services and a Travel Plan Framework Monitoring Sum of £50,000.

Two notes to applicant identified advising the applicant of the need to secure a Highways Works Agreement and Section 7 approval for the proposed highway works (04/10/2019).

10 Conditions governing the following are suggested:

1. Submit and agree Construction and Environmental Management Plan (CEMP)
2. Submit and agree access surface details
3. Before construction of any buildings provide scheme of secure cycle parking for apartments
4. Car parking, servicing and circulation to be suitably drained, hard surfaced and marked out prior to occupation
5. No occupation of Phase 2a, 2b and 2c until roundabout access onto the A513 has been completed
6. Before development commences, submit and agree details of distributor road between the A51 and A513
7. Prior to submission of reserved matters, applicant shall submit a phasing program for delivery and implementation of all off site highways improvements including main affected junctions and wider pedestrian improvements

8. Submit and agree masterplan with movement framework and similar
9. Before development commenced provide details of Pedestrian and cycle connectivity
10. Any reserved matters application to include the following details and be implemented prior to completion of that phase: bus terminus at community sq. to include electric vehicle charging, bus stopping facilities along through access route both sides of road provided with shelter, timetable and bus markings

Staffordshire Fire and Rescue

No objections.

Consideration should be given to ensuring appropriate supplies of water for fire fighting in line with Building Regulations. In addition the Service would advocate consideration of sprinkler systems with all proposed developments.

Staffordshire Police Architectural Liaison Officer

No objections.

Whilst I have no objections this Outline Application, it is important that I take this opportunity to provide the following guidance and recommendations aimed at reducing opportunities for crime and ensuring that high level of physical security is incorporated in this development.

Particular attention must be paid to ensuring that Pedestrian/Cycle Links and Public Open Space are be designed as features of the site and are well overlooked. Those Plots with side and rear boundaries to footpaths and open land must be secure. I support the intention to provide a layout that is primarily outward looking and provides 'back to back' security for the proposed Plots. Particular attention should be applied to promoting natural surveillance over proposed public space. Attention must be paid to the design of boundaries and landscaping where the side and rear boundaries of Plots are facing accessible open land and footpaths.

A number of other recommendations are made regarding:

- Defensive planting
- Minimising climbing aids
- Appropriate lighting of footpaths (BS5489) to promote natural surveillance
- Use of layouts that deter crime e.g. short cul-de-sacs, overlooked footpaths
- Promoting a transition from public to private space (territoriality)
- Gated rear accesses
- Use of CCTV
- Suitable fencing to ground mounted photovoltaics
- Promotion of on plot parking and avoidance of car parking courts
- Use of smart meters to frustrate potential bogus official callers
- Minimising unauthorised access opportunities to apartment blocks

Staffordshire County Council Minerals Team

No objections.

PFA Extraction/Profiling - Information has been provided to the County Council confirming the extraction of PFA from the lagoons and the reprofiling of the adjacent bunds to create a stable platform for the surrender of the Environmental can be carried out under Permitted Development Rights being the site is classed as Operational Land in use by a Statutory Undertaker. These rights would no longer exist if the site is not operational and the planning permission for the redevelopment of the site is implemented. Hence planning permission for works to PFA would be required from the County Council.

Waste Implications - As part of the Development Description Section of the ES (Volume 1), information has been included concerning 'waste'; during the construction phase and the operational phase. This section confirmed that an Outline Waste Management Strategy (Appendix 3.5) has been produced and 'the quantum and composition of waste generated through the demolition of these buildings would be established as part of the design of the detailed demolition programme in the Construction Environmental Management Plan (CEMP) for the relevant construction phase' (paragraph 3.3.60 of the ES (Volume 1)). It is estimated that the Proposed Development could potentially generate:

- up to 48,507 tonnes of waste during construction (not including waste material associated with cut/fill) which would equate to approximately 2,425 tonnes of waste each year from the Proposed Development (Paragraph 3.3.61 of the ES Volume 1);
- approximately 2,185 tonnes of household waste per annum (approximately 42 tonnes per week) should all the residential units be constructed and occupied (Paragraph 3.3.66 of the ES Volume 1); and
- approximately 8,571 tonnes of waste per annum (based on a conservative estimate of 3 tonnes of waste per annum per employee) from the non-residential elements of the Proposed Development.

The Outline Waste Management Strategy provides an introductory section, Waste Legislation, Policy and Guidance; Construction Waste Strategy; Operational Waste Strategy and Summary and Conclusion. The Strategy considers the potential impacts that may arise from waste generated during site preparation, construction and operational phases with the overall aim of developing a strategy for legislative compliance and to establish good practice in the separation, storage, collection, treatment and/or disposal of waste arising.

Conclusion: It is concluded that the Waste Planning Authority has no objections concerning the waste implications of the proposed development subject to conditions to secure the measures described in the Outline Waste Management Strategy and to require a detailed Construction Environmental Management Plan (CEMP) for each phase of the development, including the operations to extract and dispose of PFA, unless these operations are carried out in compliance with an Environmental Permit regulated by the Environment Agency.

Impact on existing waste management facilities - Our records show that there is one permitted waste management facility within the site and one in the vicinity of the site, off the Rugeley Eastern Bypass.

- Planning permission for a road construction waste materials recycling facility within the site was granted in May 2006 (ref. [CH.06/03/736 W](#)). This facility is no

- longer operational; and,
- Planning permission for the storage and crushing of construction waste was granted in November 2015 (ref. [CH.13/10/725 W](#)) [to the north west].

The submitted illustrative Masterplan (dwg no 01585_MP_001 Rev D8) and the Land Use Parameter Plan (Figure 3.2) includes an area of open space adjacent to the land where the storage and crushing of construction waste is permitted (ref. [CH.13/10/725 W](#)). The nearest residential properties shown on the Illustrative Masterplan are approximately 120 metres to the south ('Area 4' – 'Medium to high density housing including ENGIE living house typology') of this waste management facility.

Conclusion: Having regard to the policies, guidance and material considerations referred to above, it is concluded that the Waste Planning Authority has no objections concerning the implications for waste management facilities in the vicinity of the site subject to the Councils being satisfied, having obtained confirmation from their Environmental Health Officer and the Environment Agency that There would be no unacceptable adverse impact on people or the environment as a result of the proximity to the neighbouring waste management facility; and, The proposed development would not constrain the continued operation of the neighbouring waste management facility.

Impact on mineral resources - The County Council's Mineral and Waste response indicated that the developer should provide evidence to address the Policy 3.2 of the Minerals Local Plan. Policy 3.2 of the Minerals Local Plan states that:

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

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

Policy 3.3 provides exceptions for the type of development set out in Appendix 6, the policy states:

'Within a Mineral Safeguarding Area, where important mineral resources do exist, except for those types of development set out in appendix 6, non-mineral development should not be permitted unless it has been demonstrated that:

- a) the non-mineral development is temporary and does not permanently sterilise the mineral; or,
- b) the material planning benefits of the non-mineral development would outweigh the material planning benefits of the underlying or adjacent mineral; or,
- c) it is not practicable or environmentally acceptable in the foreseeable future to extract the mineral'.

A Mineral Resource Assessment (MRA) (ref. ST17372 Rev 001 dated May 2019) has been submitted with the outline application. The assessment provides an introductory section; details of the geology (including borehole logs); mineral planning policy and a conclusion.

The MRA confirms that most of the sand and gravel was disturbed during the construction of the power station, which involved constructing large scale underground infrastructure. The backfill used to raise excavation levels back to original levels was a mixture of sand and gravel, Pulverised Fuel Ash (PFA) and construction waste materials. Therefore, the made ground is of no commercial value and backfill is several metres thick across most of the site.

The MRA concludes that it would not be practicable or commercially viable to extract sand and gravel underlying this made ground and the underground infrastructure is still in situ which would obstruct extraction of sand and gravel from the site, so the site fits criterion (c) above, i.e. that it would not be practicable in the foreseeable future to extract the sand and gravel.

Conclusion: Having regard to the policies, guidance and material considerations referred to above, including the MRA, it is reasonable to accept the findings in the MRA that it would not be practicable or commercially viable to extract sand and gravel. The Mineral Planning Authority therefore has no objection concerning mineral safeguarding.

Staffordshire Wildlife Trust

No response received.

The Ramblers Association

No objection.

Friends of Cannock Chase

No response received.

Lichfield & Hatherton Canals Restoration Trust Limited

No response received.

Trent & Mersey Canal Society

No response received.

Landor Society

No response received.

Homes England

No response received.

Woodland Trust

Object

The Woodland Trust object to the plans on account of potential impact to four veteran trees identified T42, T43, T93 and T203. The proposed cycling routes will encroach upon the Root Protection Area of the trees and therefore may lead to root compaction and deterioration of the trees.

The Trust asks that all trees displaying veteran characteristics are adequately protected in line with Natural England’s Standing Advice for Veteran Trees with RPAs calculated at 15x the stem diameter or 5m beyond the canopy.

Internal Consultations

Environmental Health

No objections subject to conditions

I have no overall objections to the proposal, other than a matter of detail concerning the proposed B1/B2 area in the centre of the site.

After reviewing the information in the Planning Application Statement and detailed in the Environmental Statement Volumes 1 and 2 my comments are as follows:

Air Quality when Operational - The air quality impact of the operational phase has been modelled and found to be ‘moderate’ to ‘negligible’ and ‘not significant’. As such, the development is acceptable in terms of air quality, but given the scale of development, provision of mitigation measures is entirely appropriate.

A list of measures likely to mitigate to some degree against incremental increase in emissions associated with the operational phase are included within the Environmental Statement. These are:

Measure	Comment
Cycle parking to be provided in line with locally adopted standards	Measures to encourage sustainable, low emission local travel are welcomed.
Network of pedestrian and cycle routes throughout the Site	
Layout to allow for bus penetration on the proposed spine road to enable easy access to public transport services	
A Local Centre	Provision of local community hubs is welcomed as a measure to reduce the need for travel and car dependency.

A School	Provision of a school is welcomed. However, I consider the location is displaced away from the larger portion of proposed and existing residential properties to the south east of the site. In practice it is unlikely that the twice daily round journey will be undertaken by parents on foot. I would consider a school located centrally or to the south east would have the optimal travel distances for residents overall.
Employment Centre	Local employment opportunities are welcomed as a means to reduce the need for travel. It is anticipated that these will be B1 use class in order to minimise the potential for emissions from industrial activities and commercial vehicle movements in close proximity to public exposure.
Provision of electric vehicle charging.	The provision of electric charging stations is welcomed. However, given the government's plans for future vehicle fuelling, I would recommend that all residential properties are provided with EV charging facilities. It is noted that the proposals are to allow provisions for EV charging facilities, which appears to fall short of full provision.
Damage cost calculation	This measure is yet to be undertaken, and will be welcomed in order to determine whether currently planned mitigation measures are proportionate and, if applicable, the extent of further mitigation measures that can be included.

Air Quality During Construction - It is understood that the construction phase traffic is likely to be 'negligible' and 'not significant'. Given the level of vehicle movements and local factors, this appears to be a reasonable conclusion.

Emissions for the construction phase have a greater potential for impact, although readily addressed through management measures. A Construction Environment Management Plan (CEMP) will be developed in order to control the impact of emissions during the construction phase. This is likely to incorporate measures listed in section 7.5 of the Environmental Statement, which appear appropriate. The CEMP should be agreed with Environmental Health.

Noise when Operational - The report demonstrates that localised mitigation measures will be required to protect new residents, and to minimise the impact of new noise sources. The details will need to be provided at reserved matters stage, and will require approval by Environmental Health. In short, these issues are:

- Local mitigation measures such as increased stand off of properties from dominant road sources (road / rail) and close boarded fencing around garden areas as appropriate.
- Properties closest to the western boundary with the A51 will need to be orientated to screen outdoor living spaces.
- Traffic noise will necessitate in enhanced acoustic glazing in living rooms located closest to dominant noise sources, and within direct line of sight of traffic noise.

To allow comfortable living conditions with closed windows, acoustic ventilation will be required in these properties.

- Requirement for acoustic glazing / ventilation will be confirmed on a plot by plot basis to accommodate the complexities of various noise sources and screening effects of buildings.
- An assessment of the impact of proposed new employment areas.
- Completion of a detailed acoustic design statement

The proposed B1/B2 zone will allow industry to be located in close proximity to residential land use. B1 activities, by definition are light industry appropriate in a residential area and are therefore acceptable in this situation. B2 usage allows all other general industrial uses other than incineration, chemical treatment, landfill or other hazardous waste which thereby allows scope for many uses incompatible with residential purposes. It should be borne in mind that whilst noise is probably the most common issue arising from B2 class activities, unfortunately smell, fumes, smoke, etc., can also be features that impact detrimentally on local residential amenity.

I therefore object to the existing proposal for B2 use in immediate proximity to residential areas, but suggest that a compromise may be feasible if the industrial zone is zoned along the lines of the following plan:

It would also be prudent that a noise condition is applied to the industrial zone. However, as the zone is likely to accommodate a number of activities and is currently speculative it would be prudent that it is informed by a specific acoustic survey.

Noise during construction - A construction environment management plan is required to detail the measures needed in order that construction works have a 'negligible' impact and 'not significant'. Construction traffic is predicted to have a 'negligible' impact and 'not significant'.

Contamination - This department has been consulted at various stages regarding land contamination, and liaised with Lichfield DC's Environmental Health Department to ensure a consistent response and support the following comments in relation to contaminated land. One of the outcomes has been an outline Remediation and Reclamation Strategy (RRS), provided in volume 2 of the report. Measures to mitigate against the impact of land contamination are provided in this document, and are to my satisfaction. These measures need to be supplemented by a CEMP to accommodate the construction phase of the development.

The Environment Agency has also had a major role in overseeing the surrender of Environmental Permits and ensuring that controlled waters are not unduly affected. Such measures will assist in making the site fit for the proposed use. Please ensure that the EA are consulted on this application.

Economic Development

No objections

Economic Development is very supportive of the redevelopment of Rugeley Power Station and would comment that this appears to be an exemplar of what we like to see from an outline application. There are number of positives:

- Community involvement – multiple support sessions have been undertaken to engage with the community
- Reclaim/Reconnect/Recharge – Great to see use of these underlying themes to recognise the importance of the existing environment, the community and the recreational land
- Sustainability – This is a clearly a key theme running through the proposals, with details such as sustainable drainage, transport access to reduce personal vehicle needs (bus stops, train lines, cycle routes) and the inclusion of electric vehicle charging points
- Unit and space sizes – we agree with the planning conclusion that they are most in demand

Environmental Services

No objections subject to conditions

Amended comments pointing out the illustrative test layout provided suggesting parking arrangements appear tighter than desirable, concerns regarding extent of hard surfacing, communal rear areas. It is acknowledged these are preliminary plans that would be picked up in more detail at the Reserved Matters phase. Concerns regarding wind flows.

Previous Comments

It is noted that the parameter plans set out key aspects especially in respect of the interaction between heights and densities. In itself this gives more comfort than previous. However these plans do not really take account of the need for access, parking, servicing etc. as well as what can be achieved to ensure sufficient root zones for trees and other vegetation. Ensuring that all the required parameters of distance, space about dwellings etc. can be met will be a key issue and one that will only become apparent at the detailed design stage. Windflow impacts should also be considered.

The production of a detailed design manual will be essential to ensure that the intended design aspects/elements including those discussed, are achieved within all subsequent phases of the development and a consistent standard is achieved throughout. The production of this should be conditioned.

The Landscape Visual Impact Appraisal confirms that long distance views from public accessible locations will have minimal visual intrusion. Short distance views are generally screened by existing structures/features, as noted previously. The likely most prominent view would be of the western end of the site & existing entrance off Power station Road/ A51. Additional information has indicated that with appropriate retention/landscaping this would not have an overall detrimental effect on the general streetscene in that location.

The Environmental Statement notes that in the Landscape Character Assessment for the area states that 'Adjacent built up areas considerably change the character of the landscape.... by visually dominating the landscape feature', the urban edge and modern housing being classed as incongruous features. Protecting the river floodplain from inappropriate urban development and transport links is also noted as well as that 'New development... should support retention of relatively tranquil character of

adjoining rural landscape by continued buffering and management of the urban edge by using appropriate species' With this in mind, the development of housing on and along the eastern end of the railway sidings would have a significant and adverse impact on the adjacent landscape character especially considering the suggested 5 storey developments. Such development would prevent the implementation of any potential buffer/screening compared to the northern part of the site where buildings are set back from the railway. Even if screening/tree planting was achievable its long term retention would be questionable given residents expectations/requirements for views over the adjacent landscape.

The Key issue in development of the site is access and linkage. Access being basically two points N& S ends of the site but to ensure linkage and make the whole design work/function and on a sustainable basis the key will be quick and easy pedestrian/cycle access into and out of the site especially across the A51 but also via the Pippins site. It is suggested that such links are potential future links but these will be key to achieving the aims of the whole scheme and need to be one of the first aspects built and tied to each relevant phase of the development. If not then the development will become isolated and car reliant.

Potential internal linkage for pedestrians and cyclists remains good with a strong emphasis on the former railway sidings although there are missing links and room for improvements. Emphasis is placed on the railway siding providing a car free recreational route? However, this suggested route does not link to the eastern end of the site, being developed for housing along the eastern end of the siding, albeit the Borrow Pit being one of the key recreational areas. The reason for the retention of the existing roadway/development of the railway embankment is however related to the presence of high voltage underground cables. However having a strong clear segregated access route that serves the whole site is essential to allow full and easy connectivity and which would avoid the use of car dominated streets.

The access and movement plan indicates a linkage to the middle of the Pippins site which would be fully appropriate however there also needs to be a linkage to the northern end of the Pippins site from adjacent the northern side of the ornamental lake. This would then link with the key open space and play area of the Pippins site.

The potential location of some areas/features needs further thought in order to relate well, function appropriate and avoid future issues. In particular the location of the Muga within the narrow open space corridor between the school and employment area. This area also contains other play/sports facilities as well as a landscaped open space area. The Muga should be associated with the main open space & play facilities indicated to the west of the school. Putting it and the other open/accessible facilities within a narrow corridor will result in future issues and not just in terms of maintenance and management.

In landscape and design terms the creation of character areas is good but these need to relate and connect well to each other. Whilst there is a relatively large amount of detail relating to the design of key routes and open space areas, there is very little on the detail to the residential areas. This will be essential to ensure that whole scale hard landscape and car dominated areas are not created. Hopefully this would be picked up in a detailed design manual.

Overall and at this outline stage the development of the existing site for residential and mixed use development, considering the above & previous comments would be welcomed.

Housing Strategy

No objections subject to S106

It has been agreed that the issue of vacant building credit and the calculation of affordable homes will be considered across the site as a whole. A 'blended' approach will therefore be adopted that provides 17.6%, which based on 2,300 dwellings equates to 405 affordable dwellings. This approach is welcomed and provides 182 affordable homes within Cannock Chase. The even spread of affordable homes across the whole site will create a vibrant and sustainable community.

A number of flats are proposed including 2 bedroom which may be for either general needs or over 65's which are required for density/viability reasons. Given the fact that there will be a blended approach across the site to create a sustainable community and the applicant is prepared to test and define future elderly provision at Reserved Matters the broad mix that is proposed at this stage appears acceptable.

Waste and Engineering

No objections.

No further comments at this time other than a general concern regarding ensuring the use of private roads within developments is minimised.

Planning Policy

No objection.

The site represents a large windfall development not envisaged in the current adopted Local Plan (Part 1). However, the redevelopment of a brownfield site within an existing urban area of the District is considered to be in broad conformity with the development strategy set out in the Local Plan (Part 1). It is recognised that the development of the Power Station to the scale proposed within this application does 'skew' the proportions of development anticipated across the District's urban areas within the adopted Local Plan (Part 1) particularly in relation to the housing development proposals. However, this plan is now the subject of a review. The proposal does not fully accord with the adopted Rugeley Power Station SPD, mainly in terms of the proportion of employment land provided and the location of community facilities.

The Local Plan Review is at an early stage of production and therefore limited weight can be attached to it and the supporting evidence at present. However, given the scale of the Power Station site and the bearing it could have on the future overall strategy for future housing and employment land development in the District due consideration should be given to the emerging policies and evidence.

A. Employment provision

CCDC planning policy previously submitted comments requesting additional employment land provision to be considered. Applicants contend that 5ha is appropriate provision and do not believe further provision is justified (set out in Employment Land Note). This is on the following basis:

- The proposal has now been amended to remove B8 use classes (typically requiring greater land take) and the emphasis is on the provision of small-medium sized B1a/b/c and B2 units, but with a particular focus on B1a/b uses. Commercial report evidence suggests B8 uses unlikely to be attractive in this location;
- There is unlikely to be significant demand for B1c/B2 units based upon recent trends in completions and the EDNA (2019) analysis. The Council should consider the protection of existing sites and whether this could meet needs, rather than relying on new allocations;
- Provision of B1a/b on site provides for notable proportion of indicative future Local Plan requirements;
- Future employment land requirements are projected to be at a lower level than the current Local Plan requirements;
- The majority of employment land required for the current Local Plan (Part 1) period is already identified. The emerging evidence base for the Local Plan Review (EDNA, 2019) remains untested and can therefore only be afforded limited weight.

The adopted Rugeley Power Station SPD envisaged employment-led redevelopment of the part of the site within CCDC. It was noted that this was subject to further market testing as part of the planning application process.

The applicant has submitted further commercial information to support their proposals. In addition, a Market Intelligence Report (Lichfields, September 2019) produced for CCDC emerging Local Plan Review evidence base identifies that the identification of the site for entirely employment uses is not considered appropriate, purely from a market perspective. Commercial agents were of the view that given the local market and promotion of the site for mixed use redevelopment, B1 uses would be more appropriate in this location at a quantum in the region of 5-10ha (particularly for small-medium scale units). It was identified that employment locations in the south of the District have better connections to the strategic road network, which is reflected in the relatively higher levels of demand (and rental values) and provision of B8 uses in particular (at locations such as Kingswood Lakeside and Watling Street Business Park).

As referred to in the previous policy response the current employment land shortfall for the adopted Local Plan (Part 1) period is around 3ha, which provision at the Power Station would help to address. The recently produced EDNA (2019) identifies a potential range of 30ha-67ha of employment land for the Local Plan Review period. On the basis of the suggested minimum-mid range employment land requirements for the Local Plan Review it is not necessary for the whole of the former Rugeley Power Station site within CCDC to be identified for employment land provision as suggested in the SPD. Other site options for employment land do exist within the District, albeit some of these lie within the Green Belt (i.e. at Kingswood Lakeside and Watling Street Business Park). The Local Plan may also seek to protect existing employment sites in

order to reduce the need for relocated business uses, which contributes to the overall employment land requirements too.

The applicants identify potential jobs figures, which it is recognized are only indicative, based upon the proposals being in outline. Whilst the applicants have not increased the quantum of employment land, the removal of the B8 uses from the proposals enables the retained 5ha to provide for employment uses that provide a relatively higher job density. For example, indicative floorspace required for one employee in a B8 use is 70sqm. For B1a/b uses this is around 12.5sqm and for B1c/B2 uses this is around 45sqm. The proposal indicatively provides for all the minimum net growth in B1a/b employment space in the District for the new Local Plan (as estimated from the minimum employment land requirements in the EDNA). Whilst it is suggested that B1a uses may be prioritised by the site promoters, the proposals retention of a range of B1 and B2 use classes provides flexibility for the market and the Local Plan process. The Market Intelligence Report (2019) identifies that Rugeley (and the District overall) is not a traditional office location; however it is recognized that the proposals form part of an overall masterplan for the site which may amend market demand going forward. It is recognized that the future demand for B1c/B2 uses may be reduced in terms of new job growth; however the site could also accommodate demand for relocated uses from poorer quality employment areas in the District (i.e. retained employment). Paragraph 4.11 of the Rugeley Power Station SPD referred to the potential of the site to accommodate appropriate relocated uses.

In relation to the issues raised on the adjacent 2ha (RE3) of potential employment land the applicants identify future reserved matters applications will be able to take into account the status of the site at the relevant time, and the compatibility of adjacent uses. This provides flexibility to accommodate employment uses on the land in the future.

B. Sequential Test Considerations

It is agreed that there are no other sites within the town centre that would be capable of accommodating the proposals. Other opportunity sites are identified within the Rugeley Town Centre AAP; however these are being promoted for residential uses. The SHLAA and ELAA identify potential development sites within and around the town centre, however it is recognised that these are being promoted for alternative residential and employment uses.

Response to Publicity

A total of 9 No. site notices, a newspaper advertisement and neighbour notification letters were issued to publicise the original planning submissions (30 days) and these processes were repeated for the amended EIA consultation process (a further 30 days). Further minor re-consultation with all parties who expressed an interest in the application was also carried out in response (14 Days). A total of 8 No. public responses have been received and in summary these raise the following matters:

- The development makes insufficient provision for light industrial use that would support SME in Rugeley. The employment zone as now proposed is much smaller than was originally the case. More land should be provided.

- There is no provision for long term HGV parking made within the site. This has been a long term nuisance to the area over a number of years and is exacerbated by the presence of Amazon and Ideal Standard.
- Electromagnetic radiation from retained power infrastructure is a concern.
- The Environment and Education Centre should be retained on the site to promote wildlife education, better mental health and forest schooling. Coordination with Staffordshire Wildlife Trust or the local angling group would also be beneficial.
- Concerns in relation to the 'later living' development proposed around the Borrow Pit Lake.
- Education capacity and choice in the local area is restricted. A secondary school should be provided on the site.
- The canal linkages into town are not suitable for disabled/limited mobility or pushchair access.
- Neighbourhood facilities such as a local shop should be provided within the site.
- Parking provision within the development will need to be carefully considered to ensure a functional arrangement. The application contains little information in this regard.
- The visual impact of 5 storey development will be substantial and will create an eyesore.
- Later living development adjacent the Borrow Pit Lake at 4 storeys will be detrimental to the character of that area.
- A new GP surgery should be provided on the site.
- Bus stop locations and public transport within the site will be an important consideration.
- The development should contribute to investment in the Town Centre. The development should also contribute £150k to cover the cost of providing a Renaissance Manager oversee and coordinate the opportunity for regeneration in the town centre.
- Sport and leisure activities as part of the development will have an essential part to play.
- The iconic 4 towers should be retained.
- The structure of the housing within the development pushes low cost housing closest to Rugeley, middle class housing in the middle of the site and top end housing to the east. This represents socioeconomic stratification and is overdevelopment of the site.
- The increase in traffic will be considerable and the development will be heavily car reliant.
- The planned solar arrays represent a poor use of potential commercial land and the floating array would be an eyesore, which would damage the ecology of the lake.
- A connection to the central roundabout half way along the site should be provided for.

Relevant Planning History

The planning history that has a significant bearing on the current application includes

- CH/16/218: Lawful Development Certificate for the proposed installation of electrical plant- Approve 08/02/2016.
- CH/17/214: Installation of a battery-based electricity storage facility. Full-Approval with Conditions 08/31/2017.
- CH/18/101: Prior notification for proposed demolition of various structures. Demolition PN-Details Required 03/29/2018.
- CH/18/268: Decommissioning, dismantling and demolition of Rugeley B Power Station. Full - Approval with Conditions 10/19/2018.
- CH/19/033: EIA Scoping application -site remediation and dev. of circa 2,300 dwellings

2 Site and Surroundings

- 2.1 The application site is an area of land approximately 1km to the east of Rugeley Town Centre. The land concerned is located across two Local Authority areas, Lichfield District Council and Cannock Chase District Council. The south eastern part of the site falls within Lichfield Council's administrative area whilst the north western part of the site falls within Cannock Chase's Administrative Area as shown in Fig 1. It should be noted that as this is a cross-boundary planning application, this planning committee will consider the acceptability of the elements of the proposal which fall within Cannock Chase District. This is scheduled to follow the determination by Lichfield District Council at their Planning Committee on 13th January 2020 for the aspects of the development within their area. Thus, whilst it is appropriate and necessary for members to consider the scheme as a whole, it should be noted that any subsequent permission and the conditions related thereto, will solely relate to the parcels of development that are within Cannock Chase's administrative area unless specified.
- 2.2 The site is approximately 139Ha and was a coal powered power station that provided electricity for transmission to the National Grid. Historically when Rugeley A and Rugeley B Power Station were operational in 1983 the site had approximately 850 employees making it one of the main employers in Rugeley. However this had reduced to 150 employees in 2015/2016 and subsequently the main operation of the site ceased. Much of the infrastructure associated with the site's previous use remains in situ. This includes a rail connection, four cooling towers, a chimney stack, plant buildings and pumping facilities, an electricity substation and switching stations. Following the closure of Rugeley Power Station in June 2016, works to progress decommissioning and demolition of all buildings and structures on the site were consented under Cannock Chase application CH/18/268 and Lichfield Council application 18/01098/FULM.

- 2.3 Demolition works commenced in September 2018 and are expected to be completed by 2021. As part of the decommissioning process and closure of the power station use, the applicant is in the process of a phased surrender of its Environmental Permits relating to consented activities on the site, e.g. combustion activity and on-site disposal of pulverised fuel ash. The permit surrender process, including any remediation works required is exclusively governed by the Environment Agency in accordance with published guidance and is separate to this application governing the redevelopment of the site. As a result, work required to surrender the environmental permits is being undertaken as permitted development and is considered as 'Committed Development' within the ES, alongside the assessment of the impacts resulting from the current development proposals.
- 2.4 The majority of the physical buildings associated with the operation of the Power Station are concentrated to the north westerly section of the site. Open areas and soft landscaping exist in the middle of the site around facilities associated with the former Sports and Social Club building and to the north adjacent the River Trent is the former Golf Course. To the south east of the site a series of Ash Lagoons and the Borrow Pit Lake exist. The A51 runs along the south western boundary of the site as well as an adjacent residential development known as the Hawkesyard (or Pippins), located within Lichfield District. Beyond the A51 lies Towers Business Park that is made of a mixture of commercial and industrial buildings that include an expansive property used by Amazon UK Services Ltd as warehouse premises.

Rugeley and the Surrounding Areas

- 2.5 Rugeley has a long history as a market town and has benefited from a prosperous industrial community since the 13th Century, encompassing tanning, iron, glass, mining and activities associated with the presence of the Trent and Mersey Canal. The town now functions as a local service centre for the north of Cannock Chase District. In the town centre, Upper and Lower Brook Street and Market Street comprise a pedestrian priority zone linking in to the focal point Market Square.
- 2.6 Rugeley in its position between both Lichfield and Cannock Chase has seen steady population growth in recent years in line with the predicated population projections carried out by the respective Council's. The submissions highlight at the 2001 census the town's population was 22,724, (including the Brereton and Etching Hill wards) increasing to 24,033 at the 2011 Census.
- 2.7 The key services and facilities available within 2km of the site are summarised as follows:
- (i) Schools – Primary – Chancel Primary, Hob Hill CofE / Methodist, St Joseph's Catholic Primary, Churchfield CofE Primary, The Croft Primary
 - (ii) Secondary – The Hart School
 - (iii) Healthcare - Brereton Surgery, Horse Fair Practice, Aelfgar Surgery

- (iv) Dental - Avondale House Dental Practice, Whitecross Dental Care, Serenity Dental Care, Armitage Dental
- (v) Community Buildings – Rugeley Library, Rose Theatre, Rugeley Town Council, Rugeley Market Hall
- (vi) General retail – Tesco, Aldi, Morrisons, Iceland in close proximity to town centre and Co-op Brereton with other smaller retailers also apparent;
- (vii) Rugeley Town Railway Station
- (viii) Rugeley Trent Valley Railway Station
- (ix) Rugeley Bus Station

3 Proposal



Figure 2: Illustrative Masterplan Extract Drawing Ref: 015/85 MP-001_P4

Overview and Scope

- 3.1 The amended application seeks outline planning permission with the points of access included for the creation of a development platform, the demolition of existing office buildings, the environmental centre, site clearance, remediation and mixed-use development of land at the former Rugeley Power Station

comprising: up to 2,300 new dwellings and residential units (Use Classes C3 and C2), up to 1.2 ha of mixed-use (Use Class A1, A2, A3, A4, A5, C1, C2, C3, D1 & D2) up to 5ha of employment (Use Classes B1(a, b and c) and B2), 1 No. 2 form entry primary school (Use Class D1), formal and informal Publicly Accessible Open Space, key infrastructure including new adoptable roads within the site and the provision of a new primary access junction on to the A513, ground mounted solar panels with 2 No. existing electricity substations (132 kV & 400 kV) retained.

- 3.2 The proposal is made as an outline application with a high level illustrative master plan showing how the resultant site could appear. Matters relating to appearance, the precise layout of the site, landscaping and the scale/height of the individual buildings are reserved for subsequent approval and as such do not fall for full determination at this time. However, the applicant has also provided details in the form of Parameters Plans which do convey some degree of site layout, density and building heights amongst others features. These plans as listed below, form a component of which the planning application seeks formal approval and Members should be clear that such plans seek approval of more detail than may otherwise be the case on an application with Scale and Layout Matters reserved:
- a) Access and Movement (Dwg No. 01585_PP_01 Rev P5)
 - b) Land Use (Dwg No. 01585_PP_02 Rev P4).
 - c) Building Heights (Dwg No. 01585_PP_03 Rev P6).
 - d) Residential Density (Dwg No. 01585_PP_05 P5)
 - e) Green Infrastructure (Dwg No. 01585_PP_04 Rev P4).

Access and Road Network

- 3.3 Primary vehicular access to the proposed development in the west will be provided from the A51 via the existing site access. At the eastern end of the site access will be provided from the A513 utilising the roundabout access consented under Lichfield Council Application 17/00453/FULM. A main spine road running east to west will connect the two access points. The route of this spine road is dictated by the presence of underground constraints and the retained infrastructure within the site such as the electrical substations.
- 3.4 A road corridor of 20m in width is shown in the illustrative plans. This takes account of a carriageway width of 7.3m, two 3m wide footpath cycleways and two 3m wide verges to allow for tree planting along the main boulevard. This road would form the principle access through the site for all traffic including an extended bus route. Access to other development parcels within the site would be formed by lower order roads broadly in accordance with the Access and Movement Parameters Plan. In terms of wider pedestrian movement, the submissions seek to make use of the old rail freight embankment as a means of providing a walking and cycling route separate from traffic within the site. This route would ultimately emerge close to Love Lane to the west of the site. 4 No. additional north south pedestrian and cycle routes are also proposed and intend to link the residential areas within the site to the extensive Riverside Park proposed on the site of the former Golf Course to the north of the rail embankment.

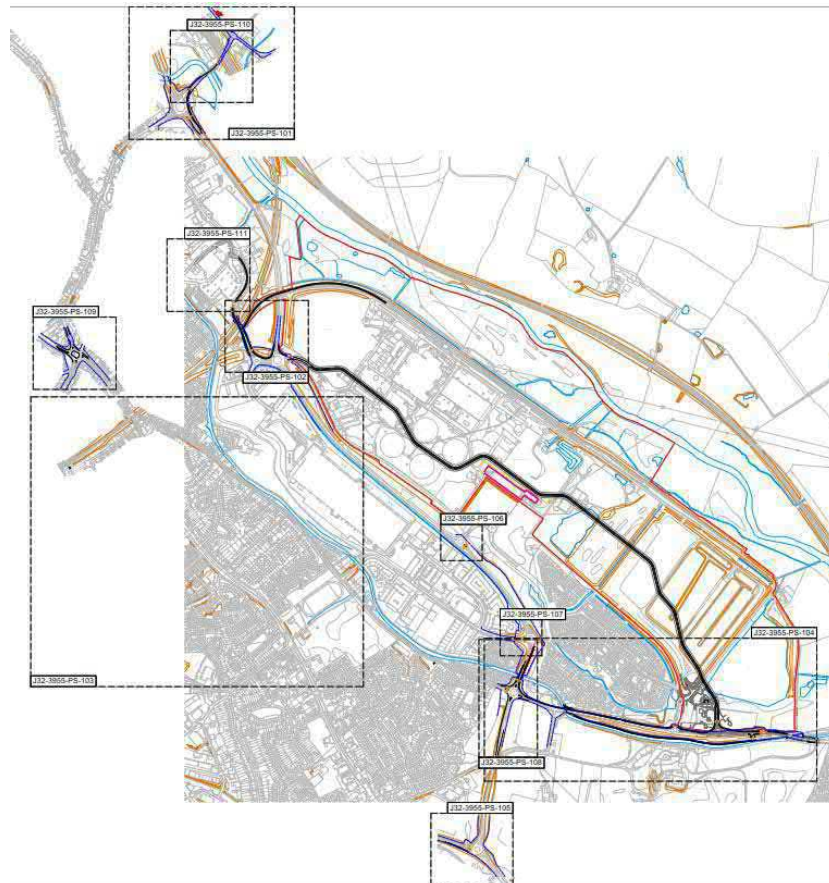


Figure 3: Extract from Overview Plan showing locations of proposed highway improvement works with corresponding Drawing No. referenced

- 3.5 In terms of off-site highways improvements and mitigation, 4 No. main alterations are proposed and are intended to be secured via S106 agreement. These include works to:
- a) the Horse Fair Roundabout Highway Works;
 - b) the A51/Wheelhouse Road Roundabout Highway Works;
 - c) the A51/A513 Roundabout Highway Works Contribution; and
 - d) the A51/RWE Access Highway Works Contribution.
- 3.6 Other site connectivity related improvements are also proposed. These include:
- a) Pedestrian and cycle permeability with improved, defined routes between the Site, Rugeley Town Centre, Rugeley Town Railway Station, Rugeley Trent Valley Railway Station and surrounding residential areas to include formal crossing points on key desire lines;
 - b) Canal towpath improvements to link in with wider County Council improvements to the Canal Towpath Network.
 - c) Cycle parking to be provided in line with locally adopted standards;
 - d) Network of pedestrian and cycle routes throughout the Site;
 - e) The layout allows for bus penetration to enable easy access to public transport services. It is envisaged that this will be delivered by either diversion of existing bus routes or provision of new bus route to better

link the Site with key destinations such as Rugeley Town Centre, Rugeley Town Railway Station, Rugeley Trent Valley Railway Station;

- f) Provision of electric vehicle charging; and, Framework Travel Plan to promote and stimulate modal shift – i.e. a wider change in behaviour to promote more sustainable travel choices from users of the development.

Residential Development

- 3.7 The housing development component of the proposals includes up to 2300 houses and residential units in the form of C2. These are proposed broadly at the eastern and western ends of the site separated by the Green Infrastructure and employment development. The development of the residential properties is expected to commence in 2020 and will partially overlap with the ongoing consented demolition works and Pulverised Fuel Ash Extraction. The residential proposals will be phased over a number of years up to 2040, with an anticipated delivery timescale of approximately 20 years for the entirety of the development.
- 3.8 The housing areas would be constructed to an approximate density of between 35 dwellings per hectare (dph) at the eastern end of the site up to 60dph at the western end of the site closer to the town centre. Also shown in the 'Illustrative Density Plan' are a number of residential properties to the north of Borrowpit Lake and close to the River Trent of densities up to 75dph. These densities equate to 2 or 3 storeys for the lower density aspect and 4 to 5 storey development for the higher densities. The development would offer a mix of properties suitable for first time buyers and larger families. It is proposed to include 17.6% of the dwellings per phase as 'Affordable Dwellings' within the NPPF definition taking account the deductions applicable in light of Vacant Building Credit.



As Proposed: CGI render of example residential street in proposed North Western parcel (View 5)



As Proposed: CGI render of residential street fronting open green space in proposed North Western parcel (View 6)

Figure 4: Extract from Western Gateway Study documentation showing CGI Imagery of part of the proposed development at the 4 and 5 storey portion of the site

Additional Development

3.9 The amended application plans indicate the creation of new employment area of 5Ha comprising of B1 offices and light industry and B2 (general industry). This is proposed slightly west of the centre of the site. Beyond this and shown red in Fig 2 is the mixed use development area to include A1-A5 retail uses, D1 uses such as nursery or public hall space, D2 uses such as a gym or other recreational space. Also shown in light purple is the location proposed for the 2 Form of Entry Primary School.

Retained Uses

3.10 The existing 400kv and 132kv substations will be retained as part of the redevelopment. In addition to these, National Grid, Western Power Distribution and Network Rail will still require 24 hour access through the site during the construction period and once the development is complete to their respective facilities. This has been factored into the phasing of the site.



Figure 5: Proposed Land Use Parameter Plan showing residential development east and west, employment land in purple and showing Riverside Park to the north

Green Infrastructure

3.11 The green infrastructure strategy for the Site builds upon a comprehensive understanding of the existing character, fabric and ecological value of the site and its surroundings. It has regard to its heritage, edge of settlement context, and connections to the existing settlements (Rugeley, Brereton, Armitage with Handsacre) and the rural hinterland. The proposed green infrastructure areas

are shown on the submitted 'Green Infrastructure' parameter plan (Drawing 01585_PP_04 Rev 4) and more information on the illustrative green infrastructure strategy for this scheme is set out in the LDS. 3.4.19. The proposed green infrastructure comprises:

- a) A riverside park (approximately 26ha) to the north of the site between the proposed built development and the River Trent, this would provide accessible open space and enable connections to the River Trent and wider rural area;
- b) The utilisation of the former railway sidings as a green pedestrian / cycle route connecting the northern and southern ends of the site ('The Rail Way');
- c) Smaller areas of informal public open space on the built development periphery, designed to incorporate ecological enhancement and mitigation in proximity to existing features such as the Borrow Pit Lake;
- d) Central green open space corridors, often combined with sustainable drainage features, which enhance the built character, provide wildlife movement corridors and link the existing and proposed hydrological features within the site;
- e) Formal public open space within the built development to provide landscape/green focal areas and leisure destinations;
- f) Green corridors linking these central spaces to the wider green network beyond the application site boundary;
- g) Two meadow areas under the proposed solar panels in the centre of the site;
- h) Other formal and informal green spaces such as play facilities and the retention of the existing allotments in the south east section of the site.

Illustrative Phasing

- 3.12 It is anticipated that the construction of the Proposed Development will commence in 2020 and continue to 2041. It is expected that development may be undertaken on a rolling programme of site preparation and construction, allowing earlier phases to be completed and occupied while subsequent phases are constructed.

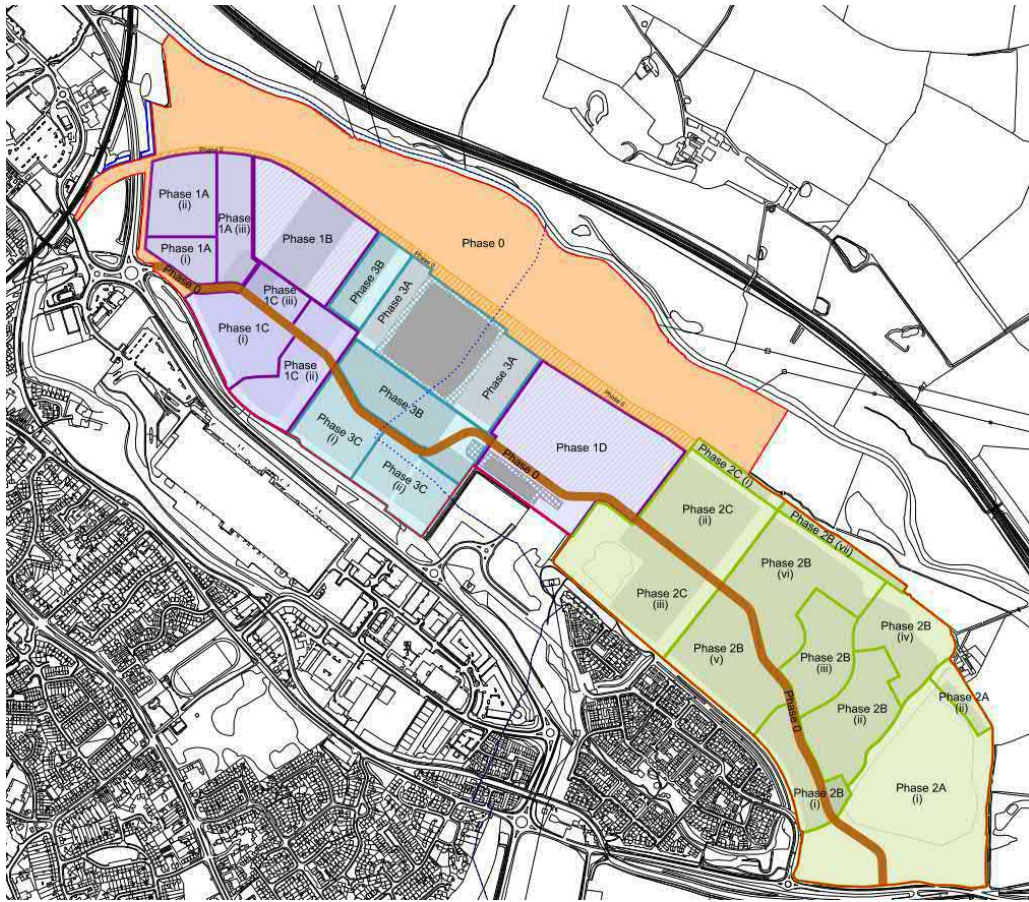


Figure 6: Illustrative Phasing Plan extract (Drawing Ref: 01585_pp_06 P4)

- 3.13 An illustrative Phasing Plan (Drawing 01585_PP_06 D3) has been submitted with the application. It demonstrates that the residential parcels in the northern and southern most parts of the site are expected to be delivered first. The proposed riverside park (Phase 1A) and primary school (Phase 1B) are also proposed to be delivered at the earliest opportunity, subject to viability considerations, to ensure that the social, green and recreational infrastructure is in place to serve the new residents as early as practically possible.
- 3.14 The proposed employment and residential parcels in the centre of site (Phases 3A – 3C) are expected to be the last parcels delivered due to the significant constraints in this area of the site (retained substations and ground conditions).

Public Consultation

- 3.15 In addition to statutory consultation undertaken by the Council in connection with this Application, the applicants (when ENGIE UK publicly announced their intent to redevelop the site and centred initially on a Community Planning Weekend (CPW) held in November/ December 2018 which was supported by a period of Community Animation. Since these events, there have been two Renaissance forums and a series of update exhibitions. These included:
- Tuesday 20 November 2018 - Rugeley Rose Theatre
 - Community Animation November 2018 - Various locations
 - Community Planning Weekend - Friday 30 November to Tuesday 04 December 2018 Mansefield House

- d) Report Back Presentation Tuesday 04 December 2018 Mansefield House
- e) First Renaissance Forum / Exhibition Wednesday 30 January 2019 - Brereton & Ravenhill Parish Hall
- f) Second Renaissance Forum / Exhibition Wednesday 20 March 2019 - Rugeley Rose Theatre
- g) Update Exhibitions Wednesday 20 March 2019 Rugeley Rose Theatre
- h) Friday 22 March 2019 Brereton & Ravenhill Parish Hall
- i) Saturday 23 March 2019 Armitage with Handsacre Parish Hall

3.16 A separate engagement programme is ongoing for demolition related activities at the power station. Demolition Contractor Brown & Mason is leading on the engagement activity to inform the public of progress and key events as the demolition of the power station and remediation of the site progresses and ends in 2021.

Amendments Post Submission

3.17 During the course of the application, additional information has been submitted in response to matters raised by Officers and wider consultees. The information was subject to further 30 day re-consultation and necessitated the production of an Environmental Statement Addendum to the original submissions. In summary the main changes included:

- (i) Variation to the development description to omit B8 uses amongst other matters aimed at ensuring a consistent wording between the respective Council areas.
- (ii) Updated Parameters Plans to reflect changes to the site layout and a reduction in the scale and density of development proposed.
- (iii) Further information relating to consideration of nitrate deposition within the Cannock Chase SAC.
- (iv) Provision of additional ecological surveys.
- (v) Additional information relating to the on site school, allotments, health infrastructure and heritage viewpoints.
- (vi) Confirmation of the proposed % of the affordable housing.

3.18 A second series of minor amendments was also received relating to the following matters. This was subject to public consultation for 14 days but did not influence the assessment or the conclusions drawn in the EIA process. Hence full 30 day re-consultation was not judged to be required.

- i) Details in relation to retail and office premises proposed including details relating to sequential assessment of main town centre uses.
- ii) Details regarding air quality and Cannock Chase SAC.
- iii) Illustrative test layouts at 60dph.
- iv) Updated planning obligations Heads of Terms document.
- v) Clarification regarding health and dentistry infrastructure.

4 Planning Policy

- 4.1 Section 38 of the Planning and Compulsory Purchase Act 2004 requires planning applications to be determined in accordance with the provisions of the Development Plan, unless material considerations indicate otherwise.
- 4.2 The proposal needs to be considered in the context of national and local planning policy. The development plan for Cannock Chase District consists of the Local Plan (Part 1), adopted Neighbourhood Plans and the Staffordshire County Council Waste and Minerals Local Plans. As the application is cross boundary, also of relevance to the consideration of the application is Lichfield District Council Local Plan, the Armitage with Handsacre Neighbourhood Plan and the views of Staffordshire County Council as the Waste and Minerals Planning Authority are considered specifically elsewhere within this report.

National Planning Policy

National Planning Policy Framework

National Planning Practice Guidance

National Design Guide

National Policy for Waste

Manual for Streets

Cannock Chase Council Local Plan Part 1 (2014)

Policy CP1 – Strategy

Policy CP2 – Developer Contributions for Infrastructure

Policy CP3 – Chase Shaping – Design

Policy CP4 – Neighbourhood-Led Planning

Policy CP5 – Social Inclusion and Healthy Living

Policy CP6 – Housing Land

Policy CP7 - Housing Choice

Policy CP8 – Employment Land

Policy CP9 – A Balanced Economy

Policy CP10 – Sustainable Transport

Policy CP11 - Centres Hierarchy

Policy CP12 - Biodiversity and Geodiversity

Policy CP13 - Cannock Chase Special Area of Conservation (SAC)

Policy CP14 – Landscape Character and Cannock Chase Area of Outstanding Natural Beauty

Policy CP15 - Historic Environment

Policy CP16 - Climate Change and Sustainable Resource Use

Policy RTC1 – Regeneration Strategy

Policy RTC2 – Town Centre Land Uses

Policy RTC3 – Urban Design Principles

Lichfield District Council Local Plan Strategy (Adopted 2015)

Core Policy 1 – The Spatial Strategy

Core Policy 2 – Presumption in Favour of Sustainable Development

Core Policy 3 – Delivering Sustainable Development

Core Policy 4 – Delivering our Infrastructure

Core Policy 5 – Sustainable Transport

Core Policy 6 – Housing Delivery

Core Policy 7 – Employment and Economic Development

Core Policy 8 – Our Centres

Core Policy 10 – Healthy & Safe Lifestyles

Core Policy 11 – Participation in Sport and Physical Activity

Core Policy 13 – Our Natural Resources

Core Policy 14 – Our Built and Historic Environment

Policy SC1 – Sustainability Standards for Development

Policy SC2 – Renewable Energy

Policy IP1 – Supporting & Providing our Infrastructure

Policy ST1 – Sustainable Travel

Policy ST2 – Parking Standards

Policy H1 – A Balanced Housing Market

Policy H2 – Provision of Affordable Homes

Policy HSC1 – Open Space Standards

Policy HSC2 – Playing Pitch & Sport Facility Standards

Policy NR1 – Countryside Management

Policy NR3 – Biodiversity, Protected Species & their Habitats

Policy NR4 – Trees, Woodland & Hedgerows

Policy NR5 – Natural & Historic Landscapes

Policy NR6 – Linked Habitat Corridors & Multi-functional Green spaces

Policy NR7 – Cannock Chase Special Area of Conservation

Policy BE1 – High Quality Development

Lichfield Local Plan Allocations Document

Policy NR10: Cannock Chase Area of Outstanding Natural Beauty

Policy BE2: Heritage Assets

Policy R1: East of Rugeley Housing Land Allocations

Appendix E: Rugeley Power Station Concept Statement

5 Determining Issues

- 5.1 The National Planning Policy Framework states “Planning law requires that applications for planning permission must be determined in accordance with the development plan, unless material considerations indicate otherwise. The National Planning Policy Framework must be taken into account in the preparation of local and neighbourhood plans, and is a material consideration in planning decisions” (para. 2).
- 5.2 The structure of this report is dictated by the need to determine the application by reference to the primacy of the Development Plan, the degree to which it is up-to-date, and the material considerations that apply specifically to this planning application. Accordingly this assessment adopts the following structure

6. Conformity with the adopted Development Plan comprising

- i. Cannock Chase Local Plan 2014

- ii. The Rugeley Power Station Supplementary Planning Document (adopted 2018)

7. Conformity with the Emerging Local Plan

- i. Housing Growth Requirements and Strategy
- ii. Employment Growth Requirements and Strategy

8. Conformity with the National Planning Policy Framework

- i. Sequential Test Considerations

9. Conformity with relevant neighbouring authority policies

- i. Lichfield District Local Plan
- ii. the Armitage with Handsacre Neighbourhood Plan

10. Key Issues Description

11. Design Considerations, Concept and Linkages

12. Transport and Highways Considerations

13. Socio Economic Considerations including:

- Economic Considerations
- Housing Delivery, Affordable Housing and Mix
- Education
- Health
- Sport and Leisure Provision

14. Landscape and Visual Impact Assessment

15. Biodiversity and SAC considerations

16. Built Heritage and Archaeology

17. Air Quality

18. Noise and Vibration

19. Water Environment

20. Ground Conditions

21. Other Relevant Planning Considerations

- Waste Management
- Retained power infrastructure and Electromagnetic Radiation
- HS2
- Wind flow impacts
- HGV Parking

- Renaissance Manager and Contributions
- Central 'Third' Access
- Veteran Trees
- Model Railway
- Angling Club
- Requiring the use of local tradesman

22. Other Matters

23. Planning Obligations

24. Planning Conditions

6 Conformity with Adopted Local Plan

- 6.1 Paragraph 2 of the NPPF says that the planning system is plan-led and planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. The statutory development plan for Cannock Chase District comprises the Cannock Chase Local Plan 2014 and this forms the starting point for a decision on this application.
- 6.2 The Local Plan (Part 1) was adopted in June 2014. As the Local Plan (Part 1) was adopted more than five years ago it is now the subject of a review to consider what updates may be required. The emerging Local Plan is discussed separately within a proceeding section of this report.
- 6.3 The site as a whole is not identified or allocated for any purpose within the current adopted Local Plan (Part 1). The closure and redevelopment of the Power Station site was not envisaged in the processes that lead to the production of Local Plan (Part 1). A proportion of the site to the north of the former rail sidings (largely constituting the former golf course) is allocated as part of the Green Space Network under Local Plan Policy CP5. This is retained and enhanced as open space within the application. The only other references to the Power Station are in the supporting text to Local Plan (Part 1) and relate to its potential to diversify energy generation on site and consideration to be given to the need for a site specific policy in Part 2 of the Local Plan (paragraph 4.109). However Part 2 of the Local Plan has not commenced and a wider Local Plan Review is instead favoured. Therefore the site essentially represents a large 'windfall' development site which must in the first instance be assessed in general terms against the emphasis within the policies in Local Plan (Part 1).
- 6.4 In overarching spatial planning terms, Policy CP1 sets out the development strategy for the District, which is to focus the majority of development in sustainable locations within the existing settlements whilst conserving and enhancing the landscape of the AONB, Hednesford Hills, Green Belt and green infrastructure. Policy CP1 suggests the urban areas are to accommodate most of the District's new housing and employment developments, distributed broadly in proportion to the existing scale of the settlement, with urban extensions (including to the east of Rugeley/Brereton on another part of the former power station and now completed). In spatial policy terms the proposal

is considered to broadly accord with this policy as the site exists within or at worst on the edge of Rugeley's urban extent.

- 6.5 Policy CP4 outlines the Council's approach to neighbourhood planning. The site lies within the designated Brereton and Ravenhill Neighbourhood Area. The Parish Council have undertaken evidence base work and local consultations to inform their emerging neighbourhood plan, however no detailed plan has been produced for full public consultation to date. The Neighbourhood Plan is therefore still in its early stages and there is no publicly available draft plan to reference in relation this planning application to date.

Housing

- 6.6 Policy CP6 Housing Land addresses the housing development needs of the District. It outlines that the proportion of development across the District's urban areas is expected to be broadly in line with their existing size, with the addition of urban extensions to each settlement. This proposal would result in the urban area of Rugeley/Brereton taking a greater proportion of housing development than envisaged in the Local Plan (Part 1), but this is not necessarily in conflict with the wider strategy. The policy also outlines a positive approach to the consideration of windfall sites which is of relevance to the current proposals. Policy CP6 sets out that the release of land for housing will be managed to achieve the re-use of previously developed land within the built up areas of towns and will be informed by monitoring, via the annual Strategic Housing Land Availability Assessment (SHLAA) and Authority Monitoring Report (AMR). This site is partially previously developed land and would in part be consistent with the emphasis on reusing such land.
- 6.7 The most recent SHLAA (2018) identifies that there is sufficient supply to meet current Local Plan (Part 1) requirements and that the Council is able to demonstrate a five year housing land supply (as at March 2018). Updates to this evidence for 2019 are ongoing and will be reported to Planning Committee as soon as available but the above represents the most up to date position available at the time of the production of this report. Nevertheless, a five year housing land supply does not negate the need for additional supply to be considered, particularly in the context of the Emerging Local Plan Review which is discussed further in this report.

Employment

- 6.8 The Council's Adopted Local Plan would usually allocate under Policy CP8 Employment Land that is intended to address or continue to meet the needs of the District. However the site is not an allocated employment site under the extant Local Plan. This proposal would result in the urban area of Rugeley/Brereton taking a slightly greater proportion of employment development than envisaged in the Local Plan (Part 1) although not to the same degree as the housing development. There has been a shortfall identified in employment needs as set out in the most recent Employment Land Availability Assessment (2018) of around 2ha in employment land. Monitoring also identifies that there are very limited opportunities for new employment land within the Rugeley/Brereton area given the near completion of Towers Business Park with almost 10 years of the current local plan period remaining. Opportunities are therefore likely to be limited to 'windfall' redevelopment sites

which cannot be readily identified at present. The policy identifies that should shortfalls in high quality employment land arise then consideration will be given to further provision at Kingswood Lakeside (to sites currently lying within the Green Belt).

- 6.9 Policy CP8 provides a criterion based approach to considering the loss of employment land to other uses. Whilst the site did provide some employment opportunities, given it's very specific function it is not considered to be an employment site in the context of Policy CP8 i.e. it was not able to offer accommodation for a range of businesses or those that could be re-used by alternative occupants upon it being vacated by the power station operation. The site also lies in close proximity to the 'strategic high quality employment site' of Towers Business Park. The potential for the development to contribute to and enhance the high quality employment opportunities within the area is therefore considered positive and in accordance with the broad emphasis of CP8.
- 6.10 Policy CP9 promotes a 'balanced economy' within the District via a range of means, including supporting high quality job opportunities and measures to support upskilling of the local workforce. The proposals would align well with this aspect of the policy.

Supplementary Planning Documents and Developer Contributions

- 6.11 The Rugeley Power Station Supplementary Planning Document (adopted 2018) provides a development brief for the site to give guidance on layout, form and quality of development on the site. Para 1.5 states:
- 'the overall aim for the site is to create a well-designed mixed use development which incorporates market housing, affordable housing, self build housing, employment provision, education provision and open space and recreational facilities.'
- 6.12 The SPD provides a site analysis; policy context; and development principles. The site analysis provides a range of useful information on the key site features to take into consideration including natural and historic environment features. Figure 4.4 Design Parameters provides an indicative land use plan as well as access points.

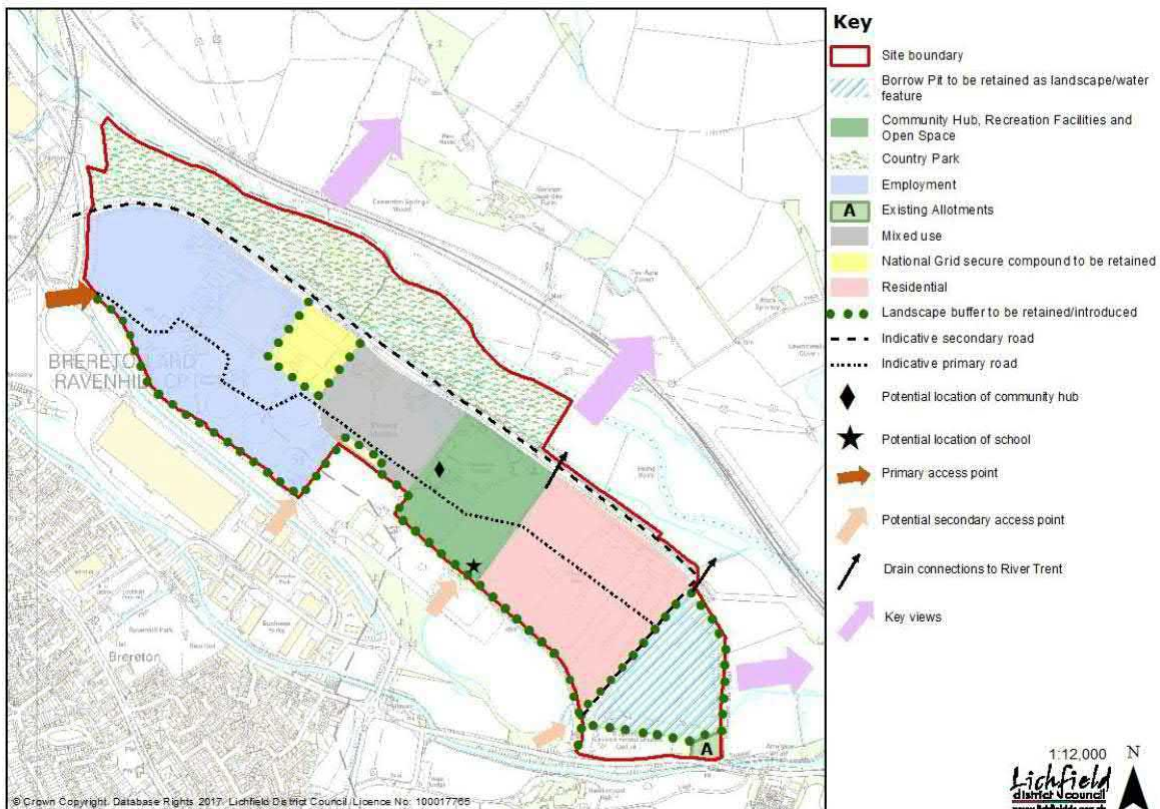


Figure 7: Extract from Design Parameters Figure 4.4 of Rugeley Power Station Development Brief SPD produced jointly by Lichfield and Cannock Chase Councils

- 6.13 It is noted that the proposed scheme aligns with a number of these parameters including the main residential area within Lichfield District; retention of the Borrow Pit as a landscape/recreation feature; provision of a park to the north of the site; and overall provision of mixed uses and community facilities. However, the proposal does differ in terms of the quantum of employment land provision indicated by the SPD and the community facilities are more focused towards the western part of the site, rather than centrally.

Overall Local Plan (Part 1) and adopted guidance conclusions

- 6.14 Overall, the site is not an allocated site for any purpose under Local Plan Part 1. It is recognised that the development of the Power Station to the scale proposed within this application does alter the proportions of development anticipated across the District's urban areas within the adopted Local Plan (Part 1) particularly in relation to the housing development proposals. However, Local Plan Part 1 is now the subject of a review.
- 6.15 It is also relevant the proposal does not entirely accord with the adopted Rugeley Power Station SPD, mainly in terms of a lesser proportion of employment land being provided in favour of housing and the location of community facilities is different.
- 6.16 Nevertheless, development of a brownfield site closely associated with an existing urban area of the District is considered to be in broad conformity with the development strategy set out in the Local Plan (Part 1), particularly Policies CP1 and CP6. Whilst the site is not specifically allocated for housing, it

represents a large windfall development which is consistent with the wider aims of policies within the extant Local Plan Part 1, providing housing and employment development to meet local needs. The site is a substantial area of previously developed land that is permitted to be demolished and is in the process of being cleared and remediated. It is positioned in close proximity to the existing town and would bring significant planning and sustainability benefits (such as the delivery of housing, employment land, a neighbourhood centre and primary school) without wider spatial planning policy conflicts. As such the development proposed is judged to broadly accord in principle with the emphasis within Local Plan Part 1 and the associated SPD for the site.

7 Conformity with the Emerging Local Plan

- 7.1 The Council is in the process of reviewing the adopted Local Plan (Part 1). The most recent consultation was on the Issues and Options stage of this process (May-July 2019). The plan is still in the early stages of production and therefore limited weight can be attributed to it and the associated evidence at this stage. However, the Issues and Options document highlights strategic issues that will need to be considered via the Local Plan Review, and given the scale of the development in this case, are of particular relevance to this application.

Emerging Housing Growth Requirements and Strategy

- 7.2 Under section 'Objective 3: Provide for Housing Choice' the document outlines that the District's housing growth requirements will need to be updated along with the housing development strategy i.e. where new developments should be located within the District. As part of the options for housing growth requirements the Council is considering a range of options including meeting its own minimum housing needs of 5,112 dwellings (for the period 2018-2036) and a range of scenarios for helping to contribute to the wider housing market area shortfall. These options consider a range of 5,612 dwellings up to 7,612 dwellings.
- 7.3 In terms of the Districts' capacity to meet these growth requirements, the Issues and Options document outlines that there are various strategic development options to consider:
- a) These include 'Option A' which utilizes the existing housing supply identified within the urban areas (circa 3,200 dwellings) and then seeks to identify any additional sites or supply (e.g. via higher densities) to maximize the contribution made from development within the urban areas. But this option alone is not likely to meet the District's minimum housing needs and therefore 'Option A' has to be considered in combination with other options.
 - b) 'Option B' constitutes the potential redevelopment of Rugeley Power Station. Given its scale this site has the potential to influence the overall development strategy for the District. The consultation suggests two options which are for housing-led development (circa 800 dwellings within Cannock Chase District) or employment/mixed use-led development. The development generated by the site would then influence what 'shortfalls' in capacity there may be for housing growth in the rest of the District. The

current planning application aligns with the housing led regeneration option identified for Rugeley Power Station.

- c) 'Options C1-C3' represent the Green Belt site suggestions across the District. The document outlines that these Green Belt sites will only be considered once all other options for meeting housing growth have been explored.

- 7.4 Therefore the scale of development within the urban areas (Option A) and at Rugeley Power Station (Option B) will help determine what need there may be for consideration of Green Belt sites (Option C). Therefore if Members were minded to grant the current application, they would effectively be permitting Option B in advance of the Emerging Issues and Options consultation conclusions. Whilst this is the case, Officers do not assess such a decision to be premature in policy formation terms. This is because Para 49 of the NPPF states a limited range of circumstances where prematurity could potentially be justified. In this case, whilst the site is substantial, the emerging plan is not at an advanced stage. Hence the NPPF would suggest that arguments of prematurity in this case would not be justifiable.

Emerging Employment Land Growth Requirements and Strategy

- 7.5 Under 'Objective 4: Encourage a vibrant local economy and workforce' the document outlines the updates required to Local Plan policies for employment land. It is suggested the District's employment land growth requirements will need to be updated along with the employment development strategy i.e. where new developments should be located within the District. As part of the updated evidence base for the Local Plan Review (Economic Development Needs Assessment 2019) there is a range of employment growth scenarios for the Council to consider. At the low end the conservative predictions suggest 30ha of employment land (for B class uses) are required and at the higher end 67ha of employment land (for the period 2018-2036). The consultation document also outlines a potential shortage of employment land within the wider region, namely arising from the Black Country authorities at present which may require further consideration within the review.
- 7.6 In terms of the District's capacity to meet these growth options, the document outlines that there are various strategic development options to consider. These include 'Option A' which utilises the existing employment supply identified within the urban areas (circa 25ha) and then seeks to identify any additional sites or supply (e.g. via higher densities) to maximize the contribution made from development within the urban areas. However, the existing capacity of 25ha is suggested as a 'maximum' estimate of supply at this stage as some of those sites have also been suggested for alternative uses, as well as employment land.
- 7.7 The Emerging document recognises that should housing-led redevelopment of the Power Station be proposed then this leaves very few options for additional employment land supply within the Rugeley and Brereton area for the next plan period (2018-2036). The main options for employment land supply for the future are focused around the Cannock and Norton Canes areas (particularly along the A5 corridor and at Kingswood Lakeside). Given its constrained nature by virtue of surrounding physical development there is no potential for

the highest quality employment site, Towers Business Park, to expand. The document also recognises that the type of employment land required will influence the most appropriate sites for future development i.e. access to the strategic highway network is of particular importance to the distribution sector, and this is less apparent in Rugeley.

- 7.8 Originally, the Council's Planning Policy Team raised some concerns the proposals do not make adequate enough provision for future employment land on the basis of emerging evidence used to inform the future planning policy strategy for the district. However it is also accepted that in light of the market evidence presented within the application, the original ambition to promote the whole of the Cannock Chase Council portion of the RPS site for employment, was unlikely to be successful.
- 7.9 In response the applicant suggests the removal of B8 uses from the proposals would serve to provide greater surety of the level of employment to be provided by removing B8 uses that tend to provide less employment numbers for their area of land take. In addition the applicants have provided an Employment Land Technical Note which suggests:
- 4.1 The context for employment land needs is set by the extant local plan requirement for 88ha of employment land over the period 2006 to 2028 of which 60.98ha had been delivered by end 2017/18, leaving 27.02ha of which 24.97ha (92%) is available supply.
 - 4.2 For the emerging plan, the EDNA 2019 recommends that the rate of employment land supply should reduce from an average annual extant rate of 4ha per annum to 1.7ha to 3.7ha per annum (30 to 67ha in total) over the period 2018 to 2036.
 - 4.3 The EDNA 2019 recommendations are made in the context of a forecast employment growth that is significantly lower than the rate of growth experienced in the past 20 years, implying weaker underlying demand than that which has supported the current trend rate of provision; a trend that informs the top end of the recommended employment land range.'
- 7.10 In particular the applicants highlight the Council's Economic Development Needs Assessment 2019 evidence is not tested and should not be given full weight in the assessment of the application. The applicants also go on to argue the evidence shows a reduced need for B1c (Light Industry) and B2 uses within the district than previously was the case and that further land allocations for such uses would not be justifiable taking account of the land (25Ha) that is shown to be available. Most notably the applicants suggest their intention is to provide for B1a (Office) and B1b (Research and Development) uses that align with the envisioned future character and status of the development. It is said these uses provide for a higher density of employment than B2 uses for example. The applicants point out that solely with such uses, the proposals as tabled at 5Ha would provide for 30% of the identified needs within the district as a whole, equating to 2155 jobs from offices and 409 jobs from wider industry.
- 7.11 In response Planning Policy Officers accept that whilst the applicants have not increased the quantum of employment land, the removal of the B8 uses from

the proposals enables the retained 5ha to provide for employment uses that provide a relatively higher job density. For example, indicative floorspace required for one employee in a B8 use is 70sqm. For B1a/b uses this is around 12.5sqm and for B1c/B2 uses this is around 45sqm. The proposal indicatively provides for all the minimum net growth in B1a/b employment space in the District for the new Local Plan (as estimated from the minimum employment land requirements in the EDNA). Whilst it is suggested that B1a uses may be prioritised by the site promoters, the proposals retention of a range of B1 and B2 use classes provides flexibility for the market and the Local Plan process. The Market Intelligence Report (2019) identifies that Rugeley (and the District overall) is not a traditional office location; but it is recognized that the proposals form part of an overall masterplan for the site which may amend market demand going forward given the 15-20 year delivery timeframe. Indeed the site could also accommodate demand for relocated uses from poorer quality employment areas in the District (i.e. retained employment) which is referred to in Paragraph 4.11 of the Rugeley Power Station SPD.

- 7.12 In relation to the issues raised on the adjacent 2ha (RE3) of potential employment land the applicants identify future reserved matters applications will be able to take into account the status of the site at the relevant time, and the compatibility of adjacent uses. Officers propose conditions to address this matter as part of this decision. This provides flexibility to accommodate employment uses on the land in the future.

Weight to be Attributed to Emerging Local Plan Evidence

- 7.13 The Emerging Local Plan is in its early stages of preparation with the work to date being heavily focussed on evidence gathering as opposed to policy formation. The Council has not selected a corporate approach to employment land provision that takes account of the competing demands of preserving the openness of Green Belt land whilst at the same time delivering sufficient land supply for predicted future growth. At the same time, the SPD for the site is now considered to be overly ambitious in its delivery of employment uses in the context of market demand. This is proven within the submissions and accepted by the Council's Planning Policy Section.
- 7.14 Conversely the development represents an imminently available proposal that will provide housing and employment land. The site is proposed for development ahead of formal allocation and is substantial enough in terms of its proposed level of employment provision that it meets current unmet need of 3Ha, with provision of 5Ha in total that can be secured by conditions relating to the Parameter Plans. This in turn, in combination with housing, sports facilities, school provision etc., underpins the site's wider sustainability credentials. Indeed the determination of this proposal will have a substantial bearing on the Emerging Local Plan strategy going forward.
- 7.15 Paragraph 48 of the NPPF states that Local planning authorities may give weight to relevant policies in emerging plans according to:
- a) 'the stage of preparation of the emerging plan (the more advanced its preparation, the greater the weight that may be given);' - Officers note that in this instance no formal policies are apparent. The evidence is in its

early stages having not been tested and the assumptions around economic forecasting convey a range of need scenarios.

- b) 'the extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given);' - Officers consider this is not relevant because the policies have not yet been formed or consulted upon
- c) 'the degree of consistency of the relevant policies in the emerging plan to this Framework (the closer the policies in the emerging plan to the policies in the Framework, the greater the weight that may be given)'. – Officers assess that in this case the development does provide for 5Ha employment land, approx. 2500 jobs and as a standalone proposal, would achieve a balanced and sustainable community.

Overall Emerging Local Plan Conclusions

- 7.16 The Local Plan Review is at an early stage of production therefore limited weight can be attached to it, and the supporting evidence produced to date, as part of the determination of the current application. Whilst it is accepted the RPS SPD suggests a greater level of employment development is envisaged, it is now accepted by the applicant and Officers this was overly ambitious in the face of updated market demand evidence. Officers therefore consider the site does provide a reasonable level of employment development proportionate to the housing proposed, sufficient to underpin the urban extension as a sustainable community and meet 3Ha of unmet need with some to spare. Albeit some evidence exists that a higher level of need is apparent, this evidence is not tested, has limited formal status and is not overwhelmingly clear given the broad range of untested need scenarios presented. Accordingly it is judged there are no significant conflicts with Emerging Local Plan and there would be no significant basis to dispute the proposed level of housing or employment land.

8 Conformity with National Planning Policy Framework (NPPF)

- 8.1 Aside from policies in the adopted Local Plan, a wide range of national policies within the NPPF are material to the assessment of this application. In the first instance, the NPPF suggests "economic, social and environmental gains should be sought jointly and simultaneously through the planning system." Such factors include but are not limited to providing employment, housing, education and community facilities and other public services alongside the often competing ideals of maintaining biodiversity, avoiding impacts upon heritage assets and utilising an approach to the distribution of development that reduces the use of non-renewable sources of energy.
- 8.2 It is material to the assessment of the application that the adopted Cannock Chase District Local Plan did not take account of the closure of Rugeley Power Station and its longer term effects upon the town as a whole. Although the Council can demonstrate a 5 year supply of housing, it is clear the long term approach to meeting the development needs of the area and dealing with the potential for negative impacts as a consequence of what could be a long term large scale redundant brownfield site, is a pertinent issue. The Council

therefore needs to take account of the opportunities that the redevelopment of Rugeley Power Station could bring in order to promote or assist with the sustainable growth of Rugeley.

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

- (i) Chapter 5 of the NPPF seeks to deliver a sufficient supply of homes and paragraph 59 reiterates the Government's objective of significantly boosting the supply of homes. Paragraph 72 states that the supply of large numbers of new homes can often be best achieved through planning for larger scale development, such as significant extensions to existing towns providing they are well located and designed, and supported by the necessary infrastructure and facilities. A large scale development of the type proposed is considered to align well with this NPPF objective.
- (ii) Chapter 6 relates to building a strong, competitive economy and paragraph 80 states that significant weight should be placed on the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development. The applicant argues the proposals provide employment land of the type required in this area following detailed market study. This is broadly accepted by Officers as is the evidence demonstrating increased employment numbers associated with both the construction of the site and its future operation. These benefits are reported in detail in the socio-economic section of this report but are notably consistent with the strong economic emphasis within the NPPF.
- (iii) Chapter 7 provides for the vitality of town centres and paragraph 85 states 'planning policies and decisions should support the role that town centres play at the heart of local communities, by taking a positive approach to their growth, management and adaptation.' Officers note the development of largescale housing in the manner proposed will support local shops and services and it is assessed the proposals are designed or can be improved to maximise access to established shopping, recreational and cultural facilities within the main centre by walking, cycling and public transport.
- (iv) Chapter 8 promotes healthy and safe communities and paragraph 91 outlines that planning decision should aim to achieve healthy, inclusive and safe places which promote social interaction, are safe and accessible and enable and support healthy lifestyles. Paragraph 92 encourages planning policies and decisions to 'plan positively for the

provision and use of shared spaces, community facilities (such as local shops, meeting places, sports venues, open space, cultural buildings, public houses and places of worship) and other local services to enhance the sustainability of communities and residential environments' as well as other key criteria. Officers consider the proposals align with this ambition by providing on site neighbourhood scale facilities. Paragraph 94 outlines the importance of ensuring sufficient choice of school places is available. This is considered in detail within the Socio-economic section of this report, but the development proposes to fulfil its requirements.

- (v) Chapter 11 seeks to make effective use of land and paragraph 118 states that planning decisions should give substantial weight to the value of using suitable brownfield land for homes and other identified needs. Paragraph 122 addresses the issue of densities and requires developments to make efficient use of land taking into account a range of considerations e.g. the local market and development character. Officers note the densities proposed within the development seek to provide higher densities in brownfield accessible locations within the site which are considered to make efficient use of this land.

Sequential Assessment Considerations

- 8.4 Under the NPPF para 86 (and Local Plan policy CP11) Main Town Centre uses such as Office accommodation and mixed use developments such as retail and leisure require local planning authorities to apply a sequential test to planning applications for Main Town Centre Uses that are not in an existing centre and are not in accordance with an up-to-date Local Plan.

A. Retail and Local Centre Uses

- 8.5 In the case of the retail elements of the scheme, these would be located outside the obvious Rugeley town centre. It is considered the proposed main Local Centre (Centre 1) would be in accordance with Local Plan Policy CP11 in that the uses proposed constitute the formation of a new development specific neighbourhood centre - provided they are of a neighbourhood scale. Particularly in the case of the retail uses proposed, conditions can secure this. The submissions confirm the following is proposed in the main 'Centre 1' on the site to the northwest:

- a) no greater than 500sqm gross external retail floorspace including a convenience store
- b) a D1 Use Class GP surgery or similar of approximately 1,000sqm
- c) an element of flexible 'community floorspace' such as a D1 Use Class Community Centre that would be up to 1,672sqm
- d) Regarding 'Centre 2' to the southwest, it is suggested a family restaurant / pub such as Table, Harvester, Hungry Horse etc. and/or café could be provided (A3/A4) typically between 278sqm and 557sqm gross.

- 8.6 The applicant has provided a sequential assessment for the above facilities. It is suggested such facilities would require land of approximately 1.2Ha. Setting aside that it would be difficult to disaggregate most of the above uses from the wider development, it nevertheless is a requirement to consider if more centrally located sites exist to accommodate development of this type. The applicants have provided a sequential assessment that considers the main Rugeley centre and available sites such as those highlighted within the Area Action Plan policies RTC6-8. The conclusions drawn are that none of these available sites were suitable, (being of the wrong size in the case of the land that remains from following development of the Tesco store) and in the case of the Markets and Bus Station, were considered to have significant barriers to redevelopment.
- 8.7 As the areas proposed are below the relevant retail impact thresholds contained within the NPPF, it is considered the proposals need not be subject to a formal retail impact assessment.

B. Office Development B1a

- 8.8 A similar exercise was undertaken for the proposed office development (B1a). In order to provide 20000-24000sqm of Office development, a site of approximately 5 Ha would be required and would need to include space for parking, suitably located public transport connectivity and not be subject to flooding. Of the main available sites, all were not suitable in terms of size and scale, availability and in the case of the Markets and Bus Station would have required relocation of these uses.
- 8.9 Accordingly in the case of both the retail (and associated community uses) and the B1a office Main Town Centre Uses proposed, it is considered there are no sequentially preferable sites to those proposed and thus the sequential test is passed.

Overall NPPF Conclusions

- 8.10 The application proposes a significant level of housing development and moderate amount of economic development in a spatially accessible location that is capable of being well connected to the main nearby centre. The development makes use of predominantly previously developed land to significantly boost the local housing supply in the area in a manner consistent with the desire in the NPPF. The development will include local shopping, education and community facilities of a neighbourhood scale when no alternative spatially preferable sites are known to exist for such uses. The development will utilise higher densities in the most accessible areas of the site and will provide for lower densities in areas less well connected. Overall the development is considered to accord with the main spatial considerations within the NPPF.

9 Conformity with Neighbouring Authority Policies

- 9.1 The Local Plan Strategy for Lichfield District was adopted 17th February 2015 and provides up to date policies for the neighbouring District. The Local Plan Strategy replaces a number of the saved policies of the 1998 Lichfield District

Local Plan, the remaining saved policies were updated through the Local Plan Allocations document (as set out in Appendix J of the Local Plan Strategy).

- 9.2 Lichfield District Council adopted its Local Plan Strategy in 2015 and adoption of its Local Plan Allocations Document occurred in July 2019. The application development is allocated within the Local Plan Allocations Document for a minimum of 800 dwellings (Site Reference: R1).
- 9.3 Policy R1: East of Rugeley Housing Land Allocations outlines key development considerations for the development of the site. Appendix E of the Local Plan Allocations Document then goes on to provide a detailed concept statement for the former Rugeley Power Station. The key considerations are listed as follows:
- a) Development proposals should have consideration to the Rugeley Power Station Concept Statement (Appendix E) and guided by the Rugeley Power Station Development Brief Supplementary Document.
 - b) Potential ecological impacts should be considered including potential for priority protected species / habitats.
 - c) Rugeley benefits from its location on both the West Coast Main Line and Chase Line. Steps should be taken to encourage journeys to be made by rail, for example providing bus links, and walking and cycling routes.
- 9.4 The application is for up to 2,300 dwellings of which the planning statement sets out that approximately 1,295 dwellings will be within Lichfield District. Whilst this is an increase in units above the 800 which have been allocated, the allocation is a minimum and therefore from a policy perspective there is no objection in principle to an increase in units providing other policy aspects such as Policy BE1: High Quality Development are met.
- 9.5 The applicant is proposing affordable housing on site with a tenure split of 65% social rent and 35% intermediate in accordance with Policy H2. This is supported by Lichfield Planning Policy as is the position regarding the overall number of affordable units proposed taking account the deduction in line with vacant building credit. Whilst it is noted that this is an outline application, Table 8.2 in the Lichfield Local Plan Strategy sets out an indicative housing mix for schemes which includes 5% one beds, 42% two beds, 41% three beds and 12% four plus beds. Therefore, a scheme which reflects the mix outlined above would further be supported.
- 9.6 Saved Policy NA.13 Rugeley Power Station of the Lichfield District Local Plan June 1998 applies to this application. Policy NA.13 states that Rugeley Power Station will be redeveloped for a mixture of employment and recreation uses. However, Policy NA.13 was scheduled to be deleted once the emerging Local Plan Allocations document is adopted. Therefore no weight should be given to this previously saved policy.
- 9.7 Overall it is considered there is broad support for the development proposed in spatial planning terms and it is clear the ambition to redevelop the application site as proposed aligns with Policy R1 of the Lichfield Plan Allocations.

Armitage with Handsacre Neighbourhood Plan

- 9.8 The Armitage with Handsacre Neighbourhood Plan was made in October 2018 and therefore forms part of the Development Plan for Lichfield District. Of relevance to this land allocation is Policy AH2- Conserving and Enhancing the Local Natural Environment which states that development proposals should seek to protect areas for their local natural environmental resource value including the Trent and Mersey Canal and the Borrow Pit, including the allotments and Environment Centre.
- 9.9 Policy AH2 states that “development proposals that would otherwise affect the neighbourhood area’s natural environmental assets will only be supported where they would:
- “Protect, enhance, restore and implement appropriate conservation management of the biodiversity or geodiversity value of the land of buildings concerned, or those listed in the first part of this policy in particular; and/or
 - Minimise fragmentation and maximise opportunities for restoration, enhancements and connection of natural habitats; and/or
 - Incorporate beneficial biodiversity and geological conservation features; and/or
 - Deliver a net gain for biodiversity and/or geodiversity in the neighbourhood area”.
- 9.10 Policy AH2 includes criteria which provide for circumstances where development within protected areas will be permitted. Thus development within the area surrounding the Borrow Pit could be considered acceptable against the requirements of Policy AH2 if the development is able to demonstrate suitable management for the remainder of the site, maximise opportunities for wider environmental enhancement and improve the site’s biodiversity value. These matters are discussed in greater detail within the Biodiversity Section of this officer’s report, but it should be noted that the scheme will deliver a waterside park, in addition to 20% uplift in on-site biodiversity value. The area will be managed going forward by a maintenance management company, to ensure its on-going conservation, whilst the recreational use of the Borrow Pit itself will be maintained and expanded through the development and become more widely usable to all of the community. Thus, it is reasonable to conclude the natural environment will not be adversely affected by the proposals and that the development meets some or all of the exception criteria in Policy AH2.
- 9.11 The proposed application seeks to retain the Borrow Pit and allotments which accords well with both policies AH2 and AH4. However the Environment Centre will be removed once the demolition works are complete. Whilst this aspect of the proposal is contrary to the neighbourhood plan policy AH2, the removal of the Environment Centre has already been permitted via a previous demolition application across both respective Council areas and the work associated with clearance of the site is well underway. As such this aspect of the conflict with the policy can be given little weight in the context of the fall-back position.

- 9.12 Policy AH4: Protected Open Spaces lists open spaces that will be protected and this includes the Borrow Pit and a parcel of land adjacent to the north of the Borrow Pit Lake as indicated on Map 8b shown below. This land is in part proposed for development as shown on the Land Use Parameter Plan. Paragraph 6.15 which informs Policy AH4 states that the identified Open Spaces “serve a number of different functions for the local community providing spaces to play, relax, walk dogs and carry out more formal recreation activity”. The Policy was therefore created in order to ensure that recreation could be undertaken within the protected spaces.

Map 8b - Armitage with Handsacre Policies Map – Borrow Pit



Figure 8: Armitage with Handsacre Neighbourhood Plan extract MAP 8b showing protected land governed by policy AH4 Protected Open Spaces

- 9.13 The Planning Statement submitted argues that this area is contaminated (Asbestos) and in order to mitigate this, removal and creation of a level development platform would be appropriate because development in this area would not result in a reduction in the gap between Armitage and the development site owing to the retention of the lake. Officers recognise the scheme as a whole would offer some positives that align with the recreational

emphasis in line with Policy AH4, through formalising community use and access to the space and enhancing its use for recreational activities. However it is considered the development as tabled does conflict with Policy AH4 of the Armitage with Handsacre Local Plan and these factors in themselves do not override the conflict with Policy AH4 that is apparent. Such conflict would need to be considered in the wider balance of planning benefits associated with the proposals.

- 9.14 Also of relevance is Policy AH5: Better Design which requires new residential development to be of good quality design and where appropriate development should take account of the character of the historic village centre, their proximity and accessibility to the Trent and Mersey Canal Conservation Area and their location in relation to open spaces and plan and recreational facilities. Officers consider most of the detailed design considerations will need to be considered at a later stage once the individual phases of development come forward at Reserved Matters. In the case of access to the canal, the development proposes to make contributions to enact improvements at the southern end of the site.

Neighbouring Authority Policy Conclusions

- 9.15 The site is a development allocation within the Lichfield Local Plan Allocations document under Policy R1. Spatially the development of the site is considered to align with the allocation as does the provision of a minimum of 800 dwellings. Hence no obvious wider conflicts with relevant Lichfield Local Plan Policies are apparent. The proposals do represent conflict with the Armitage with Handsacre Neighbourhood Plan in that development north of the Borrow Pit Lake is proposed within the area identified for protection by Policy AH4 Protected Open Spaces.

Overall Local and National Spatial Policy Conclusions

- 9.16 It is assessed that whilst the site is not allocated in for any purpose under Cannock Chase Local plan Part 1, development of a brownfield site closely associated with an existing urban area for housing is in conformity with the development strategy, notably Policies CP1 and CP6. The Emerging Local Plan Review is at an early stage of production therefore limited weight can be attached to it, and the supporting evidence produced to date, as part of the determination of the current application. Whilst it is accepted the RPS SPD suggests a greater level of employment development is envisaged, it is now accepted by the applicant and Officers this was overly ambitious in the face of updated market demand evidence.
- 9.17 Officers therefore consider the site does provide a reasonable level of employment development proportionate to the housing proposed, sufficient to underpin the urban extension as a sustainable community and meet 3Ha of unmet need for the wider district with some to spare. Accordingly it is judged there are no significant conflicts with Emerging Local Plan and there would be no reasonable basis to dispute the proposed level of housing or employment land.

- 9.18 The development makes use of predominantly previously developed land to significantly boost the local housing supply in the area in a manner consistent with the desire in the NPPF. The development will include local shopping, education and community facilities of a neighbourhood scale when no alternative spatially preferable sites are known to exist for such uses. The development will utilise higher densities in the most accessible areas of the site and will provide for lower densities in areas less well connected. Overall the development is considered to accord with the main spatial considerations within the NPPF.
- 9.19 The site is a development allocation within the Lichfield Local Plan Allocations document under Policy R1. Spatially the development of the site is considered to align with the allocation as does the provision of a minimum of 800 dwellings. Hence no obvious wider conflicts with relevant Lichfield Local Plan Policies are apparent. The proposals do represent conflict with the Armitage with Handsacre Neighbourhood Plan in that development north of the Borrow Pit Lake is proposed within the area identified for protection by Policy AH4 Protected Open Spaces. In the context of the wider development and taking account of the recreational benefits associated, this conflict is comparatively minor and must be assessed in the wider Planning Balance of the proposals once all respective detailed considerations have been examined and the wider significant impacts of the proposals explored.
- 9.20 Therefore overall, the development of housing in this location is considered to be broadly compliant with adopted Local and National Planning Policies. Therefore subject to further detailed assessment of site specific matters and assessment of Environmental Impacts, the development is considered acceptable in principle.

10 Key Issues Description

In light of the above conclusions regarding wider spatial policies, the remaining key issues in the determination of the current application concern resolution of the environmental matters covered in the Environmental Statement accompanying this application, which are namely:

11. Design Considerations, Concept and Linkages

12. Transport and Highways Considerations

13. Socio Economic Considerations including:

- Economic Considerations
- Housing Delivery, Affordable Housing and Mix
- Education
- Health
- Sport and Leisure Provision

14. Landscape and Visual Impact Assessment

15. Biodiversity and SAC considerations

16. Built Heritage and Archaeology

17. Air Quality

18. Noise and Vibration

19. Water Environment

20. Ground Conditions

21. Other Relevant Planning Considerations

- Waste Management
- Retained power infrastructure and Electromagnetic Radiation
- HS2
- Wind flow impacts
- HGV Parking
- Renaissance Manager and Contributions
- Central 'Third' Access
- Veteran Trees
- Model Railway
- Angling Society
- Requiring the use of local tradesman

22. Other Matters

23. Planning Obligations

24. Planning Condition

11 Design Considerations, Concept and Linkages

- 11.1 Policy CP3 provides detailed considerations for the design of new developments, and links to the Districts Design Supplementary Planning Document (2016) . In addition Local Plan (Part 1) contains an Area Action Plan for Rugeley Town Centre of which the principal aim is to regenerate the town via a series of development 'opportunity sites' and public realm enhancements funded predominantly by the permitted Tesco superstore development. Policy RTC1 Regeneration Strategy and RTC3 Urban Design sets out how the town centre will be improved by a series of complementary regeneration measures, including the development of key Site Policies RTC4-8, wider improvements to the existing urban fabric, public realm and enhanced links to the canal.

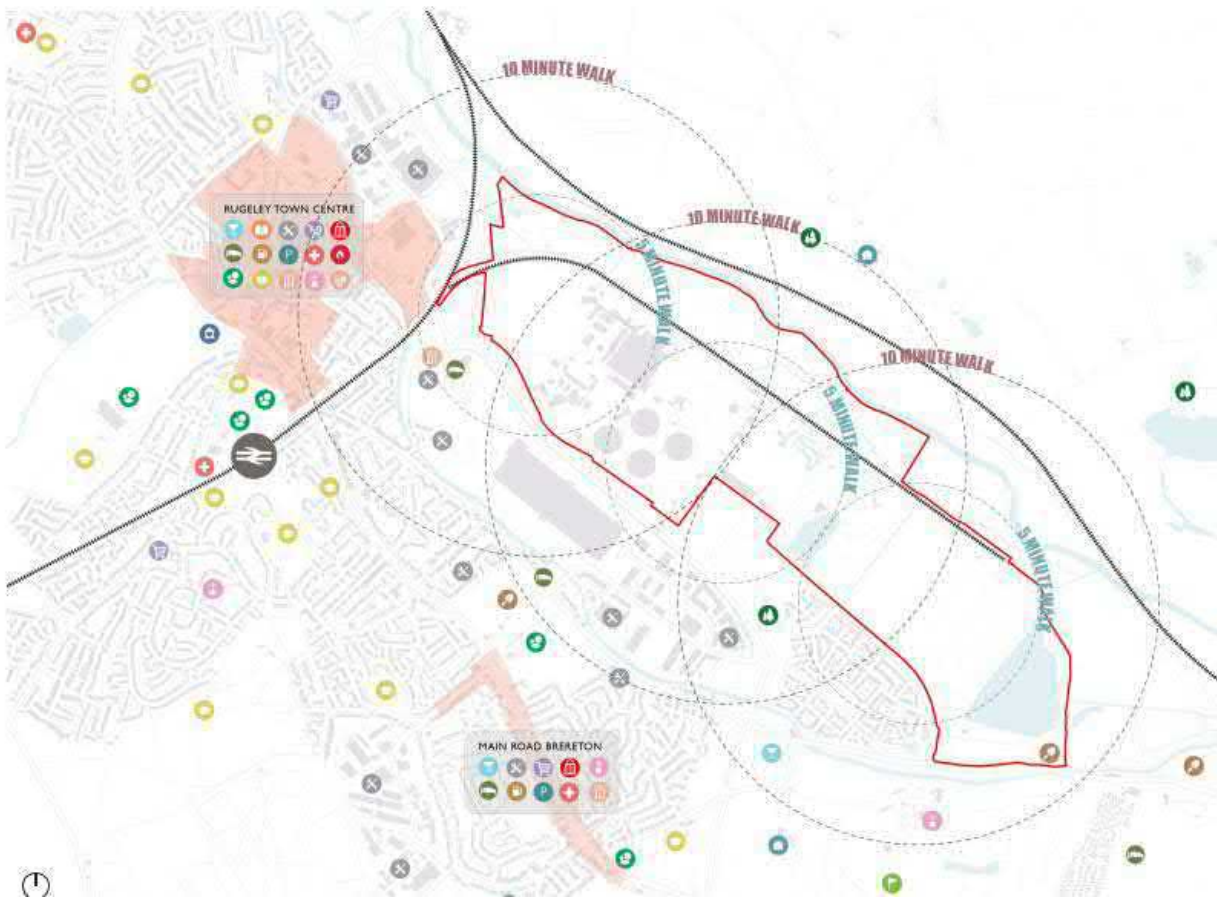


Figure 9: Design and Access Statement Extract Showing Local Amenities in Rugeley and relevant walking distances.

11.2 The submitted Planning Statement summarises the applicant's main ambitions for the development of the site to be as follows:

- a) Establishing pedestrian, cycle, and vehicular links including public transport to ensure a well-connected and permeable new neighbourhood.
- b) Providing the community of Rugeley with an accessible Riverside Park that forms part of the town's amenity as well as public formal sports area positioned centrally in the location of the former Rugeley Social.
- c) Defining appropriate uses for various parts of the site in response to the retained infrastructure and natural elements on site.
- d) With two neighbourhood focal areas, establishing a new living and working community as a place that has a purpose and identity as well as one that complements the existing infrastructure of the town.
- e) Defining this new place as a collection of differentiated neighbourhoods that are interconnected through a network of green spaces and routes; that integrate with the existing neighbourhoods; and that provide attractive environments where people will want to live, work, socialise and relax.

Parameter Plans

- 11.3 As described in the 'Proposal' section of this report, the proposal is made as an outline application with a high level illustrative master plan showing how the resultant site could appear. Matters relating to appearance, the precise layout of the site, landscaping and the precise scale/height of the buildings are reserved for subsequent approval and as such do not fall for full determination at this time. However the applicant is seeking formal approval of the submitted Parameters Plans which illustrate the approach to the development of the site. Members should be clear that such plans seek approval of more detail than may otherwise be the case on an outline application with Scale and Layout Matters reserved. The Parameters Plans include:
- a) Access and Movement (Dwg No. 01585_PP_01 Rev P5)
 - b) Land Use (Dwg No. 01585_PP_02 Rev P4)
 - c) Building Heights (Dwg No. 01585_PP_03 Rev P6)
 - d) Residential Density (Dwg No. 01585_PP_05 P5)
 - e) Green Infrastructure (Dwg No. 01585_PP_04 Rev P4)
- 11.4 Broadly the Access and Movement Plan shows a key 'Rail Way' route along a portion of the former rail connection into the site. This is proposed to span the length of the site and link in to Power Station Road, providing pedestrian access to Love Lane and the wider centre. Also shown is the main spine road spanning the length of the site and utilising the existing power station access roundabout arm at the northern end and the already consented new access onto A513 Rugeley Road within Lichfield District.
- 11.5 The Land Use Parameter Plan (as shown at Fig 4 in the Description of Development section of this report) shows the dominant use of the site will be housing with employment uses to the centre of the site creating a stand off around the retained switching stations. Also shown are two respective Mixed Use areas, the main being the Neighbourhood Square to the west and a smaller leisure focussed centre in close proximity to the Borrowpit Lake.
- 11.6 With regard to Building Heights and Density the plans show a transition from 'up to 5 storeys' and 'Up to 75 dwellings per hectare' to the west of the site - down to 2.5 storeys and 35 dwellings per hectare in the eastern portion. A general reduction in scale from west to east is proposed, with the exception of a slightly taller 4 storey building at the eastern end of the site that is closely associated with the Borrowpit Lake.

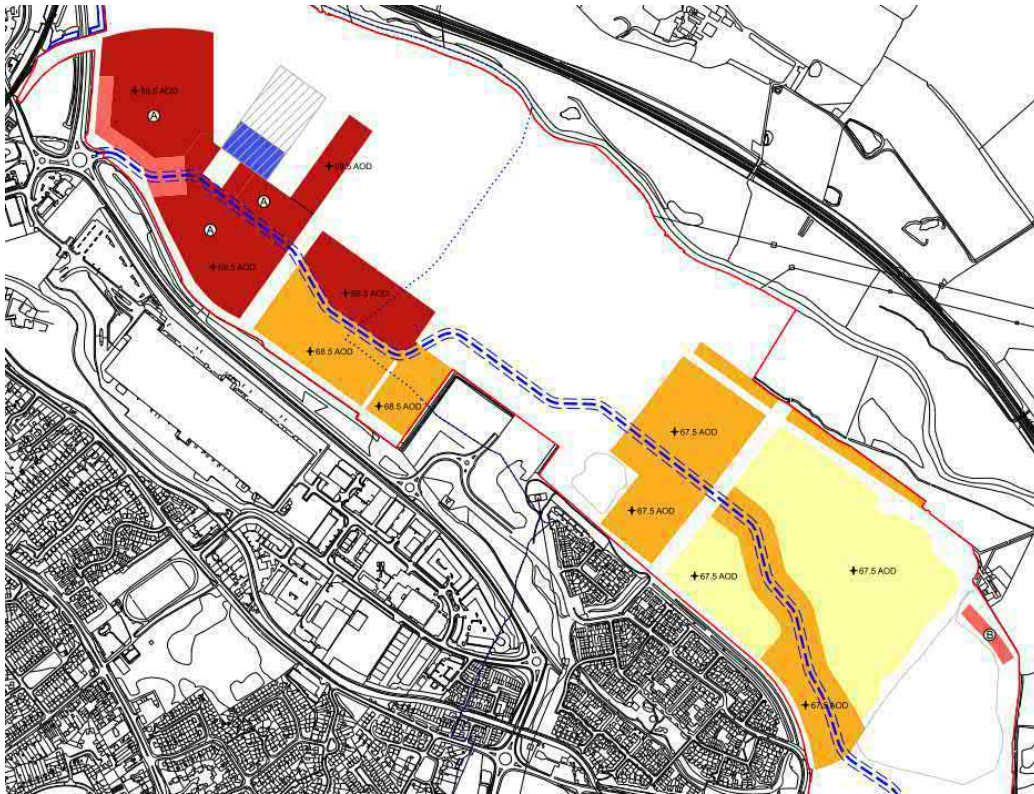


Figure 10: Building Heights Parameter Plan extract showing higher building heights up to 5 storeys at the north western end and up to 2.5 storeys at the eastern end. Additional criteria are also included within the plans to ensure building heights in these areas show variety

- 11.7 Finally the Green Infrastructure Plan indicates a large Riverside Park, formal open space such a sports playing pitches to the centre of the site and in proximity to the school, Open Space to the centre of the site to include allotments, community gardens and play areas and various linking greenways that could include cycleways, footpaths and similar.

Neighbourhood Square

- 11.8 One the most significant aspects of the proposals located in the Cannock Chase portion of the site is the proposed Neighbourhood Square. This is suggested to be a focal point at the western gateway into the site that is directly accessible to the new community and the wider community of Rugeley. It comprises of a large multi-functional community square faced by higher density mixed use buildings, potential space for a healthcare facility, a two-form entry Primary School, flexible community space, convenience store and other mixed uses. This mix of uses around one space seeks to create opportunities where a range of people gather for different purposes, providing a platform for integrating new and existing communities. The submissions go on to state:

‘The square itself would provide opportunities for occasional events, market days or celebrations, furthering its role as a point of community focus and interaction. The square is traffic free except for emergency vehicles and deliveries. A diagonal route through the open space leads to the ‘Riverside Park’ and the ‘Rail Way’ through the public open space ‘Langley Common’ providing additional activity and purpose.’



Figure 11: Extract from Design and Access Statement (Pg121) showing Artist Impression of Community Sq.

Riverside Park

11.9 A significant component of the proposed development is the opening up for wider public use of 25Ha of land adjacent to the river. This land is the former golf course and it is proposed to be a large recreational and wildlife resource for the town brought into use early in the construction programme. The existing woodland blocks, waterbodies and grassland habitats are proposed to be enhanced support areas of lowland meadow, native woodland, marshy grassland and wetland habitats. It is suggested within the submissions that interconnected habitats of this type would provide a significant biodiversity benefit and will also provide for public footpaths and cycleways to promote leisure opportunities within the site such as walking, running and cycling in a naturalised, riverside setting.



Figure 12: Landscape Design Statement Extract from Page 28 showing Riverside Park and nearby biodiversity and community related features

Rugeley Social – Sports and Play Facilities

- 11.10 Proposed in broadly the same location as the former Power Station Social Club in the centre of the development, Rugeley Social is proposed to provide public sports and play facilities in an accessible location. This will include a multifunctional hub serving as a sports pavilion.



Figure 13: Extract from submitted Landscape Design Statement (pg. 51)

The Harbour – Borrow Pit Lake

- 11.11 The application proposes to retain the Borrow Pit Lake and acknowledges the area is an amenity and ecological asset. It is proposed to provide a leisure hub in close proximity to the lake which will function as a base for watersports and waterside attractions such as fishing and kayaking. This will be provided adjacent to a small neighbourhood centre which is intended to have a leisure and food drink focus, likely to accommodate a family restaurant / pub, which is likely to have a typical floor area of between 278sq m and 557sq m. It is also identified that there may be a boathouse or similar kiosk, associated with the potential leisure use of the lake, which may contain a small area of D2 Floorspace and ancillary retail or café facility.

Officer Assessment

- 11.12 The site exists in the context of a number of constraints and opportunity features. Some of the constraints are associated with its previous use such as on-site power related infrastructure, some are natural constraints such as alluvium clay or nearby flood zones and others that are man made such the adjacent main road or the large block of development occupied by Amazon Warehouse. Officers are pleased to note the development tabled follows extensive community consultation and configuration in the context of these constraints. Officers also consider the Design and Access Statement and

Landscape Design Statement documentation seek to make the most of the connectivity opportunities and the natural/semi- natural assets within the site, in a manner that promotes effective and efficient use of land with access to varied means of transport.

11.13 As part of the consideration of the application, consultation with the Lichfield District Council Urban Designer and the Council's own Environmental Services Department have been undertaken. These consultees too highlight the positive engagement and creative processes that have fed into the proposals. However whilst acknowledging these positives, some of the key functional design matters such as the following are suggested to be lacking:

- a) Conformity with adopted parking standards and wider practicality concerns
- b) Conformity with adopted separation and garden size requirements
- c) Concerns regarding refuse storage arrangements

11.14 Officers would suggest that all references to the delivery of the ultimate number of dwellings should be taken to mean 'up to' the number of dwellings proposed as is implied in the development description. This permits flexibility to reduce the overall number of dwellings to ensure that the Council's standards can be met at the Reserved Matters stage. Furthermore, the Parameters Plans provided are at a high level, not showing detailed layouts throughout the site. The plans will serve as a guide and set the maximum extent of density and building heights. A lesser density however could still be permitted if required to accord with the relevant standards which are intended to be written into a formal Design Code for the site and each respective major phase. Whilst an example of a detailed layout was provided and this marginally departs in some areas from relevant standards, this is not the only way of carrying out the layout. Instead Officers consider the conditions proposed that require provision of a Site Wide Design Code and Phase Specific Design Codes which specify separation distances, garden sizes and parking arrangements will provide the Council with the opportunity to ensure such matters are addressed in line with an agreed standard.

11.15 Accordingly subject to conditions to assure consideration of detailed considerations and urban design matters, Officers are satisfied the design rationale behind the proposals is acceptable and would be in accordance with Cannock Chase Local Plan Policies CP6 and CP3, Lichfield Local Plan Strategy Core Policy 14, Policy BE1 and Section 12 (Design) of the NPPF.

12 Transport and Highways Considerations

12.1 Policy CP10 promotes sustainable transport within the District and wider design policies such as CP3 promote connectivity between areas and services that attract the public. Policy CP16 sets out policy provisions for tackling climate change and ensuring the sustainable use of resources. Positive consideration will be given to proposals that help address these including those that contribute to improved accessibility of service and sustainable transport links; energy efficiency improvements and renewable and low carbon energy generation; assist adaptation to climate change; reduce and mitigate all forms

of pollution; contribute to use of land sustainably, including the preference for brownfield land. Similar ideals are set out in NPPF policies.

- 12.2 The applicant has carried out in depth analysis of traffic data collected during 2018 in a manner agreed with Staffordshire County Council Highways Authority (SCC Highways). This data has been modelled and increased to a 2023 forecast year for the purposes of construction traffic assessment and 2029 for the purposes of occupation traffic assessment and includes committed developments in the vicinity of the site.

Construction Impacts

- 12.3 Following the completion of this modelling work, in general the construction phase impacts associated with the development are deemed to be negligible and can be addressed with relatively minor mitigation measures to be implemented through the Construction and Environmental Management Plan. In addition a cumulative assessment of the proposed construction activity running concurrently with the removal of Pulverised Fuel Ash has also been carried out. This concludes no further mitigation above that already identified is required.

Occupation Impacts

- 12.4 During the occupation and use of the development, the changes in traffic flows for all links within the study area have been assessed. In particular Wolsley Road, Sandy Lane and Station Road were the main links that triggered a requirement for detailed assessment of specific traffic related impacts. However, it is concluded that the magnitude of change in terms of traffic flow is typically likely to result in only negligible impacts. The exception to this is the effect of severance and pedestrian delay on Station Road where moderate adverse impacts are forecast if no improvements are made.
- 12.5 An assessment of junction capacities to establish the potential for driver delay is carried out within the submissions and uses peak hour (worst case) traffic flows at junctions. A total of four junctions are forecast to require mitigation following the introduction of occupation levels of traffic and mitigation schemes are proposed in the following locations:
- Horse Fair/A460 Sandy Lane/A460 Western Springs Road/B5013 Elmore Lane roundabout;
 - A51 Rugeley Eastern By-Pass/A51/Wheelhouse Road roundabout;
 - A51/A513 Rugeley Road/A513 Armitage Road roundabout; and,
 - A51 Rugeley Eastern By-Pass/RWE Access roundabout
- 12.6 In addition to junction capacity improvements the proposed mitigation package includes as a range of sustainable transport infrastructure and travel planning initiatives. A summary of the sustainable transport mitigation package is as follows:
- a) Pedestrian and cycle permeability with improved, defined routes between the Site, Rugeley Town Centre, Rugeley Town Railway Station, Rugeley

Trent Valley Railway Station and surrounding residential areas to include formal crossing points on key desire lines;

- b) Canal towpath improvements to link in with wider County Council improvements to the Canal Tow path Network;
- c) Cycle parking to be provided in line with locally adopted standards;
- d) Network of pedestrian and cycle routes throughout the Site;
- e) The layout allows for bus penetration to enable easy access to public transport services. It is envisaged that this will be delivered by either diversion of existing bus routes or provision of new bus route to better link the Site with key destinations such as Rugeley Town Centre, Rugeley Town Railway Station, Rugeley Trent Valley Railway Station;
- f) Provision of electric vehicle charging; and, Framework Travel Plan to promote and stimulate modal shift – i.e. a wider change in behaviour to promote more sustainable travel choices from users of the development.

12.7 The ES states that following the delivery of the proposed mitigation package development impacts across the majority of the study area are forecast to continue to be negligible.

Officer Assessment

12.8 Staffordshire County Council Highway Authority have been formally consulted on the application to consider if the methodology utilised in assessing the impacts are robust, and to assess whether the results and mitigation proposed go far enough to address the envisaged impacts. In their formal comments to the Council it is stated that having assessed the submitted information, there is no objection to the principle of the development subject to conditions. In particular the Highway Authority comment:

“The TA has analysed the impact from any future vehicles generated by new uses on the site, this has been carried out using industry standard techniques and provides a very robust scenario with no allowance made for any reductions gained through enhancements of the sustainable transport facilities.

The TA has also looked at the proximity to Rugeley and other local facilities and has highlighted deficiencies that could prevent any future occupants being able to make their journeys on foot or bicycle. To this end there are various improvements recommended to the network such as controlled crossings and widening of footways which is to be welcomed. The site also benefits from a former railway bridge into the site which spans the A51, which has the potential to create a car free access without a need to cross the A51. It is important that any reserved matters or masterplan takes full advantage of this facility as it has real potential to reduce vehicular trips and integrate the site into Rugeley.

The other important element in sustainable travel is the provision passenger transport, which is currently poor for site. There are real opportunities here for future journeys to be made via buses, whether this is just one stage of a journey to the train stations and bus station, which in turn provide access to the wider areas such as Stafford, Lichfield and Birmingham or just travelling to the town centre.

This element of the transport improvements to be funded by the developer will need to be well planned to ensure the site has the right facilities delivered at the right time to ensure value for money and a realistic travel choice. This will need to be secured in the section 106 with amounts and timing of such payments to be agreed.”

12.9 Highways England and Network Rail were consulted. Highways England offer no objection to the proposals on the basis of the submitted information. Network Rail’s original comments on the application predominantly related to matters of rail infrastructure protection given the close proximity of part of the site to the functional rail network and noise. Such matters are dealt with by suitably worded conditions, and in the case of noise are addressed in the noise section of this report. In relation to wider transport considerations, Network Rail suggest the effects of increased footfall at Rugeley Town and Trent Valley Stations should be considered. In this regard the applicant’s propose transport mitigation improvements at Power Station Road and Armitage Road shown on the following drawings. In light of these proposals Network Rail have offered no further comments or objections:

- J32-3955-PS-100 Rev D – Overall Drawing Location Key
- J32-3955-PS-101 Rev D – Colton Road approach to RTV
- J32-3955-PS-101A – Trent Valley Approach give way draft (discounted option)
- J32-3955-PS-102 Rev D – Northern Site Access and Bottom half of Power Station Road cycle improvements
- J32-3955-PS-108 Rev B– Armitage Road Roundabout
- J32-3955-PS-111 Rev A – Power Station Road onto Leathermill Lane cycle improvements
- J32-3955-PS-113 Rev B – Canal towpath improvements

12.10 The package of off-site highway works drawings as referenced in conditions includes junction and other improvements which will improve the pedestrian / cycle connectivity and sustainability of the proposed development. The overall off-site package for the redevelopment of the power station has been agreed in principle with the Highway Authority and will be secured via Section 106 Agreement. Included are improvements to the canal towpath which have been agreed on-site with the Highway Authority and Canal and River Trust. These works connect to a section of the towpath west of this, which is the subject of committed improvements which are due to be carried out by the Highway Authority’s contractor; these works were secured and paid for by an unrelated development(s) and Section 106 Agreement(s). The Highway Authority and Canal and River Trust have identified a potential shortfall in funding for a 230m approx. section of this towpath. The applicant has agreed to provide an additional £15,000 to assist with the early delivery of these committed works,

and discussions about this are likely to continue as part of the process of securing the improvement via S106.

Transport and Highways Conclusions

- 12.11 Cannock Chase Officers consider the modelling and analysis carried out reflect good practice in terms of the approach to estimating the uplift in resultant traffic and required mitigation. To secure off site junction improvements and enhancement, a S106 is required and this would also secure the required contributions to transport service enhancements for fee paying passengers and the travel plan for the site. Until such time as the S106 is agreed, conditions are recommended by the Highway Authority to ensure delivery of these improvements. With these conditions in place the development proposed would be in compliance with Cannock Chase Local Plan Policy CP10, Lichfield Local Plan Strategy CP3 & CP6 and the NPPF Para 109 regarding the promotion of sustainable transport.

13 Socio and Economic Considerations Including:

Economic and Employment Opportunity Considerations

- 13.1 The submitted ES states the employment rate in LDC in the year to September 2018 stood at 75%, and in CCDC stood at 78%. Both local authorities have a higher employment rate than that of the West Midlands (73%). The employment rate in LDC is 1% lower than the national employment rate (76%), and the employment rate of CCDC is 2% higher (ONS Annual Population Survey). Stoke-on-Trent and Staffordshire LEP employment rate stood at 76% in the above period and the LEP had 463,000 jobs in 2017 with 24,000 jobs in the construction sector (ONS Business Register and Employment Survey, 2018). In both districts, wholesale and retail trade, and repair of vehicles is the largest employment sector with 7,000 and 10,000.
- 13.2 Unemployment rates within the LDC for the working age population (16+) in the year to September 2018 stood at 3%, and in CCDC stood at 4%, which are both lower than that of the West Midlands (5%). The unemployment rate in LDC is lower than the national unemployment rate (4%), and CCDC is consistent with the national average.
- 13.3 The construction of the proposed development would help support construction firms operating in the region, and provide jobs in the industry. The development would lead to the creation of new direct and indirect jobs, through supply chain benefits and new expenditure introduced to the local economy. Table 6.18 within the ES states that an anticipated 89 direct construction jobs per annum would be created during the development process, and in total 129 jobs per annum (over approx. 20 years) including supply chain related benefits (and relevant deductions).
- 13.4 In terms of direct employment at table 6.19 within the ES it is anticipated. 2857 FTE jobs would be created by the development once it is fully constructed and operational, i.e. the office uses, healthcare uses, retail etc. provided as part of

the proposals. With adjustments and off site jobs this rises to 2931 FTE jobs once the development is fully operational.

- 13.5 In Environmental Impact Assessment terms this is considered to be a moderate beneficial impact long term that aligns well with the positive economic objectives set out within the Cannock Chase Local Plan.

Housing Provision, VBC and Affordable Housing

- 13.6 The development will provide for up to 2300 dwellings, a significant proposal that contributes to a large proportion of both Lichfield's and Cannock Chase's Housing Need over the next 15-20 years. Indeed as is reference by the Council's Planning Policy Team, providing for housing in this location makes efficient use of land, easing pressure for Green Belt release elsewhere in the district. Paragraph 4.6 of the Rugeley Power Station SPD advises that "the site is suitable for a range of house typologies and it is anticipated that LDC and CCDC will seek to achieve a balanced mix of housing and apartment typologies. The housing mix is flexible and will be agreed at the time of submission, informed by consideration of local policies, housing market dynamics and the needs arising within Rugeley".
- 13.7 Policy CP7 of Cannock Chase's Local Plan Part 1 seeks on site provision of a minimum of 20% affordable housing units for schemes of 15 or more units. Further discussion regarding housing mix, including affordable housing tenures are detailed within that Council's Developer Contributions and Housing Choices Supplementary Planning Document (2015). For Lichfield, the site is over the threshold for the provision of affordable housing as required by Lichfield Local Plan Strategy Policy H2. The on-site affordable housing provision required by Policy H2, is 35%. Policy H2 also recommends that of the affordable housing provided within a site, 65% should be social rented and managed by a registered provider, with the remaining 35% intermediate. Cannock Chase District Council policies require 80% of affordable units be social rented and 20% intermediate.

a) Vacant Building Credit (VBC)

- 13.8 Paragraph 63 of the NPPF states that "To support the re-use of brownfield land, where vacant buildings are being reused or redeveloped, any affordable housing contribution due should be reduced by a proportionate amount". This matter is expanded upon within paragraph 026 of the Planning Obligations NPPG, which states "where a vacant building is... demolished to be replaced by a new building, the developer should be offered a financial credit equivalent to the existing gross floorspace of relevant vacant buildings when the local planning authority calculates any affordable housing contribution which will be sought. Affordable housing contributions may be required for any increase in floorspace".
- 13.9 In essence the local planning authority should calculate the amount of affordable housing contributions required from the development as set out in their Local Plan (i.e. 20%). A 'credit' should then be applied which is the equivalent of the gross floorspace of any relevant vacant buildings being demolished as part of the scheme, and this should be deducted from the overall

affordable housing contribution calculation. The purpose of the policy as suggested by Government is that it:

‘is intended to incentivise brownfield development, including the reuse or redevelopment of empty and redundant buildings. In considering how the vacant building credit should apply to a particular development, local planning authorities should have regard to the intention of national policy.’

13.10 In this case, this is a Brownfield site, where it has been determined that in the context of the NPPG guidance that the buildings have not been made vacant to facilitate the site’s redevelopment, rather, such has arisen due to national targets to reduce carbon emissions, resulting in the closure of coal fired power stations nationwide. Demolition within the site has commenced and continues. Thus, consideration has to be given to at what point the calculation of existing floorspace should be calculated. Following consideration of equivalent schemes elsewhere within the country and discussions between relevant parties, it has been determined that the suitable date from which to calculate existing floor space within the site, is the date of validation, namely the 7th June 2019.

13.11 In terms of proposed floor area within the site, given this is an outline application, where such is yet to be formalised, it has been determined that the suitable process to determine such is to use the national average for a dwellings floor space and multiply such by the number of dwellings proposed to be erected within each District (1,264 in LDC and 1,036 in CCDC).

13.12 An Affordable Housing Proposal document has been submitted with this application, which details the applicant’s offer to each of the two Councils. Applying the floorspace at the time of submission, the following calculations are undertaken and show there were more buildings in Cannock Chase’s portion of the site:

	Lichfield District Council	Cannock Chase District Council
Area of Vacant buildings	16,326 sq. m	78,686 sq. m
Proposed new development floor space	110,074 sq. m	90,827 sq. m
Net increase in Floor space	93,748 sq. m	12,141 sq. m

13.13 Therefore the above table evidences that the VBC applicable within Cannock Chase District is far greater than within Lichfield District. In fact, as a consequence of the application of VBC, the policy compliant provision falls from 207 dwellings (20%) to 28 dwellings (2.7%), an overall reduction of 179 affordable dwellings taking account the VBC discount required by the NPPF. Applying CCDC’s required tenure mix results in 22 social rented dwellings and 6 dwellings for intermediate tenures.

13.14 At the same time applying the VBC against the total number of affordable dwellings in Lichfield results in a reduction in the number of affordable units, from the policy compliant level (35%) of 442, down to 377 units an overall reduction of 65 dwellings, bringing the total provision within Lichfield District to 29.7%. Applying the tenure mix required by Policy H2, this results in a social rent provision of 245 dwellings and 132 dwellings for other tenures.

b) Affordable Housing

13.15 The application following the application of VBC would result in the above noted levels of affordable housing being applicable (377 Lichfield, 28 Cannock Chase). However, during the course of the application Lichfield Officers have accepted that owing to the significantly low level of affordable housing provision in CCDC's area such an approach would run contrary to the aim of creating inclusive and mixed communities. To address this point, the applicant following dialogue with respective Housing Managers, has produced a blended figure, where the affordable housing levels are spread proportionally across the site to accord with the level of overall delivery.

13.16 This results in an overall site wide provision of 17.6% or 405 dwellings. After applying a proportional principle of housing development within the scheme (Lichfield District will have 55% of the dwellings, Cannock Chase District 45%), the respective authorities would receive a total of 223 and 182 affordable dwellings, with the tenures being policy compliant for each authority.

13.17 It should be noted that VBC is a vehicle supplied by the Government in order to encourage development on Brownfield Sites, where usually remediation and mitigation costs are high. As such, the applicant is not in any way seeking to reduce inappropriately, the level of affordable housing within the scheme, rather utilising the allowance permitted via national planning policy. Thus, the above noted figures, although lower than the affordable housing levels identified within the respective Authorities affordable housing policies, remain policy compliant in the wider sense.

13.18 It is felt such an approach is a positive outcome for Cannock Chase District and secures more affordable housing than potentially could have been the case if Lichfield District had opted to take a harder line to effectively 'sharing' the split of affordable dwellings. It does mean that Lichfield District receive less than would otherwise have been the case and it is clear, this was an Officer agreement that would need to be reviewed by Lichfield Council's Planning Committee. Nevertheless, assuming no change, 17.6% affordable housing can be secured via S106.

13.19 Regarding the wider mix of affordable dwellings, further information from the applicants has been received confirming a revised position which states:

Revised Affordable Mix – blended across whole site

Bedrooms	Social Rent/Affordable Rent	Shared Ownership/Other Tenures	Total	Percentage
1 bed flat	70	0	70	17.3%
1 or 2 bed flat	30	25	55	13.6%
2 bed house	95	45	140	34.6%
3 bed house	62	58	120	29.6%
4 bed house	10	10	20	4.9%
Total	267	138	405	100%

13.20 This has been subject to review by the Council's Housing Officer and equivalent from Lichfield Council. In their view the overall level of affordable housing delivery is policy compliant taking account the VBC deduction for removed buildings. The tenure split (given this originates from predominantly the Lichfield portion of the housing) is also policy compliant. The Council generally would encourage a housing mix that contains a high proportion of 2 and 3 bed houses, and less flats. However given the higher density apparent in this proposal, delivery of a higher number of flats is inherently linked to the delivery of higher density housing, particularly in the Cannock Chase portion of the site. Hence higher numbers of 1 bed flats are proposed than set out in the adopted SPD standard. This standard states:

Cannock Chase SPD Compliant Affordable Housing Mix –

10% 1 Bed, 60% 2 bed, 25% 3 bed and 5% 4 bed

The affordable housing proposed will be secured by Section 106 which will include reference to the mix proposed being in accordance with the most up to date affordable housing needs evidence. Conditions will also require that affordable housing is spread across each phase of the development equally. Subject to securing the affordable housing, tenure and mix via these mechanisms, it is considered the level of affordable housing proposed is policy compliant (despite being less than 20% for the reasons set out above) with both Policy CP7 Cannock Chase and Lichfield Local Plan Policy

Education

13.21 Policy CP5 outlines how the Council will work with public, private and third sector partners to ensure that appropriate levels of infrastructure are provided to support social inclusion and healthy living. This includes facilities for health, education, sports and recreation, cultural and community uses, and local shopping amongst others. Similar ambitions are provided for in NPPF paragraph 20, 94 and 104.

13.22 Based on the location of the proposed development the County Education Authority consider 2300 dwellings would require:

- 104 Early Years Places
- 483 Primary School Places
- 345 Secondary School Places
- 69 Post-16 places

13.23 There are projected to be an insufficient number of school places in the local area to accommodate the children generated by the development at both secondary and primary phases of education. In order to mitigate this the developer should provide:

- Primary School: The cost of a 2FE primary school = £7,902,200 plus a suitable site of 2Ha to the a 2FE primary school
- Secondary School: The level of contribution has been calculated based on the cost of providing a 2FE secondary and post 16 places. The contribution will be used to either expand existing secondary provision at Hart School or provide new secondary school provision elsewhere (on/offsite). 2 Form of entry high school places currently cost £8,000,000. Further discussion will be required in terms of on/off site provision.

13.24 Therefore subject to securing the above on site provision of the primary school and the above monetary contribution towards enhancement of secondary schooling provision in Rugeley via S106, the County Education are satisfied the proposals would meet with their expectations in terms of education provision for the area. Thus the development is in compliance with CP5 regarding education infrastructure provision.

Health

13.25 Much in the same way as for education, the Cannock Chase Clinical Commissioning Group (CCG) are responsible for planning and coordinating health infrastructure within the area. As Health Contributions within Lichfield District are picked up under CIL as part of wider contributions, the proportion of dwellings in their area must be deducted from the starting number of dwellings that contribute to the uplift in need. Therefore when calculating the additional need for health facilities that results from the development, the starting figure of 1036 dwellings is used.

13.26 The CCG then use the average household size in the area of 2.4 people per dwelling to estimate that the proposals would result in an increased patient population of approx. 2486 (for roughly half the size of the site). A Dept. of Health HBN11-01 standard is then applied which estimates an additional 65 hours of consulting room time would be required and 17.4 hours of treatment room time would be required to service this level of population. The CCG confirm the surgeries likely to be affected by the increased population are:

- Brereton Surgery, 88 Main Road, Brereton, Rugeley, WS15 1DU
- Horse Fair Practice Group, Sandy Lane Health Centre, Sandy Lane, Rugeley, WS15 2LB
- Aelfgar Surgery, Church Street, Rugeley, WS15 2AB

13.27 The CCG suggest the practices listed above are looking to expand/alter their surgeries, or are part of a wider strategic redevelopment coordinated by the Dept. of Health and the CCG. This project aims to provide additional patient space to meet the demands of the patients in the area. Accordingly a request for a contribution from the housing development towards the expansion of the above premises is made by the CCG. The estimated cost of providing the

expansion required is estimated to be £735,974.40 and is recommended to be secured by S106 (subject to review of the building costs utilised within the calculation).

- 13.28 Members should note that from the start of the application process, the CCG have advocated adaptation of existing surgeries to treat the population that arises from the new development as opposed to new on site provision. An on-site solution is not the CCG's preferred option on the basis it does not reflect the most cost efficient approach to health provision. Whilst Officers and the developer are aware of the previous public consultations that suggest an on-site surgery could be provided, this is not the approach favoured by the body coordinating wider health investment in the area. Therefore whilst the Council can still grant planning permission for the on-site surgery as part of this consent, it is not likely to come forward in terms of the Department of Health's wider strategy. Instead the preference, and as such the approach Officers propose to take forward, is to secure funds from this development to adapt existing surgeries.
- 13.29 Whilst Members could in theory take a different view and require on-site provision by condition, this approach would be market dependent and would hinge upon a GP provider taking forward the use on the site with potentially no incentivisation by the CCG. The danger of not aligning the approach to that advocated by the CCG is that the proposals for health delivery on site do not come forward. Much like the education approach, if the Council do not adopt a view that accords with the wider envisaged strategy, this creates a risk the health provision for the community is put under undue stress through oversubscription. Hence Officers would not recommend deviating from the approach advocated by CCG.

Sports Facilities

- 13.30 Facilities for sport and recreation will be focussed around the centrally located public open space referred to as 'Rugeley Social' in the LDS, which will provide formal sports pitches for football, rugby, cricket, running track and bowls as well as a sports pavilion to replace those lost as part of the development. A proposed Multi Use Games Area (MUGA) located east of the proposed primary school would offer additional opportunity for football, tennis and hockey. The Borrow Pit Lake will become a focal point for recreational water sports, encouraging activities such as swimming, fishing and kayaking. Additionally, there will be a series of on-site recreational trails for walking, cycling and running, achieved through the country park trail, the lakeside trail and the site wide internal trail with an opportunity to tap into the wider public rights of way.
- 13.31 NPPF Paragraph 97 seeks to protect existing sports facilities and in cases where playing fields are lost as part of a development Sport England are a Statutory Consultee. To ensure accordance with Para 97 and other relevant policies from Sport England (e.g. Policy Exception E4 – equivalent or better replacement provision), it is proposed to replace all of the existing sports provision (apart from the Golf Course) in a broadly similar location to the previous facilities.

- 13.32 Sport England confirm the proposal has the potential to broadly meet Sport England exception policy E4 subject to conditions and an appropriately worded S106 agreement securing the replacement playing field and ancillary provision alongside management arrangements for the site, and no objection is raised.
- 13.33 Relevant conditions are suggested as part of this decision and subject to S106 to secure the replacement provision, Officers are satisfied the proposals are compliant with NPPF Para 97(b).

Community Facilities, Allotments & Community Centre

- 13.34 The application proposes to deliver a considerable amount of informal open space through a variety of open space typologies such as natural and semi-natural greenspace, formal parks, existing woodland and the Borrow Pit Lake, creating a range of environments and recreational experiences. The application would also provide a variety of play spaces throughout the proposed development. These will include formal equipped areas for play through the NEAP's (Neighbourhood Equipped Areas for Play) and LEAP's (Local Equipped Areas of Play) as shown on the Green Infrastructure Parameter Plan.
- 13.35 The submitted LDS sets out open space and sport provision requirements of both LDC and CDDC (LPS Policy HS C1 and CCDC's Developer Contributions and Housing Choices SPD). In total, the estimated population yield (5,152 people) of the proposed development will generate a requirement for 46.32ha of formal and informal open space. This planning application is proposing to deliver a total of 66.79ha of open space therefore the proposals will provide over 20ha more open space than required by LDC and CCDC policy.
- 13.36 There are existing allotments to the south east of the site which will be retained and a new lease will be agreed with the allotment society in early 2020. In addition, new allotments will be provided elsewhere in the site. This is shown at the centre of the site at No.22 on Figure 12 within the Landscape Design Statement, although this is indicative and will be subject to a reserved matters submission. Both the existing and new allotments will be secured and retained through the Section 106 Agreement.
- 13.37 A community centre will provide a flexible building for community based activities within the mixed-use neighbourhood centre to the north of the site. The community facilities will be secured and retained for this purpose through the Section 106 Agreement and will be offered to CCDC for management in the first instance, or otherwise a management company. The Section 106 Agreement will require agreement on a range of details in relation to the community building, including design and phasing. The design will also be the subject of reserved matters, which will need to be consistent with the Design Codes to be agreed.

Socio-economic Conclusions

- 13.38 The application development would provide for moderate economic and employment related benefits. The development would provide for a substantial level of housing development that would contribute to wider needs within both Lichfield and Cannock Chase. The proposals would provide for a policy

compliant level of affordable housing on the site at an appropriate tenure and mix that can be fully secured via S106. The development would provide for on site primary education within a new 2 form of entry primary school and would provide contributions to health facilities in the area to align with the approach advocated by the CCG who coordinate health infrastructure provision within the area. Sports facilities on the site will be re-provided to achieve better provision than previously was the case and the level of on site community facilities, allotments and public open space would meet or exceed the level of provision required within the Council's adopted policies. Accordingly the development is judged to accord with Local Plan Policies CP1, CP2, CP3, CP5, CP6, CP8, CP9, and CP10 and Lichfield Local Plan Strategy Policies H1, H2, CP7, ST1, HSC2 and IP1.

14 Landscape and Visual Impact

- 14.1 Policy CP14 sets out policy provisions for the protection, conservation and enhancement of the District's landscape character, particularly the Cannock Chase Area of Outstanding Natural Beauty (AONB). The site is not in the immediate vicinity of the AONB. However, given the scale of the site and levels of development proposed the relationship of the site to its own and the wider landscape character setting should be considered.

Process of Assessment

- 14.2 The applicants have produced a detailed ES and ES Addendum that considers the wider landscape in the context of National Landscape Character Areas and more localised townscape vantage points. The quality and interest associated with the landscape, the visibility of the site by particular receptors and examines visibility of the site from key assets in the context of the wider landscape such as Cannock Chase AONB, Trent and Mersey Conservation Area and Castle Ring Scheduled Ancient Monument, the highest vantage point within the AONB. In particular use of Wireline diagrams are included from a number of public vantage points as are 3D visual montages showing an individual's perspective as if the development had taken place.
- 14.3 With regards to the quality of the landscape, the site is not subject to any national or regional landscape designations. The Landscape and Visual Impact Assessment (LVIA) states:

"13.4.57 The Site has undergone a substantial change since the 1950's. The development of Rugeley Power Stations A and B during the 1960's resulted in the loss of the majority of landscape features. However, as part of the power station development a number of landscape features have been created within the main Site as part of the leisure facilities. An 18 hole golf course was created within the Site, starting within the centre, to the immediate north of the ornamental lake. From here the first 5 holes are located to the south of the internal railway line, the remaining 13 holes lie within the flood plain. Since the Site has ceased operations, the maintenance of this facility has lapsed, with the area of the course lying within the flood plain becoming subject to a degree of natural

regeneration. However, the raised trees and lines of vegetation that defined each fairway and their greens are still visible.

13.4.58 The area around the serpentine waterbody, which also includes remnants of a miniature railway, contains a mature woodland block that serves as a localised landscape feature. This area will be retained as part of the development proposals. There is a substantial area of woodland planting to the southern site boundary around Borrow Pit Lake and tree belts adjacent to the northern edge of the internal railway line, these provide a mature vegetated edge to the former power station site, therefore, overall the landscape quality of the Site is of Low value.”

- 14.4 Discussion within the submissions continues stating the site does not contain any particular characteristics or features considered to be rare or distinctive. As a large brownfield site the conservation value attributable is low and as there is currently no public access to the site, its recreational value is low. Overall the submissions make the case the demolition and remediation of the site itself have resulted in a landscape that does not reflect the wider surroundings such as the rural openness to the north or the townscape to the south and west.
- 14.5 The submissions at Para 13.4.69 of the ES do acknowledge since the construction of both ‘A’ and ‘B’ power stations, the cooling towers have been a landmark feature in views from the surrounding landscape, overlooking the settlements of Rugeley, Brereton and Ravenhill, Armitage with Handsacre as well as in glimpsed views and vistas from the Cannock Chase AONB. However it should be noted the demolition of the cooling towers is already permitted. Furthermore detailed assessment of the uniqueness of the towers (amongst other matters) was considered by Historic England as part of the process of seeking immunity from listing. This is described in more detail in the Heritage section of this report. As such Members should consider the starting point for the current application should be on the basis that the towers will be demolished.

Consideration of Wider Landscape Impacts

- 14.6 The site is located on a low lying landform adjacent to the River Trent. Vantage points exist with views over the site to the northeast, but in the majority views over the site are possible from Brereton and Ravenhill to the west. The site is bounded by mature vegetation to the south and eastern boundaries which provide screening from between the site and Armitage with Handsacre to the east. Much of the main features of interest within the site, such as the golf course and woodland belts around the Borrowpit Lake will be retained as part of the development.
- 14.7 There are close, medium and long range views possible towards and over the Site. Officers have examined the view from Castle Ring and wider vantage points to the north and south/southwest of the site. In the majority, the visible development in wider landscape terms will be observed in close association with established development of the town. From the majority of vantage points the site is viewed in the context of the wider settlement edge and within the site and immediate landscape there are several existing visual detractors. The retained 400Kv and 132KV switching stations and associated high voltage

overhead power lines, pylons, rail line and the adjacent commercial development namely the large Amazon warehouse, mean the overall landscape sensitivity is low.

- 14.8 In the views that are apparent, it is inevitable that there will be some minor adverse impacts as the development process progresses across the site. However once the proposed landscape mitigation has established (for example in 10 -15 years) the effects are likely to be much reduced and represent a negligible effect.
- 14.9 Indeed, there are no objections from the AONB consultee and no significant concerns about wider landscape visibility from the Council Environmental Services team. Officers therefore consider in the context of this site, there is no significant impact from the development proposed in wider landscape terms.

Key Vantage Points in the Officer's View

- 14.10 As part of their review of the proposals, Officers requested additional detail regards main local vantage points from both the eastern (town side) and western (north of Borrowpit Lake) sides of the development. In particular Officers were mindful of the scale of development sought by the applicant initially. In response and within the ES Addendum documentation the applicant has provided visual montage imagery, site sections and additional Wire Line diagrams to convey the scale of the resulting. The two main areas of interest are views towards the site from the existing roundabout entrance to the power station site (broadly in an easterly direction) and in views south from public footpaths to the north of Borrow Pit Lake.

a) West of Site – Integration with Rugeley Town

- 14.11 In response to the queries around the scale of development at the main existing entrance to the site when viewed from Power Station Road, the Building Heights parameters plan has been updated to contain a reference that permits no more 10% of the buildings (Gross External Area) to be at the maximum height of 5 storeys. I.e. the majority of the buildings would be 4 storeys.



As Existing: Google Street View along Power Station Road looking North East towards the A51



As Proposed: CGI render along Power Station Road looking North East towards the A51

Figure 14: Existing and Proposed CGI photomontage considering 4 and 5 storey development visibility - Extract from Western Gateway Study No. 2

- 14.12 In addition the applicants have provided CGI imagery which contrasts the existing outlook versus the proposed outlook from various locations to try and convey the resulting scale of the buildings. To assist with assessing wider landscape views, additional Wireline Imagery has been provided and case studies of proposed densities have been provided alongside a proposed site section.
- 14.13 The Wirelines, Sectional Drawing and Western Gateway Study imagery predominantly show the scale of the buildings would not be particularly prominent from Power Station Road and beyond - taking account existing screening. Moreover in the case of the development shown in the following image extract looking east along Power Station Road, the difference between the existing and proposed development is most striking. A clear new entrance character is formed to the estate, the scale of the proposals is not significantly overbearing or prominent to the wider views from the town, and in the context of this particular application replaces a large industrial scale power generation development observed in the context of the again larger Amazon warehouse building. As such Officers are satisfied the proposals, at this outline stage and in the context of the Parameters Plans provided, would integrate successfully with the wider town. Further opportunity for review and consideration of the precise design would be apparent at Reserved Matters stage.
- 14.14 Therefore in the Officers opinion, whilst the scale of development proposed is different to that within the traditional existing centre of Rugeley, the effects

resulting are not substantial. Indeed it is considered the proposals represent an efficient use of land that should be maximised to encourage walkable communities in this location.



As Existing: Google StreetView along Power Station Road looking East towards the Western Gateway and site entrance



As Proposed: CGI render along Power Station Road looking East towards the Western Gateway and site entrance

Figure 15: Extract from Western Gateway Study examining view east from Power Station Road

- 14.15 The Lichfield District Council Urban Designer has raised concerns regarding the scale of the development proposed within the Building Height Parameter Plan when the land to the north of the most north-east most portion of the site is predominantly a rural landscape. The plans also propose up to 4 storeys in the location immediately adjacent the Borrow Pit Lake which is not consistent with the wider reduction in scale of development east-west and arguably is less desirable at the junction of the edge of the new town with the countryside.
- 14.16 In order to attempt to address these concerns the applicants propose to again use a form of maximum cap so that no more than 20% of the Gross External Area of the buildings around the Borrow Pit Lake would be 4 storeys. I.e. mainly 3 storeys. In addition Wireline imagery showing effectively a worst case analysis of the buildings (as if they were all constructed at 4 storeys in one block) is also provided from the main public vantage points around the site. In addition imagery from Castle Ring is included as is artist's impression CGI imagery showing 'The Harbour' area.



Figure 16: ES LVIA Extract showing Wireline Viewpoint B from south of site

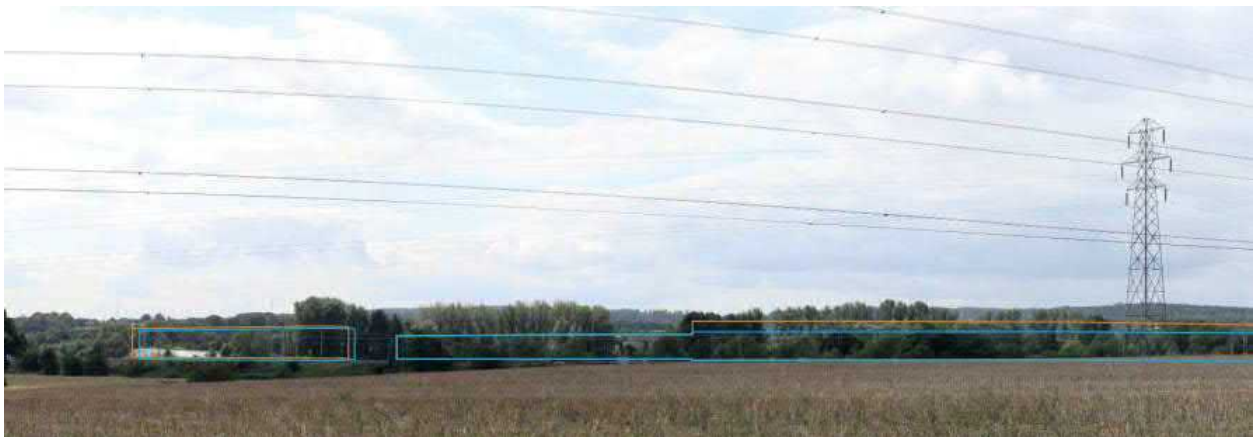


Figure 17: ES LVIA Extract showing Wireline Viewpoint C from north of the site towards the Borrowpit Lake (left of image)



Figure 18: Extract from submitted Landscape Design Statement (Pg 53) showing artists impression of the leisure area around the Borrow Pit Lake with the 3 / 4 storey block in the back drop

- 14.17 In vantage points from footpaths to the north of the site looking back towards the development (illustrated in Fig.16), the existing topography results in the scale of the development proposed not being prominent or breaching the skyline in those views. In addition existing man made development such as the rail embankment, over head lines and pylons, conveys a degree of influence upon the area, that erodes its countryside character. Concerns from the Council's Environmental Services Officer raise the issue of further development impacting the wider character of the landscape. In your Officer's opinion, provided care is taken in the final design of the development, in landscape terms the effects will be comparatively minor and impacts confined to a limited number of vantage points. Indeed it is assessed the proposals would constitute a beneficial improvement in landscape terms compared to views of the derelict power station site as could otherwise have become the case.
- 14.18 However in views from within the site, particularly such as those towards the blocks across the lake as conveyed in the above imagery, it could be argued that development in an otherwise undeveloped vista adversely impacts the lake's character. Indeed noting the protection afforded to the lake within the Armitage with Handsacre Neighbourhood Plan partly on the basis of its character and leisure contribution, members will need to consider this effect in amongst the wider benefits associated with the development, in particular the benefits to the wider landscape brought about by the demolition of the power station and redevelopment of a derelict site.
- 14.19 In conclusion, the development of the site in the manner proposed is not considered to have significant wider landscape impacts. Noting the scale of the development proposed in the submitted Parameters Plans, the effects and integration of the scale of development with Rugeley town is judged to be acceptable in this particular context. There are some concerns about the integration between the multi-storey development on the edge of the site and the rural land beyond. Of most concern is the effect of the development of the character of Borrow Pit lake.
- 14.20 In isolation from the wider development, such effects could constitute a reason for refusal, however in the context of the wider leisure offer which supports the use of the lake as a resource and the benefits highlighted elsewhere in this report, it is the Officer's view that the proposal, on balance, is acceptable and in accordance with Policy CP3, CP13 and CP14 as well as Lichfield Local Plan Strategy Policy NR5, CP2 and CP3.

15 Biodiversity & SAC Considerations

- 15.1 Policy CP12 promotes the protection, conservation and enhancement of the District's biodiversity and geodiversity assets generally whilst Policy CP13 is primarily concerned with the Cannock Chase Special Area of Conservation (SAC). Ecology was scoped in to the ES documentation because given the scale of the site, the presence of habitats such as the River Trent in close proximity and the wider SAC habitats at Cannock Chase SAC and Pasturefields SAC, detailed consideration is warranted in line with the Council's duties under Conservation of Habitats and Species Regulations 2017, as amended (the

Habitats Regulations), the Wildlife and Countryside Act 1981 (as amended) and the Natural Environment and Rural Communities Act 2006 (NERC Act).

- 15.2 As part of the Environmental Impact Assessment process detailed desk study of known ecological records within the site has been undertaken as well as numerous field surveys covering an array of species. Historically the site owners have undertaken ecological surveys as far back as 2010 in order to ensure a continued understanding of ecology within the site. In 2015-2019 surveys sought to establish the presence of protected species, particular habitats and establish habitat suitability. Specific habitat assessments relating to breeding and wintering birds, bats, dormice, otter, water vole, badger, reptiles and invertebrates have been undertaken and since the submission of the first ES, further survey has been carried out and is reported in the ES Addendum document.

Potential Impacts

- 15.3 The results of these surveys have been utilised to inform the baseline starting position regarding protected species and habitats within the site and facilitate understanding of key potential impacts. Further work involving consideration of Statutory Designated Habitats within 5km-10km and non-statutory Designated Sites within 2km of the development has also been undertaken and potential impacts have been predicted. A number of potential impacts are seen not to be significant within the ES. But of those which are highlighted as potentially 'Significant Impacts' at Section 9.6 of the ES these are:
- a) Effects on Pasturefield SAC from construction traffic movements and nitrate deposition
 - b) Effects on the ornamental pond in the centre of the site through the construction of the new spine road
 - c) Impacts on Little Ringed Plover pairs on the Ash Lagoons and Coal Stock Yard during clearance and development
 - d) Impacts on 3 potential Badger Setts in areas proposed for development during ground works, or habitat fragmentation post development
 - e) Impacts on Cannock Chase SAC through increased recreational pressure and from elevated nitrate deposition through increased traffic movement post occupation
 - f) Impacts on ground nesting birds through public disturbance post occupation, disturbance by dogs, predation by domestic cats or road casualties
 - g) Impacts on bat foraging through increased lighting post occupation

Inherent Mitigation within the Development

- 15.4 In order to avoid the above potential impacts, the ES considers aspects of the proposal that are inherent to the application development and as such could offset or avoid the above impacts. For example the former golf course alongside the River Trent would be retained for biodiversity as well as providing a resource as a Riverside Park for occupants of the proposed development and the wider Rugeley town. Opportunities for habitat creation have been designed into the Site layout and include Sustainable Urban Drainage Systems (SUDS) that create above ground waterbodies linked into green corridors to support

damp/wetland habitats. Good practice construction measures are intended to be employed during the site clearance and construction phases via a Construction Environment Management Plan (CEMP). This will include but not be limited to best practice measures for pollution prevention of watercourses/waterbodies, fencing (e.g. Heras or similar) of areas not subject to works in order to protect habitats/species present, daytime working, covering of excavations and/or provision of ramps to avoid trapping wildlife and no use of overnight lighting near habitat features.

- 15.5 The applicants also point to the emphasis placed on the siting of development in areas of the site which have previously been worked or have an industrial history. Therefore development is focussed in the west of the Site where the former A and B power stations were located, as well as on the ash lagoons and former ash lagoon beneath the small golf course. In these areas, habitat losses are largely limited to areas where they are unavoidable from an engineering perspective in association with closure of the Site and permit surrender works.
- 15.6 There are no development works taking place in the former golf course alongside the River Trent. The site design has avoided effects on the River Trent and its banks, which is a Salmonid watercourse and migratory route. The retention of the former golf course alongside the River Trent is intended to protect species there from development effects, such as breeding birds, bats and badger. All trees identified to have the potential to support bat roosts (medium and high potential) have been retained in accordance with the submitted Arboricultural Impact Assessment. In addition the development will be a phased build over a period of approximately 21 years, commencing in 2020. As such, the effects of the development of the site will be staggered and not all occurring simultaneously.

Additional Proposed Mitigation

- 15.7 In addition to the mitigation inherently linked to the development, additional steps in the form of the following measures are proposed within the ES to try and minimise or offset resultant harms to Biodiversity:
- a) Cannock Chase SAC SAMM Measures –The Developer Contributions SPD (2015) and the Council's Guidance to Mitigate Impacts upon Cannock Chase SAC (2017) is a common approach to housing development in the district that increase recreational pressure on the protected habitat. To mitigate this effect, developments contribute a monetary sum to a package of works termed 'Strategic Access Management and Monitoring Measures' (SAMMM) aimed at avoiding impacts on the protected habitat.
 - b) Cannock Chase SAC Nitrate Deposition Offsetting – In short a monetary sum to provide for habitat enhancement is proposed to deal with the predicted increase of nitrate deposition within the Cannock Chase SAC arising from the increase in vehicle emissions in proximity of the SAC.
 - c) Provision of Habitat Management Plan (HMP) – Larger Areas of habitats will be managed via a HMP and would be secured by planning condition. The main areas are likely to include the Riverside Park, the Ornamental Pond, the aquatic and woodland habitats around the Borrow Pit Lake,

Rugeley Social Area, Landley Common and the green corridors throughout the site.

- d) Ecological Mitigation Strategy – A 20% Biodiversity net gain across the site is proposed. In tandem within the HMP, the Ecological Mitigation Strategy will seek to coordinate and secure measures within the site to achieve the biodiversity uplift and mitigate the potential impacts cited. For example require submission of a lighting scheme to protect bat foraging, measures to facilitate badger foraging without needing to cross roads, potential creation of replacement setts. The strategy would also provide for a range of nesting opportunities for birds, nesting rafts for water fowl, creation of gravel substrate nesting for Little Ringed Plover and Lapwing in the Riverside Park and the provision for hedgehogs to move unhindered through the site including underneath garden fences, provision of wild corners and log piles for hibernation.
- e) Construction and Environmental Management Plan – Will set out site clearance and construction works in each of the phases of the development and will include management of silt pollution, further survey relevant to that phase and the time of year and include mitigation specific to that phase of the development.
- f) Reasonable Avoidance Measures – During construction measures will be put in place for all species identified as being potentially impacted. For breeding birds, checks by an ecologist before vegetation clearance will take place, precautionary management of habitats for reptiles will take place in the area of the former golf course, management of ponds undertaken to avoid breeding amphibians and waterfowl, further water vole survey, invasive species within the site subject to eradication (e.g. New Zealand pygmyweed in Pond 13 and Himalayan Balsam in along Brereton Brook).

Officer Assessment

- On site Habitats and Species

15.8 The Council has worked closely with the Lichfield Council Ecologist whose response confirms the methodologies and information provided within the submitted Environmental Statement, Chapter 9 Ecology, the Environmental Statement Addendum, Technical Appendix 9.8, Biodiversity Net Gain and Letter Appendix A – Ecology Correspondence follows best practice. The Ecologist concurs with the conclusions of the above documents in that it is considered unlikely that the proposed works would negatively impacting upon a European Protected Species, a protected or priority species or habitats subject to the appropriate suggested measures of avoidance and mitigation as outlined. The Ecologist recommends adherence by the applicant to all recommendations and methods of working detailed must be made a condition of any future planning approval (i.e. the submission of a Habitat Management Plan (HMP), Ecological Mitigation Strategy (EMS), Construction Environmental Management Plan (CEMP) prior to submission of Reserved Matters, and the adoption of Reasonable Avoidance Measures (RAMS) and further surveys as required throughout the phasing of the development.

- Biodiversity Net Gain

15.9 The submitted 'Technical Appendix 9.8, Biodiversity Net Gain' document has assessed the site's biodiversity value. The Ecologist considers that the quantitative data within this document is an accurate depiction of value/s of the habitat currently on the site (as regards total area, type, distinctiveness and condition) and agrees it to be accurate for the sites current biodiversity value to be viewed as 398.31 Biodiversity Units (BU). In addition, it is considered that the applicant's Biodiversity Impact Calculator is accurate, in describing the likely achievable biodiversity value of the site post development, as 426.20 BU.

15.10 The applicant's intention is therefore to deliver net gains of 27.89 BU as part of the proposed development scheme. The Ecologist approves of the new habitats proposed for creation in order to deliver these net gains, as part of the development scheme and considers them in adherence with the Lichfield District Biodiversity Opportunity Map (see Appendix E map 4 of the Biodiversity and Development SPD) and the recently adopted Nature Recovery Network Mapping. As such, the development scheme is viewed as likely being able to achieve a 20% net-gain to Biodiversity Value and so complies with the requirements of the NPPF in this regard.

- Recreational Impacts on SAC

15.11 The Developer Contributions SPD (2015) and the Council's Guidance to Mitigate Impacts upon Cannock Chase SAC (2017) adopt a common approach to housing development in the district. In circumstances where increased recreational pressure on the protected habitat would be apparent from a development, the approach is to mitigate the potential pressure by requiring developments contribute a monetary sum to a package of works termed 'Strategic Access Management and Monitoring Measures' (SAMMM) aimed at avoiding impacts on the protected habitat. Officers have been in discussions with the Cannock Chase SAC Partnership who enact the improvement. It is confirmed that sufficient capacity exists within the series of SAMM measures to permit the same approach as would usually be the case despite the development being above the level of housing anticipated in Cannock Chase Local Plan Part 1.

15.12 The strategy for mitigating harm arising from recreational impacts from occupants of new residential development on the Cannock Chase Special Area of Conservation (SAC) is set out in Policy NR7 in Lichfield District Council's Local Plan Strategy and Policy CP13 within the Cannock Chase Local Plan. The Policy requires that before development is permitted, it must be demonstrated that in itself, or in combination with other development, it will not have an adverse effect whether direct or indirect upon the integrity of the Cannock Chase SAC, having regard to avoidance or mitigation measures. In particular, dwellings within a 15km radius of any boundary of Cannock Chase SAC will be deemed to have an adverse impact on the SAC unless or until satisfactory avoidance and/or mitigation measures have been secured.

15.13 Therefore prior to issuing any positive decision for this site, the applicant must therefore agree to a Unilateral Undertaking for a sum of £178.60 per dwelling, within Lichfield District, and £221 within Cannock Chase District.

15.14 Natural England are a statutory consultee on the Appropriate Assessment (AA) stage of the Habitats Regulations process and have therefore been consulted on the intention to address the recreational impacts in this manner. Natural England have concurred with both Lichfield and Cannock's AA on recreation impact and therefore they have offered no objections to proposal. On this basis, it is concluded that the LPA have met its requirements as the competent authority.

- Nitrogen Oxide Deposition in SAC's

15.15 The effects arising from nitrate deposition through road traffic emissions are considered in detail within the submitted Shadow Habitat Regulations Assessment. This document identifies that during and post construction roads that pass through or near to the Cannock Chase SAC will experience an uplift in traffic as a direct consequence of this development, given that a total of 414.37ha of the SAC is within 200m of a road (33.4% of the entire SAC area).

15.16 In terms of the impact of the proposal upon the West Midlands Mosses, Cannock Extension Canal and Pasturefields SACs, the HRA Assessments completed by Cannock and Lichfield Council's consider the sensitivity of the sites affected. It was determined that the impact of the development would not exceed the thresholds set out in the document titled, 'Natural England's approach to advising competent authorities on the assessment of road traffic emission under the Habitats Regulations (2018)', given that the Transport Assessment and Air Quality Assessment both demonstrate that nitrogen oxide emissions, resulting from increased vehicular movements, do not exceed critical loads by more than 1%. As a consequence the need to progress to AA for these SACs was determined to be unnecessary.

15.17 Cannock Chase SAC is recognised for its 'North Atlantic Wet Heaths with Erica tetralix' and for 'European Dry Heaths'. The applicant's study suggests that Cannock Chase SAC may be subject to an increase of more than 1% of its critical load (2.39% in total) of kgN/ha/yr. This uplift is therefore above an assumed 'Environmental Benchmark', where effects below 1% are considered to have an imperceptible effect on the habitat and effects above are to be considered more fully.

15.18 In this case, the issue highlighted within the Shadow HRA submission, is that nitrate deposition from road traffic emissions deposited on the site could result in amongst other impacts:

- modification of the chemical status of the soils/substrate;
- accelerating or damaging plant growth (e.g. promoting bramble and grass growth);
- decline in recognised species and lichens, mosses and other species richness; and;
- the increased coverage of certain grass and sedge species, which exhibit a positive relationship with nitrogen deposition. Such growth would be at the expense of the protected wet and dry heath species.

- 15.19 As a consequence of the above, the proposed development would result in a predicted loss of species richness of between -0.6 (sum of lowest range), 0.86 (median) and -1.12 (sum of highest range). The impact of the development and harm arising, based on a worse case approach, is thereafter calculated to be 242 Biodiversity Units.
- 15.20 The shadow HRA therefore models and seeks to quantify the effects of the likely uplift in nitrate deposition within the protected SAC area. The Shadow HRA in the first instance proposes avoidance measures, not initially incorporated into the baseline figures, to combat this uplift. The avoidance measures detailed within the Shadow HRA, in brief, are; increased use in electric vehicles, which is to be secured via the installation of infrastructure to allow for each property to install EV charging points and for residential visitor spaces and publically accessible parking such as the local centre and employment uses, 5% provision for active infrastructure and 15% passive; the increased use of buses, to be secured via a financial contribution to bus service provision; the application of a Framework Travel Plan and the provision of high speed internet connections for all residential units.
- 15.21 Following application of the avoidance measures, which have been considered appropriate by Lichfield District Council's Ecologist, the Cannock Chase SAC Partnership and Natural England the harm arising to the Cannock Chase SAC has been quantified to be 191 Biodiversity Units (a reduction in impact of 21%). The avoidance measures will be secured via condition and in the case of bus provision via the s106 agreement. In order for the development to mitigate for the remaining Biodiversity Units, further mitigation or offsetting measures are required.
- 15.22 The Shadow HRA details the mitigation options considered for this development and seeks to justify why certain options were not pursued. The document details that the mitigation measure pursued relates to the creation of a buffering habitat area for the SAC. This means the creation of new heathland within the Heathland Opportunity Area, which for Lichfield District Council, is detailed within the Lichfield District Nature Recovery Network (2019) document. The Heathland Opportunity Area seeks to provide a heathland link between the Cannock Chase SAC and the Sutton Park Site of Special Scientific Interest, which, in addition to buffering the Cannock Chase SAC, will also increase habitat connectivity (which accords with the measures outlined in the Natural England's, Cannock Chase SAC Supplementary Nature Conservation Objectives for connecting the heathland network). To mitigate for 191 BU it is necessary to secure either:
- The conversion of low value arable land to high value heathland in good condition:
approximately 32 ha of land; or
 - The restoration of high value habitat in poor condition to good condition:
approximately 41 ha of land
- 15.23 The timescale for the habitat to be created/restored and thereafter managed and maintained is for a period of 25 years, which based on NO_x deposition trends and the increased adoption of greener technologies, accords with the

time where the NOx levels are anticipated to be reducing and therefore will no longer require mitigation.

- 15.24 To deliver a financial provision to secure the required level of mitigation the applicant proposes to follow the Defra net gain tariff, as set out in their December 2018 consultation document. This proposes an upper limit of £15,000 per Biodiversity Unit for a maximum of a 30 year period, which equates to £500 per unit, per year. For a 25 year period therefore, on the basis of the above calculations, the financial contribution is: (£500 x 191 BU) x 25 years = £2,387,500.00. In order to deliver the mitigation measures, the above noted sum will be secured via the s106 agreement and subsequently delivered by Lichfield District Council's Ecologist in coordination with Cannock Chase SAC Partnership.
- 15.25 The approach as proposed, is a relatively novel one and has therefore been subject to extensive dialogue with Natural England and Cannock Chase SAC Partnership. Natural England have endorsed this mitigation strategy and therefore they have offered no objections to the proposal, subject to the avoidance measures and mitigation works and the costs associated with such, being secured via conditions and s106 agreement. Cannock Chase and Lichfield Council's have therefore completed Appropriate Assessment (AA) stages of the Habitats Regulations process and consulted Natural England. No objections have been received. On this basis, it is concluded that the LPA have met its requirements as the competent authority, as required by the above noted Regulations and relevant policies CP12 and CP13 within the Cannock Chase Local Plan and Lichfield Local Plan Strategy Policy NR3 and NR7.

16 Built Heritage and Archaeology

- 16.1 Policy CP15 along with Section 16 of the NPPF (specifically paragraphs 189-202) promote the protection, conservation and enhancement of the historic environment assets. Policy CP15 sets out that the local decision making process will be based upon an assessment of significance of any heritage assets including information from the Historic Environment Record. Sites of archaeological interest or with potential interest should undertake an appropriate level of assessment to inform decision making. The site lies in proximity to the Trent and Mersey Canal, a designated Conservation Area at its northern edge (nearby Rugeley Town Centre) and at its southern edge, within Lichfield District. Policy CP15 states that the heritage contribution of the District's canal network will be strengthened and promoted and that support will be given to schemes that help to promote wider understanding and enjoyment of the historic environment.
- 16.2 The Rugeley Town Centre Area Action Plan also identifies the potential role of the canal in helping to promote enhanced pedestrian and cycle linkages to the town centre from the surrounding environs (see Policy RTC1 and RTC10). A Conservation Area Appraisal and Management Plan are available for the Trent and Mersey Canal (both 2019). A viaduct over the canal is also Grade 2 listed (approx. 500m west of the site).

Consented Site Clearance and Demolition

16.3 The site was formerly a coal fired power station until 2016 and until recently when demolition works within the site were commenced, much of the infrastructure associated with this use remained. These demolition works do not form a component of the current application and were originally consented under Cannock Chase application CH/18/268 and Lichfield Council application 18/01098/FULM.

16.4 Demolition works commenced in September 2018 and are expected to be completed by 2021. As part of this previous application for demolition, the power station was considered for listing by Historic England. A Certificate of Immunity from Listing was issued by Historic England in 2017. The main reasons stated within the Historic England determination were:

‘Lack of architectural interest: the power station is architecturally indistinguished and based on standard designs, whilst the planning of the site is not particularly notable for the period.’

Lack of technological interest: the power station is one of a generation of similar sites and is not considered to carry major technological innovations.

Rarity: the buildings, including the cooling towers, are of relatively common types which survive at many power stations of this generation across the country.’

16.5 In recognition of the contribution the power station made to England’s energy needs and in order to document the building, a Level II Historic Building Recording was carried out in 2018 prior to any demolition. The report includes photographic records, written and graphic records and documentary research in order to provide a record of the building and its context in the landscape.

16.6 Therefore in the context of the discussions about the historic importance of the power station, Members should be aware that the clearance of the site is already permitted and well underway. Reasonable steps to document the building and its relevant history have already been undertaken and therefore, discussion about the demolition of the site should not form a major component of the assessment of the current application for redevelopment of the site.

Main Historic Assets Affected by Proposed Development

16.7 There are no designated heritage assets within the application site area. The Rugeley Power Station Development Brief SPD highlights various historic assets in the vicinity of the site that could potentially be affected by the development. These include:

- (i) The Trent and Mersey Canal Conservation Area
- (ii) Viaduct over Trent and Mersey Canal (Grade II)
- (iii) Manor House (Scheduled Monument)
- (iv) Moated Site of Handscare Hall (Scheduled Monument)
- (v) Castle Ring (Scheduled Monument)
- (vi) Circular Earthwork (Scheduled Monument)

- (vii) Bridge Number 64 off Armitage Road (Grade II)
- (viii) Spode House and attached Coach House, Hawkesyard Priory (Grade II)
- (ix) St Thomas Church (Grade II)
- (x) Former Summerhouse west of Spode House (Grade II)
- (xi) The Old Farmhouse Restaurant (Grade II)

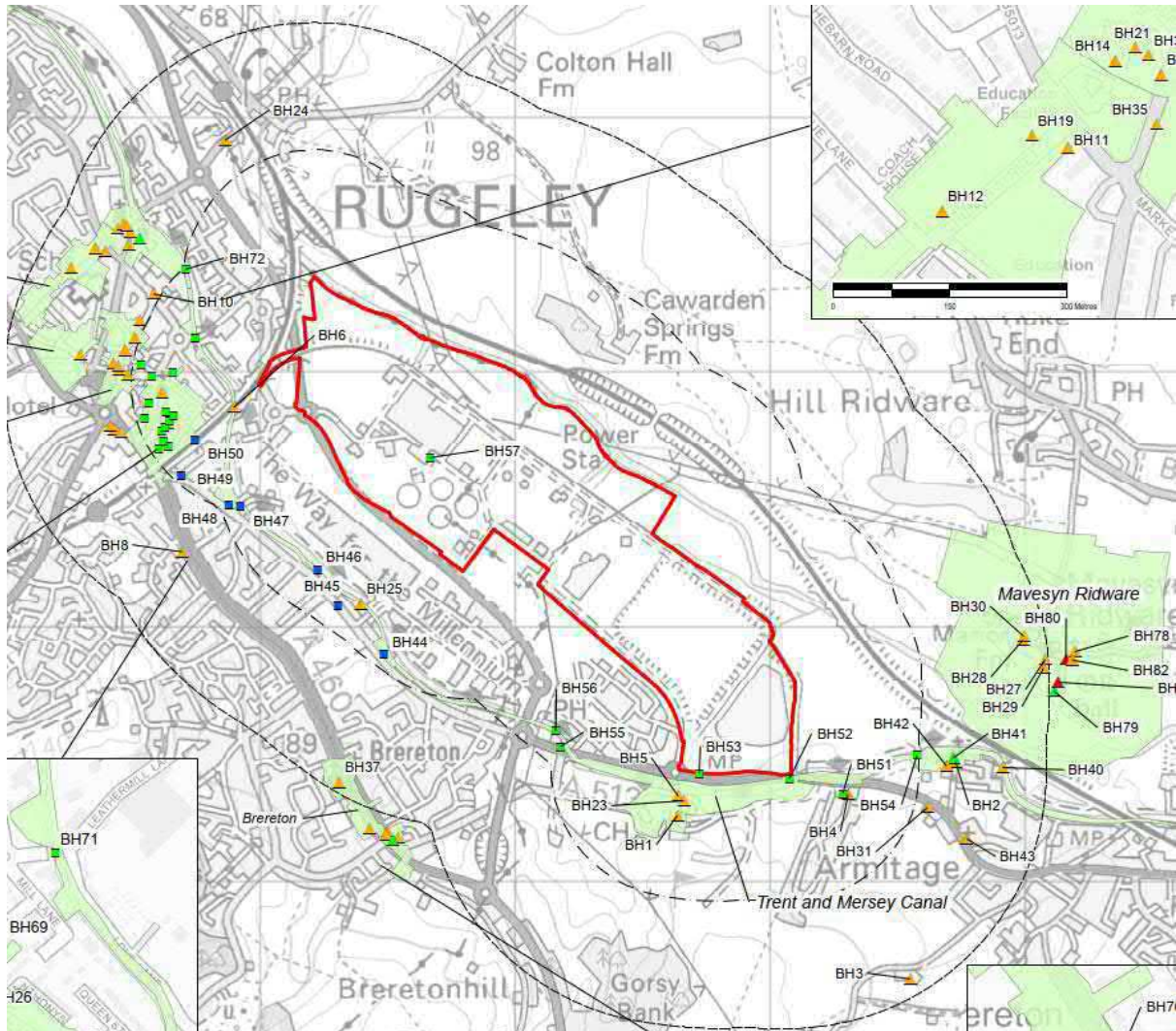


Figure 19 - Extract from Fig 8.1 to ES showing the location of respective heritage assets around the site

- 16.8 In total there are five scheduled monuments within 5km of the site. There are 43 listed buildings within a 1km study area defined in Fig. 8.1. There are 7 No. locally listed buildings within 500m of the site and there are 22 No. non designated historic buildings. A total of 7 No. Conservation Area that fall wholly or partly within the site study area are apparent. Additionally there are two Historic Environment Character Zones (HECZ) within Cannock Chase Council's Area that fall within 500m of the application site. These comprise the Trent Valley HECZ and the North of Brereton HECZ. In the Lichfield Area, the southern end of the site is located within Lichfield HECZ 11 – Land around Armitage with Handsacre.
- 16.9 The above historic assets are considered specifically within the submitted Environmental Statement. The effects are assessed in terms of construction

impacts (whilst the physical works are enacted) and occupation impacts (once the development is in use). In all cases the submitted Environmental Statement highlights negligible or neutral impacts upon the above mentioned designated heritage assets. Taking a few of the main examples assessed within the ES:

“Construction Impacts and Effects

- 8.6.5 The Trent and Mersey Canal Conservation Area extends along the length of the canal, running to the south of the site ... Due to the close distance of the site to the Conservation Area, it is expected there will be some aural and visual intrusion during the construction phase as a result of increased construction traffic and noise ... This increased traffic and noise will detract to some extent from the suburban setting of parts of the Conservation Area to the south of the site. The magnitude of these temporary construction impacts is considered to be low. The asset is of medium value and thus the effect will be negligible.
- 8.6.6 The listed buildings and other historic buildings and structures within the Trent and Mersey Canal Conservation Area form part of its significance. Individually the buildings and structures will not be affected by the proposed development as their significance lies in their physical form and relationship to the canal. Whilst the Conservation Area will be impacted, the impact of this on the understanding and appreciation of the assets is no change, resulting in a neutral effect. Exception [to this] comprises Spode House, associated buildings and parkland that although are associated with the canal, due to their proximity to the site, they will experience some noise and visual intrusion during the construction phase... The proposed development will have a very low magnitude of impact upon Spode House and associated buildings and parkland...
- 8.6.8 The Mavesyn Ridware Conservation Area is located approximately 700m to the east of the site. The setting of the Conservation Area is predominantly rural. It includes the surrounding open farmland and part of the River Trent to the south of the settlement. There is a sense of seclusion within the settlement. The site is visible in some panoramic views from the Conservation Area. During the construction of the proposed development, these views are going to be affected to some extent by construction traffic and movement resulting in some visual intrusion to some parts of the Conservation Area. This will affect the rural setting of the Conservation Area to some extent. The construction phase of the Proposed Development will result in very low magnitude of impact on the setting of this asset. The Conservation Area is of medium value and thus the effect is negligible ... The construction phases of the proposed development will result in a neutral effect on the setting of the church.

8.6.11 The Castle Ring (SM1) is located approximately 4.5km to the south of the site. The asset has high archaeological interest due to its type, it was built on a commanding position that dominates the surrounding landscape. During the Construction Phase of the proposed development there will be some visual intrusion to views from the asset towards the site, However the asset will continue to dominate the surrounding landscape and its significance will not be affected. The construction phase of the proposed development will not have an impact upon the ability to understand and appreciate the asset resulting in a neutral effect.

Occupation Impacts and Effects

8.6.15 Higher elements of the Proposed Development will be visible from some areas of the Trent and Mersey Canal Conservation Area in views to the north. These elements will be of varying heights and no more than five storeys high. The setting of the conservation area has been eroded to some extent by the construction of the Towers Business Park and associated buildings and infrastructure and the Hawkesyard Development (known locally as 'The Pippins'). The Proposed Development will further erode that setting to some extent. However, due to the nature of the development (residential and mixed-use) and the height of the buildings, it is considered that upon completion, the proposed Development will only have a low magnitude of impact on this asset of medium value. Thus the effect will be negligible.

8.6.17 The Spode House, associated buildings and parkland although fall within the Trent and Mersey Conservation Area, due to their close proximity to the Site, they will experience some visual intrusion. However, it is proposed to retain the south-eastern part of the Site as an informal open space, retaining most of the trees that will continue to provide screening and a green buffer. Therefore, the Proposed Development will have a very low magnitude of impact upon Spode House and associated buildings and parkland. These assets are of medium value thus the effect will be negligible

8.6.19 The setting of Mavesyn Ridware Conservation Area is predominantly rural while there is a sense of seclusion within the settlement. The Proposed Development will be visible in some panoramic views from the conservation area. It will introduce a new built-up area to the north-eastern edge of Rugeley however the new development will mostly appear as a continuation of the existing settlement. The Proposed Development will be visible but due to its nature and height it is not going to dominate the landscape. The Proposed Development will result in a very low magnitude of impact on the significance of this asset. The conservation area is of medium value thus the effect is negligible.

8.6.20 The new buildings will be visible from some parts of the Castle Ring (SM1) however, the asset will continue to dominate the surrounding landscape and its significance will not be affected.

The occupation phase of the Proposed Development will not have an impact upon the ability to understand and appreciate this asset resulting in a neutral effect.”

- 16.10 The submitted ES goes on to assess the cumulative effects of the permitted demolitions on the site alongside the resulting impacts from the development. The ES at Para 8.9.2 highlights the approved demolition works will result in the removal of a number of highly visible and intrusive modern structures such as the cooling towers and chimney stack. Views towards the site from Mavesyn Ridware Conservation Area, Rugeley Town Centre and the Trent and Mersey Canal Conservation Area would be restored to what could be considered a more historic norm which in turn would provide a minor beneficial effect on the historic environment in Environmental Impact terms.

Archaeology

- 16.11 Archaeology was previously agreed to be Scoped Out of the EIA process on the basis any archaeological mitigation could be picked up as a condition of the consent. This was considered to be appropriate by the Staffordshire Archaeologist given the level of made ground on the site, the previous uses and the minimal amount of development proposed to the less developed areas. However this is not to say Archaeological potential does not exist. Indeed the Staffordshire Historic Environment Record and associated datasets suggested potential for prehistoric to early medieval archaeological deposits under the alluvium in the area. This is in addition to above and below ground features associated with post medieval water meadows in the area proposed for the public riverside park.
- 16.12 Having considered the outline proposals the Archaeologist suggests there is some potential for previously unknown prehistoric to early medieval deposits to be encountered as part of the reclamation process. Accordingly a condition requiring archaeological mitigation is recommended when further information is provided as part of subsequent or reserved matters applications.

Officer Assessment of Heritage Impacts

- 16.13 The Ancient Monuments and Archaeological Areas Act 1979 and the Planning (Listed Buildings and Conservation Areas) Act 1990 are the principal statutory provisions governing these assets. In particular S66 of the above 1990 Act places a duty on Local Planning Authorities to have regard to the desirability of preserving the building or its setting or any features of archaeological importance. S72 of the 1990 Act states that with respect to building or land within a Conservation Area, special attention should be paid to the desirability of preserving or enhancing the character or appearance of that area.
- 16.14 In this case the ES suggests there would be no significant impacts upon the historic assets in EIA terms and that the resultant harms have no greater than negligible to neutral effects. Nevertheless the Conservation Officer highlights there will still be some adverse effects upon the setting of designated heritage assets, such as the Trent and Mersey Canal Conservation Area, Mavesyn Ridware Conservation Area and the setting of nearby listed buildings by virtue of wider setting impacts from the new development in close association with the

assets, noise and movement associated with the development. These effects are classed as 'Less than substantial harm' and in discussions with the Officer, it was confirmed the resultant harm was suggested to be at the lower end of the scale of less than substantial harm. In light of this it is necessary to consider whether the benefits associated with the development are capable of offsetting the 'less than substantial harm' to heritage assets cited.

- 16.15 Both respective Council's have adopted policies (CP15, RTC1, NR5) governing developments affecting heritage assets and the NPPF (Para 196) provides an overarching approach to decision taking and heritage assets which includes balancing public benefits associated with a proposal against the harm to significance. This balancing exercise is addressed in the executive summary of this report which takes into account all relevant material considerations. In light of these summary conclusions it is assessed the less than substantial harm to the heritage assets resulting from this development is clearly outweighed by the public benefits of the proposal which provide for the remediation of a derelict site and provide for housing and employment needs of the respective Districts.

17 Air Quality

- 17.1 The submitted Environmental Statement specifically assesses the potential impacts associated air quality. It assess effects during site clearance and construction activities, committed developments nearby including HS2, in tandem with the construction and occupation phases of the development and considers vehicular traffic and emissions from stationary plant associated with the Proposed Development . The assessment focuses on air pollutants that are likely to arise from the construction and occupation of the development such as nitrogen oxide (NO_x), nitrogen dioxide (NO₂), particulate matter (PM₁₀ and PM_{2.5}) and dust for human receptors and Nitrogen Deposition (N) for ecological receptors.
- 17.2 The ES utilises existing baseline data in the form of desktop information collection and on site diffusion tube monitoring. In the case of the desktop study, data from Lichfield Council and Cannock Chase Council Air Quality Review and Assessment Reports is utilised alongside DEFRA background mapping data for the above oxide and particulate matter concentrations. In terms of specific site assessment, a review of past monitoring undertaken by the Councils' respective Environmental Health teams was undertaken as well as further short term diffusion tube monitoring along the A51. Diffusion tubes were also positioned at Cannock Chase SAC, Pasturefields Salt March SAC and West Midland Mosses SAC.

Construction Phase Impacts

- 17.3 Air quality effects resulting from construction dust are known to be a main source of potential release of Particulate Matter (PM₁₀, PM_{2.5}). Sources include:
- a) Generation of airborne dusts from exposure and movement of soils and construction materials;

- b) Generation of fumes on-site by plant and tools during construction;
 - c) Increase in vehicle emissions potentially as a result of slow moving vehicles should local congestion ensue;
 - d) Re-suspension of dust through vehicle tyres moving over dusty surfaces.
- 17.4 To assess these matters, in line with the Institute of Air Quality Management Guidance (2014), as there are a large number of human receptors within 350m of the site boundary a construction dust assessment has been undertaken.. It is also noted that the SAC's within 8km of the site are in excess of 500m from the site such that they will not be affected by construction phase impacts and can be scoped out of further assessment.
- 17.5 To minimise the risks from the above processes mitigation steps are proposed within Appendix 7.5 of the ES. The steps suggested include:
- a) Communication - Develop and implement a stakeholder communications plan that includes community engagement before work commences on site; Display the name and contact details of person(s) accountable for air quality and dust issues on the site boundary. This may be the environment manager/engineer or the site manager;
 - b) Site Management – effectively record any complaints, make complaints available to local authority, record exceptional incidents and the action taken in a logbook, hold regular liaison meetings with other high risk sites in the vicinity and coordinate/understand their interactions of off-site transport and deliveries that may use the same road network. Avoid bonfires and waste burning;
 - c) Monitoring – undertake daily on site and offsite inspections including dust soiling checks of surfaces such as street furniture and cars within 100m of site boundary, with cleaning provided if necessary;
 - d) Preparing and maintaining the site – plan layout to locate dust causing activities away from receptors, erect solid screens around dusty activities, avoid site water or mud run off, remove materials with high dust potential or cover to prevent wind whipping;
 - e) Operation of vehicle/machinery – ensure no idle vehicles, use mains electricity as far as possible to minimise diesel generators, impose speed limits to reduce dust throw, cutting, grinding and sawing equipment to have suitable dust suppression, ensure adequate water supply, use enclosed chutes, conveyors and covered skips.
- 17.6 The ES suggests that subject to the implementation of the above mitigation, air quality impacts through construction dust would not be significant.

Operational Phase Impacts – Human Receptors

- 17.7 To assess the potential air quality impacts associated with nitrogen dioxide (NO₂), PM₁₀ and PM_{2.5} upon existing and future human receptors and

ecological receptors, detailed assessment has been undertaken based upon EPUK & IAQM (2017) guidance. At para 7.2.77 the submitted ES states:

‘Air quality at specified receptor locations have been predicted using the industry recognised ADMS-Roads (v4.1) dispersion model. The model is recognised and validated for this type of assessment. The model uses advanced algorithms for the height-dependence of wind speed, turbulence and stability to produce improved predictions of air pollutant concentrations. It can predict long-term and short-term concentrations, including percentile concentrations. The use of the ADMS-Roads model was agreed with the air quality Environment Health Officers at CCDC and LDC.’



Figure 20: Receptor Location as identified within 7.1 of the submitted Environmental Statement

- 17.8 Existing concentrations of nitrogen dioxide, (NO₂), PM₁₀ and PM_{2.5} have been modelled at each of the existing receptor locations shown in Figure 20 above. The model is then utilised to predict concentrations of oxides of nitrogen, (NO_x) and particulate matter, (PM₁₀ & PM_{2.5}), based upon vehicle flow, composition and speed data. A number of scenarios were modelled but the most crucial scenario of relevance within the model is Scenario 4 and Scenario 7 which takes account of the proposed uplift in air quality impact resulting from the development, in tandem with similar additional impacts resulting from committed developments in the vicinity in the years 2023 and 2029 respectively. In particular these committed developments include:

- (i) The permitted demolition of the power station;
- (ii) Development at Tupperhurst Lane;
- (iii) Development at Pear Tree;
- (iv) Rugeley Quarry;
- (v) Construction traffic associated with HS2;
- (vi) Traffic movements associated with PFA removal within the site.

17.9 The results consider long term nitrogen dioxide, Particulate Matter 2.5 and 10. For human receptors the predicted change at existing and future receptors in 2023 for the peak of the proposed development's construction traffic in conjunction with the above committed developments, would be moderate to negligible in EIA terms, with no additional mitigation considered necessary. In respect to human receptors longer term once the development is fully operational, similarly the effects are predicted to be moderate to negligible with no additional mitigation being considered necessary for the operational phase.

Officer Assessment

17.10 The Council Environmental Health Officer shares the view that emissions from the construction phase have a greater potential for impact, although such impacts are readily addressed through site management measures. A Construction Environment Management Plan (CEMP) will be developed in order to control the impact of emissions during the construction phase. This is likely to incorporate measures listed in section 7.5 of the Environmental Statement such as dust management, consideration of traffic routing and similar. This CEMP will be agreed with Environmental Health. Officers therefore consider that subject to conditions to secure a formal Construction and Environmental Management Plan condition which will bring together the above measures with similar management steps to address other site issues, the proposals would not result in significant impacts from construction activities.

17.11 In relation to long term air quality considerations, the modelling suggests uplift in nitrogen dioxide, PM2.5 and PM10 concentrations will be moderate to negligible overall, and that no additional mitigation is required. This conclusion is not disputed by either Council's Environmental Health department and as such Officers consider that air quality impacts should not be a barrier to the development. Accordingly the proposal is considered to comply with the amenity requirements of Cannock Chase Local Plan Policy CP3 and pollution considerations within Policy CP16, as well as relevant policies in the Lichfield Local Plan Strategy and NPPF Para 127(f).

18 Noise and Vibration

18.1 The Rugeley Power Station Development Brief - Supplementary Planning Document was adopted in February 2018 by both LDC and CCDC. Paragraph 4.56 states:

“Depending on the end layout and employment use types, part of the residential elements of the scheme may be in a noise environment; in these instances, an Acoustic Design Statement will be required as set out in the new ProPG document which is available online. The Councils

Environmental Protection services will need to approve Annual Status Reports (ASRs) prior to development to ensure that residents and occupiers of employment units do not suffer intolerable noise levels.”

- 18.2 Amongst other guidance, the ES references guidance published in 2017 known as Professional Practice Guidance on planning and noise: New Residential Development (ProPG). In summary Table 11.2 within ES suggests the following appropriate noise standards for a residential scenario:
- 18.3 Further guidance is also referenced in relation to vibration in the form of BS:6472 - Guidance on Human Exposure to Vibration in Buildings (2008). This suggests a range of Vibration Dose Values that increasingly would result in adverse comment within residential buildings.

Potential Impacts & Location of Sensitive Receptors

- 18.4 The Proposed Development has the potential to produce noise and vibration impacts from several different sources. Broadly speaking, these comprise:
- a) Noise and vibration that may occur during construction
 - b) Operational noise including vehicles associated with the site impacting on existing and prospective users of the site
 - c) Commercial and industrial noise and noise from existing substations
 - d) Vibration and noise impacts from nearby rail line
- 18.5 In particular the Noise and Vibration chapter within the ES seeks to establish the potential ‘Sensitive Receptors’ that could be subject to noise and vibration impacts. The broad areas indicating the location of respective receptors is shown below in Fig 21.

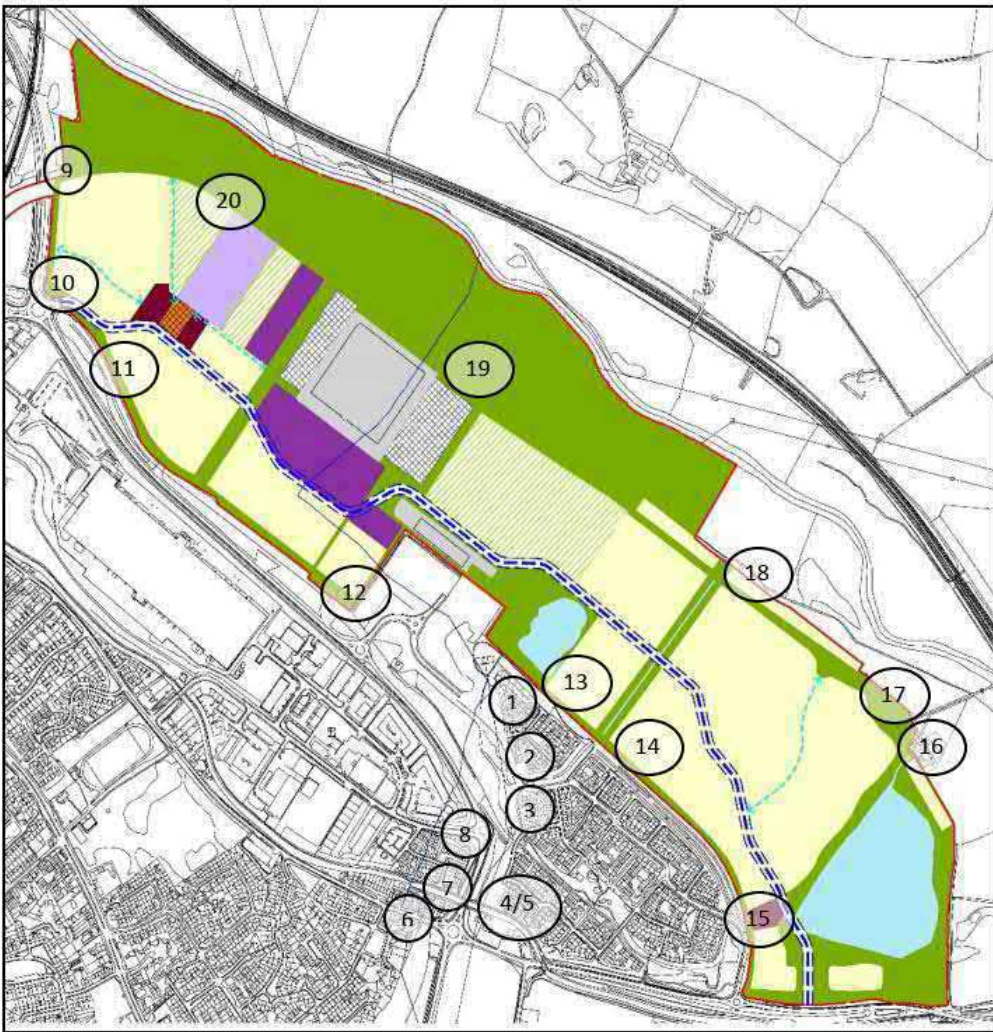


Figure 21: Noise Sensitive Receiver Locations taken from Fig 11.8 within the submitted Environmental Statement

- 18.6 Detailed consideration of the following areas is considered within the submitted ES:
- a) Rail Vibration impacts
 - b) Construction Vibration
 - c) Construction Traffic Noise
 - d) Operational Development Traffic on Existing Receptors
 - e) Operational Development Traffic on Prospective Future Receptors
 - f) Rail Noise at Proposed Receptors
 - g) External Amenity Noise
 - h) Noise from the existing 400 kV and the 132kV
- 18.7 Overall in relation to construction impacts the ES suggests that the specific impacts will be monitored and controlled under the site specific CEMP and any adverse impacts will be minimised to ensure that the overall effects of the demolition and construction activity are considered to be negligible.
- 18.8 The dominant noise source affecting the proposed development site is road traffic on the surrounding road network and train movements on the West Coast Mainline. It is suggested the results of the noise survey and assessment indicate that the proposed outdoor living areas across the majority of the Proposed Development Site will achieve the guideline value of 50dB_LA_{eq} (16

Hour). Local mitigation measures such as an increased standoff and close boarded fencing around garden areas will be required in proposed residential areas located nearest to the dominant sources of noise. Proposed outdoor living areas located closest western boundary with the A51 will need to be located on the screened side of dwellings. The implementation of standard thermal double glazing should ensure that internal noise levels are met in living rooms and bedroom areas across the majority of the development with the windows closed. Acoustic glazing would need to be installed in some living rooms located closest to, and with a direct line of sight of the traffic noise, to ensure that internal guideline levels are met with windows closed.

- 18.9 The facades of the properties further into the site would be screened by intervening buildings. Acoustic ventilation would not necessarily need to be installed in the living rooms and/or bedrooms of these properties. However, the requirement for glazing and acoustic ventilation will be confirmed, on a plot by plot basis, at the reserved matters stage. Mitigation measures will be incorporated in the detailed design to ensure that noise impacts from the proposed premises are reduced to acceptable levels at the existing and proposed sensitive receptors. With the proposed mitigation measures in place, the effect will be “Lowest Observed Effect” at all proposed sensitive receptors. With regards noise within the site and from proposed employment uses, the ES proposes assessment utilising the BS:4142 guidance to support a Reserved Matters planning application.

Officer Assessment

- 18.10 Environmental Health raise no significant concerns with impacts upon neighbouring users in close proximity to the site provided localised mitigation as described is provided for and detailed consideration of noise and vibration (where relevant) is apparent for at each Reserved Matters stage. Conditions are proposed to secure this approach.
- 18.11 An objection is raised by the Environmental Health Officer (EHO) and relates to the proposed residential uses being provided in proximity to the proposed B2 employment uses. The EHO suggests that B2 uses by definition would be inappropriate and could cause disturbance by virtue of smell, fumes, smoke, noise or similar despite site design processes potentially being tailored to the uses proposed and secured by condition. The EHO, as a compromise, suggests the employment area could be zoned, in order to create a buffer of less intensive uses closer to the residential element and the more intensive uses closer to the retained substation.
- 18.12 Your Officers consider that to preclude B2 uses outright from the site would erode the flexibility of the site’s employment offer. It is also noteworthy the applicant’s ambitions for the site include predominantly B1 uses from offices through to light industrial uses. Conditions are included that require for each phase of the development to provide details of noise attenuation measures and noise issues are acknowledged as being the most likely of nuisance complaints associated with B2 uses. Whilst Officers accept the EHO’s view that fumes and odours could in theory arise from a prospective future user, the planning process cannot be expected to pre-empt every eventuality. In the circumstances therefore, whilst the concerns are noted, Officers adopt the view

that the most likely incidence of nuisance are addressed by the proposed conditions and separate pollution control legislation exists to protect occupiers from wider pollution aspects that could potentially arise in the lifetime of the development.

- 18.13 Accordingly, subject to conditions governing noise and vibration as proposed, it is assessed the application is in accordance with Cannock Chase Local Plan Policy CP3 and CP16, relevant Lichfield Local Plan Strategy Policies and NPPF paragraph 127(f).

19 Water Environment

- 19.1 The site is located in a sensitive location in relation to 'Controlled Waters'. Environment Agency Maps and previous site investigations have shown that the underlying geology consists of up to 15m thick Alluvium Clay and River Terrace Deposits over Triassic Sherwood Sandstone. The site has a shallow water table (in general 1.5m to 2m below ground level) and is located adjacent to the River Trent. There are various surface water ponds, drains and channels running straight into the Trent. The majority of the development area is underlain by old Pulverised Fuel Ash deposits and/or on top of historically landfilled areas.
- 19.2 Chapter 12 of the Environmental Statement sets out precautions and mitigation measures that are to be put in place during development. Chapter 10 assesses potential impacts from construction and operational phases on surface water quality and water resources (particularly the River Trent). This includes urban diffuse pollutants, Water Framework Directive assessments, future surface water drainage and SUDS, water quality monitoring.
- 19.3 The Environment Agency confirm past investigations indicate groundwater is known to be already impacted locally (e.g. elevated concentrations of cadmium, copper, manganese and nickel have been recorded near the PFA lagoons). This may increase during construction due to the potential for ground disturbance, dewatering and contaminant mobilisation. Therefore additional ground investigation must be undertaken prior to development commencing to enable more encompassing and detailed consideration of risks from potentially contaminative sources. Where risks are deemed significant, detailed remediation strategies and long term monitoring will have to be developed accordingly.

Flood Risk

- 19.4 The site is located predominantly within Flood Zone 1. Flood Zone 1 is defined by the Environment Agency as land that has a low probability of flooding (<0.1% Annual Exceedance Probability [AEP]). Land to the north and north east of the site between the River Trent and the railway is located in Flood Zone 2 (medium probability of flooding 1% - 0.1% AEP) and Flood Zone 3 (high probability of flooding > 1% AEP).
- 19.5 As part of the process of formal Flood Risk Assessment (FRA), the applicant has provided information which considers the potential sources of flooding at

the site and utilises modelling data to predict anticipated flood levels + 20% climate change. In addition, for robustness, the FRA also calculates a +50% climate change scenario. The report confirms at 4.5 that the River Trent in the area to the north and east of the railway embankment represents the most significant source of flooding.

- 19.6 The FRA assesses ground levels within the existing site are currently higher than the modelled flood water levels for all modelled return period flood events, and that these will be raised further as part of the formation of the proposed development platform in some areas. Therefore the risk of flooding from the River Trent will remain low. Indeed based on the modelled +50% climate change water levels, the applicant's additional modelling has shown that the railway embankment is not integral to the safe development of the site as the ground levels of the railway embankment are between 0.7m and 1.9m above the 1 in 100 year plus 50% climate change flood level and the ground levels within the site are above all modelled flood water levels.

Drainage

- 19.7 The submissions confirm there are several key surface water features on site that will be retained as part of the proposed drainage strategy for the site. These include:

- Brereton and Ravenhill Parish Council Drains (2 x 48" dia. pipes) the 'Town Drain' – located towards the north of the Site. This drainage run is going to be retained during the redevelopment to ensure the correct operation of the existing drainage system and the upstream flood risk is not increased.
- Brereton Brook – retained because its primary function is to convey flows from the wider catchment and the Hawkesyard Estate to the River Trent.
- North Drain – currently provides a drainage system for surface water run-off and allows discharge in to the River Trent. The North Drain forms part of the proposed surface water drainage strategy.
- Kidney ponds – this feature will be retained forming part of the proposed drainage strategy as attenuation.
- The Borrow Pit and Ornamental Lakes - will be retained but at this outline stage are excluded from the proposed drainage strategy in terms of providing additional attenuation.
- Existing culverts under the railway embankment associated with existing surface water discharge from the Site.

Surface water drainage design

- 19.8 The proposed development will utilise an independent surface water network to drain the Site. Storm water will be captured via roof gutters and downpipes, gullies and linear drains where required. Permeable paving and swales will be incorporated upstream of the main attenuation which will assist in improving the water quality and reduce the runoff to the downstream attenuation.
- 19.9 A below ground pipe network will convey storm water to a proposed pond or where space is limited underground Geocellular/ modular storage will be utilised to mitigate any additional storage requirement. An approximate

attenuation storage volume of 24,107 m³ is envisaged within the Flood Risk Assessment. The attenuation will be located at appropriate locations throughout the proposed development and will discharge at a controlled rate, with flow rates will be controlled by a vortex flow control (Hydro-brake® or similar) located after each attenuation feature. The final attenuation feature which will discharge to the existing waterbodies or watercourses which currently discharge in to the River Trent. The existing outfalls have been utilised eliminating the need to create new outfalls to the River Trent.

Foul Drainage

- 19.10 As the existing site and the surrounding drainage network is currently drained via rising mains it will be necessary to pump foul water from the Site. The submissions suggest the development of the site will be split into catchments, generally following the phasing plan, with each catchment drained to the lowest point and then pumped and discharged in to the Severn Trent Water network.
- 19.11 Severn Trent Water is the main asset operator for both surface and foul water drainage in the vicinity of the Site. Severn Trent have confirmed there remains more than enough capacity available for the proposed development at Rugeley Waste Water Treatment Plant. Subject to further agreement and Hydraulic Assessment as recommended by the Environment Agency, overflows to existing waterbodies can be minimised. Conditions are recommended to this effect.

Officer Assessment

- 19.12 Consultees in the form of the Environment Agency, Severn Trent and the County Lead Local Flood Authority have raise no objections to the proposals. Conditions are recommended by these consultees which to some extent overlap with one another and similar conditions relating to ecology. Nevertheless subject to these conditions, it is considered the development would be in accordance with the NPPF Para 170, 174-177, 178-183, Cannock Chase Policy CP16 and relevant Lichfield Local Plan Strategy Policies. As such the development would not present a significant risk to the water environment in the context of the site, subject to the proposed precautionary mitigation.

20 Ground Conditions

Land Stability

- 20.1 The submissions suggest the site is underlain by Alluvium (clay, silt, sand and gravel) and River Terrace Deposits (sand and gravel). The site is also underlain by the Helsby Sandstone Formation. The site is not within a defined High Coal Mining Risk Area and predominantly is not within a designated Flood Plain.
- 20.2 Mitigation as part of the design has been considered for the Proposed Development. For example, the development proposals have taken due account of the ground conditions by minimising built development over alluvium deposits which are known to contain compressible deposits such as Peat, thus

minimising the need for prior removal and stabilisation of such material which in some areas is substantially thick.

- 20.3 Construction techniques would be used which seek to minimise the need for dewatering as far as reasonably practical. Where dewatering is required, water will be stored in ponds, undergo chemical testing and treated if necessary before discharging to foul sewer or a watercourse, subject to obtaining a Trade Effluent Consent or WDA-EP. Flood risk and drainage are considered in detail in Chapter 10 (Water Environment) of the submitted ES.
- 20.4 Foundation design, particularly taking account site constraints such as PFA is not yet fully progressed. Should piling be required to extend below the groundwater level, to reduce the risk of creating pathways from the surface to the underlying groundwater bodies, non-displacement piling construction methods (i.e. where the soil is removed rather than displaced) could be used. Should piling be required, a piling risk assessment will be undertaken and agreed with the Environment Agency. Officers see no reason to disagree with the approach suggested and conditions are included to secure provision of details relating to foundations and ground disturbance.

Contamination

- 20.5 A Human Health Risk Assessment has been carried out within the submissions to using chemical test results obtained from soil samples recovered from the site. A total of 87 samples were tested for a range of substances. In addition site wide groundwater sampling was undertaken with 68 samples site wide. In both cases evidence of contamination was found in the majority of areas.
- 20.6 A formal Remediation and Reclamation Strategy has been prepared for the site by AECOM and is based upon excavation and testing of the site substrate. Remediation and engineered use of site-won materials, treatment of hydrocarbon-impacted materials, removal of segregated asbestos material, risk management of arsenic and beryllium containing site materials and physical modification or stabilisation of wet soils to allow compaction, and a cut-to-fill operation to provide the development platform is proposed. The objective of the works, subject to assessment of ground gas monitoring data from the proposed ground investigation works, is to ensure that the ground gas risk ranking is no greater than Amber 2 (NHBC Traffic Light System) for residential areas and CS3 for commercial areas.
- 20.7 The Council's Environmental Health has been consulted at various stages by the applicant regarding land contamination, and liaison with Lichfield DC's Environmental Health Department has been undertaken to ensure a consistent response. Measures to mitigate the impact of land contamination are provided in the Remediation and Reclamation Strategy and it is confirmed these proposals are to the satisfaction of the respective Environmental Health Officers. Therefore Officers are satisfied the approach proposed to contamination, subject to conditions to secure compliance, is reasonable and appropriate in the context of the specific site circumstances. As such the development would comply with Local Plan Policy CP16 and NPPF paragraphs 178-183.

21 Other Relevant ConsiderationsWaste Management

- 21.1 Policy 1.2 of the Staffordshire and Stoke-on-Trent Joint Waste Local Plan, as supported by paragraph 8 of the National Planning Policy for Waste requires the better use of waste associated with non-waste related development, where all 'major development' proposals should:
- i) Use / Address waste as a resource;
 - ii) Minimise waste as far as possible;
 - iii) Demonstrate the use of sustainable design and construction techniques, i.e.: resource efficiency in terms of sourcing of materials, construction methods, and demolition;
 - iv) Enable the building to be easily decommissioned or reused for a new purpose; and enable the future recycling of the building fabric to be used for its constituent material;
 - v) Maximise on-site management of construction, demolition and excavation waste arising during construction;
 - vi) Make provision for waste collection to facilitate, where practicable, separated waste collection systems; and
 - vii) Be supported by a site waste management / waste audit if the development is likely to generate significant volumes of waste.
- 21.2 The application is accompanied by a Waste Audit and Waste Management Strategy ('the Strategy'). In respect of ground modelling and earthworks/excavation calculations, it is stated that a net fill of approximately 33,000m³ (approximately 45,000 tonnes) will be required to level the site. Approximately 8,000m³ (approximately 12,000 tonnes) of construction waste is also estimated from the development. The Strategy sets out that waste minimisation would be part of the overall sustainable design of the project and up to 80% of construction waste could be designed out. Also a construction material recycling facility could be developed at the start of the project and used as a hub for storing used construction material and a centre for recycling for further use on the project.
- 21.3 The Staffordshire and Stoke-on-Trent Joint Waste Local Plan contains the relevant waste planning policy considerations for the infill process identified for this development. Policy 1.4 (Use of Waste for landscaping, screening, engineering purposes or for the improvement of agricultural or forestry land) emphasises the importance of ensuring that the amount of material is reasonable and necessary and that the proposals are comprehensive, detailed, practicable and achievable within the proposed timescales. Policy 4.2 (Protection of environmental quality) identifies the matters that may be relevant to protect environmental quality, including the effects on people, local communities, and the highway network. Paragraph 6.4 provides a list of the type of matters that may be controlled by condition, which include a condition to define the duration of the development. Assuming an average HGV payload of 20-tonnes the fill required equates to a total of approximately 2,250 HGV loads

or 4,500 two-way HGV movements. It is also important to limit the duration of temporary operations, in order to minimise the effects on local amenity, the environment and the highway network.

- 21.4 Having regard to the policies, guidance and observations referred to above, the application will be policy compliant, subject to the inclusion of a condition to define the duration of the infill operations and ongoing monitoring of waste materials generated and reused on site.

Retained Power Infrastructure & Electromagnetic Radiation

- 21.5 National Grid currently operate, and will continue to operate a 400kv switching facility within the centre of the application site. There are no known future plans for closure or relocation of this facility. The facility comprises an open air grid of frames (up to 20m in height) and transformers enclosed by a wire fence. Existing wayleaves and utilities surrounding the substation provide an informal stand-off/ buffer to the substation. However, a physical and visual buffer will assist in improving the visual amenity of the structure. Access to the substation needs to be provided at all stages of construction and in the final redevelopment of the site and detailed discussions and layout considerations have been undertaken with National Grid in this regard.
- 21.6 A second 132kv switching station also exists within the centre of site. This is operated by Western Power Distribution (WPD) on a sub-lease from National Grid. The operational substation equipment is housed within a large footprint red brick building. It is approximately 16m in height with a flat roof and high level windows. An associated external 'open-air' substation is situated adjacent, enclosed by a steel security palisade fence. As above, access to the 132kv substation needs to be provided at all times and discussions have been undertaken with Western Power to assure both sides of their respective expectations and requirements.

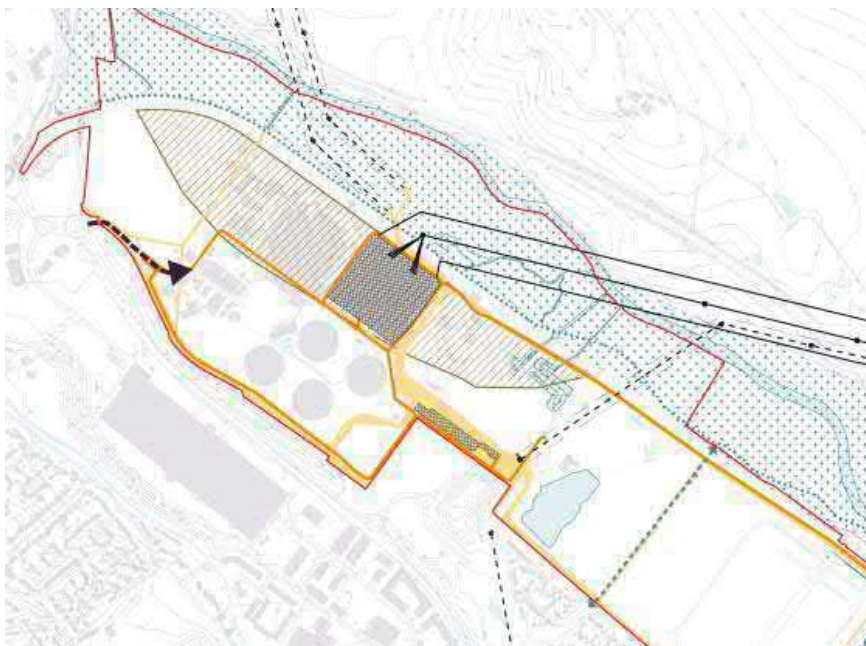


Figure 22: Figure 19: Design and Access Statement Extract showing retained substations within the site (Hatched Grey - 400kv centre of image, 132kv south of main image)

- 21.7 The intended retention of the Switching Stations is acknowledged in Section 4.4.24 of the EIA Screening submissions in relation to Electromagnetic Radiation. These submissions confirmed “the highest likely EMF levels were below UK/European recommended health and safety limits for the general public and would allow the reliable operation of standard communication equipment within any homes that may be built at the residential development.’ Accordingly ‘Scoping Out’ Electromagnetic Radiation as a detailed matter for consideration within the current application was previously agreed on the above basis.
- 21.8 It is noted that National Grid have requested a number of conditions to secure their routes through the site and ensure that the internal road networks be designed so as to have due regard to the location of cables, super grid lines and fibre optic cables, which run through the site. A condition to secure an appropriate design to have regard to these matters is therefore recommended.
- 21.9 Given the above assessment, it is considered that subject to the recommended conditions, the amenity of existing and future residents will be adequately protected and therefore, the proposal will be compliant with the requirements of the Development Plan and NPPF in this regard.

HS2 Safeguarding

- 21.10 The Council has been informed by the statutory consultees from HS2 Ltd that The House of Lords Select Committee Clerks have published their petitioning guidance. The guidance clarifies the petitioning process and, of particular relevance to this proposal is the guidance which relates to additional provisions. Following this guidance HS2 Ltd has sufficient confidence to confirm that it has no objection to the proposed development. This is on the basis that while the proposed development would affect land currently within the limits of land subject to safeguarding directions for the construction and/or operation of Phase 2A of the railway, the Bill’s continued progress through the parliamentary process will confirm that the affected land subject to safeguarding is no longer required for the purposes of constructing and operating the railway. Hence HS2 does not pose a constraint to this development.

Wind Flow Impacts

- 21.11 Ground surface friction results in wind speed generally increasing with height. As such, impacts arising as a result of wind are typically associated with tall buildings over 11 storeys in height, through windward vortexes in which the wind blows perpendicular to the building and is diverted down towards ground level. Given that the proposed development proposes buildings up to a maximum of 5 storeys, which is further limited by the parameter plan restriction of 10% of buildings up to 5 storeys within a parcel, Officers would not anticipate wind to present an issue within the development so as to warrant specialist detailed assessment.

HGV Parking

- 21.12 HGV parking in the context of Rugeley Town Centre is mentioned in some of the responses received, with one suggesting the site should make provision for

parking of this type. It is clear such parking proposals do not form part of the current application. It is also clear the Council has no policies which would require this site to specifically make provision of this type. Thus in the first instance, this matter is not considered to be substantially impacted by the proposals either way.

21.13 However, as a component of the enhancement works to the connectivity around the site as requested by the Staffordshire County Council, it is noted the HGV parking layby on Power Station Road near to the Severn Trent Water facility is proposed to be removed. This is in order to make space for a proposed Toucan Crossing as shown on drawing reference J32 – 3955 – PS – 102 D (Proposed Pedestrian and Cycle Infrastructure Improvements – Northern Site Access).

Renaissance Manager and Contributions

21.14 Regarding a requirement for the development to provide monetary contributions or additional benefits to the town (above and beyond the existing financial and infrastructure improvements proposed), there is no clear policy basis for this type of request. This is because in order to be justifiable planning obligations must meet the relevant tests for Planning Obligations. These are:

- necessary to make the development acceptable in planning terms;
- directly related to the development; and
- fairly and reasonably related in scale and kind to the development.

21.15 These tests are set out as statutory tests in regulation 122 of the Community Infrastructure Levy Regulations 2010 (as amended by the 2011 and 2019 Regulations) and as policy tests in the National Planning Policy Framework. These tests apply whether or not there is a levy charging schedule for the area.

21.16 Whilst Officers note the reference to Mill Green in some correspondence, this was in the context of the development creating trade diversion from the main centre and hence was a potential identifiable impact. In the case of the Power Station, the development proposes housing that is likely to support the centre, proposes junction improvements to the sum of £4.6 million approx., proposes a primary school (approx. £8 million) and secondary contributions to improve existing school facilities (approx. £8 million), canal towpath improvements, health contributions and more to mitigate its effects. Accordingly Officers assess a net benefit to long term economic performance of Rugeley centre, and do not consider a policy basis exists for further requests of this type.

Central 'Third' Access

21.17 A number of respondents including the Lichfield Council Urban Designer suggest the provision of a 3rd vehicular access would significantly improve the accessibility and sustainability of the site as well as improving its permeability and its integration into the wider area. The applicant is aware of this factor and is in negotiations to secure the land of relevance to this additional step. However this is not owned by Engie at this time, and the application proposes only two access points. The Highway Authority have considered this from a safety and accessibility point and deem the two accesses to be acceptable

subject to relevant off-site improvement for the scale of development resulting. Therefore whilst it is recognised a third access would be of benefit, it is not essential to the accessibility and highway safety of the development.

- 21.18 The Rugeley Power Station Development Brief SPD is clear that 2 access points are the minimum that are required. The two current accesses are around 2.2km apart as the crow flies meaning that there will be significant vehicular journeys through the site. Even if this connection cannot be provided at present; consideration should still be given and provision made for its creation in the future, if land ownership issues or other problems are resolved. This aspect of the development should be future proofed so not to preclude the possibility of a third vehicular access point at a future date.

Veteran Trees

- 21.19 The Woodland Trust make the observation that veteran trees T42, T43, T93 and T203 could be impacted by a future cycle link. The cycle and pedestrian route mentioned is that to the north of the site within the Riverside Park. The detailed layout for the area around the trees has not yet been established. Measures that avoid ground disturbance potentially could be utilised in this location to avoid impacts to the root area associated with the trees which are stated as being retained. More detail would need to be provided once a more thorough layout and defined cycle route are provided at Reserved Matters stage.

Model Railway

- 21.20 The applicant has agreed lease terms for temporary use of the site with the Rugeley Power Station Society of Model Engineers (RPSME). However the Society needs to appoint trustees in order to sign the lease a process yet to be completed. The applicant anticipates the RPSME will be back on site early in 2020.

- 21.21 Notwithstanding the above, it should be noted that the demolition consent previously permitted the removal of the miniature train structures from the site and as such, this facility can be removed from the site at any point. The applicant, as described above, is willing however, to allow for the Society to continue to use the site currently. Thus, whilst the long term retention of this facility does not form part of the proposals, this does not make the application unacceptable in planning terms in the Officer's view taking account the fall-back position already approved.

Angling Club

- 21.22 The applicant advises that the lease for use of the Borrow Pit is substantially agreed, including health and safety rules. The applicant needs however to confirm that they are satisfied with the status of the club trustees, who will be signing the agreement. Once the lease is signed, there are issues to be addressed prior to the anglers being back on-site, including gaining approval to remove some small self-setting trees from the fishing pegs. Remediation work is also required to the north of Borrow Pit Lake, but the applicant anticipates that the anglers will be back on site in January 2020.

21.23 The applicant is proposing to retain the Borrow Pit and other blue infrastructure within the site and utilise such for water sports, recreation and landscape play. Further details of the exact make up of these uses will be determined within subsequent reserved matter applications.

Requiring the use of Local Tradesman

21.24 Rugeley Town Council suggest that recruitment of construction personnel should be targeted at local builders/ tradesman. The Council's Policies and National Policies contain no guidance or requirements to justify conditions or S106 requests of this type.

22 Planning Obligations

Community Infrastructure Levy (CIL)

22.1 Whilst the proposal is for outline planning consent it should be noted that as a residential development scheme the proposal is CIL (Community Infrastructure Levy) liable and the level of contribution required will be determined at the reserved matters stage once detailed floor space figures are available.

22.2 In relation to the 'in-use' building credit that may be relevant to this application, the CIL Regulations (2010, as amended) provide a clear set of circumstances for when any discounts to CIL arising from in-use buildings on site may apply. There are clear provisions for what is considered to be a 'in-use building' namely that it is a relevant building and it contains a part that has been in lawful use for a continuous period of at least 6 months within the period of 3 years ending on the day planning permission first permits the chargeable development. The Regulations provide a clear definition of relevant buildings (e.g. excludes buildings into which people do not normally go). Regulations also define when planning permission first permits development in the context of CIL i.e. the approval of the last of the reserved matters, or in the case of pre-commencement conditions when the last of these has been discharged. It may be useful at this stage to consider any implications for the CIL charges arising from such issues.

22.3 Planning Obligations:

1. On-site affordable housing provision equivalent to 17.6% spread evenly across the site (approx. 405 dwellings total)
2. On-site Sports Provision (including changing facilities and management).
3. On-site Public Open Space Provision (including delivery of Riverside Park, retained and new allotments and public art)
4. Delivery of 2 form of entry primary school on site or £7.9 Million contribution and secondary school contribution of £8 Million
5. Highways and Transport Contributions (Off-site Highway Works costed to approximately £4.6 Million), off site linkage improvements, Trent Valley Station Improvements and canal towpath improvements
6. Public Transport Contribution (approx. £3.345 Million) or equivalent similar provision of public transport
7. Travel Plan Monitoring Sum £50,000

8. Air Quality Mitigation Contribution towards Cannock Chase SAC (£2.387 Million)
9. Provision of on-site Community Building and Healthcare Contribution (between £430-736K)
10. Note a separate Unilateral Undertaking relating to the payment of £221 per dwelling for the Cannock Chase SAC SAMM measures is also required.

23 Planning Conditions

In light of the above assessment, the following would also be required in the interests of the proper planning of the local area and to make the development acceptable in planning terms:

1. The development hereby approved shall be begun either before the expiration of five years from the date of this permission, or before the expiration of two years from the date of approval of the last of the reserved matters to be approved, whichever is the later. Application(s) for the approval of the reserved matters shall be made to the Local Planning Authority before the expiration of twenty years from the date of this permission.
2. The first reserved matters application shall be made within 3 years of the date of this planning permission.
3. The development authorised by this permission shall be carried out in complete accordance with the approved plans and specification, as listed on this decision notice, except insofar as may be otherwise required by other conditions to which this permission is subject.
4. This is an outline planning permission and no phase of development shall be commenced (excluding works identified as “exempt development” in the Schedule of Definitions) until details of layout of the site, including the disposition of roads and buildings; existing and proposed ground level and finished floor level; the design of all buildings and structures; the external appearance of all buildings and structures including materials to be used on all external surfaces; boundary treatments; housing mix; surfacing treatments; the means of pedestrian and cycle access and parking layout; and the landscape and planting of the site (except the approved access to the A513, through Lichfield District Council application number 17/00453/FULM) for that phase have been submitted to and approved by the Local Planning Authority by way of reserved matters application(s).

CONDITIONS to be complied with PRIOR to the submission of any Reserved Matters applications:

5. Before the submission of the first Reserved Matters application (with the exception of the Western Gateway and the Riverside Park), pursuant to Condition 4, a scheme for the phasing of the development of the entire site (to be broadly in accordance with the Illustrative Phasing Plan reference 01585_PP_06 Revision P4), shall be submitted to and approved in writing by

the Local Planning Authority. The development shall thereafter be undertaken in broad accordance with the approved phasing plan.

CONDITIONS to be complied with PRIOR to the commencement of development hereby approved:

6. a: The first application for Reserved Matters (with the exception of the Western Gateway or the Riverside Park), pursuant to Condition 4, shall be accompanied by a Site Wide Design Code, to include a Regulating Plan, for the development of the site for approval in writing by the Local Planning Authority. The Site Wide Design Code will be broadly in accordance with the Design and Access Statement and Landscape Design Statement submitted with the application and shall include the following, where relevant:

Built form

- (i) Character areas;
- (ii) Principles of building forms and housing mix;
- (iii) Development parcel access locations; and
- (iv) Detail of key nodes / building groupings.

Public realm

- (i) A movement framework including street types, road hierarchy, street layout and character, and measures to restrain the speeds of vehicles to 20mph and to give consideration to the need to accommodate access for oversize / wide-load vehicles;
- (ii) Landscape design principles;
- (iii) Detail of key green infrastructure elements (location, size, function and character);
- (iv) Footpath and cycle networks;
- (v) Connections to the surrounding area for all transport modes; and
- (vi) Connections through the site for all transport modes.

- b: The submission of any Reserved Matters for a phase of development (with the exception of the Western Gateway or the Riverside Park), pursuant to Condition 4, shall be accompanied by a Design Code, to include a Masterplan, for the development of that phase, or phases, for approval in writing by the Local Planning Authority. The Design Code will be broadly in accordance with the Site Wide Design Code and shall include the following, where relevant:

Built Form

- (i) Principles of corner treatment;
- (ii) Principles of elevational design;
- (iii) Principles for placement of entrances;
- (iv) Building materials palette;
- (v) Principles of energy efficiency;
- (vi) Principles of service arrangements;

- (vii) Continuation in use of existing substations (including access for vehicles where necessary);
- (viii) Consideration of housing mix, with reference to the Parameter Plans pursuant to Condition 3 and the latest evidence on need; and
- (ix) Principles of dwelling garden sizes, parking standards and separation distances / daylight standards.

Public Realm

- (i) Boundary treatments;
- (ii) Surface materials palette;
- (iii) Planting palette;
- (iv) Ecological design principles;
- (v) Parking strategy including the provision of secure cycle parking facilities for all uses on site;
- (vi) The locations, layout and specifications of public open space and SUDs; and
- (vii) The location, proposed uses and layout of the Neighbourhood Square in the Northern Mixed Use Area.

c: The submission of any Reserved Matters for a phase of development relating to the Western Gateway (comprising approximately 300m of spine road from the A51 access) or the Riverside Park, pursuant to Condition 4, shall be accompanied by a Design Brief, to include a Masterplan, for the development of that phase, or phases, for approval in writing by the Local Planning Authority. The Design Brief will be broadly in accordance with the Design and Access Statement and Landscape Design Statement submitted with the application and shall include the following:

- (i) A movement framework, including the approach for connecting the site to enable sustainable movement through the site for all transport modes;
- (ii) Detailed landscape design; and
- (iii) Detail of key green infrastructure elements (location, size, function and character).

7. Each application for the approval of Reserved Matters, pursuant to Condition 4, shall be accompanied by a statement that demonstrates that such details of reserved matters accord as applicable with the design principles of the approved Site Wide Design Code and relevant Detailed Design Code pursuant to Condition 6 a/b or the relevant Design Brief pursuant to Condition 6c. The statement shall include matters of the following as relevant:

- (i) Building mass;
- (ii) Public realm and amenity space;
- (iii) Accessibility for all;
- (iv) Footpaths and cycle ways
- (v) Car and cycle parking, including visitor car parking and secure cycle parking;
- (vi) Vehicular accesses and circulation;
- (vii) Service arrangements;
- (viii) Details of hard and soft landscaping;

- (ix) Ecological design principles;
- (x) Existing and proposed levels;
- (xi) Security and safety;
- (xii) Principles of energy efficiency;
- (xiii) Materials; and
- (xiv) Layout.

The development of that Reserved Matters phase shall not be commenced until the statement has been approved in writing by the Local Planning Authority. Development of that phase shall thereafter be carried out in accordance with the approved details.

8. Each application for the approval of Reserved Matters pursuant to Condition 4, shall be accompanied by a Landscape Management Plan for that phase, to include an implementation timetable; long term design objectives; management responsibilities; and maintenance schedules for all landscape areas, other than small, privately owned domestic gardens, for approval in writing by the Local Planning Authority. The Landscape Management Plan shall thereafter be implemented in accordance with the approved details and timescales.

9. Each application for Reserved Matters, pursuant to condition 4, shall be accompanied by a Construction Environment Management Plan (CEMP) and Habitat Management Plan (HMP) for that phase expanding upon the information provided within the Environmental Statement, Chapter 9 Ecology, the Environmental Statement Addendum, Technical Appendix 9.8 Biodiversity Net Gain, Letter Appendix A – Ecology Correspondence, Figure 9.10 Biodiversity Calculations and Proposed Development Habitats and Section 9.7 Additional Mitigation, Compensation and Enhancement Measures of the Environmental Statement, detailing in full, measures to protect existing habitat during construction works and the formation of new habitat to secure an overall site wide net gain value of no less than 27.89 Biodiversity Units, for approval in writing by the Local Planning Authority. Within the CEMP/HMP document the following information shall be provided:
 - i) Current soil conditions of any areas designated for habitat creation and detailing of what conditioning must occur to the soil prior to the commencement of habitat creation works (for example, lowering of soil pH via application of elemental sulphur);
 - ii) Descriptions and mapping of all exclusion zones (both vehicular and for storage of materials) to be enforced during construction to avoid any unnecessary soil compaction on area to be utilised for habitat creation;
 - iii) Details of both species composition and abundance (% within seed mix etc.) where planting is to occur;
 - iv) Proposed management prescriptions for all habitats for a period of no less than 25 years;
 - v) Assurances of achievability;
 - vi) Timetable of delivery for all habitats; and
 - vii) A timetable of future ecological monitoring to insure that all habitats achieve their proposed management condition as well as description of a feed-back mechanism by which the management prescriptions can be amended should the monitoring deem it necessary.

The development of the phase shall thereafter be undertaken in accordance with the approved CEMP/HMP.

10. Each application for Reserved Matters, pursuant to condition 4, shall be accompanied by an Ecological Mitigation Strategy for that phase, expanding upon the information provided within Section 9.7 Additional Mitigation, Compensation and Enhancement Measures of the Environmental Statement and Chapter 9 Ecology, the Environmental Statement Addendum and Letter Appendix A – Ecology Correspondence, detailing in full, ecological mitigation measures, for approval in writing by the Local Planning Authority. The development of the phase shall thereafter be undertaken in accordance with the approved Ecological Mitigation Strategy.

11. Each application for Reserved Matters for each phase of development, pursuant to Condition 4, shall be accompanied by a detailed Surface Water Drainage Strategy for that phase for approval in writing by the Local Planning Authority. The Surface Water Drainage Strategy shall be in accordance with the principles set out in the approved Flood Risk Assessment (Report no. WORK\34060387\v.2 Rev 3 dated 14th May 2019 compiled by AECOM) and Drainage Strategy Report (WORK\34060242\v.2 Rev 4 dated 15th May 2019 compiled by AECOM) and shall include details of the following measures:
 - i) Percolation assessments carried out in accordance with BRE digest 365 to determine infiltration potential;
 - ii) The assessment of existing outfalls and remediation where required to accommodate flows from the development;
 - iii) The incorporation of SuDS features including source control, permeable paving, swales and open water features within the drainage design to provide adequate water quality treatment in accordance with CIRIA C753;
 - iv) Surface water discharge from each Area to be limited to the combined restricted rates for the equivalent return period storms as specified in Appendix A of the Drainage Strategy Report;
 - v) The provision of adequate on-site attenuation features across the site to limit the maximum surface water discharge to the combined restricted rates for the equivalent return period storms as specified in Appendix A of the Drainage Strategy Report;
 - vi) Where attenuation features are allocated to serve multiple phases, they will be constructed and operational to serve the relevant phase;
 - vii) Finished floor levels are set no lower than 150mm above local surrounding ground levels;
 - viii) The management of overland flows in the event of exceedance or blockage of the drainage network to ensure no flooding to property;
 - ix) The details of an achievable and site-specific maintenance plan for each phase of the development including the provision of access;
 - x) All built development located in Flood Zone 1; and
 - xi) No ground raising in the flood plain.

The development in that phase shall thereafter be carried out in accordance with the provisions of the approved Surface Water Drainage Strategy.

12. Before the development hereby approved is commenced, within each phase of the development (as approved by condition 5), a Construction Environmental Management Plan for that phase shall be submitted to and approved in writing by the Local Planning Authority. The management plan shall:
- i) Specify details of the site compound, cabins, material storage areas and vehicular access point;
 - ii) Specify the delivery and working times;
 - iii) Specify the types of vehicles;
 - iv) Specify noise, air quality and dust control;
 - v) The management and routing of construction traffic;
 - vi) Provide for the parking of vehicles of site operatives and visitors and wheel washing facilities;
 - vii) Provide for the loading and unloading of plant and materials;
 - viii) Provide for temporary trespass proof fencing adjacent to the railway;
 - ix) Provide for the storage of plant and materials used in constructing the development; and
 - x) Provide details for the restoration of the site.

The development in that phase shall be carried out in accordance with the approved details and thereafter be adhered to throughout the construction period.

13. Before the development hereby approved is commenced, within any relevant phase of development (as approved by condition 5), a timetable for the provision/ improvement of on-site linkages to footpaths, footways and cycleways adjacent to that phase, shall be submitted to and approved in writing by the Local Planning Authority. The development of the phase there of shall be carried out in accordance with the approved timetable.
14. Before the development hereby approved is commenced within any relevant phase of development (as approved by Condition 5) that includes the 'community square' or spine road, details of the following shall be submitted to and approved in writing by the Local Planning Authority and the approved details implemented prior to completion of that phase:
- Bus layover facilities at "community square" to include passive electric charging infrastructure, shelter, flag, timetable case and Real Time Passenger Information display.
 - Bus stopping facilities along the rest of the spine road shall be road provided with shelter, flag, timetable case and bus markings.
15. Before the development hereby approved is commenced, within any relevant phase of development (as approved by condition 5), the trees and hedgerows that are to be retained as part of the approved landscape and planting scheme for that phase of the development shall be protected in accordance with BS 5837:2012, in accordance with details to be first submitted to and approved in writing by the Local Planning Authority. The agreed tree/hedge protection measures shall be put in place prior to the commencement of any construction works within a particular phase and, shall be retained for the duration of construction works within that phase (including any demolition and / or site clearance works), unless otherwise agreed in writing by the Local Planning

Authority. No fires, excavation, change in levels, storage of materials, vehicles or plant, cement or cement mixing, discharge of liquids, site facilities or passage of vehicles, plant or pedestrians, shall occur within the protected areas. The approved scheme shall be kept in place until all parts of the development within that phase have been completed, and all equipment; machinery and surplus materials have been removed for that phase of development.

16. Before the development hereby approved is commenced, within any relevant phase of development (as approved by condition 5), details of all proposed boundary treatments within the respective phase, including full details of any treatment within Public Open Spaces, and a trespass proof fence to be erected adjacent to the railway boundary, shall be submitted to and approved in writing by the Local Planning Authority. The approved trespass proof fence shall be implemented prior to the first occupation of any dwelling within the phase and thereafter be retained for the life of the development. The Public Open Space boundary treatment shall be provided before first use of that Public Open Space. The residential boundary treatments shall be implemented in accordance with the approved details, prior to the occupation of the dwelling(s) to which the respective boundary treatment(s) is to serve.
17. Before the development hereby approved is commenced, within any relevant phase of development that includes buildings (as approved by condition 5), full details of the proposed foul water drainage system for the specific phase of development shall be submitted to and approved in writing by the Local Planning Authority. The approved drainage system shall thereafter be provided before the first occupation of any of the buildings in that phase.
18. a. Recognising that separate remediation works, which are not part of this development, are being undertaken on the site to surrender environmental permits under the exclusive jurisdiction and control of the Environment Agency and that this condition is not intended to conflict with such works, before the development hereby approved is commenced, within any relevant phase of development (as approved by condition 5), a site redevelopment remediation strategy to ensure the particular phase in question is suitable for its intended use, that includes the following components to deal with the risks associated with contamination of the site shall be submitted to and approved in writing by the Local Planning Authority:
 - (a) A preliminary risk assessment which has identified:
 - (i) All previous uses
 - (ii) Potential contaminants associated with those uses
 - (iii) A conceptual model of the site indicating sources, pathways and receptors
 - (iv) Potentially unacceptable risks arising from contamination at the site in the context of this development.
 - (v) A site investigation scheme to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off-site;
 - (vi) The results of the site investigation and detailed risk assessment referred to in (i) and, based on these, an

options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken; and

- (vii) A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the site development remediation strategy are complete and identifying any requirements for longer term monitoring of pollutant linkages, maintenance and arrangements for contingency action.
- b. A validation report shall be submitted to and approved in writing by the Local Planning Authority within 1 month of the approved development remediation being completed, to ensure that all contaminated land issues on the specific phase of development have been adequately addressed prior to the first occupation of any part of that phase of the development. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site development remediation criteria have been met. It shall also include any plan (a "long-term monitoring and maintenance plan") for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action, as identified in the verification plan. The long-term monitoring and maintenance plan shall be implemented as approved.
19. Before the development hereby approved is commenced, within any relevant phase of development (as approved by condition 5), a Water Framework Directive Enhancement Opportunities Plan for that phase shall be submitted to, and approved in writing by, the Local Planning Authority. The Plan shall include the following elements:
- details of enhancement proposals for all affected water bodies;
 - details of design and management of buffers around on site water bodies; and
 - details on how SUDs will be maintained in the long-term to ensure no deterioration in outfall water quality.

The Water Framework Directive Enhancement Opportunities Plan for that phase shall be carried out as approved.

20. Before the development hereby approved is commenced within the phase of development (as approved by condition 5), which incorporates the proposed cricket pitch, a ball strike assessment shall be submitted to and agreed in writing by the Local Planning Authority, in consultation with Sport England. Where the submitted assessment demonstrates the need to provide ball stop mitigation, full details of the design and specification of the ball stop mitigation, including details of management and maintenance responsibilities, shall be submitted to and approved in writing by the Local Planning Authority. The approved details shall be installed in full before the cricket pitch is operational and thereafter be managed and maintained in accordance with the approved details.
21. Before the development hereby approved is commenced within the phase of development (as approved by condition 5), which incorporates the proposed

bowling green, details of floodlighting (including location, specification, maintenance and hours of operation) shall be submitted to and approved in writing by the Local Planning Authority. The floodlighting for the bowling green shall be installed in accordance with the agreed details, before the bowling green is operational, and the floodlighting shall thereafter be managed and maintained in accordance with the approved details.

22. Before the development hereby approved is commenced within the phase of development (as approved by condition 5), which incorporates the proposed Community Sports Pitches (as defined in the Section 106 Agreement), the following documents shall be submitted to and approved in writing by the Local Planning Authority:
- i) A detailed assessment of ground conditions (including drainage and topography) of the land proposed for the playing field, which identifies constraints which could adversely affect playing field quality; and
 - ii) Where the results of the assessment to be carried out pursuant to (i) above identify constraints which could adversely affect playing field quality, a detailed scheme to address any such constraints. The scheme shall include a written specification of the proposed soils structure, proposed drainage, cultivation and other operations associated with grass and sports turf establishment and a programme of implementation.

The approved scheme shall be carried out in full and in accordance with the approved programme of implementation. The land shall thereafter be maintained in accordance with the scheme and made available for playing field use in accordance with the approved scheme.

23. Before the development hereby approved is commenced, an overarching written scheme of investigation (WSI), which sets out a programme of archaeological work for all relevant phases of the development, shall be submitted to and approved in writing by the Local Planning Authority. The WSI shall provide details of a programme of archaeological works, including details of a programme of archaeological earthwork survey to be carried out across surviving areas of ridge and furrow within the site. The WSI shall include post-excavation reporting and appropriate publication. The WSI shall thereafter be implemented in full in accordance with the approved details and timescales.
24. Before the development hereby approved is commenced within any relevant phase of development (as approved by condition 5), a scheme of any proposed external lighting for that phase, shall be submitted to and approved in writing by the Local Planning Authority. The approved lighting scheme for that phase shall thereafter be implemented in accordance with the approved details.
25. Before the development hereby approved is commenced, within any relevant phase of development (as approved by condition 5), a Site Waste Management Plan for that phase (which shall accord with the mitigation measures identified within the 'Outline Solid Waste Management Strategy' produced by Savills dated May 2019) shall be submitted to and approved in writing by the Local Planning Authority. The development of that phase shall thereafter be undertaken in accordance with the approved Site Waste Management Plan.

All other CONDITIONS to be complied with:

26. The off-site highway improvements shall be broadly in accordance with the works shown on drawings:
- J32 – 3955 – PS - 100 D (Proposed Infrastructure Improvements – Overview Plan),
 - J32 – 3955 – PS – 101 D (Proposed Pedestrian and Cycle Infrastructure Improvements – Rugeley Trent Valley Approach).
 - J32 – 3955 – PS – 102 D (Proposed Pedestrian and Cycle Infrastructure Improvements – Northern Site Access).
 - J32 – 3955 – PS – 103 C (Proposed Pedestrian and Cycle Infrastructure Improvements – Armitage Road and Rugeley Town Station).
 - J32 – 3955 – PS – 104 D (Proposed Pedestrian and Cycle Infrastructure Improvements – A513/A51 and Canal Proposals).
 - J32 – 3955 – PS – 105 C (Proposed Pedestrian and Cycle Infrastructure Improvements – Brereton Hill Roundabout).
 - J32 – 3955 – PS – 106 A (Proposed Off-Site Junction Improvements A51/RWE Roundabout).
 - J32 – 3955 – PS – 107 A (Proposed Off-Site Junction Improvements A51/Wheelhouse Road Roundabout).
 - J32 – 3955 – PS – 108 B (Proposed Off-Site Junction Improvements A51/A513 Armitage Road Roundabout).
 - J32 – 3955 – PS - 109 A (Proposed Off-Site Junction Improvements A51/Wheelhouse Road Roundabout).
 - J32 – 3955 – PS – 111 A (Proposed Pedestrian and Cycle Infrastructure Improvements – Power Station Link Road).
 - J32-3955-PS-113 B (Proposed Pedestrian and Cycle Infrastructure Improvements – Canal Proposals (Bridge 62-Bridge 62A)).

The development shall be carried out in accordance with a phased approach as set out in the Section 106 Agreement.

27. The cycle parking for any apartments, commercial premises (including showers and lockers for B Class Uses), primary school, health facility or community hall shall be implemented in accordance with the approved details pursuant to Condition 6, prior to the first occupation of those buildings and shall thereafter be retained for their designated purpose for the life of the development.
28. Prior to the formation of building foundations in a particular phase (as approved by condition 5), a detailed noise and vibration assessment for that phase of development shall be submitted to and approved in writing by the Local Planning Authority. This shall include an assessment of all sources of noise and vibration, including that associated with the railway and existing road network, electricity infrastructure, the sports uses and any classes within Use Class A, B and D (as defined under the Town & Country Planning (Use Classes) Order 1987, as amended, and the Town and Country Planning (General Permitted Development) Order 2015, as amended) forming part of the development, and details of any mitigation required. The approved mitigation for that phase shall be carried out in full prior to first occupation of any building

within that phase, or other use of approved sports pitches or A, B and D Use Class within the development.

29. The distributor road between the A51 and A513 shall be broadly in accordance with the Access and Movement Parameter Plan as approved under Condition 3. The distributor road as shown on the Access and Movement Parameter Plan shall be completed to a level to allow for Passenger Carrying Vehicles to deliver a service, in accordance with the approved details, on or before the first occupation of the 301st dwelling served from either the A51 or A513 access in the development.
30. The development hereby approved shall be carried out in strict accordance with the Reasonable Avoidance Measures (RAMS) for all species identified as being potentially impacted detailed in Section 9.7 Additional Mitigation, Compensation and Enhancement Measures of the Environmental Statement and Chapter 9 Ecology, the Environmental Statement Addendum. The measures shall be implemented in accordance with the approved timetables and shall thereafter be retained throughout construction works.
31. Prior to undertaking any vibro-impact works or piling on site, a risk assessment and method statement shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be undertaken in accordance with the approved measures.
32. Prior to the first occupation of any dwellings and apartments, within each phase of development (as approved by condition 5), details of active Electric Vehicle Charging Points to serve 5% of the publicly available visitor parking spaces, which will serve these uses, along with appropriate passive infrastructure to serve up to a further 15% of the publicly available visitor parking spaces (that is a total provision of up to 20% of spaces), shall be submitted to and approved in writing by the Local Planning Authority. Details of passive Electric Vehicle Charging infrastructure to serve each individual dwelling shall be submitted to and approved in writing by the Local Planning Authority

The active Electric Vehicle Charging Point (in the case of 5% of visitor spaces) and passive Electric Vehicle Charging infrastructure shall be installed prior to first occupation / use of the dwelling / visitor spaces to which they relate and thereafter be retained for the life of the development.

33. Prior to the first use of the commercial and community buildings, details of active Electric Vehicle Charging Points to serve 5% of the parking spaces, which will serve these uses, along with appropriate passive infrastructure to serve up to a further 15% of these spaces (that is a total provision of up to 20% of spaces), shall be submitted to and approved in writing by the Local Planning Authority. The active Electric Vehicle Charging Points and passive infrastructure shall be installed prior to first use of the respective unit of the phase to which it relates and thereafter be retained for the life of the development.
34. Prior to erecting any scaffold within 10 metres of a boundary of the railway line, a method statement, including details of measures to be taken to prevent construction materials from the development reaching the railway (including

protective fencing) shall be submitted and approved in writing by the Local Planning Authority. The approved measures shall be retained in place throughout the construction phase on the specified buildings.

35. Before the first occupation of any dwellings hereby approved, the parking and turning areas associated with each respective property shall be provided and thereafter retained for their designated purposes for the life of the development.
36. Before the first use of the non-residential building to which it relates, the car parking, servicing and circulation areas, for each respective building, shall be provided. The car parking space, servicing and circulation areas shall be sustainably drained, hard surfaced in a bound material, lit and marked out and thereafter, shall be retained in accordance with the approved plans, for the life of the development.
37. Before the first occupation of any dwelling in phases 2a, 2b and 2c (as shown on Illustrative Phasing Plan reference 01585_PP_06 Revision P4), the proposed roundabout access onto the A513, shown illustratively on drawing J32-2608-PS-111 rev A, shall be complete.
38. All site clearance works associated with the development hereby approved, shall take place and be completed outside of the bird nesting season (March to August inclusive) or if works are required within the nesting season, an ecologist will be present to check for evidence of breeding birds immediately prior to the commencement of works. Works could then only commence if no evidence is recorded by the ecologist. If evidence of breeding is recorded, a suitable buffer zone would be set up to avoid disturbance until the young have fledged.
39. The Reserved Matters within each phase of development to be submitted pursuant to Condition 4 of this permission shall include details of noise attenuation measures designed to protect future occupants of that particular phase from noise nuisance arising from external noise sources, including road and rail traffic and existing and future residents from potential noise sources from uses and activities within the site, including the sports pitches. Any required approved noise mitigation measures shall thereafter be implemented, in accordance with the approved details, prior to the occupation of any dwelling.
40. All phases of development (as approved by condition 5) shall include a minimum of 15% affordable housing, with an overall minimum provision site wide of 17.6%.
41. There shall be no more than 2,300 dwellings provided on the site.
42. Prior to the first occupation of any dwellings and apartments, within each phase of development (as approved by condition 8), high speed broadband infrastructure shall be installed.
43. Should the southern mixed use area (as identified on the approved Land Use Parameter Plan pursuant to Condition 3, provide more A1 floor space than the threshold in the adopted Local Plan (currently 100 sq. m), the relevant reserved matters to be submitted pursuant to condition 4 of this permission, shall be

accompanied by a retail impact assessment, in order to justify the level of retail proposed. The development shall thereafter be carried out in accordance with the approved details.

44. Within the northern mixed use area (as identified on the approved Land Use Parameter Plan pursuant to Condition 3), a maximum of 2,499sqm gross external floorspace of main town centre uses (as defined in Annex 2 of the NPPF 2019) excluding Class B1a offices shall be provided, with no more than 500sqm gross external floorspace of Main Town Centre Uses provided in any one unit.

Within the southern mixed use area (as identified on the approved Land Use Parameter Plan pursuant to Condition 3), a maximum of 1,000sqm gross floorspace of main town centre uses (as defined in Annex 2 of the NPPF 2019) excluding Class B1a offices shall be provided, with no more than 99sqm gross floorspace of Class A1 retail floorspace to be provided.

The total amount of A1 Use Class Retail floorspace should not exceed 2,499sqm across the whole site.

45. Any B1 or B2 unit, erected within the employment area (located within Lichfield District), which has a floor area greater than 1,000 square metres, shall within 6 weeks of the completion of the shell and core works, have a certificate of compliance, from an accredited assessor confirming that the unit has achieved a minimum BREEAM rating of Very Good, submitted to and approved in writing by the Local Planning Authority.
46. Before the first use of any buildings approved by a reserved matters application, as a Restaurant or Café (Class A3), a Drinking Establishment (Class A4) or a Hot Food Takeaway (Class A5), details of a scheme for the control of odour and other emissions shall be submitted to and approved in writing by the Local Planning Authority. The approved odour mitigation shall be installed before the development is first brought into use and shall thereafter be retained for the life of the buildings use as a Restaurant or Café.
47. Prior to the first use of any external plant or water storage tanks, associated with the approved employment uses, details of these machines and structures and any associated enclosures shall be submitted to and approved in writing by the Local Planning Authority along with full details of any noise mitigation measures. Any approved mitigation or enclosure shall be installed prior to the first use of the plant or water tank and shall thereafter be maintained for the life of the development.
48. Prior to the occupation of the first dwelling, details of a pedestrian and cycle link between the A51 and Power Station Road shall be submitted to and approved by the Local Planning Authority. These details shall include a timeframe for the delivery of the link and measures for its long-term maintenance. The link shall be carried out in accordance with the agreed details and shall thereafter be retained for public access in perpetuity.

REASONS FOR CONDITIONS

1. In order to comply with the requirements of Section 91 of the Town and Country Planning Act 1990, as amended.
2. In order to comply with the requirements of Section 91 of the Town and Country Planning Act 1990, as amended.
3. For the avoidance of doubt and in the interests of proper planning and accordance with the applicant's stated proposals.
4. The application has been made for outline permission only with these matters reserved for subsequent approval. Therefore, such details are required to be submitted and agreed in order to ensure a satisfactory form of development, safeguard the character of the area and amenity of future residents in line with Cannock Chase Local Plan Policies CP1 and CP3 as well as the Rugeley Power Station Development Brief Supplementary Planning Document.
5. To ensure the appropriate timing of delivery of housing, green infrastructure, highway and transport improvements and social infrastructure, to promote a sustainable development, to safeguard residential amenity and the appearance of the development, in accordance with Lichfield Core Policies 3 and 4, and Policies BE1, IP1, HSC1 and East of Rugeley of the Local Plan Strategy, Policy R1 of the Local Plan Allocations Document, the Rugeley Power Station Development Brief and Cannock Chase Local Plan Policies CP1, CP3, CP5, CP6, CP7 and the Design SPD and Developer Contributions and Housing Choices SPD.
6. To ensure the high quality form and appearance of the development, ensure continuity in use of the site within the electricity network and to enhance natural habitat, in accordance with the requirements of Lichfield Core Policies 3 and 13, and Policies NR3, NR4, BE1 and East of Rugeley of the Local Plan Strategy, Policy R1 of the Local Plan Allocations Document, the Rugeley Power Station Development Brief and Cannock Chase Local Plan Policy CP3 the Design SPD and the adopted Developer Contributions and Housing Choices SPD.
7. To ensure a high quality and cohesive form and appearance of development, and in the interests of highway safety; to comply with Staffordshire County Council requirements for access; and to safeguard the amenity of future occupiers, in accordance with the requirements of Lichfield Core Policies 3, 4 and 10, and Policies BE1, IP1, HSC2, NR3 and East of Rugeley of the Local Plan Strategy, Policy R1 of the Local Plan Allocations Document, the Rugeley Power Station Development Brief and Cannock Chase Local Plan Policy CP3, the Design SPD and the adopted Developer Contributions and Housing Choices SPD.
8. In order to safeguard the arboriculture and ecological interests of the site, secure biodiversity enhancements and to ensure the long term management of the site in preparation of significant public use, in accordance with the requirements of Lichfield Core Policies 3, 11 and 13 and Policy NR3 of the

Local Plan Strategy and Cannock Chase Local Plan Policies CP3, CP12 and the National Planning Policy Framework.

9. In order to safeguard the ecological interests of the site and encourage enhancements in biodiversity and habitat in accordance with Lichfield Core Policies 3 and 13 and Policy NR3, Cannock Chase Local Plan Policies CP3, CP12 and the National Planning Policy Framework.
10. In order to safeguard the ecological interests of the site and encourage enhancements in biodiversity and habitat in accordance with Lichfield Core Policies 3 and 13 and Policy NR3 of the Local Plan Strategy, Cannock Chase Local Plan Policies CP3, CP12 and the National Planning Policy Framework.
11. To ensure the provision of satisfactory means of drainage to serve the development, to reduce the risk of creating or exacerbating flooding problems, to minimise the risk of pollution and protect controlled waters, protect the on-going operation of the railway network and to ensure that sustainability and environmental objectives are met, in accordance with provisions of Lichfield Core Policy 3, and Policy BE1 of the Local Plan Strategy, Cannock Chase Local Plan Policy CP16 and the National Planning Policy Framework.
12. In the interests of highway safety and to protect the amenity of existing and future residents, in accordance with the requirements of Lichfield Policies BE1 and ST1 of the Local Plan Strategy, the Rugeley Power Station Development Brief, Cannock Chase Local Plan Policy CP3 and the National Planning Policy Framework.
13. To promote the use of sustainable modes of transportation in accordance with Policies BE1 and ST1 of the Lichfield Local Plan Strategy, the Rugeley Power Station Development Brief, Cannock Chase Local Plan Policy CP10 and the National Planning Policy Framework.
14. To promote the use of sustainable modes of transportation in accordance with Policies BE1 and ST1 of the Local Plan Strategy, the Rugeley Power Station Development Brief and Cannock Chase Local Plan Policy CP10 and the National Planning Policy Framework.
15. To ensure the high quality form and appearance of the development and to enhance the natural habitat, in accordance with the requirements of Core Policies 3, 13, and 14 and Policies NR3, NR4, BE1 and East of Rugeley of the Local Plan Strategy, the Rugeley Power Station Development Brief, Cannock Chase Local Plan Policy CP3 and the adopted Cannock Chase Design SPD.
16. To ensure the high quality form and appearance of the development and to safeguard the on-going operation of the railway network, in accordance with the requirements of Lichfield Core Policies 3, 13, and 14, the Rugeley Power Station Development Brief SPD, Cannock Chase Local Plan Policy CP3 and the National Planning Policy Framework.
17. To ensure the provision of satisfactory means of drainage to serve the development, to reduce the risk of creating or exacerbating flooding problems and to minimise the risk of pollution and to ensure that sustainability and

environmental objectives are met, in accordance with provisions of Lichfield Core Policy 3, and Policy BE1 of the Local Plan Strategy, Cannock Chase Local Plan Policies CP3 and CP12 and the National Planning Policy Framework.

18. To ensure protection Controlled Water Receptors, to ensure remedial works where required are completed to a satisfactory standard and to safeguard future residential amenity, in accordance with the requirements of Lichfield Core Policy 3 and Policy BE1 of the Local Plan Strategy, Cannock Chase Local Plan Policies CP3, CP12 and CP16 and the requirements of the National Planning Policy Framework and Water Framework Directive.
19. In order to safeguard the ecological interests of the site, secure biodiversity enhancements and to secure opportunities for improving the Water Framework Directive status of the River Trent Catchment use in accordance with the requirements of Core Policies 3, 11 and 13 and Policy NR3 of the Local Plan Strategy, the Biodiversity and Development Supplementary Planning Document and the National Planning Policy Framework.
20. To provide protection for future occupants and users of the development and their property from potential ball strike from the adjacent playing field or sports facility, to reduce conflict between neighbours and therefore safeguard sporting use of the sports facilities, in accordance with the requirements of Lichfield Core Policies 3, 10 and 11 and Policies HSC2 and BE1 of the Local Plan Strategy, Cannock Chase Local Plan Policy CP3 and the National Planning Policy Framework.
21. To protect the amenity of future resident, provide suitable replacement sports provision and limit any impact upon protected species, in accordance with the requirements of Lichfield Core Policies 3, 10 and 11 and Policies HSC2 and BE1 of the Local Plan Strategy, Cannock Chase Local Plan Policies CP3 and CP5 and the National Planning Policy Framework.
22. To ensure the provision of suitable replacement sports pitches, in accordance with the requirements of Lichfield Core Policies 3, 10 and 11 and Policies HSC2 and BE1 of the Local Plan Strategy, Cannock Chase Local Plan Policies CP3 and CP5 and the National Planning Policy Framework.
23. To ensure full evaluation of and protection of any archaeological remains within the site, in accordance with Lichfield Core Policies 3 and 14, Cannock Chase Local Plan Policies CP15 and the National Planning Policy Framework.
24. To ensure the high quality form and appearance of the development and to protect natural habitat, in accordance with the requirements of Lichfield Core Policies 3, 13, and 14, the Rugeley Power Station Development Brief SPD, Cannock Chase Local Plan Policies CP3, CP12 and CP14 and the National Planning Policy Framework.
25. To protect the water environment, reduce the transportation of waste off-site and to safeguard residential amenity, in accordance with the requirements of Policy 1.2 of the Staffordshire and Stoke on Trent Joint Waste Local Plan,

Lichfield Core Policies 3 and 14, Cannock Chase Local Plan Policies CP16 and the National Planning Policy Framework.

26. To ensure the appropriate timing and delivery of the off-site highway works and in the interests of highway safety and capacity, in accordance with the requirements of Policies BE1 and ST2 of the Lichfield Local Plan Strategy, the Rugeley Power Station Development Brief SPD, Cannock Chase Local Plan Policies CP1, CP3 and CP10 and the National Planning Policy Framework.
27. To promote the use of sustainable modes of transportation in accordance with Lichfield Policies BE1 and ST1 of the Local Plan Strategy, the Rugeley Power Station Development Brief SPD, Cannock Chase Local Plan Policies CP10 and CP3 and the National Planning Policy Framework.
28. To protect the amenity of the future residents and safeguard the on-going operation of the railway network and electricity infrastructure, in accordance with the requirements of Lichfield Core Policies 3 and 14, the Rugeley Power Station Development Brief SPD, Cannock Chase Local Plan Policy CP3 and the National Planning Policy Framework.
29. To ensure an acceptable form of development and in the interests of highway safety and connectivity, in accordance with the requirements of Lichfield Core Policies 5 and 14, the Rugeley Power Station Development Brief SPD, Cannock Chase Local Plan Policy CP10 and the National Planning Policy Framework.
30. In order to safeguard the ecological interests of the site in accordance with Lichfield Core Policies 3 and 13 and Policy NR3 of the Local Plan Strategy, the Biodiversity and Development Supplementary Planning Document, Policy AH2 of the Armitage with Handsacre Neighbourhood Plan and the National Planning Policy Framework.
31. To prevent any piling works and associated vibration from destabilising or impacting upon the railway network and to ensure the protection of Controlled Waters, in accordance with the requirements of the National Planning Policy Framework.
32. To promote the use of sustainable modes of transportation and to help mitigate the development's impact upon the Cannock Chase Special Area of Conservation, in accordance with Policies BE1, NR7 and ST1 of the Lichfield Local Plan Strategy, the Rugeley Power Station Development Brief SPD, Cannock Chase Local Plan Policies CP12 and CP13 and the National Planning Policy Framework.
33. To promote the use of sustainable modes of transportation and to help mitigate the development's impact upon the Cannock Chase Special Area of Conservation, in accordance with Policies BE1, NR7 and ST1 of the Lichfield Local Plan Strategy, the Rugeley Power Station Development Brief SPD, Cannock Chase Local Plan Policies CP12 and CP13 and the National Planning Policy Framework.

34. In the interests of the safe operation of the railway network, in accordance with guidance contained within the National Planning Policy Framework.
35. In the interests of the safe and efficient function of the highway and to protect the amenity of existing and future residents, in accordance with the requirements of Policies BE1 and ST1 of the Lichfield Local Plan Strategy, Cannock Chase Local Plan Policy CP10 and the National Planning Policy Framework.
36. In the interests of the safe and efficient function of the highway and to protect the amenity of existing and future businesses, in accordance with the requirements of Policies BE1 and ST1 of the Lichfield Local Plan Strategy, Cannock Chase Local Plan Policy CP10 and the National Planning Policy Framework.
37. In the interests of the safe and efficient function of the highway and to protect the amenity of existing and future businesses, in accordance with the requirements of Policies BE1 and ST1 of the Lichfield Local Plan Strategy, Cannock Chase Local Plan Policy CP10 and the National Planning Policy Framework.
38. In order to safeguard the ecological interests of the site, in accordance with the requirements of Lichfield Core Policies 3 and 13, and Policy NR3 of the Local Plan Strategy, Cannock Chase Local Plan Policy CP12 and the National Planning Policy Framework.
39. To protect the amenity of the future residents in accordance with the requirements of Lichfield Core Policies 3 and 14, the Rugeley Power Station Development Brief SPD, Cannock Chase Local Plan Policy CP3 and the National Planning Policy Framework.
40. To ensure an inclusive mix and tenure of dwellings throughout the development, in accordance with Policy H2 of the Lichfield Local Plan Strategy, Cannock Chase Local Plan Policy CP7, the Cannock Chase Design SPD and paragraph 62 of the National Planning Policy Framework.
41. In accordance with the applicants stated intentions and in order to meet the requirements of Lichfield Policy R1 of the Local Plan Allocations Document, the Rugeley Power Station Development Brief SPD.
42. To promote home-working and thereby help to mitigate the development's impact upon the Cannock Chase Special Area of Conservation.
43. In order for the development to reflect the basis on which this application has been assessed, to minimise the impact on existing, committed and planned commercial investment in Lichfield District, and to protect the vitality and viability of Armitage with Handsacre, in accordance with Core Policy 6, Strategic Policy 9 and Policy E1 of the Local Plan Strategy and the National Planning Policy Framework.
44. In order for the development to reflect the basis on which this application has been assessed and to minimise the impact on consumer choice and trade as

well as existing, committed and planned commercial investment in Rugeley and neighbouring areas in accordance with Lichfield Core Policy 6, Strategic Policy 9 and Policy E1 of the Lichfield Local Plan Strategy, Cannock Chase Local Plan Policies RTC1-3, CP1 and CP4 and paragraphs 85-90 of the National Planning Policy Framework.

45. To ensure that the development is constructed in a sustainable manner, in accordance with Lichfield Core Policy 3 and Policy SC1 of the Local Plan Strategy, the Sustainable Design Supplementary Planning Document and the National Planning Policy Framework.
46. To safeguard the amenity of existing and future residents in accordance with the requirements of Lichfield Core Policy 3, Cannock Chase Local Plan Policy CP3 and paragraph 127(f) within the National Planning Policy Framework.
47. To safeguard the amenity of existing and future residents in accordance with the requirements of Lichfield Core Policy 3, Cannock Chase Local Plan Policy CP3 and paragraph 127(f) within the National Planning Policy Framework.
48. To promote the use of sustainable modes of transportation in accordance with Lichfield Policies BE1 and ST1 of the Local Plan Strategy, the Rugeley Power Station Development Brief SPD, Cannock Chase Local Plan Policies CP3 and CP10, the Cannock Chase Design Guide and the National Planning Policy Framework.

Notes to the Applicant

1. For the purposes of this decision, the following definition of 'exempt development' shall be taken to include:

Any archaeological works or ancillary archaeological works, survey of existing structures, demolition, site clearance, site preparation, site reclamation, site remediation works, preliminary landscaping, service diversions or decommissioning, laying of services (including in relation to street furniture for the temporary trialling of automated vehicles within the site), the erection of fences or hoardings and scaffolding, site or soil investigations, ground modelling and other works of site establishment preparatory to the commencement of construction and works associated with the construction of the spine road and operations permitted by the Town and Country Planning (General Permitted Development) Order 2015.
2. The applicant's attention is drawn to the comments of Central Networks as detailed within their e-mail dated 24th October 2019.
3. The applicant is advised to note and act upon as necessary the comments and requirements of Network Rail dated 13th June 2019. Where there is any conflict between these comments and the terms of the planning permission, the latter takes precedence.
4. The applicant is advised to note and act upon as necessary the comments from the Council's Operational Services Customer Relations and Performance Manager specific to waste services dated 28th October 2019.

5. The applicant is advised to note and act upon as necessary the comments from the Police Architectural Liaison Officer dated 19th November 2019. Where there is any conflict between these comments and the terms of the planning permission, the latter takes precedence.
6. The applicant is advised to note and act upon as necessary the comments from the Environment Agency dated 4th July 2019.
7. The applicant is advised to note and act upon as necessary the comments from the Staffordshire Fire and Rescue Service dated 13th November 2019.
8. The applicant is advised to note and act upon as necessary the comments from the National Grid contained within the letter provided by RPS group dated 12th July 2019. In particular, regard should be had to the location of internal access road and when considering landscaping details, to guidance contained within the National Grid Document 'A Sense of Place: Design Guidelines for Development Near Pylons and High Voltage Overhead Power Lines'.
9. The applicant is advised to note and act upon as necessary the comments from Western Power contained within the letter provided by Pegasus Group dated 12th July 2019. In particular, regard should be had, when considering sport pitch design, to guidance contained within. HSE Guidance Note GS6.
10. The applicant is advised to note and act upon as necessary the comments from the Coal Authority dated 24th October 2019.
11. The accesses and off-site highway works will require a Major Works Agreement with Staffordshire County Council and the applicants are therefore requested to contact Staffordshire County Council in respect of securing the Agreement. The link below provides a further link to a Major Works Information Pack and an application form for the Major Works Agreement. 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/>.
12. This consent will require approval under Section 7 of the Staffordshire Act 1983 and also require a Section 38 approval of the Highways Act 1980. The applicant is advised therefore to contact Staffordshire County Council to ensure that approval and agreements are secured before the commencement of development.
13. The applicant is advised that when seeking to discharge condition 12, it is likely that during the period of construction of any phase of the development, no works including deliveries will be permitted outside of the following times: 0730 ' 1900 hours Monday to Friday and 0800 ' 1300 hours on Saturdays and not at any time on Sundays, Bank and Public holidays (other than emergency works).
14. The applicant is advised to refer to the 'Code of Practice for Works affecting the Canal & River Trust' to ensure that any necessary consents are obtained.

15. The applicant is advised that any new access points to the canal corridor / towpath or other encroachment will require the agreement of the Canal & River Trust and is advised to contact Canal & River Trust's Estate Surveyor to discuss any commercial agreements / licenses that may be required.
16. The applicant is advised that any surface water discharge into the canal will require prior consent from the Canal & River Trust. As the Trust is not a land drainage authority, such discharges are not granted as of right and where they are granted they are subject to completion of a commercial agreement. Contact the Utilities Surveyor at the Trust to discuss further.
17. The applicant is advised that this permission does not absolve them from their responsibilities in relation to protected species. If evidence of bats, badgers or other protected species is found during clearance works / demolition / construction, all work should cease and the services of a licensed ecologist procured to ensure an offence is not committed under the habitats legislation.
18. With reference to the provision of cycle storage at residential dwellings, if it is proposed to include this in a garage then the minimum internal dimensions of the garage will need to be 6.0m x 3.0m in order for it to be considered suitable for the storage of a bicycle and a motor car.
19. The applicant is advised that if there remains a requirement to continue to extract and remove waste Pulverised Fuel Ash from the site, beyond the first implementation of the planning permission and the site is no longer operational, then a separate planning permission for such, from Staffordshire County Council will be required.
20. The applicant is advised that, as approved by condition 3, the height and density of the proposed buildings within the development shall not exceed those identified on plans 'Building Heights' reference 01585_PP_03 Rev P6 and 'Illustrative Density' reference 01585_PP_05 Rev P5.
21. The development is considered to be a sustainable form of development which complies with the provisions of paragraph 38 of the NPPF.

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Application No: CH/19/375

Location: 40 March Banks, Rugeley, WS15 2SA

Proposal: Side extension to create 2nd lounge, new dining room at ground floor, 2 new bedrooms and family bathroom at 1st floor

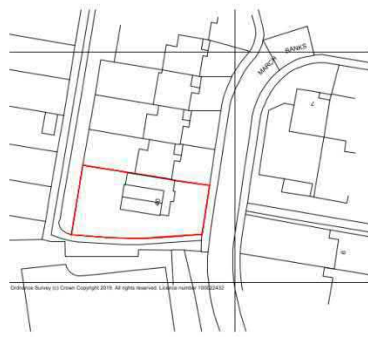
ITEM NO. 6.149



Location Plan

A4

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 All dimensions to be checked and verified on site by the responsible contractor
 prior to commencement of work.



client FIRST BLUE	project no. 198-0119
project name 40 MARCH BANKS, RUGELEY, WS15 2SA	drawing no. 01
drawing name LOCATION PLAN	scale 1:1250
	revision - drawn by J.B.
	date OCT 19

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Block Plan

A3

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REVISIONS		

DATE: FIRST BLUE

PROJECT NAME: 40 MARCH BANKS, RUGELEY, WS15 2SA

DRAWING NAME: BLOCK PLAN

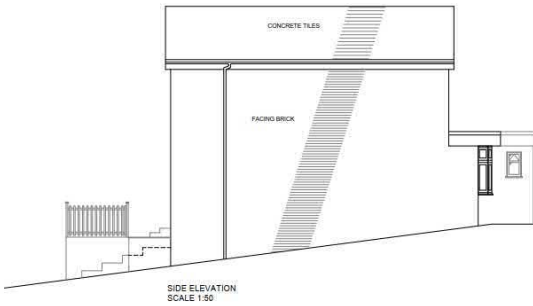
PROJECT NO.	198-0119	SCALE	1:500
DRAWING NO.	02	REVISION	-
DATE	OCT '19	DRAWN BY	J.B.

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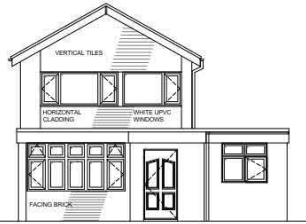


Existing Plans and Elevations

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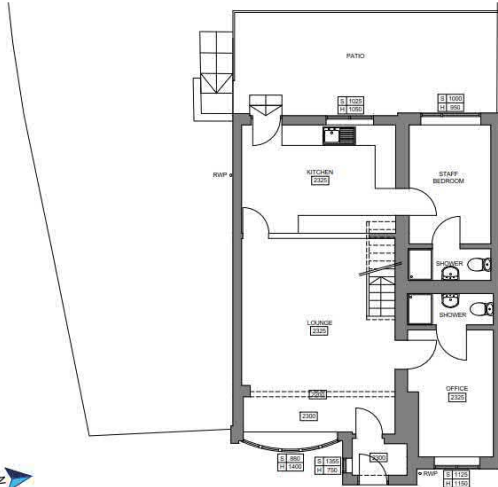
SIDE ELEVATION
SCALE 1:50



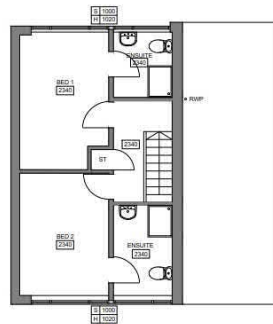
FRONT ELEVATION
SCALE 1:50



REAR ELEVATION
SCALE 1:50



GROUND FLOOR PLAN
SCALE 1:100



FIRST FLOOR PLAN
SCALE 1:100

NO.	DATE

FIRST BLUE	
40 MARCH BANKS, RUGELEY, WS15 2BA	
EXISTING PLANS AND ELEVATIONS	
198-0119	1:50
03	-
OCT '18	WL

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Proposed Elevations



Contact Officer:	Samuel Everton
Telephone No:	01543 464 514

PLANNING CONTROL COMMITTEE

15 JANUARY 2020

Application No:	CH/19/375
Received:	17-Oct-2019
Location:	40 March Banks, Rugeley, WS15 2SA
Parish:	Rugeley
Description:	Side extension to create 2 nd lounge, new dining at ground floor, 2 new bedrooms and family bathroom at 1 st floor
Application Type:	Full Planning Application

RECOMMENDATION:

Approval subject to conditions

Reason(s) for Recommendation:

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

Conditions (and Reasons for Conditions):

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

Reason

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

2. The materials to be used for the external surfaces of the development shall be of the same type, colour and texture as those used on the existing building.

Reason

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

3. The development hereby permitted shall not be brought into use until the parking area has been provided in accordance with the approved Block Plan Drawing No.02 and shall thereafter be retained for the life of the development.

Reason

In the interests of highway safety and to ensure compliance with paragraph 109 of the NPPF.

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

Drawing No. 01 (Location Plan) deposited 16/10/2019

Drawing No. 02 (Block Plan) deposited 04/12/2019

Drawing No. 04 (Proposed Plans) deposited 16/10/2019

Drawing No. 05 (Proposed Elevations) deposited 16/10/2019

Reason

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

Notes to the Developer:**1. Lawful Use**

The developer should note that the Lawful Development Certificate previously granted for the use of the property as a residential care home (Ref No. CH/18/206) applies for up to three children and three members of staff only. Any increase in the number of children or staff residing at the property may result in a breach of Planning Control.

2. Coal Mining Hazards

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

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

Consultations and Publicity***External Consultations*****Rugeley Town Council**

'Rugeley Town Council would like to formally object to the above application on the grounds that the current development is already attracting negative attention and an

extension to the development will not alleviate this issue. The Town Council request that a site visit from CCDC is necessary to determine the scale of the issue. It is also thought to be prudent to invite the neighbours to the development to meet with the planners and councillors from CCDC so that their objections can be heard'.

Highways Authority

Following initial comments with regards to the parking, the applicant has submitted a revised plan showing 4 spaces.

Based on the amendment submitted I have no objection in principal to the proposal provided the following conditions are secured: -

The development hereby permitted shall not be brought into use until the parking area has been provided in accordance with the approved 'Block Plan' Drawing No.02 and the development will be limited to the number stated on the application for the lifetime of the development.

Internal Consultations

None.

Response to Publicity

The application has been advertised by site notice and neighbour letter. Three letters of representation have been received, all objecting to the proposal. The main summarised points of objection are:

- Privacy as the application property overlooks a neighbour. The proposal will make this worse
- There are existing noise issues coming from this property. The proposal will make this worse.
- The boundary fence has been moved significantly. Are the council aware of this?
- It's a quiet residential street not suitable for a care home for young people
- Since its use as a care home there has been shouting/ loud music/ cigarette ends and more police visits
- Parking is at a premium already and the proposal would result in more danger for young children..
- The proposal will reduce the amount of light on the path leading down the side of the plot.

Relevant Planning History

CH/18/206	Lawful Development Certificate for use as a residential children's care home (C2 Use) with no more than three children and three members of staff living together as a single household.	Granted 23/07/2018
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1 Site and Surroundings

- 1.1 The application site is a link detached dwelling, situated on March Banks, Rugeley. The property has recently changed from a family home to a 'First Blue Healthcare' placement home for children and young adults.
- 1.2 The house comprises 3 bedrooms and is set within a modest sized plot with a 10.5m length rear garden and parking for 3 cars on the frontage.
- 1.3 The site slopes from east to west and is located within close proximity to Rugeley Town Centre. The surrounding area is mainly residential with a mixture of two storey detached and link detached dwellings. The site is within a designated Mineral Safeguarding Area and a Low Risk Coal Authority Designation Boundary.

2 Proposal

- 2.1 The Applicant is seeking consent for side extension to create 2nd lounge, new dining room at ground floor, 2 new bedrooms and family bathroom at 1st floor. The proposal would measure approx. 3.9m in width by 8m in depth. A pitched roof is proposed which would have the same ridge and eave height as the existing dwelling.
- 2.2 The existing site has an area of 369 sqm. It is proposed to extend the existing building by 29.3 sqm at ground floor and first floor level (a total of 58.6 sqm) for the proposed extended dwelling. A second lounge and new dining room are proposed for the ground floor. For the first floor two new bedrooms and a bathroom are proposed.
- 2.3 Proposed materials would match the existing dwelling.
- 2.4 Application CH/18/206 for a 'Lawful Development Certificate' established that the use of the dwelling as a residential children's care home (C2 Use) for no more than three children and three members of staff living together as a single household did not constitute a material change of use. As such that use can be lawfully undertaken without the need for planning permission
- 2.6 The current property can only provide accommodation for two children/ young people due to only having two first floor bedrooms and the existing ground floor dining room being used as a bedroom for overnight staff.
- 2.7 The applicant is seeking to accommodate the additional child/ young person in the proposed two storey side extension.

3 Planning Policy

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

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

CP1 - Strategy – the Strategic Approach
CP3 - Chase Shaping – Design

3.3 National Planning Policy Framework

3.4 The NPPF (2019) sets out the Government’s position on the role of the planning system in both plan-making and decision-taking. It states that the purpose of the planning system is to contribute to the achievement of sustainable development, in economic, social and environmental terms, and it states that there should be “presumption in favour of sustainable development” and sets out what this means for decision taking.

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

3.6 Relevant paragraphs within the NPPF include paragraphs: -

8: Three dimensions of Sustainable Development
11-14: The Presumption in favour of Sustainable Development
47-50: Determining Applications
124, 127, 128, 130: Achieving Well-Designed Places
212, 213 Implementation

3.7 Other relevant documents include: -

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

4 Determining Issues

4.1 The determining issues for the proposed development include:-

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

4.2 Principle of the Development

4.2.1 The proposal is in effect the extension to a dwelling to provide additional living accommodation. The site is located within the confines of the settlement of Rugeley and is an established dwelling. The site is not allocated or subject to any policy restriction that would impact on the principle of the proposal. As such, the development is considered acceptable in principle.

4.2.2 However, proposals that are acceptable in principle are required to meet all other policy tests unless material considerations indicate otherwise

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

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

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

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

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

Planning policies and decisions should ensure that developments:

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

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

- 4.3.5 In this respect it is noted that Appendix B of the Design SPD sets out clear expectations and guidance in respect to extensions to dwellings.
- 4.3.6 The proposal is a fairly standard two storey side extension. The side extension is considered to reflect the overall roof form and detailing to the elevations that is apparent within the existing building. The extension is subservient to the existing building taking account it is set back slightly from the front elevation of the main dwelling. Officers are satisfied the proposal does not unbalance or dominate the architectural integrity of the original building and it is considered the design proposed aligns well with the examples in the Cannock Chase Design Guide SPD. The detailing to the windows, the roof and eaves matches through with the existing house as do the proposed materials. Accordingly, Officers therefore consider the proposals would have little effect on the character of the immediate locality and the quality of the street scene.
- 4.3.7 Therefore, having had regard to Policy CP3 of the Local Plan and the above mentioned paragraphs of the NPPF it is considered that the proposal would be well-related to existing buildings and their surroundings, successfully integrate with existing features of amenity value, maintain a strong sense of place and visually attractive such that it would be acceptable in respect to its impact on the character and form of the area.

4.4 Impact on Residential Amenity

- 4.4.1 Policy CP3 of the Local Plan states that the following key requirements of high quality design will need to be addressed in development proposals and goes on to include [amongst other things] the protection of the "amenity enjoyed by existing properties". This is supported by the guidance as outlined in Appendix B of the Design SPD which sets out guidance in respect to space about dwellings, garden sizes and extensions.
- 4.4.2 Paragraph 127(f) of the NPPF states that planning policies and decisions should ensure that developments [amongst other things] create places with a high standard of amenity for existing and future users.
- 4.4.3 Given the above the comments of the objectors in respect to loss of privacy and overshadowing are noted.
- 4.4.4 Notwithstanding the above Officers have carefully examined the relationship to the neighbouring dwellings. The distance between the proposed western elevation and the rear elevation of the nearest neighbouring property on Huntsman's Walk is approximately 25m which exceeds the minimum distance of 21.3m set out in the Design Guide. As such this relationship is considered acceptable.
- 4.4.5 The distance between the eastern elevation and the nearest property opposite is in excess of 35m which again exceeds the minimum standard set out in Design SPD. As such this relationship is considered acceptable.
- 4.4.6 To the south of what would be the side elevation of the extension there is a pedestrian foot path across which is the extensive grounds of the Chase Public

House. Given that the extension would be to the north of this footpath it would not cast direct shade over it or significantly reduce daylight.

4.4.7 Given the above it is clear that the proposal meets all the Council's guidance set out in the Design SPD for space about dwellings and therefore it can only be concluded that the proposal would result in a high standard of residential amenity for all existing and future users of the dwelling and the occupiers of the neighbouring properties.

4.4.8 It is therefore concluded that the proposal would not be contrary to Policy CP3 of the Local Plan and paragraph 127(f) of the NPPF.

4.5 Impact on Highway Safety

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

4.5.2 The C2 use established under the Lawful Development Certificate by application No. CH/18/206 is for up to 3 members of staff within a 24 hour period and no more than three children. A total of 3 off street spaces for a 4+ bed dwelling is the Council's adopted maximum standard which would therefore apply. The site currently has 3 off street spaces and the property will be a 5 Bed dwelling going forward. A total of 4 spaces are proposed in the submitted plans. In addition, the applicant has confirmed that a maximum of three members of staff would be present at any one time and that the service users do not own cars. The Highways Authority has also no objection subject to a condition requiring the four spaces to be provided prior to the occupation of the extensions and that limits the number of occupiers to that stated in the application.

4.5.3 Therefore, subject to the aforementioned condition it is considered that there would be no significant access or highway safety issues as a consequence of the proposals. The development is considered to accord with Para 109 of the NPPF.

4.6 Other Issues Not Raised Above

4.6.1 The main summarised points of objection are laid out below along with answers from a planning perspective:

4.6.2 Objectors have stated that there are existing noise issues coming from this property and that the proposal will make this worse. Officers would advise that whilst noise is a material planning consideration the decision taker must have regard to context of the proposal. In this instance the development, in itself, that is the extension of a dwelling house would not intrinsically result in unacceptable levels of noise over and above that which would be generated by any other dwelling. However, if unacceptable levels of noise are generated then there is recourse to other legislation to remedy the situation.

- 4.6.3 Objectors have stated that the boundary fence has been moved significantly and have asked whether the council aware of this? Officers would respond that this does not have any material bearing on the case.
- 4.6.4 Objectors have stated that “It’s a quiet residential street not suitable for a care home for young people- its use as a care home has been authorised through the previous certificate of lawfulness”. Officers respond that a certificate of lawfulness does not confer lawfulness on a development it merely confirms that a development is lawful. The matter of whether a proposed development is lawful or not is matter of law and not planning policy. In this specific case it was established that the proposed use as a care home for up to three children, as a matter of fact and degree, was lawful as it did not constitute a material change of use.
- 4.6.5 Objectors have stated that since its use as a care home there has been shouting/ loud music/ cigarette ends and more police visits. Officers would advise that anti-social behaviour and social cohesion are capable of being material considerations. However, Officers would go on to state that as the proposal is for the extension to a dwelling to accommodate one child there is nothing within the application that would lead one to reasonably conclude that it would in itself create significant levels of anti-social behaviour. If such behaviour does arise then there is legislation in place to deal with it.
- 4.6.6 Objectors have stated that “parking is at a premium already and the proposal would result in more danger for young children”. Officers would state that the proposed parking is little different from that found in other residential properties in the District, highways are satisfied regarding the provision of on site parking provision and that it is adequate for a dwelling of this size.
- 4.6.7 As such it is concluded that none of the above issues would weigh significantly against the proposal.

5 Human Rights Act 1998 and Equalities Act 2010

Human Rights Act 1998

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

Equalities Act 2010

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

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

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

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

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

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

6 Conclusion

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

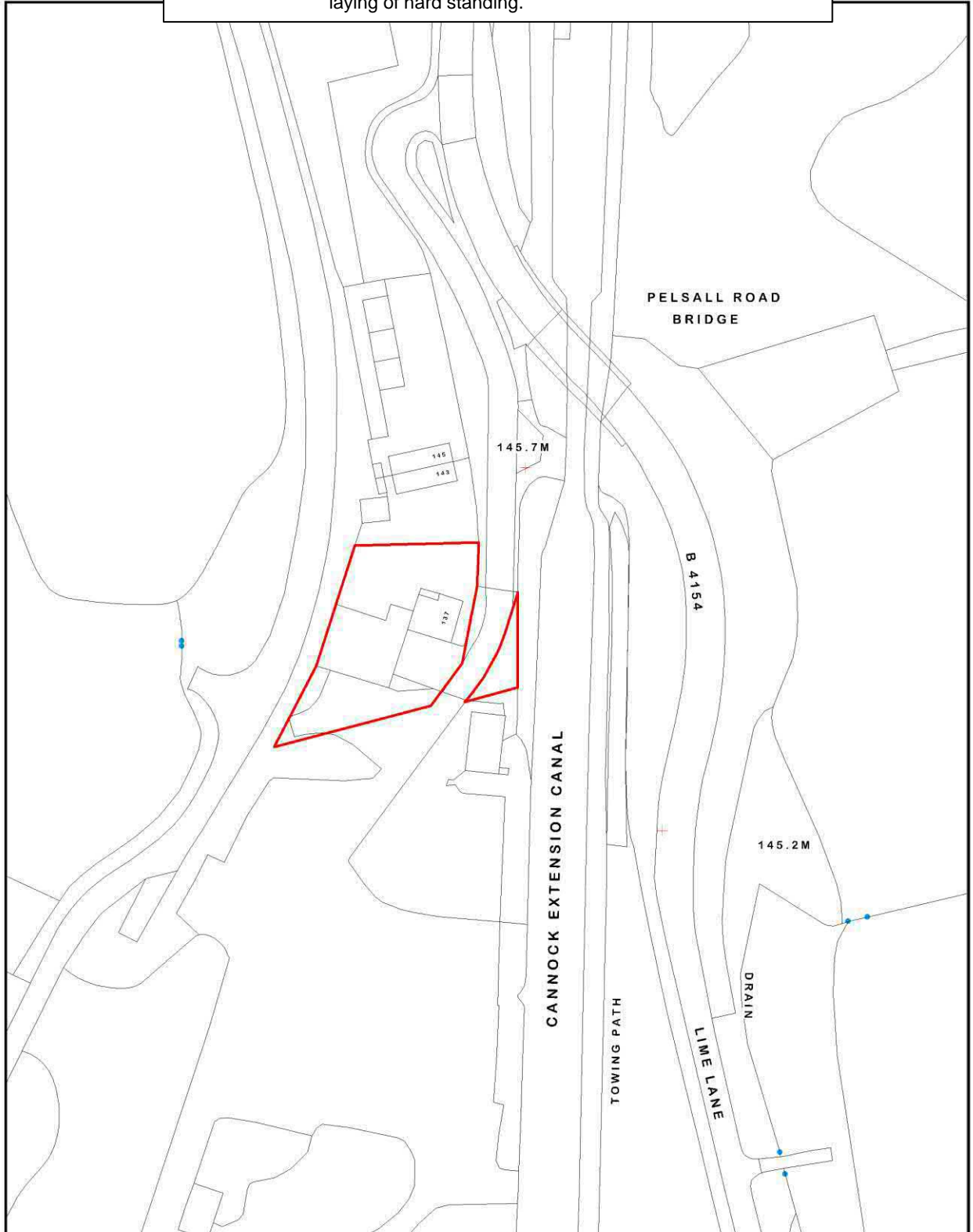


Application No: CH/19/048

ITEM NO. 6.165

Location: Grove Colliery, Lime Lane, Pelsall, Walsall, WS3 5AW

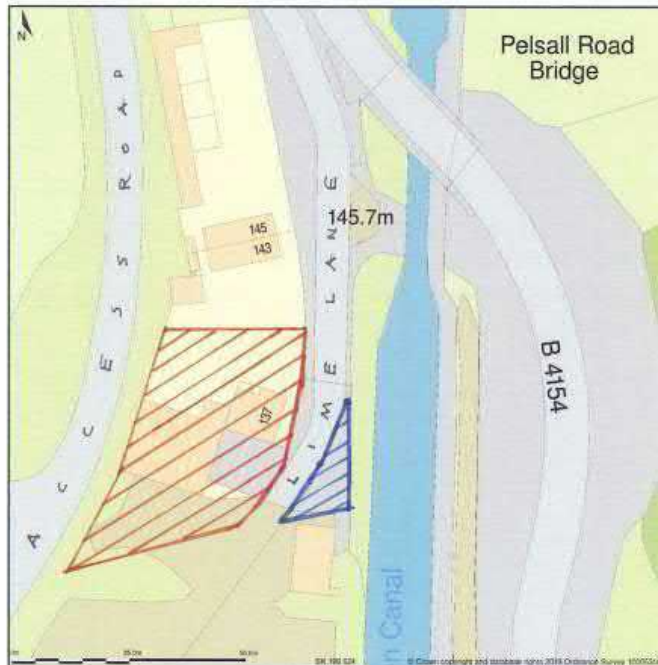
Proposal: Change of Use of land to Gypsy Traveller Residential site for up to 7 caravans, of which no more than 3 would be static caravans. The construction of a day room block and utility block, creation of a new vehicular access and the laying of hard standing.



Location Plan



Former Grove Colliery Office site, Lime Lane, Pelsall, Walsall, Staffordshire, WS3 5AW



Site Plan shows area bounded by: 401913.87, 306171.72, 402055.29, 306313.15 (at a scale of 1:1250), OSGridRef: SK 198 624. The representation of a road, track or path is no evidence of a right of way. The representation of features as lines is no evidence of a property boundary.

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**Drawing RC01 Grove Colliery Office Site
Location Plan v. 2**

Scale 1:1250 at A4

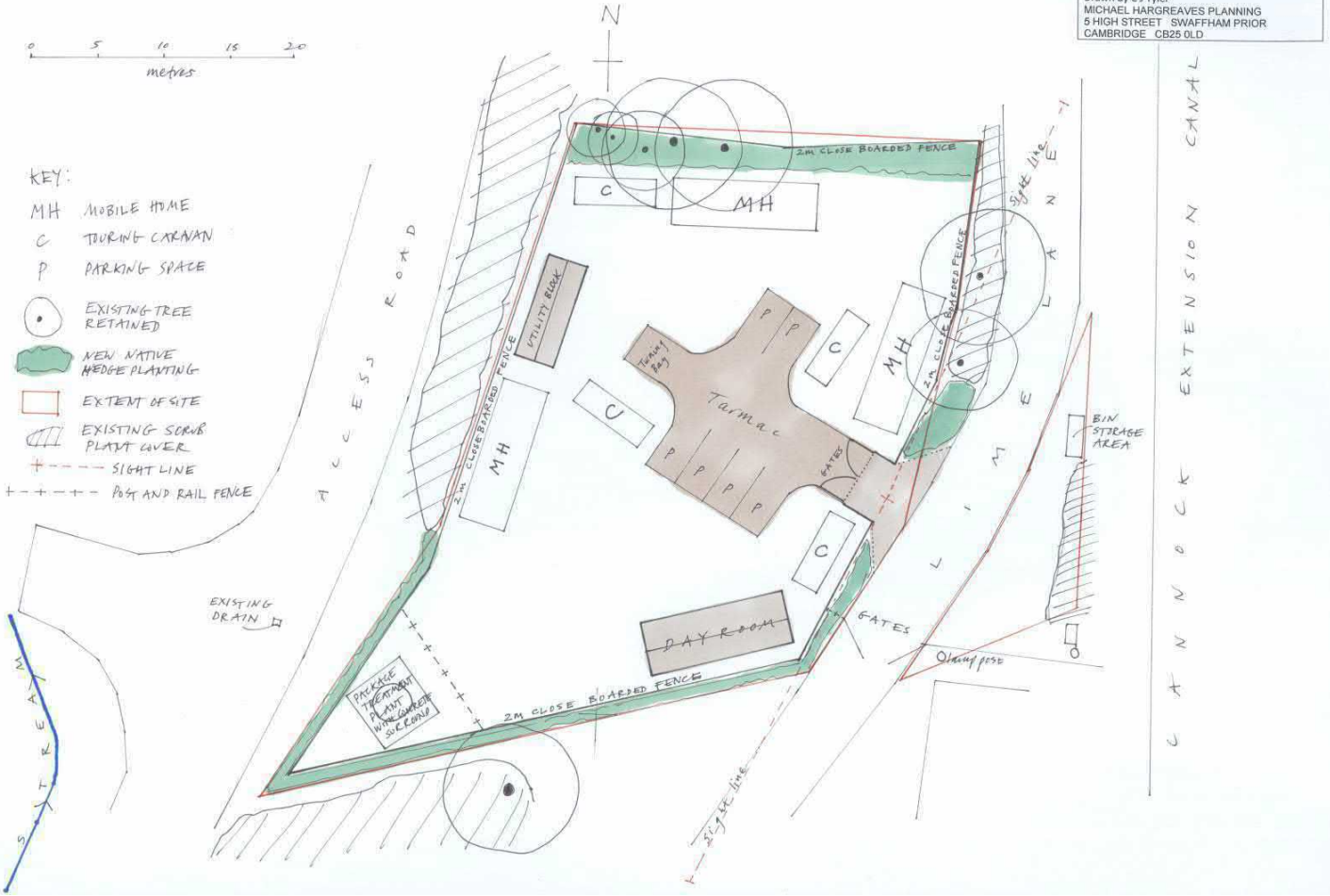
MICHAEL HARGREAVES PLANNING
5 HIGH STREET SWAFFHAM PRIOR
CAMBRIDGE CB25 0LD

Proposed Site Plan

Drawing RC02 Grove Colliery Office Site
 Proposed Site Plan
 Scale 1:250 at A3
 Drawn by C J Tyler
 MICHAEL HARGREAVES PLANNING
 5 HIGH STREET SWAFFHAM PRIOR
 CAMBRIDGE CB25 0LD

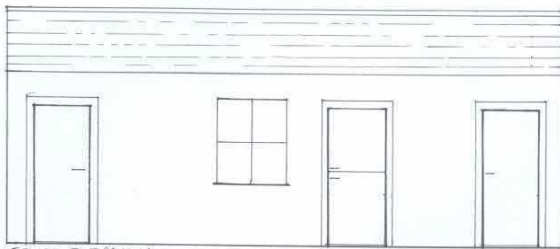


- KEY:
- MH MOBILE HOME
 - C TOURING CARAVAN
 - P PARKING SPACE
 - EXISTING TREE RETAINED
 - NEW NATIVE HEDGE PLANTING
 - EXTENT OF SITE
 - ▨ EXISTING SCRUB PLANT COVER
 - - - SIGHT LINE
 - + - + - POST AND RAIL FENCE



Utility Block Plans and Elevations

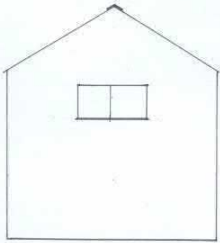
Drawing RC06 Grove Colliery Office Site :
Utility Block, Plan and Elevations
Scale 1:50 at A3
Drawn by C.J Tyler
MICHAEL HARGREAVES PLANNING
5 HIGH STREET SWAFFHAM PRIOR
CAMBRIDGE CB25 0LD



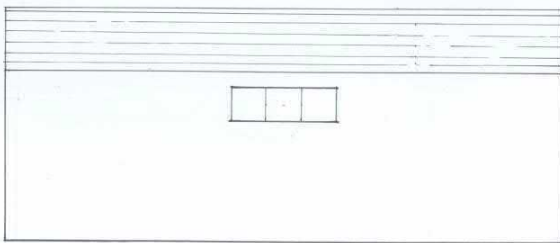
FRONT ELEVATION



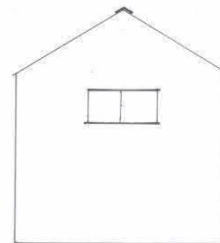
PLAN OF UTILITY BLOCK



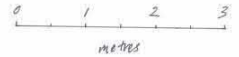
SIDE ELEVATION



REAR ELEVATION



SIDE ELEVATION



Contact Officer:	Claire Faulkner
Telephone No:	01543 464 337

PLANNING CONTROL COMMITTEE

15 JANUARY 2020

Application No:	CH/19/048
Received:	06-Feb-2019
Location:	Grove Colliery, Lime Lane, Pelsall
Parish:	Norton Canes
Description:	Change of Use of Land to Gypsy Traveller Residential site for up to 7 caravans, of which no more than 3 would be static caravans. The construction of a day room block and utility block, creation of a new vehicular access and the laying of hard standing.
Application Type:	Full Planning Application

RECOMMENDATION:

S106 then Approve with Conditions

Reason(s) for Recommendation:

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

Conditions (and Reasons for Conditions):

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

Reason

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

2. No materials shall be used for the external surfaces of the day room block and

utility block other than those specified on the application.

Reason

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

3. No trees or hedges shown as retained on Dwg No.RC02 V2, shall be cut down, topped, lopped, uprooted or removed without the prior written permission of the Local Planning Authority nor shall they be wilfully damaged or destroyed.

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

Reason

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

4. The approved landscape works shown on Drawing RC03 'Landscaping and Boundray Treatment' shall be carried out in the first planting and seeding season following the occupation of any buildings or the completion of the development whichever is the sooner.

Reason

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

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

Reason

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

6. No part of the development hereby approved shall commence or any actions likely to interfere with the biological function of the retained trees and hedges shall take place, until details for tree and hedge protection have been submitted to and approved by the Local Planning Authority. Details shall include the position and construction of all fencing and the care & maintenance of the trees & hedges within.

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.

7. Prior to the commencement of any construction or site preparation works

including any actions likely to interfere with the biological function of the retained trees and hedges, approved protective fencing shall be erected in the positions shown on the approved Tree & Hedge Protection layout pursuant to Condition 7 above shall be erected to the approved layout. Within the enclosed area known as the Tree Protection Zone, no work will be permitted without the written consent of the Local Planning Authority. No storage of material, equipment or vehicles will be permitted within this zone. Service routes will not be permitted to cross the Tree Protection Zones unless written consent of the Local Planning Authority is obtained. The Tree Protection Zone will be maintained intact and the vegetation within maintained until the cessation of all construction works or until the Local Planning Authority gives written consent for variation.

Reason

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

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

Drainage Report Ref.No.16651
Construction Environmental Management Plan
Construction Environmental Management Plan Table
Supporting Statement
Heritage Assessment
Ecological Report – Bat Surveys – Roost Characteristics
Phase 1 Land Contamination Assessment Ref.No.QA 18/045
RC02 V2 Site Plan
RC03 Landscaping & Boundary Treatment
RC05 Dayroom, Plan and Elevations
RC06 Utility Block, Plan and Elevations
Location Plan

Reason

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

9. Following demolition of the existing buildings and further to the recommendations set out within the drainage report Ref.No.16651 dated 18/5/19, further investigation shall be carried out to establish how the connection shall be made to the existing drains. This further investigation shall include assessment of the drains from the site to the canal with any such drains being blocked off where required. Thereafter development hereby permitted shall be implemented in accordance with the approved details before the development is first brought into use.

Reason:

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

10. The development hereby permitted shall not be brought into use until the access

parking, servicing and turning areas have been provided in accordance with the approved drawing No. RC02 V2 and thereafter be retained for the lifetime of the development.

Reason

To comply with the objectives and policies contained within paragraph 109 of the NPPF.

11. The development hereby permitted shall not be brought into use until the visibility splays shown on Dwg .No RC02 V2 have been provided. The visibility splay shall thereafter be kept free of all vegetation except the two existing large trees in the highway verge.

Reason

To comply with the objectives and policies contained within paragraph 109 of the NPPF.

12. The development hereby permitted shall be carried out in accordance with the Phase 1 Land Contamination Assessment, Ref QA.No.QA 18/045 and the recommendations identified in part 9.0 of the assessment.

Following completion of the approved remediation requirements a validation report shall be submitted to the Local Planning Authority.

Reason:

To safeguard the environment, water quality, safety of waterway users and structural integrity of the Cannock Extension Canal.

13. If after commencement of development, contamination not previously identified is found to be present, no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until either: a site investigation has been designed and undertaken in accordance with details approved in writing by the Local Planning Authority, a risk assessment has been produced and a method been approved by the Local Planning Authority or; if the above has been previously undertaken, the developer shall submit and obtain written approval from the Local Planning Authority for an addendum to the method statement detailing how this unsuspected contamination shall be dealt with.

Reason:

To safeguard the environment, water quality, safety of waterway users and integrity of the Cannock Extension Canal. Potential contamination of the waterway and ground water from wind blow, seepage or spillage at the site should be avoided and details of pollution prevention measures should be provided. Works should also be carried out at appropriate times to avoid adverse impacts to nesting birds / bats etc. The users of the waterway (pedestrians, cyclists, moorers, boater, anglers etc) need to be considered as sensitive receptors during any demolition, remediation or construction phases and any historic drainage channels identified and sealed. This could be addressed by the imposition of a condition requiring the submission of a Construction and Environmental Management Plan.

14. The development hereby permitted shall be carried out in accordance with the approved Construction Environmental Management Plan and the Construction Environmental Management Plan Table. In particular, no development shall commence until a scheme detailing: -

- (i) Measures for ensuring that waste water from the wheelwashing of haulage vehicles is contained and disposed of safely; and
- (ii) A Waste Management and Disposal Plan for the appropriate disposal of waste; and
- (iii) A survey for the presence of asbestos, together with a remediation strategy, and measures for verification that the remediation strategy has been implemented; and
- (iv) Measures for the control of dust; and
- (v) Measures for the avoidance of the spillage of dust and debris; and the
- (vi) Protection of breeding birds

has been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in strict accordance with the approved schemes.

Reason:

To safeguard the environment and in the interests of the structural integrity of the waterway and to ensure the proposed works do not have any adverse impact on the safety of waterway users and the integrity of the Cannock Extension Canal and the amenity of the occupiers of the surrounding residential properties in accordance with Policy CP12 and the National Planning Policy Framework.

15. Following demolition of the building and before any construction works take place

- (i) a further drain survey of the site shall be undertaken; and
- (ii) a report outlining the result of the survey together with a review of the drainage strategy for the site;

shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the development shall be carried out in accordance with the approved drainage strategy as amended by the review.

Reason:

To safeguard the environment and in the interests of the structural integrity of the waterway and to ensure the proposed works do not have any adverse impact on the safety of waterway users and the integrity of the Cannock Extension Canal in accordance with Policy CP12 and the National Planning Policy Framework.

16. Notwithstanding the approved plans, the details for an external bin store area shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the bin store shall be provided and retained for the lifetime of the development.

Reason

To ensure the continued protection of the SSSI / SAC and the amenity of neighbouring occupiers. Whilst the submission indicates a bin store located to the east of the site, adjacent to the canal no further details are provided. This could

not only result in potentially adverse visual impacts to the canal corridor it would also increase the likelihood of windblown litter, seepage or spillages entering the canal adversely impacting on water quality and the SSSI/SAC designations of the Cannock Extension Canal. It is however noted that the bin storage area falls outside the red line boundary for the current application. The proposals for bin storage should therefore be clarified.

17. Prior to the occupation of the development details of any proposed external lighting for the development, including details of foundations, luminance in candelas, hours of operation etc. shall be submitted to and approved in writing by the Local Planning Authority and thereafter implemented in accordance with the agreed details. No form of external illumination shall be used other than in accordance with the approved scheme.

Reason:

The lighting at waterside developments should be designed to minimise the problems of glare, show consideration for bats and other wildlife within the canal habitat corridor and unnecessary light pollution should be avoided by ensuring that the level of luminance is appropriate for the location, is sustainable and efficient, and protects the integrity of the waterway infrastructure.

18. No development to which this permission relates shall commence until an appropriate programme of historic building recording and analysis to Level 2 has been secured and implemented in accordance with a written scheme of investigation which has been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out at all times in strict accordance with the approved scheme, or such other details as may be subsequently agreed in writing by the District Planning Authority.

Reason

To ensure that an appropriate record is made of the historic building fabric that may be affected by the development.

19. A detailed bat mitigation plan shall be submitted to Cannock Chase Council prior to the commencement of development. No development shall commence in the application area until written approval for the contents of the plan have been obtained from Cannock Chase Council. The mitigation plan shall cover all aspects of the measures necessary to maintain bat habitat on site, with particular reference to long term tree and shrub management, roost construction, and the phasing of mitigation measures. The Bat mitigation measures as approved by Cannock Chase Council shall be fully implemented and maintained for the life of the approved development.

Reason

In the interests of preserving protected species in accordance with Planning Policy Statement 9 - Biodiversity and Geological Conservation and ODPM Circular 06/05.

20. The site shall only be used as a caravan site for Gypsies or Travellers and their family and / or dependants, as defined in Annex 1 of the Planning Policy for Traveller Sites 2015.

Reason

The proposal is only acceptable, on balance, as it meets the objectively assessed needs of gypsy and travellers in an area deemed suitable in principle to meet the needs of people with migratory lifestyles.

- 21.No site preparation works, demolition, construction, deliveries of materials to and despatch of materials from the site shall take place outside of the hours 08:00hrs to 18:00hrs Mondays to Fridays, 08:30 to 13:00 on Saturdays and at no time on Sundays, Public and Bank Holidays.

Reason

In the interest of protecting the amenity of the occupiers of the surrounding residential properties in accordance with Policy CP3 of the Cannock Chase Local Plan and Paragraph 127 of the National Planning Policy Framework.

Notes to the Developer:

Should planning permission be granted the following informative shall be appended to the decision notice:

1) The applicant/developer is advised to contact the Works Engineering Team on 0303 040 4040 in order to ensure that any necessary consents are obtained and that the works comply with the Canal & River Trust "Code of Practice for Works affecting the Canal & River Trust"

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

3)Please note that there is no guarantee that you will be able to build over or close to any Severn Trent sewers. And where diversion is required there is no guarantee that you will be able to undertake those works on a self—lay basis. Every approach to build near to or divert our assets has to be assessed on its own merit and the decision of what is you contact us at the earliest opportunity to discuss the implications of our assets crossing your site. Failure to do so could significantly affect the costs and timescales of your project if it transpires diversionary works need to be carried out by Severn Trent.

4) Prior to any of the existing highway vegetation within the visibility splay being removed, please contact Staffordshire County Councils Community Highway Liaison Officer on 01785 854672 or email cheryl.larvin@staffordshire.gov.uk

Consultations and Publicity***External Consultations***Norton Canes Parish Council

Whilst it is recognised that there is a shortfall of Gypsy and Traveller residential pitches within the District which was identified in the adopted Local Plan July 2014, the issue of these sites were meant to be addressed through allocation of specific sites in the adopted Local Plan Part 2. As this has now been abandoned we understand a complete review of the 2014 Local Plan is now underway and that this Plan is intended to deal with the Gypsy and Traveller need.

1. Whilst the whole of the Green Belt in Norton Canes is included in the current 2014 Local Plan as an area of search for Gypsy/Traveller pitches, no specific sites are identified. However the former Grove Colliery site is specifically identified as having potential for recreation, leisure and tourism opportunities following restoration.
2. The above application site contains two substantial buildings, the former Harrison Colliery Company offices and Colliery Managers house and the application involves demolition of these buildings and 'replacement with caravan pitches which would mean that the opportunity would be lost for the potential implementation of the Policy aim of achieving a recreation, leisure and tourism based development seriously prejudiced.
3. We feel there is a need to preserve the two buildings referred to as being demolished and that consideration should be given to them being 'listed' due to their historic and architectural significance.
4. The current application is therefore contrary to the adopted Development Plan and should be refused. Meeting the recognised demand for additional Gypsy/Traveller pitches should be addressed in the current review of the Local Plan not by an ad hoc decision on a planning application which conflicts with current policy.
5. The Parish Council reserves the right to speak at the District Planning Committee.

We strongly object to the proposed application.

Environment Agency

We have reviewed the documents submitted and have no objections, in principle to the proposed development. We have the following comments to make.

Groundwater and Contamination

We have the following comments to make which relate solely to the protection of 'Controlled Waters', matters relating to Human Health should be directed to the relevant department of the local council.

Reference to the 1:50,000 scale geological map indicates that the site is located on Devensian Till. This is designated as a secondary, undifferentiated aquifer. This means

that these deposits could have properties of either a Secondary A or Secondary B aquifer. The definitions of each of these aquifer types are given below.

- Secondary A aquifers. These are permeable strata capable of supporting water supplies at a local rather than strategic scale and in some cases forming an important source of base flow to rivers.
- Secondary B aquifers. These are predominantly lower permeability strata which may in part have the ability to store and yield limited amounts of groundwater by virtue of localised features such as fissures, thin permeable horizons and weathering.

The bedrock geology beneath the above superficial deposits is the Pennine Middle Coal Measures. This is designated as a secondary A aquifer as described above.

Our records show that the land under application has been used previously used as a landfill. This was filled with spoil and deposits commenced in 1977. The Local Authority may have further details with regards this former landfill.

Advice to Applicant

Paragraph 179 of the National Planning Policy Framework states “Where a site is affected by contamination or land stability issues, responsibility for securing safe development rests with the developer and/ or landowner.”

We recommend that developers and/ or landowners should:

1. Follow the risk management framework provided in CLR11, Model Procedures for the Management of Land Contamination, when dealing with land affected by contamination.
2. Refer to the [Environment Agency Guiding principles for land contamination](#) for the type of information that we required in order to assess risks to controlled waters from the site. The Local Authority can advise on risk to other receptors, such as human health.
3. Refer to our website at www.environment-agency.gov.uk for more information.

Natural England

As submitted, the application could have potential significant effects on Cannock Extension Canal Special Area of Conservation (SAC) and Cannock Extension Canal Site of Special Scientific Interest (SSSI).

Internationally and nationally designated sites

The application site is within close proximity of Cannock Extension Canal SAC which is a European designated site (also commonly referred to as Natura 2000 sites), and therefore has the potential to affect its interest features. European sites are afforded protection under the Conservation of Habitats and Species Regulations 2017, as amended (the ‘Habitats Regulations’). The SAC is notified at a national level as the Cannock Extension Canal SSSI. Please see the subsequent sections of this letter for our advice relating to SSSI features.

In considering the European site interest, Natural England advises that you, as a competent authority under the provisions of the Habitats Regulations, should have regard for any potential impacts that a plan or project may have. The Conservation objectives for each European site explain how the site should be restored and/ or maintained and may be helpful in assessing what, if any, potential impacts a plan or project may have.

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

Your authority has concluded that the Construction Environmental Management Plan and the proposed measures within it, if put in place would adequately protect the integrity of the Cannock Extension Canal SAC and to ensure the proposed measures are put in place, if planning permission is granted, conditions would be recommended.

Having considered the assessment Natural England advises that we concur with the assessment conclusions and advise that the relevant planning conditions, to deliver the measures within the Construction Environmental Management Plan, are secured.

Canal & River Trust

The main issues relevant to the Trust as statutory consultee on this application are:

- a) The impact on the heritage, character and appearance of the waterway corridor.
- b) The impact on the natural environment of the waterway corridor.

Based on the information available our substantive response (as required by the Town & Country Planning (Development Management Procedure) (England) Order 2015 (as amended)) is to advise that additional / amended information and suitably worded conditions are necessary to address these matters. Our advice and comments follow:

The Impact on the Heritage, Character and Appearance of the Waterway Corridor.

The site is located to the west of the Cannock Extension Canal and the existing buildings within the site are a surviving part of what was the main industry in the area. Both the buildings and particularly the former colliery office (which the submitted report identifies as being taller than houses nearby) do appear to have some significance.

The Grove Colliery employed many people locally giving it strong communal value. The buildings have become a local landmark for people and this suggests that the site holds local importance for people giving it a value. The buildings are non-designated heritage assets which form an important feature in the area and their retention could be of benefit to the locality. Considering this local importance and the connection between the colliery and the Cannock Extension Canal, which was built to serve the mining industry, a more rigorous heritage appraisal should be undertaken and submitted for consideration, prior to determination.

The Appraisal should include further details on the heritage significance of the buildings, a condition survey and an assessment of the suitability of the buildings to be

retained and reused in accordance with Policy CP15 of the adopted Local Plan. The proposals for the site should then be informed by this Appraisal and the Trust wish to be consulted on the details when available.

The Impact on the Natural Environment of the Waterway Corridor.

The waterways have a rich biodiversity, with many areas benefiting from SSSI, SAC, SLINC or CWS designations. The adjacent Cannock Extension Canal is a designated SSSI and SAC and the developments can have an adverse impact on the ecology of the waterways. Although the site is set back from the canal the proposed works do have the potential to result in adverse impacts to the natural environment of the canal corridor and in particular water quality. The submission indicates that it is likely asbestos is present in the existing buildings. This and contamination present on the site need to be addressed accordingly with further assessments submitted for consideration.

Whilst the submission indicates that currently there will be no drainage to the canal this does require further clarification. This is to ensure that no surface water enters the canal, from general runoff or via historic drainage channels. These issues could be addressed by conditions.

Inland Waterways Association

Thank you for consulting us on the above planning application close to the Cannock Extension Canal.

The Inland Waterways Association (IWA) is a national charity which campaigns for the conservation, use, maintenance, restoration and appropriate development of the inland waterways for public benefit. The Lichfield Branch of IWA has considered this application in relation to the environment of the canal and the interests of its users. The Cannock Extension Canal is a historic waterway and a valuable amenity and recreational corridor, providing leisure boating, walking, angling, cycling and nature conservation benefits to the area.

Whilst IWA has no objection in principle to a gypsy traveller residential site in this location we are concerned that it may become a transit site rather than a residential one and that it depends on the demolition of buildings of historic interest.

The proposed new buildings are small single storey structures and the indicated fencing and planting will largely screen them and the caravans, so the visual impact on the canal will be minimal. The application is for up to 7 caravans of which no more than 3 would be static, which leaves open the possibility that all 7 could be transit pitches. Experience has shown that whilst full time residential gypsy/ traveller sites are usually well maintained and trouble free, it is not always the case with purely transit sites. We would therefore suggest a condition that at least two of the pitches should be permanently occupied static caravans.

However, IWA is not convinced that provision of this facility justifies demolition of the two existing buildings on the site, as there are other areas of undeveloped brownfield land at Grove Colliery which could accommodate this facility.

The Grove Colliery Offices and Manager's House are large, substantially constructed, and architecturally attractive early twentieth century buildings. Such buildings were

once commonplace across the coalfield but most have been demolished, leaving only occasional pit head wheels or more modern memorials or art pieces as reminders of the once dominant coal industry in Cannock Chase. These buildings should be valued as undesignated heritage assets and considered for inclusion on the Local List. The Local Plan Part 1 at 4.103 says:

“The Council will also be proactive in creating a Local List of locally significant heritage assets. The Cannock Extension Canal and its wider setting of the former Grove Colliery with its remaining historic buildings is the main candidate with potential for designation as an additional Conservation Area, given its important landscape character, history and potential for environmental enhancement. It is hoped this will encourage consideration of how future development proposals can contribute to conservation and management objectives.”

Although superficially in poor condition, due to prolonged disuse, it appears to us that the buildings should be capable of repair and reuse for commercial or domestic purposes, or preferably as a community facility. This could combine an outdoor activity centre with cycle hire canoeing, angling, etc. with a mining heritage centre and a wildlife interpretation centre. This would be particularly appropriate given its proximity to the Cannock Extension Canal with its boating activity, and its SSSI and SAC status.

The Local Plan Part 1 at 4.62 says:

“the former Grove Colliery offer a longer—term opportunity in terms of the restoration of landscapes, which may be able to provide complementary recreation, leisure and tourism focused activities. The submitted Heritage Assessment recognises some of this heritage significance, but suggests repair would be uneconomic. IWA considers that more evidence is needed to support this assertion before any demolition is agreed. The application should be required to be supported by an independent structural survey, an estimate of the costs of basic renovation, and by a marketing assessment for the repaired buildings, before any irrevocable decision is taken.”

Therefore, IWA objects to this application pending further information.

Historic England

The Secretary of State for Digital, Culture, Media and Sport asked us to advise on the application in our role as the Government’s statutory adviser on the historic environment. We have completed an initial assessment of the buildings, based on the material provided in the application, but without any further investigation or a visit. The Secretary of State has considered our advice and recommendation, and has decided not to take the application forward to a full assessment. The buildings will therefore not be added to the List at this time.

The reasons for this decision are set out below:

Historic England has received an application to consider the former offices and manager’s house of Wyrley Grove Colliery for listing. The buildings have been vacant for a number of years. The site has been marketed for sale, and is the subject of a current planning application for the demolition of the two buildings and for the redevelopment of the site to a Gypsy and Traveller residential site. This has yet to be

determined. The colliery site is close to the Cannock Extension Canal which is designated a Special Area of Conservation (SAC).

Wyrley Grove Colliery, also known as Grove Pit, opened around 1852 and was part of the Brownhills Collieries, owned and operated by William Harrison Ltd. It was situated adjacent to the Cannock Extension Canal which formed part of the Birmingham Canal Navigations and also the Norton Branch Mineral Railway. In 1930 an explosion below ground at the colliery resulted in the loss of 14 men. Mining ceased in the 1950s and most pithead buildings were demolished, although the colliery offices and the manager's house, both constructed sometime between 1919 and 1938, remain standing. They are both of two storeys, built from brown brick laid in a Flemish bond under hipped roofs of plain clay tile with deep eaves; there are brick stacks to the house. They have sash windows, though most glazing is missing, and painted lintels with simple incised detailing. The house has the remains of two canted bays to one of its elevations. Based on the information provided and with reference to the Principles of Selection (DCMS, November 2018) and the Listing Selection Guide for Industrial Buildings (December 2017), the surviving buildings at Wyrley Grove Colliery are not recommended for listing for the following principal reasons:

Degree of Architectural Interest:

Although externally little-altered, these are utilitarian buildings of early-C20th date which are modestly detailed and of limited architectural merit;

Lack of Historic Interest:

Most of parts of the colliery have been demolished, reducing the context and significance of those buildings that remain.

Although of some local interest as remnants of the former coal-mining landscape these former colliery buildings do not have the requisite level of special interest to merit listing in the national context.

Staffordshire Highway Authority

No objection subject to conditions.

Severn Trent

I can confirm that we have no objections to the proposals subject to the inclusion of condition(s).

Staffordshire Police

I ask that the planning Department consider my comments which are site specific and made in accordance with;

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

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

National Planning Policy Framework:

Paragraph 91(b).

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

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

Paragraph 127(0) includes;

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

Paragraph 95 (a&b) includes;

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

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

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

Policy CP3 includes key design principles that includes;—

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

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

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

Staffordshire Police recognises the status and rights of Romany Gypsies and Irish Travellers as distinct ethnic groups, their unique and legitimate lifestyle, and its duty under the Race Relations Act 1976 as amended by the Race Relations (Amendment) Act 2000 to positively promote good race relations in our work with the Gypsies and Irish Travellers. We continuously strive to engage in partnership, working with other public sector bodies to improve our shared service delivery to the Gypsy and Traveller

community. This includes joint working with Crime and Disorder Partnerships at a local and county level.

Staffordshire Police's Local Policing Teams are committed to improving the delivery of local policing in order to provide the best possible service to all of the county's communities, this ensures that all Traveller sites will have access to an appointed neighbourhood officer and/or PCSO, working with those communities and responding to the individual needs of that particular community.

Staffordshire Police acknowledges and supports the need for additional pitches. The relevant issue for Staffordshire Police is the available support required to address the needs and capacity to accommodate additional gypsies and travellers within the community.

Consultation in other areas with the Gypsy and Traveller community along with other consultation documents supports the View that the size of sites should be small (five to ten pitches) and, where possible occupied by one extended family group (Mentor Briefing Paper), John Day, April 2007 and DCLG Good Practice Guide 'Designing Gypsy and Traveller Sites' 2008. Staffordshire Police concur and recommend that the optimal site size should be considered to be 5-10 pitches for occupancy by a single extended family with one family per plot because more than this causes disruption and disputes between the families.

Family disputes on sites cause Policing issues and the overall success and peaceful running of a site will clearly be of benefit to both the traveller and settled communities in a locality.

In summary, small, single family, well planned sites are in the best interests of all our communities. Consultation with members of the travelling community appears to endorse this recommendation.

Research in Hertfordshire with Gypsies and Travellers themselves recommends a limited number of pitches / families per site, and careful consideration as to who occupies those sites to avoid ongoing disputes between community members: the greater the number of pitches, the greater the challenge to ensure that there are no conflicting family groups located on the same site. The right location for a site is a key issue, with easy access to major roads or public transport services to enable the residents on the site to gain employment, attend school or other type of training, and access health services and shopping facilities. Sites should also provide a safe environment for the residents.

Internal Consultations

Planning Policy

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

outweigh the benefits, when assessed against the policies in the Framework taken as a whole.

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

The proposal is for a change of use of the land to a gypsy and traveller residential site for up to 7 caravans, construction of a day room block and utility block, new vehicular access and laying of hard standing. It appears this proposal will provide for up to 4 pitches (for 4 separate households within the overall extended family group). The site constitutes a Brownfield site currently comprising of a former colliery office building, managers house and hard standing for car parking (with some landscaping). It is not allocated for any specific use on the Policies Map; however it lies within the Green Belt. It is located within a semi-rural part of the District at Little Wyrley, to the south of Norton Canes local centre.

It should be established whether or not the proposed residents of the site meet the definition of 'traveller' as per the Planning Policy for Travellers (2015) Annex 1. This is relevant in determining the policy provisions that should be taken into account. It is noted that the applicants have provided evidence of this in the planning supporting statement.

In terms of national planning policy, the relevant framework consists of the NPPF (2019) and the national Planning Policy for Travellers (2015). The latter document identifies traveller sites as inappropriate development in the Green Belt. However, this also states (para 1) that the document should be read in conjunction with the NPPF and it predates the updated NPPF (2019) which now allows for changes of use to be considered appropriate development in the Green Belt (subject to provisions outlined further below). As per the NPPF (paras 143-147) and Local Plan (Part 1) Policy CP1 certain forms of development can be considered appropriate in the Green Belt. In terms of relevance to this proposal, the construction of new buildings that represent limited infilling or the partial or complete redevelopment of previously developed land and material changes in the use of land are not inappropriate development provided they preserve the openness of the Green Belt and do not conflict with the purposes of including land within it (the five purposes of Green Belt are set out in para 134). Should openness not be preserved, then the development should be considered as inappropriate development within the Green Belt and it would need to demonstrate 'very special circumstances'.

In terms of openness, this is not defined in any national planning policy documents or guidance, but the NPPF (para 133) states that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open. Case law gives some indication of what should be considered and outlines that the effect on openness is a matter of planning judgment for the decision-maker. Impacts upon openness can be assessed in spatial (quantum of development) and visual impact terms.

In terms of 'very special circumstances' the NPPF (para 144) outlines that these will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and

any other harm resulting from the proposal, is clearly outweighed by other considerations. The Planning Policy for Travellers (para 16) states that subject to the best interests of the child, personal circumstances and unmet need are unlikely to clearly outweigh harm to the Green Belt and any other harm so as to establish very special circumstances. However, as stated in a recent planning appeal (that post dates the NPPF update in 2018) 'unlikely' should not be read to mean that these considerations will never clearly outweigh the harm, and any decision must take account of the actual weight afforded both the harm and the other considerations. A determination of weight is for the Decision taker.¹ In line with recent case law, should the personal circumstances of the applicants constitute a significant part of any necessary case for 'very special circumstances' then a personal planning permission should be considered (secured via condition).

Planning Policy for Travellers (2015) provides an overarching set of aims in respect of traveller sites (para 3-4) for plan making and decision making. It contains a section entitled 'Decision-taking' containing Policy H. Paragraph 24 of the Planning Policy for Travellers outlines a number of issues that the local planning authority should take into account when considering applications for traveller sites. For example, these include the existing level of provision and need for sites, and the availability (or lack) of alternative accommodation for the applicant; however these factors need to be considered in conjunction with Paragraph 16 (outlined above). Paragraph 25 states that sites in rural areas should respect the scale of, and not dominate, the nearest settled community and should avoid placing undue pressure upon local infrastructure. Paragraph 26 provides a series of factors to which weight can be given, including the redevelopment of brownfield land. Paragraph 27 provides that a lack of 5 year supply of sites should be given significant material consideration; however this is not the case where the application relates to Green Belt (and other designated) land. Paragraph 28 outlines situations where conditions or planning obligations may be appropriate in order to overcome planning objections to proposals.

As per national planning policy, the Council is required to plan for the future needs of travellers via its Local Plan policies. The Cannock Chase District Local Plan (Part 1) Policy CP7 identifies a need for 41 gypsy and traveller pitches from 2012-2028. As set out in Policy CP7, the Local Plan (Part 1) pitch requirements were due to be delivered via the allocation of sites in the Local Plan (Part 2) focusing upon an 'Area of Search' which is identified on the Local Plan (Part 1) key diagram. This area largely encompasses the southern part of the District which lies below the Cannock/ Lichfield Road (A5190) and constitutes Green Belt land in the main. The local context warranted the 'exceptional circumstances' to consider sites within this largely Green Belt area i.e. the A5 corridor represents a main travelling route and the vast majority of the District's existing gypsy, travelling and travelling showpeople sites are located within the area already (within relatively sustainable locations). The policy also provides a series of criteria for the consideration of gypsy and traveller proposals, which should be taken into account i.e. the proximity of existing settlements with access to shops, schools and other community facilities; providing adequate space for vehicles; providing appropriate highway access.

However, due to the extent of more recent changes to the national and local policy context the Council has since ceased work on the Local Plan (Part 2) and is now

undertaking a review of the Local Plan. The Local Plan Review (Issues and Options) consultation document (due to be publicly consulted upon in May 2019, having received Cabinet approval in Feb 2019) identifies the difficulties that have been faced in terms of identifying sites for gypsy and traveller uses since the adoption of the Local Plan (Part 1). This is largely due to a combination of the inability of existing gypsy and traveller sites in the District to expand further (due to physical and landownership constraints) and a lack of new sites being available i.e. landowners are promoting alternatives uses of their land. The Authority Monitoring Report (2018) which monitors Local Plan policies outlines that no pitches have been delivered to meet the Local Plan (Part 1) requirements to date and that the Council does not have a five year supply of sites.

As part of the Local Plan Review the Council is currently updating its evidence base in relation to gypsy and traveller needs (via an updated Gypsy, Traveller and Travelling Showpeople Accommodation Assessment). This is due to be made publicly available alongside the forthcoming Issues and Options consultation in May 2019. It will provide an up to date assessment of need within the District.

The Design SPD provides guidance on the design of new traveller sites (page 27-28). The approach to be taken to each site depends upon its size and intended occupants; however there are common features across all sites to be considered too e.g. provision of appropriate utility buildings and space around the caravans.

In terms of other relevant Local Plan (Part 1) policies, the proposal is in close proximity to the Cannock Chase Extension Canal SAC and a number of locally designated sites. In accordance with Policy CP12 the proposal should demonstrate that there would be no adverse impacts upon this internationally protected site; guidance from Natural England should be sought. Impacts upon locally designated sites should also be taken into account. CP10 and CP16 require schemes to ensure they mitigate any impacts upon the transport network and contribute to sustainable transport. The site is situated in proximity to the A5 AQMA. Comments from Environmental Health regarding the air quality implications should therefore be taken into consideration. As the proposal lies within a largely undeveloped area of open landscape, Policy CP14 should be considered with regards to landscape character. The site is currently occupied by former colliery buildings. These are not listed, or locally listed; however in line with the NPPF (Chapter 16) and Local Plan (Part 1) Policy CP15 the historic value and significance of all heritage assets (including undesignated assets) should be considered. This should be proportionate to the assets importance. It is noted that that applicants have submitted a Heritage Assessment.

As the proposals are for change of use and there is no additional floorspace constituting a dwelling (C3 use class) the scheme is not CIL liable. Any site specific requirements may be addressed via a Section 106/ 278 if required, in accordance with the Developer Contributions and Housing Choices SPD (2015) and the Council's most up to CIL Regulation 123 list. Permanent traveller pitches are regarded as residential development for the purposes of the Habitat Regulations (see 'Cannock Chase SAC Partnership FAQs', updated May 2018). As per the Cannock Chase SAC Guidance to Mitigate the Impact of New Residential Development (2017), the development would therefore be required to mitigate for its impact upon the Cannock Chase SAC via the current standard charge of £221 per dwelling. This charge would be applied to each permanent pitch proposed by the development (appears to be 3 mobile homes - this should be confirmed).

The site lies within designated Norton Canes Neighbourhood Area. The Parish Council is in the early stages of producing a Neighbourhood Plan (public consultation on issues the plan should consider in autumn 2018). No draft plan or policies have been consulted upon to date. The most up to date position with regards to the Neighbourhood Plan should be considered at the point of determination.

Response Received 23 December 2019 in the light of the Letter from Shakespeare Martineau (dated 19 December 2019)

As discussed, this was submitted in response to the Local Plan Issues and Option 2019 consultation (May-July) and therefore has not been subject to any assessment work or consultation as part of the Local Plan process. The document attached represents the extent of the submission by Wyrley Estates on this site i.e. no further supporting technical work was provided alongside this document. It represents a greenfield Green Belt site. It is suggested as an extension to the existing Woodlands Caravan Park. The owner of this caravan park has expressed an interest in expansion previously and the Council has considered other site options for traveller provision which lie to the rear of the site (in the ownership of another landowner, St Modwen). The site proposed by Wyrley Estates can be taken forward as an option for further assessment and consideration as part of the Local Plan process. However, the outcome of the Local Plan process can not be pre-judged, particularly at this early stage of the plan making process. The next stage of Local Plan consultation (Preferred Options) is not scheduled until summer 2020. Adoption of the Local Plan is not anticipated until July 2022.

Conservation Officer

The site comprises part of the former Grove Colliery (historically Wyrley Grove Colliery and later Brownhills Colliery: Grove Pit) which operated 1852-1950. Many of the surface installations and colliery buildings have gone but remaining buildings include William Harrison's office and the colliery manager's house. The former colliery stood beside the Cannock Extension Canal, opened 1863, which served as a major transport artery for coal to Black Country industry into the 1960's. Part of the colliery site has been used for landfill, more recently capped and covered with topsoil and planted for wildlife. The whole area has been looked at in developing the current Local Plan as a regeneration opportunity for leisure and recreation — Local Plan objectives 4 and 7.

Although not statutorily listed buildings nor standing within a conservation area the buildings are most definitely 'heritage assets' under the terms of the NPPF and would be candidates for a forthcoming District Local List. They still exhibit traditional architectural details, techniques and materials which should in any case be recorded whilst they survive.

Legislation and Policy

The NPPF 2019 sets out the process for considering the conservation and enhancement of historic environment in paras 184-202, and the potential impacts of development proposals. Of particular relevance here:

- Para 184: heritage assets range from sites and buildings of local historic value to those of the highest significance. These assets are an irreplaceable resource and should be conserved in a manner appropriate to their significance so that they can be enjoyed for their contribution to the quality of life of existing and future generations.

- Para 189: In determining applications local planning authorities should require an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting. The level of detail should be proportionate to the assets importance. As a minimum the relevant historic environment record should have been consulted and the heritage assets assessed using appropriate expertise where necessary.
- Para 190: the Local Authority should identify and assess the particular significance of any heritage asset that may be affected by a proposal (including by development affecting the setting of a heritage asset). They should take this into account when considering the impact of a proposal on a heritage asset to avoid or minimise any conflict between the heritage assets conservation and any aspect of the proposal.
- Para 192: in determining applications, local planning authorities should take account of:
 - The desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation
 - The positive contribution that conservation of heritage assets can make to sustainable communities including their economic viability
 - The desirability of new development making a positive contribution to local character and distinctiveness.
- Para 197: the effect of an application on the significance of a non—designated asset should be taken into account in determining the application. In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.
- Para 198: Local Planning Authorities should not permit the loss of the whole or part of a heritage asset without taking all reasonable steps to ensure the new development will proceed after the loss has occurred.
- Para 199: Local Planning Authorities should require developers to record and advance understanding of the significance of any heritage assets to be lost (wholly or in part) in a manner proportionate to their importance and the impact and to make this evidence and any archive generated publicly accessible. However the ability to record evidence of our past should not be a factor In deciding whether such loss should be permitted.

Local Plan Policy CP15 seeks the safeguarding of historic buildings, areas and their settings from developments harmful to their significance in order to sustain character, local distinctiveness and sense of place. Proposals including new developments that are sensitive to and inspired by their context and add value to the existing historic environment, landscape and townscape character will generally be supported with planning standards applied in a flexible manner to maintain historic continuity. The conservation and enhancement of heritage assets will be supported through other work including preparation of a Local List of locally significant heritage assets (forthcoming) and through the development management process.

Objective 7 of the Local Plan District wide objectives (para 4.103) makes reference to the Grove Colliery site and its locally significant heritage assets, with potential alongside the Canal for designation as a Conservation Area given its important landscape character history and potential for environmental enhancement.

As non-designated heritage assets the significance of these buildings needs consideration in the decision making process. The applicant has provided some historical information about the area and the buildings to support the application, but not in any detail. It is acknowledged that these buildings are in a state of considerable disrepair, however they remain a key part of the larger significant historic site (in conjunction with other remaining former colliery buildings, the canal basins, bridges and workshop building) and signpost the heritage of the area and so the preferred option from a conservation viewpoint would be to retain and reuse them as part of a heritage regeneration project to revitalize the District in accordance with the Local Plan. It seems short sighted to erase them just to achieve a small cleared site when there is plenty of open land adjacent, but in this event it is recommended that a Level 2 building survey is conditioned and carried out to record these buildings as part of the history of Norton Canes which should be deposited in the SCC County Historic Environment Record.

There is a conservation objection to the loss of the buildings as proposed.

Property Services

The Council commissioned a Condition Survey Report in March 2018. This report confirmed that externally the buildings are in very poor condition, citing the following issues:-

- i) The roof is leaking and appears to have been for a number of years therefore the full roof replacement required.
- ii) The fenestration is damaged and beyond repair, rotten timber windows and doors with glazing smashed. All windows would need replacement.
- iii) The external walls are in poor condition, Brickwork damaged with defective pointing. Concrete flaunching cracked and weathered and pots damaged/ missing. Structural cracking on the rear elevation between the ground floor window lintel and first floor window sill. Concrete sills to window openings are cracked damaged and poor. Pointing is weathered, recessed and generally poor. Deteriorated gutters and downpipes.
- iv) Internally, the building is in very poor condition having been subject to prolonged water penetration over a number of years with areas of the structure affected by dry rot. All internal finishes and the majority of the internal structure are beyond repair / salvage.
- v) Areas of the building have been vandalised and stripped out. The external areas are completely overgrown with vegetation and mature trees and shrubs making the areas inaccessible.

The report concludes that the building and external areas are in very poor condition having not been occupied for a number of years. The envelope of the building has been

leaking for a number of years allowing prolong water ingress. There is extensive internal damage to finishes and dry rot evident in a number of locations.

The property was put up for sale on the open market by Andrew Dixon & Company acting on behalf of the Council. After an initial period of exposure to the market written offers were invited. Several bids were received and the Leadership Team approved the sale of the property to the successful bidder subject to contract and planning.

Environmental Services Ecology

The bat survey submitted with the application confirms the presence of roost sites used by common pipistrelle bats. The proposals require the demolition of the former colliery buildings in which the roost sites are situated therefore resulting in complete removal of the features concerned. Cannock Chase Council must be able to demonstrate that the presence of a protected species has been fully taken into consideration in the decision making process. In order to comply with legislation Cannock Chase Council must be satisfied that the relevant derogation requirements necessary for the issuing of a licence are likely to be met. In order to meet licensing criteria it is necessary to establish that the following three legal tests can be met:

- The activity is for a purpose that can be shown to be of overriding public interest.
- There is no satisfactory alternative that will cause less harm to the species.
- The activity does not harm the long-term conservation status of the species.

The Ecologist concluded that it is for Cannock Chase Council to decide if the application can pass the imperative overriding public interest test and be confident that there are no less damaging alternatives available. In the event that it is minded to approve this application I advise that any such approval should be subject to a condition requiring the submission of a detailed lighting plan in order to ensure that light pollution is prevented or reduced to the minimum possible level. The canal corridor is used by a number of bat species that are capable of being adversely impacted by light pollution. It should be noted that when applying for a licence to Natural England, then the "Imperative overriding public interest" test is met when permission has been granted in line with planning policy on development.

The bar to consider that there is 'no satisfactory alternative' is low given the species and type of roost, which are both common and widespread. However should such a statement be required, then it could be noted that the building cannot be retained within the layout and must be demolished for construction to proceed and the site to be used as specified. Consequently no roosts can be retained within the site at their present locations.

Environmental Health

No adverse comments are offered regarding these proposals in principle from Environmental Protection. Suitable and sufficient permanent arrangements should be made for the storage of waste and recyclables and the subsequent collection and disposal of same. I note that foul and storm drainage proposals are included within the application documents and recommend that Severn Trent are consulted on these particulars.

Strategic Housing

There is a need in the District for gypsy and traveller sites and accommodation. The change of use of this site will assist towards meeting this need. The applicant and his family are currently living in overcrowded conditions. When they move to the proposed site and vacate their current pitches, this will help to meet the needs of other gypsy and traveller families.

Response to Publicity

The application was advertised by way of neighbour letters to adjacent residents and a site notice was put up adjacent to the site. 15 letters of representation were received from neighbouring properties. A summary of these objections is set out below:-

- As a resident neighbour and Business owner in Lime lane of 10 years it was my (objector) understanding that the property and associate land belonging to the council was to be developed for leisure use, the suggestion that at the entrance of this site should be used as a residential Gypsy site surely prevents any further development or investment which were outlined in the local development plan.
- The Proposed site plans show no regard for the Public right of way which passes through the site. The Timberland trail inaugurated in 2003 passes through the Grove Colliery in appreciation of the former colliery buildings of which the proposal plans to demolish. The walking instructions featured on the Forest of Mercia website states that walkers should “enter the site of the former Grove Colliery” and a wooden wayfinding post is present near the site, pointing in its direction. Once again, this is a unique feature of the area and something that we are fortunate to have in Norton Canes. The Forest of Mercia trails give an insight into the natural beauty and colourful history of our area which could be impinged on by this development.
- The historical importance of these buildings appears to have been overlooked somewhat (see book ‘William Harrison company Ltd written by Mick Dury CCMHS Publications) and the condition elaborated in favour of the proposal. The detached property to the front of the site (The Colliery Managers house) was lived in until more recent years and could be easily restored, and is also a residential unit that the planning application appears to overlook.
- The house which is to be demolished is a very old building, although the outside walls and roof are sound, and has a historical value to the area and would be put to better use as a heritage museum, which has been suggested before, then we wouldn't be losing the history.
- The area which is currently serviced by Lime Lane service Road supports several noise generating businesses Inclusive of 2 heavy haulage firms, Wilkinsons Fair (engineering works), Cannock Pallets and ourselves who have a licenced boarding kennels for 50 dogs, the site is far from an ideal location to house families in caravans. Surely not a suitable location for such a development!
- The access road is narrow with a blind entrance onto a major road with less than 20 metres visibility in the direction of Pelsall due to the construction of the new canal bridge, immediately after the junction with Lime Lane the road turns a right-angle in front of the cottages. I (objector) cannot see how a vehicle towing a caravan - particularly a large one would be able to manoeuvre safely onto the access road let alone the site.

- The Service road area is unlit, has no street lights and is without pavements, meaning access to and from the site unless by car, would be along an unlit service road used by HGVS.
- At the entrance there should be a clear sightline both ways. The drawing actually shows both sightlines blocked by existing trees, shrubbery and new hedges/fences. All these would have to be removed to achieve an acceptable clear view splay. The access point, being as it is on the apex of a convex curve in the road, makes the required safe sightline, very difficult to achieve and is therefore not in the most practical or safest location. By contrast the road at the rear is concave with good sightlines both ways.
- The proposed entrance will create dangerous congestion, inhibit the free flow of existing traffic, be a magnet for obstructive parking problems, and thereby frustrate our and others business operations. The site occupancy, however temporary, could easily double from the wide range of family, friends and visitors, particularly since there are only six parking spaces for seven residences. Where will all the gardening vehicles, four x fours, trucks, flat horse trailers, caravans for sets, and gigs be parked if not on this totally inadequate site? Obviously they will be left wherever the owner sees fit. Maybe without regard to anyone else and create nuisance and possible catastrophe when "invisible children" suddenly pop out.
- The plans do not show adequate parking for the number of vehicles expected with this type of proposal, there is no consideration for visitor parking, or the number of visitors who currently park in the area to gain access to local walks and the marina. This section of Lime Lane is a very narrow road which is not designed for two-way traffic or for vehicles to be parking along the length of the road. This site straddles the road itself and given that there are only six allocated parking spaces in the site plan, it is inevitable that vehicles will be parked on the other side of Lime Lane from the pitches. This would restrict the ability of HGVs and the travelling showpeople to pass down the lane; this could lead to vehicle damage as well as arguments and tension between the neighbouring sites.
- The increase in traffic outside of normal working hours would cause further noise disruption and light pollution concerns.
- If there are lorries bringing in caravans to the new site there is no room for them to turn round to back into the site.
- The planned access road is at times quite busy with HGVs as well as other vehicles; the extra traffic at a constricted point on a bend in the roadway and the proximity of young children is of concern. The supporting documents point out that there are numerous young children amongst the families. If a transport company wished to set up a new base on a driveway which passed an existing Travellers site it would be highly likely to be refused on grounds of traffic being a danger to the children.
- There is no mains gas or mains sewerage for the area, another issue, which leads on to the concerns over the use of the sewage treatment plant proposed, and risk of local surface water pollution to both the stream and canal an area designated as of significant scientific interest.
- The drainage is also a big worry, we have problems with flooding on the approach to the moorings when we have a lot of rain now, so the waste from the new site may add to this and we need to make sure that nothing untoward leaks into the canal. The semi-detached properties to the north of the site drain into a

soakaway which is for their use only. The applicant appears not to have taken this into account and residents I have spoken to are questioning the maps provided by the applicant which appear to show a drain where there isn't one. I am concerned that the applicant may be assuming that wastewater could flow into a storm drain which is only designed to transport clean water. As the plans contain a utility block, this will be critical issue which would clearly need far more consideration to avoid potential damage to the valuable and diverse ecology present around the site.

- The drawing RC08 Submitted is completely inadequate and not representative of the local landscape, the stream highlighted for alternative drainage on the plan doesn't appear to exist, it shows no consideration for flooding or how the permitted discharge into controlled waters will be controlled or monitored by the Environment Agency and local authority.
- Bear in mind at the moment there is only the two residential dwellings (145 and 143) and by adding another potential 7 residential units in the form of 7 caravans, to the particularly marshy land here that already struggles with heavy rainfall, over tripling the output in the local area is going to cause increased flood risk.
- I (objector) do not feel that there has been adequate investigation into the wildlife and ecology that has become dependent on the site there are several endangered species which are known to inhabit the area including the great crested newt. There is nature in abundance around the area including various birds, swans, bats, newts, frogs and deer, which enhances the area and would obviously disappear if the site was changed.
- There are already 2x traveller sites within 2.5 miles. Surely there must be other locations not on unlit, unsafe roads, with no access to mains sewerage literally metres away from existing residential family homes with 3 of the proposed caravans right on the border.
- The proposal does not appear to adhere to Government policy guidelines. Policy C14 states that the scale of such a site does not dominate the nearest settled community. As the land that will be owned by the Travellers will straddle and be adjacent to, the entrance to the Palette business, the fairground site, the lorry business and the boat moorings, I (objector) fail to see how it can not dominate our settled business and leisure community.
- It also states that the site should promote healthy lifestyles, ensuring adequate landscaping and play area for children, bearing in mind that there could be anything up to 7 or 8 kiddies on site at certain times.
- I (objector) am a boat owner [amongst others] in the Grove Basin, which is at the end of the access road just past where the development will be. This has been my second home for nearly 20 years. The basin is an excellent mooring and affords a very peaceful and relatively secure environment now that nature has reclaimed the old mine area. The prospect of a Gypsy site, right on our doorstep, fills me (objector) with apprehension. We all know what problems local communities face when they are in an area.
- Security is my main concern together with possible unsocial activities around the area. Whilst I (objector) am aware of the need to provide sites for Traveling Families, we already have at least 14 such sites within a six mile radius of this proposal, 11 of which are within Staffordshire. I (objector) fear the consequences of this application in terms of security of my property on site.

- At present the area is accessed by gates which are padlocked to protect us from unwanted visitors walking or driving around, we will no longer feel safe to leave items lying around outside our boats for fear that they will be taken or tampered with.
- The noise would increase drastically with the amount of people that would be coming and going to the site and access to our gates and moorings would be compromised, also our main electricity incoming board, is just outside our gates and will become part of the new site what does that mean for us?
- The many businesses that are presently at Lime Lane have all said that they will have to move site, if this application goes ahead.
- The two houses on Lime Lane will be directly adjacent to the new site, and be too close to keep their privacy, peace and quiet. We understand that traveller sites should be placed a certain distance away from residential areas ?
- There are a lot of traveller sites in the area which work very well, but are all a considerable distance from residential houses and businesses.
- We hope you also realise, that if this application goes ahead, you will be putting one part of the travelling community alongside another in the fairground people who use their area for winter quarters and have been there for a long time without any problems, the fact that they have guard dogs on site, help us to feel protected, but these two sets of "very different travellers" do not get on at all! I am sure the police will be visiting the area a lot more often to sort out problems.
- The disruption during the demolition and construction work if not carried out by a competent contractor will be horrendous in such a confined area.
- The land that makes up the proposed site is owned in part by the Council and in part, our Landlord. Directly opposite the proposed site is Cannock Pallets Ltd. For the last 16 years and for some 11 years before us, both this business and our predecessors Pelsall Pallets, have used the proposed site for the loading, unloading parking and turning of our and our suppliers' lorries as part of our pallet recycling business. We have therefore used the proposed site as an extension of that business. Neither we, nor Pelsall Pallets before us have ever been given permission by the landowners for this usage of their land. No one on behalf of either landowner, over the last 27 years, has stopped us or our predecessors, nor has any attempt been made to stop us (and our predecessors) from using the proposed site as we have described above. Further, and importantly, we are advised that by virtue of our long use of the proposed site (which can be shown to be for over 20 years), we have acquired legal right over it, which we hereby assert and which we will now proceed to register against the respective titles.
- Pelsall Pallets have used the land in front of the Colliery offices for parking our two cars. In fact, in or around 2007 a sign was erected on this area of land to declare that parking was for Cannock Pallets only. We were not given permission by the landowner for this sign, but no objection has ever been raised to this sign, which is clear and visible and not hidden away.
- The site, in a light industrial area, sandwiched between two roads whose primary traffic is heavy goods vehicles, is totally unsuited for residential use. The road at the rear is used by HGV's and commercial vehicles attending Bayley's Garage and for overnight parking by up to six HGV's. There is much turning and shunting to perk up. They leave early morning and return around 4.30pm. Cold diesel engines have to be warmed up and shouting to each other above the

engine noise is almost obligatory. The road at the front. Lime Lane Service Road also has an early morning start. Murray's seven 45 ton trucks leave for the day to also return in the late afternoon. There are many frequent movements between Bayley's Garage and Murrays lorry park. (using both roads) because Bayley's service and carry out maintenance checks on Murrays total fleet of about twenty lorries and their double trailers. These additional vehicles are parked on the fairground site during the six month summer period when Wilkinson's Fair is on tour, and thereby add considerably to the total of truck movements.

- The containment of the proposed Gypsy site by a 2m fence and hedges will give no relief to the site occupants from this continuous engine and air brake noise disturbance, diesel exhaust smoke pollution from slow moving of lorries, mud on road, dust clouds, and low frequency ground vibrations. This will prompt them to make many justifiable complaints to the council, and thereby prove our assertion that this boxed in site opposite our noisy and unsightly pallet business, with no views or amenities for family life, is overwhelmingly unsuitable for residential occupation and its single entrance exit is downright dangerous for children.
- A bat survey has been submitted with the recommendation that a licence (EPSML) should be obtained to legally destroy this valuable roost and not to shine any bright lights on the canal. This is just not good enough and we urge the planning committee/ council to initiate real protection to this endangered species by maintaining the property as a Bat sanctuary, a Barn Owl home and a Swift hotel. There are Jackdaws nesting in the chimney pots there could be Blue Tit and Robin boxes. Honey Bee nests and more. Every year we rescue from the road, many Common toadlets exiting the site en-route to the canal. This is a Biodiversity Action Plan priority species and these toadlets are a preferred food of the Great Crested Newt who are resistant to the toadlets noxious secretions. There is a high probability therefore that this site is also the home of another protected species, namely the Great Crested Newt. It is therefore essential that the Councils Ecology Officer" prohibits any disturbance to the site. Initiates a thorough investigation and reports with all due haste to Planning Control.
- With a little vision, a lottery fund appeal and some voluntary help from enthusiasts the building and its site has the potential be a wonderful addition to the adjacent S.S.S.I. and. as such an important educational resource for local school children - a living museum.
- At question 16 in the application form, it is asked if the proposal will include the loss of residential units, to which the reply is "No". This is incorrect because it is proposed that the former Colliery Managers detached house lets be demolished. This would be wanton destruction of a historical residence that has the potential to be restored as an assailable example of a period property. Being adjacent to the former night and dayshift supervisors houses it is part of an important trio that enhances the history of the mine and our valued heritage. Unlike the offices, this house is eminently suitable for restoration and if it were to be separated from the rest of the site with a garden and properly promoted by an enthusiastic estate agent would quickly and profitably be sold for probably more than the whole site is currently valued at. It is part of our legacy and the Council should respect and protect the rare and valuable examples that remain from the ravages of the wrecking ball. We strongly implore you to reconsider this potential folly.

- The site is within the Green Belt. In such areas, national guidance (Planning Policy for Traveller Sites [PPfTS published in 2015]) advises that traveller sites are inappropriate development in the Green Belt, which should not be approved except in very special circumstances. It is further advised that personal circumstances and unmet need are unlikely to outweigh policy. It is not considered that the case presented by the applicant is anywhere near robust or compelling enough to outweigh Green Belt policy.
- It is noted that the council's own conservation officer has objected to the application. It is a key aim of the current local plan to promote the SAC for conservation and recreation and the proposal will do great damage to this. The scheme presented pays very little regard to its context and the justification provided is insufficient to deal with the harm adequately.
- The former colliery land contains large areas of brownfield land. Although the site is within the Green Belt and the countryside, the long term ambition is to work with the council to bring forward a comprehensive masterplan to realise the significant potential the land holds regarding economic, heritage and recreational uses. To allow the current application would undermine this and most likely render any masterplan as unworkable.
- The site-lies within a former colliery and is very close to a former landfill site, and we are aware that there is some evidence of gases leaching through the ground. At present there is simply no information to enable a proper assessment of this matter.
- It is imperative that the Council has given proper consideration to the applicant's Gypsy status. Suffice to say, it is an established point that if an applicant for planning permission wishes to ask for their gypsy status to be considered as a material consideration. It is for the applicant to demonstrate that status and for the Council to be satisfied with the evidence presented. Important cases in this regard are *R v South Hams DC Ex p. Gibbs* [W95] QB. i58 and *Wrexham CBC v National Assembly of Wales* [2003] EWCA Civ 835.
- It is established in case law (including for example *Turner v Secretary of State for Communities and Local Government* [2016] EWCA Civ 466) that consideration of Green Belt impact is not merely a volumetric exercise but can also incorporate other relevant factors including visual impact.
- The applicant's statement (para. 10.1) refers to the proposal covering a smaller footprint than the existing structures and being lower, thereby causing less Green Belt impact. On the footprint point. It is noted that no calculations have been provided. At present approximately the middle third of the site is occupied by buildings, concentrated in a single area of the site. The rest of the site is open of development and gives a rural appearance, with mature landscaping (a point recognised in the Heritage Assessment). The proposal would allow for a much greater spread of development on the site, giving a clear impression of encroaching urbanisation into the Green Belt. This would conflict with at least one of the 5 purposes for protecting land in the Green Belt in para. 134 of the NPPF. Without calculations, it is difficult to comment on the footprint assumptions, but it is likely to be very similar given that the proposal will replace the existing buildings with 3 static caravans and two other permanent structures, with the site regularly occupied by touring caravans and vehicles. Even If there is a reduction.
- It is noted at para. 10.3 in the applicant's statement that it is claimed the site does not lie within the open countryside. This is clearly incorrect. The site and

the context have been part of an industrial complex in the past but a large area has been restored and the site lies outside an identified settlement. The countryside does not consist only of fields- it includes many different types of operation and buildings. However, the starting point must be those policies that relate to development within the countryside.

- The case presented is simply not sufficiently compelling to pass the stringent tests for very special circumstances. Only one of the proposed occupiers is at any risk of homelessness, and it is not clear whether that situation is critical. The other occupiers all have secure plots elsewhere. There is no evidence of significant personal circumstances and reference to children being able to all attend a local school appears to be borne out of convenience rather than necessity. In line with the PPfTS, this argument holds minimal weight.
- Even in terms of local need, it is noted that only one of the occupiers (the applicant) resides within the Borough at present. If approved, the development would therefore only generate a net increase of 1 pitch within the Borough, vacated by the applicant moving to the new site. Unmet need rarely represents very special circumstances, but even in this instance the proposal would have a negligible impact on improving the supply of available plots. The proposal will be a private site and there is no suggestion that it will be made available to others if the plots become vacant for any reason. In line with the PPfTS this argument holds minimal weight.
- Although the local unmet need and personal needs of at least one of the occupiers carries moderate weight in favour of the proposal, this is clearly insufficient. In addition to the minimal weight held by the other factors to provide a case for very special circumstances to clearly outweigh the substantial harm caused to the openness of the Green Belt by the very existence of the development, in addition to the harm arising to visual amenity.
- It is noted in the Cannock Chase Local Plan (Part 1) that the canal represents a 'key heritage asset'. Whilst the Heritage Assessment refers to the impact on the canal it only really mentions drainage as an impact. The document does not consider the impact of the development on the historical context of the canal which will be potentially impacted greatly by the removal of the historically-important buildings and establishment of a residential site utilising a form of development quite different to the nature and form of development historically associated with the canal and the colliery site. Indeed it is noted that the Conservation Officer is at a similar view and objects to the proposal. This should be afforded significant weight in the planning balance. The proposal fails to apply the tests as set out in paragraph 189 of the NPPF and therefore fails to accord with policy.
- The landowner holds an ambition to instigate a long—term masterplan for the development of brownfield land at the former colliery site and has signalled a desire to engage with the Council to discuss this process. The site is extensive but well positioned and could make a significant contribution to the Boroughs economic development needs as well as providing enhanced leisure and heritage facilities. A long-held ambition of the Council. Clearly, the best way to achieve the proper planning of the area is through the masterplanning process rather than unconnected piecemeal development proposals.
- The granting of piecemeal development proposals within the area puts this process at risk. Any encroachment of uses potentially incompatible with

economic development could reduce the viability of a wider masterplan to the point where it becomes unviable.

- It is noted in the applicant's statement at paragraph 1.3 that the purchase of the site by the applicant from the council is conditional on this application being granted — it is certainly hoped that the application will be determined in accordance with material planning considerations only and that matters relating to a potential land sale are treated as being wholly irrelevant.
- The proposed development is in the wrong place and will jeopardise long term ambitions to work with the council to provide significant benefits on the former colliery land to the wider Borough. A landowner owns land adjacent to the existing traveller site to the south along Lime Lane (the site currently home to the applicant) and would be willing to discuss a potential extension to that site, which as confirmed within the applicant's statement, is very popular. It would be far more sensible to extend an existing popular site than establish an entirely new one which would also likely increase the Borough's supply by a greater amount than the proposed development.
- Insurance premiums might go up if the site gets approval.
- The application quotes the adjacent site as being showman storage. This is not the correct description, as there are complete families continually living here from November to April each year for the last twenty eight years. After reading the application I (objector) fully agree that the Clee family, like myself (objector), needs somewhere to live on a permanent basis. I (objector) myself have been talking to Cannock's Planning Department for around twenty four years, so that we (objectors) may have a permanent base, a place to call home in the Norton Canes area. At the moment we (objectors) are told that there is no land available — and therefore we (objectors) have a temporary permission, though it seems as if we (objectors) are going to be here indefinitely.
- To pass this proposal would not take into consideration the settled community who one of which has their house adjoining the land in question. It would seem too dense a development in the entrance to the Grove, where there are cars and vehicles in and out all through the day and night. It could be said that this development could possibly attract around seven private vehicles, and five commercial use vehicles, which could potentially block access.
- Immediately to the north of this site are two semi—detached properties. Under the plans submitted, the occupants of the property that bounds the site (143 Lime Lane) would have a mobile home right up against their fence; even with a very high fence this would inevitably cause them a high level of disruption. The property next door contains a business which provides a rehabilitation service for dogs; this business is ideally located given the relative tranquillity of this area, a vital requirement for the work they do. This business could be significantly damaged by disruption that would almost inevitably result from the site in the form of noise pollution and vehicle movements. Further down the lane, both the wooden pallets and brick delivery businesses rely on unimpeded access down the lane on a regular basis; given that this site straddles the lane, this access could be compromised by vehicles being parked along both sides of the lane.
- Local Plan (Part 2) site options in January 2017 despite the fact that four other sites in the Norton Canes parish were. This raises the question of why this site would be suitable for a traveller site now when it was not deemed to be suitable by the District Council just two years ago. Given that other sites have been identified as potential traveller sites, I (objector) believe that the District Council

should stick to its thorough, methodological approach to the complex issue of traveller site provision by not accepting sites like this which fall outside of the Local Plan scoping exercise.

- We (objector), the showmen's site and the existing residents in the adjacent houses would be more than dominated, we would be completely overwhelmed. It would be like we were living in a Gypsy camp, enduring a lifestyle and culture imposed on us that we would not have chosen. The definition of the nearest settled community has been established by existing Caselaw as 400m. See *Brown, Delaney and others v Canterbury City Council*. Where Inspector Clegg found that a site about 400m from an existing settlement was not away from it. For further reference see *Suggery v Huntingdonshire DC*. Where Inspector Tim Wood said Paragraphs 14 and 25 of the Planning Policy for Travellers implicitly accept that such sites may be located in rural and semi—rural areas, but that they should not dominate nearby settled communities.
- The proposal represent “inappropriate development” in green Belt Policy Terms, it is by definition harmful to the Green Belt, and should not be approved except in very special circumstances. National Planning Policy make sit clear that “subject to the best interests of the child, personal circumstances and unmet need are unlikely to clearly outweigh harm to the Green Belt and any other harm so as to establish very special circumstances”.
- The Local Plan confirms that the “Green Belt will be protected from inappropriate development” and will be well managed and will be linked to the Area of Outstanding Natural Beauty”.
- Whilst the Local Plan identifies an unmet need for Gypsy and traveller sites in the District, the applicant and other constituent members of his family who would propose to occupy the site (including their children) all appear currently to have settled accommodation. Whilst there is no doubting their desire to live together on the application site, there is little, if any evidence (that [the objector] has seen) to suggest that releasing the site to them for this purpose is ‘necessary’.
- The remaining colliery buildings fulfil the definition of ‘heritage assets’ in the National Planning policy Framework.
- One need look no further than the adopted Local Plan for acknowledgement of the heritage credentials of the application site:
- “4.103 The Council will also be proactive in creating a Local List of locally significant heritage assets. The Cannock Extension Canal and its wider setting of the former Grove Colliery with its remaining historic buildings is the main candidate with potential for destination as an additional Conservation Area, given its important landscape character, history and potential for environmental enhancement.”
- “The Cannock Extension canal represents a key heritage asset, however given the ecological sensitivities of the site any proposal for enhancing its character will need to be carefully designed” and
- “a further conservation area will be considered for the Cannock Extension Canal having regard to its wider setting and potential for enhancements”.
- [The objector goes on to reference Local Plan Policy CP15, the comments of the conservation Officer dated 12 M and the comments of the Canal and river Trust in their consultation response dated 1 April 2019 March 2019.]

- The disposal of the application site by the Council to the applicant for the purposes of developing it as a Gypsy and Traveller site would drive a coach and horses through the Council's own policies.
- The proposed breach of Development Plan policy would appear to be exacerbated by the fact that an offer to the District council to collaborate on a heritage –led regeneration of the Grove site has been made by Little Wyrley Estate and Norton canes Parish Council. Through a joint masterplan/ brief for the site including its role as a recreation hub.
- Ecology
- The application site is located within the 'Cannock Extension canal Special Area of Conservation ("SAC"). SACs are internationally protected areas designated (in England and Wales) under the Conservation of Habitats and Species Regulations 2017 (as amended). The site is also designated as a Site of Special Scientific Interest.
- The primary reason for selection of this site as a SAC is that the canal is "an example of anthropogenic lowland habitat supporting floating water plantain *Luronium natans* at the eastern limit of the plants distribution in England. A very large population of the species occurs in the canal, which has a diverse aquatic flora and rich dragonfly fauna, indicative of good water quality. The volume of boat traffic on this terminal branch of the Wyrley and Essington Canal has allowed open-water plants including floating water plantain, to flourish, while depressing the growth of emergents.
- [The objector goes on to reference Local Plan Policy CP12, paragraphs 4.87, 4.90, 4.99, 4.104, 6.10 and 6.11 of the Local Plan, the citation for the Designation of the Cannock Extension Canal as a SSSI and the consultation responses from Natural England dated 18 March 2019 and 6 November 2019].
- It is trite law that for a plan or project to be approved, an HRA must result in there being 'no reasonable scientific doubt' that a plan or project will not have an adverse effect on the integrity of a European site. Decisions must be made and supported by the best scientific knowledge / evidence available. Furthermore, whilst the positive effects of mitigating measures may be included in a stage 2 Appropriate Assessment, the CJEU in the *Cooperatie Mobilisatie* case held that mitigation measures may only be taken into account as part of such an assessment where the benefits of the mitigation measures are certain at the time of the assessment: i.e.
- "126... according to the court's case-law, it is only when it is sufficiently certain that a measure will make an effective contribution to avoiding harm to the integrity of the site concerned, by guaranteeing beyond all reasonable doubt that the plan or project at issue will not adversely affect the integrity of that site, that such a measure may be taken into consideration in the 'appropriate assessment' within the meaning of Article 6(3) of the Habitats Directive (see, to that effect, judgements of 26 April 2017, *Commission v Germany*, C-142/16, EU:C:2017:301, paragraph 38, and of 25 July 2018, *Grace and Sweetman*, C-164/17, EU:C:2018593, paragraph 51)....
- ...130 The appropriate assessment of the implications of a plan or project for the sites concerned is not to take into account the future benefits of such 'measures' if they are uncertain, inter alia because the procedures needed to accomplish them have not yet been carried out or because the levels of scientific knowledge does not allow them to be identified or quantified with certainty.

- 131 It must be added that the appropriate assessment within the meaning of Article 6(3) of the Habitats Directive must include not only the anticipated positive effects of those ‘measures’ but also the certain or potential adverse effects which may result from them (see to that effect, judgement of 25 July 2018, Grace and Sweetman, C-164/17, EU:C:2018:593, paragraph 53).
- 132 In the light of the forgoing, the answer to the fifth to seventh questions in Case C-293/17 and the third to fifth questions in Case C-294/17 is that Article 6(3) of the Habitats Directive must be interpreted as meaning that an ‘appropriate assessment’ within the meaning of that provision may not take into account the existence of ‘conservation measures’ within the meaning of that paragraph 1 of that article, ‘preventive measures’ within the meaning of paragraph 2 of that article, measures specifically adopted for a programme such as that at issue in the main proceedings or autonomous measures that are not certain at the time of the assessment”.
- It is respectfully submitted that in the context of the above, the Council’s conclusion that the Construction Environmental Management Plan (CEMO) and the proposed measures within it, if put in place would adequately protect the integrity of the Cannock Extension canal SAC is untenable.
- The substance of the CEMP is set out in a table. The numbered paragraphs below refer to paragraphs in that table. There area number of measures proposed in the table in order to remove that risk of adverse effect on te integrity of the SAC, the benefits of which were, at the time of the HRA, uncertain because the details of the actual measures themselves had not even been identified. For example

Stages of the Project	Risks	Mitigation
7. Demolition of the buildings	Water from the wheel washing of haulage vehicles, from dust damping during demolition and storm water may all present a potential threat to the integrity of the nearby canal and stream.	Seek advice and follow guidance regarding measures to reduce the risk of cross contamination. These may include provision of bunds, installing specific arrangements to control ground water movement and flow from the canal.

- It can be immediately see from the above that the mitigation measures required to remove the risk of contamination to the canal and stream have not bene identified and thus the effectiveness of such measures- whatever they might, in due course, turn out to be-were not, and could not be certain at the time of the HRA.
- And further

Stages of the Project	Risks	Mitigation
8. Demolition of the buildings	Ste (stet) Waste management and disposal	The demolition contractor will provide a comprehensive Site Waste Management Plan and comply with current waste

		management and disposal legislation and guidance and to allow for the appropriate disposal of all waste generated by demolition...
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- Again, as the measures proposed in the Waste Management Plan are not identified and were not known at the date of the Assessment, the effectiveness of such measures was also at that time ,by definition, uncertain.
- And further

Stages of the Project	Risks	Mitigation
11. Following demolition of the buildings	Demolition of the buildings will allow investigation of the existence of any historic drainage channels from the buildings into the canal.	<p>A full understanding of the existing suite drainage could not be obtained through the initial survey which is recorded in the Conceptual Drainage Strategy.</p> <p>A further drain survey and review of the site drainage strategy is required at an appropriate stage of the demolition.</p> <p>If demolition of the buildings reveals that there are any historic drains into the canal they need to be blocked up. (The project thus provides the potential to improve the integrity of the canal compared with the existing.</p>

- Self-evidently, the proposed mitigation in both of the above paragraphs is subject to further survey and investigation work and thus the effectiveness of any of the proposed mitigation must have been uncertain at the time of the assessment.
- There is no room for doubt that in these circumstances, the Council could not lawfully take the proposed mitigation measures in the above paragraphs of the CEMP into account as part of the HRA as the benefits of the mitigation measures were uncertain at the time of the assessment.
- The consultation response to the application submitted by the Canal and River Trust (dated 1 April) also states

- “Although the site is set back from the canal the proposed works do have the potential to result in adverse impacts on the natural environment of the canal corridor and in particular water quality. The submission indicates that it is likely asbestos is present in the existing buildings. This and contamination present on the site need to be addressed accordingly with further assessments submitted for consideration.
- Whilst the submission indicates that currently there will be no drainage to the canal this does require further clarification. This is to ensure that no surface water enters the canal, from general runoff or via historic drainage channels. These issues could be addressed by conditions.”
- The applicant’s own heritage assessment acknowledges
- “The proposed demolition and development of the site for Gypsy and Traveller Residential use could pose a threat to wildlife and aquatic conditions in the SSSI and SAC. Therefore careful investigation of historic drainage channels on the site and nearby is proposed during site clearance and demolition and any remedial works carried out to avoid contamination of any remaining pipes or channels that may drain towards or into the canal...”
- The applicant’s supporting statement acknowledges
- “5.2 The Bat Survey indicates that the preliminary roost assessment found high potential for the presence of roosting bats within the two buildings. Three surveys were carried out, two at dusk and one at dawn. The findings suggest the presence of a summer roost for low numbers of male common pipistrelle bats. It is likely that roosts occupy a number of locations within the buildings. As the proposals require demolition of the buildings the roosts would be destroyed. This means a European protected species mitigation licence would be required from Natural England.
- [The objector at this point recites the response of the Council’s Ecologist, dated 2 March 2019].
- Whilst mitigation has now been proposed, we frankly doubt that the Council could rationally conclude that the destruction of the current bat roosts in order to make way for a private Gypsy and traveller site is of ‘overriding public interest’, that there is no satisfactory alternative that would cause less harm to the species (including an alternative site for the proposed development –see further below) or that the destruction of the roosts and the change of use of the site would not harm the long-term conservation status of the species.
- We acknowledge that the Council need to weigh all of the above considerations in the balance with the identified need for Gypsy and traveller sites in the area which, based upon the 0212 Gypsy and Traveller Accommodation Assessment (GTAA) the Local Plan states to be 41 additional pitches, but the recent (2019) GTAA now suggest is in fact 29 (to the year 2038).
- The Local Plan (Part 2) Issues and options Consultation 2017 –Gypsy, Traveller and Travelling Showpeople Site Options Selection Methodology Background Paper (November 2016) contains a short list of sites to be taken forward for more detailed assessment and consultation as part of the Local Plan process. It is of particular note that the application site is not included on this short list.
- The representations submitted to the Council by Fisher German on behalf of the Wyrley Estate in response to the 2019 Local Plan Issues and Options, land off Lime Lane is offered to the Council as an extension to the existing well-populated and popular Gypsy and traveller site.

- The availability of alternative sites is a material consideration in the determination of the current application- particularly given the significant planning constraints that the application site appears to possess.
- The availability of alternative sites would clearly weigh against the grant of planning permission in the overall planning balance in any event.

Relevant Planning History

None.

1 Site and Surroundings

- 1.1 The current application relates to the site containing the former Brownhills Grove Colliery office building and the colliery manager's house off Lime Lane, Pelsall.
- 1.2 The application site covers an area of 1556m² and is currently owned by Cannock Chase District Council. The site itself is an irregular rectangular with two buildings located centrally within the site. There is an informal hard cored parking area towards the southern end of the site and an overgrown former garden area with semi-mature self set trees to the northern end. There are a couple of mature trees along the eastern boundary of the site. The eastern boundary is delineated with metal fencing.
- 1.3 The buildings comprise of two separate buildings that are attached via a single storey. The buildings are of traditional construction being facing brick under a tiled roof. The buildings have remained vacant for a number of years. The buildings on the application site are not statutorily listed buildings nor standing within a conservation area. However, they are candidates for a forthcoming District Local List (draft format).
- 1.4 The site is accessed from and lies to the west of the section of Lime Lane which forms a cul-de-sac off the B4154 (also called Lime Lane).
- 1.5 The immediate surroundings are varied; to the immediate north is a pair of two storey residential properties with a licenced dog boarding and training kennels (for 50 dogs) beyond. To the west of the site is an unnamed access road which runs south off Gorsey Lane and serves a heavy haulage firm. Beyond this and to the west lies an extensive area of land fill which covers much of the site of the former Brownhills Grove colliery. To the east of the section of Lime Lane serving the application site is the Cannock Extension Canal, with above it the B4154, which crosses the canal via a modern bridge.
- 1.6 To the south east of the site is Cannock Pallets in a single storey brick-built building surrounded by metal security fencing. Beyond this, to the south a site which has had a sequence of temporary permissions for the siting of fairground equipment (last permission expired 24th April 2016) and a residential canal mooring beyond this. Both with access via Lime Lane.

- 1.7 The site is located in a semi-rural area between Cannock, Norton Canes, Brownhills and Pelsall just under a kilometre to the south of the A5 / B4154 Lime Lane junction. While in the Green Belt, the character and environment has been heavily influenced by the area's coal mining history.
- 1.8 The wider area comprises of a varied settled/industrial landscape of former mining villages, pockets of ancient settled farmland and areas of disturbed ground. The remaining farmland, used mainly for stock rearing, comprises small to medium sized hedged fields defined by irregular, mixed species hedgerows. The landform to the south of the A5 comprises of topography of a low plateau summit with a gently rolling 'upland' character. Opencast coal mining and deep mining are a feature throughout the Coalfield Farmlands and within the relatively flat topography to the south of the A5, spoil tips, including the former historic mine workings at Grove Colliery and Little Wyrley (No 3 tip), provides the only real variation in topography. The spoil heaps have typically revegetated with secondary woodland, disguising their landforms and adding to the well treed character of the landscape. Areas of open water, subsidence flashes, and wet grassland are also a characteristic feature of this area.
- 1.9 The Coalfield Farmlands was historically a landscape of mixed arable and pasture farming, made up of an irregular pattern of medium sized hedged fields with hedgerow oaks. Where this agricultural landscape remains, it often includes old estates and farm buildings from the pre-industrial era. The area to the south of the A5 contains the historic and well wooded Little Wyrley Estate, where the estate woodlands still provide a strong sense of enclosure.
- 1.10 The application site itself lies within the open countryside but within a linear strip comprising of mixed uses comprising industrial and residential. The linear strip of development is clearly defined along its eastern side by virtue of the canal. The application site lies adjacent a residential dwelling, opposite a pallet yard and within close proximity to a travelling showpersons site.
- 1.11 The site falls within the Green Belt as defined within the Cannock Chase Local Plan (Part 1) Adopted. The application site is located adjacent to the Cannock Extension Canal is a Site of Special Scientific Interest (SSSI) and Special Area of Conservation (SAC). The application site is designated as a Development Low Risk Area by the Coal Authority and is located within a Minerals Safeguard Area for Coal/ Fire Clay.

2 Proposal

- 2.1 The applicant is seeking full planning permission for the demolition of the buildings and the change of use of the land to a gypsy and traveller residential site.
- 2.2 The proposed development would have a layout in the form of an extended family site rather than individual pitches. The proposal includes the siting of up to seven caravans of which no more than three would be static together with the construction of a day room block, providing a living room / kitchen, a washroom and a store room. The proposed utility block would provide two washrooms and

a laundry room. The proposal would also include the creation of a new vehicle access and the laying of hardstanding.

- 2.3 The proposed day room and utility block would be constructed using the bricks and tiles retained following the demolition of the existing building. The three proposed mobile home slabs would be sited around the periphery of the site mainly adjacent the northern, western and eastern boundaries with four slabs for the touring caravans adjacent. The proposed day room would be sited along the southern boundary of the site and the utility block opposite the entrance to the site along the western boundary.
- 2.4 The proposed day room and utility buildings would cover an area of 60m² and 24m² respectively. Both buildings would be constructed to a maximum height of 3.5m. Parking would be provided for 6 vehicles and this would be central to the site.

3 Planning Policy

- 3.1 Section 38 of the Planning and Compulsory Purchase Act 2004 requires planning applications to be determined in accordance with the provisions of the Development Plan, unless material considerations indicate otherwise.
- 3.2 The Development Plan currently comprises the Cannock Chase Local Plan (2014) and the Minerals Local Plan for Staffordshire (2015 – 2030). Relevant policies within the Local Plan include: -
- CP1 - Strategy – the Strategic Approach
 - CP3 - Chase Shaping – Design
 - CP7- Housing Choice
 - CP10- Sustainable Transport
 - CP12- Bio-diversity and Geodiversity
 - CP13 – Cannock Chase Special Area of Conservation
 - CP14-Landscape Character and Cannock Chase Area of Outstanding Natural Beauty.
 - CP15 – Historic Environment
 - CP16- Climate Change and Sustainable Resource Use
- 3.3 The relevant policies within the Minerals Plan are:-
- 3.2 Safeguarding Minerals
- 3.5 National Planning Policy Framework
- 3.6 The NPPF (2019) sets out the Government’s position on the role of the planning system in both plan-making and decision-taking. It states that the purpose of the planning system is to contribute to the achievement of sustainable development, in economic, social and environmental terms, and it states that there should be “presumption in favour of sustainable development” and sets out what this means for decision taking.

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

3.8 Relevant paragraphs within the NPPF include paragraphs: -

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

3.9 Other relevant documents include: -

Governments Planning Policy for Traveller Sites (PPTS)
Gypsy and Traveller Accommodation Needs Assessment
Design Supplementary Planning Document, April 2016.
Cannock Chase Local Development Framework Parking Standards, Travel Plans and Developer Contributions for Sustainable Transport.

4 Determining Issues

4.1 The determining issues for the proposed development include:-

- i) Principle of development in the Green Belt
- ii) Principle of isolated homes in the countryside
- iii) Other conflicts with the development plan
- iv) Impact on an undesignated heritage assets
- v) Design and impact on the character and form of the area
- vi) Impact on natural conservation Interests
- vii) Impact on residential amenity.
- viii) Crime and the fear of crime
- ix) Impact on highway safety.
- x) Drainage and flood risk
- xi) Air quality
- xii) Mineral safeguarding
- xiii) Waste and recycling
- xiv) Ground conditions and contamination
- xv) Availability of other sites
- xv) Other issues

4.2 The Principle of the Development in the Green Belt

4.2.1 The application site lies within West Midlands Green Belt, wherein there is a presumption against inappropriate development, which should only be allowed where very special circumstances have been demonstrated to exist.

4.2.2 The stages in taking decisions on applications within the Green Belt are as follows. In the first instance a decision has to be taken as to whether the proposal constitutes appropriate or inappropriate development. 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. If the proposal is determined to constitute appropriate development then it should be approved unless it results in significant harm to acknowledged interests.

4.2.3 Local Plan Policy CP1 states that development 'proposals in the Green Belt will be assessed against the NPPF and Policy CP14.

4.2.4 Local Plan Policy CP14 (and bullet point 11 of Policy CP3) relates to impacts on landscape character rather than to whether a proposal constitutes appropriate or inappropriate development.

4.2.5 Whether a proposal constitutes inappropriate development is set out in Paragraphs 145 & 146 of the NPPF. Paragraph 145 relates to new buildings whereas Paragraph 146 relates to other forms of development.

4.2.6 In this respect, paragraph 145 of the NPPF is relevant to the determination of the application. This states "A local planning authority should regard the construction of new buildings as inappropriate in Green Belt. Exceptions to this include, amongst other things: -

(g) limited infilling or the partial or complete redevelopment of previously developed land, whether redundant or in continuing use (excluding temporary buildings) which would;

- not have a greater impact on the openness of the Green Belt than the existing development;
- not cause substantial harm to the openness of the Green Belt, where the development would re-use previously developed land and contribute to meeting an identified affordable housing need within the area of the local planning authority.

4.2.7 It is clear that the site constitutes previously developed land and therefore the proposal could benefit from the provisions of paragraph 145 provided that it would not have a greater impact on the openness of the Green Belt than the existing development

4.2.8 The term 'openness', is not defined in any national planning policy documents or guidance, but the NPPF (para 133) but for the purposes of interpreting Green Belt policy it is defined as the absence of built form. Paragraph 133 of the NPPF makes it clear that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open. Case law gives some indication of what should be considered and outlines that the effect on openness is a matter of planning judgment for the decision-maker and that impacts upon openness should be assessed in spatial and visual impact terms.

4.2.9 The existing buildings are two-storey in nature, cover a footprint of approximately 421m² (27% of the site area), have a combined volume of approximately 2636m³, a height to roof pitch of approximately 12m and are sited towards the centre of the site.

4.2.10 The proposal seeks to demolish the existing buildings and redevelop the site for the siting of 7 caravans (3 comprising mobile homes and 4 touring caravans) and two permanent brick built single-storey buildings. The proposed permanent buildings within the site would have a footprint of 144.5m². Furthermore, on the basis of scaling from the submitted plan the 3 mobile homes would have a combined footprint of 114m² and the four tourer caravans would have a combined floor area of 48m². Therefore the combined footprint of the proposed development would be 306m² (or 20% of the site area). Even taking into account that the caravans actually brought onto site could be marginally larger, it is clear that the proposal would have a substantially smaller volume and height than the existing built form on the site.

4.2.11 Even taking into account the looser form of the proposed development as compared to the existing development it is clear that it would have a much reduced visual impact on the openness of the Green Belt than the current built form. Furthermore, it is considered that this would still be the case even after taking into account other parked vehicles, activity on the site and the residential paraphernalia that would be generated by the proposal.

4.2.12 Given the above, it is concluded that the proposal would constitute the complete redevelopment of previously developed land, which would not have a greater impact on the openness of the Green Belt than the existing development and therefore would not constitute inappropriate development in the Green Belt.

4.2.13 It has been advanced by objectors that the Policy E of the National Planning Policy for Traveller Sites (PPfTS) (2015) states that traveller sites (permanent or temporary) in the Green Belt are inappropriate development and as such the proposal constitutes inappropriate development. However, the PPfTS at para 1 makes it clear that it should be read in conjunction with the NPPF and it should not be read in isolation.

4.2.14 Therefore, although the PPfTS does state that “traveller sites in the Green Belt are inappropriate development” it is also clear that this should not be the case if a particular proposal would benefit from the provisions of paragraphs 145 and 146 of the NPPF. Otherwise a situation could arise where one could allow the redevelopment of a previously developed site for a general caravan site if it did not have a greater impact on the openness of the Green Belt than the existing development but would not allow an identical proposal for a traveller site merely on the basis of the occupants. Such an approach would constitute discrimination on the basis of race.

4.2.15 As such, your Officers consider proposal would fall to be determined under paragraph 145(g) of the NPPF and on this basis would not be considered as inappropriate development within the Green Belt.

4.3 The Principle of Isolated Homes in the Countryside

4.3.1 Paragraph 79 of the NPPF states that planning policies and decisions should avoid the development of isolated homes in the countryside unless one or more of the following circumstances apply:

- a) there is an essential need for a rural worker, including those taking majority control of a farm business, to live permanently at or near their place of work in the countryside;
- b) the development would represent the optimal viable use of a heritage asset or would be appropriate enabling development to secure the future of heritage assets;
- c) the development would re-use redundant or disused buildings and enhance its immediate setting;
- d) the development would involve the subdivision of an existing residential dwelling; or
- e) the design is of exceptional quality, in that it:
 - is truly outstanding or innovative, reflecting the highest standards in architecture, and would help to raise standards of design more generally in rural areas; and
 - would significantly enhance its immediate setting, and be sensitive to the defining characteristics of the local area.

4.3.2 Officers can confirm that the proposal does not fall in any of the above categories and therefore in this respect it is contrary to the NPPF.

4.3.3 However, a significant material consideration in the determination of this application is that the applicant and his extended family are members of the gypsy community.

4.3.4 The Governments Planning Policy for Traveller Sites (PPfTS). defines, for the purposes of planning, Gypsy and traveller to mean:

“Persons of nomadic habit of life whatever their race or origin, including such persons who on grounds only of their own or their family’s or dependants’ educational or health needs or old age have ceased to travel temporarily, but excluding members of an organised group of travelling showpeople or circus people travelling together as such”.

4.3.5 In this instance, the site would be occupied by the applicant and his family. The applicant confirms that health limitations restrict their ability to travel as much as they did in the past. However, they do still travel to evangelical Gypsy rallies across the country through the summer months staying in their touring caravan. They are also away for around three weeks each summer travelling to a major evangelical Gypsy convention in France. Within the extended family there are young children who need a more permanent residence to allow them to settle in at school. The extended family would travel during the summer months.

4.3.6 The applicant’s daughter and her family, including young children, are currently occupying a single caravan in the yard behind a house in Wilenhall, which is owned by Gypsy people. The yard is shared with two other caravans occupied by members of the owners’ family. The owner family want to replace the two caravans with mobile homes, which will mean there would not be room for Mr Clees daughter to remain. They are currently being allowed to carry on staying on the site pending being able to move on to the application site. If the current planning application were to be refused they would be vulnerable and potentially homeless with nowhere to go.

- 4.3.7 The applicant contends that their nomadic habit of life means that the family come within the definition of Gypsy and Traveller for planning purposes in the Annex to Planning policy for Traveller sites (PPfTS).
- 4.3.8 Officers note that although an objector has queried the gypsy status of the family they have provided no evidence to indicate otherwise. As such, on the balance of probabilities the applicant's assertion of his gypsy status is accepted.
- 4.3.9 Given the above it is noted that Policy CP7 makes provisions for the approach to providing homes for the travelling community. This states

“Provision for Gypsies, Travellers and travelling Showpeople will be made through the allocation of sites in Local Plan Part 2 to ensure a five year supply of suitable land is maintained for the plan period in accordance with the NPPF. The Cannock Chase Gypsy and Traveller Accommodation Assessment 2012 will be used as a basis for levels of provision within the District requiring 41 additional residential pitches and four Travelling showpeople plots over the plan period and five transit pitches.

A broad area of search for such sites, matching travel patterns and based along the A5 road corridor, is identified in the Key Diagram. The Council will seek to locate sites and determine planning applications in accordance with the NPPF, including within reasonable proximity of existing settlements and with access to shops, schools and other community facilities.”

- 4.3.10 In addition to the above it is noted that the PPfTS provides an overarching set of aims in respect of traveller sites for plan making and decision making. Within Policy H it states that planning law requires applications for planning permission must be determined in accordance with the development plan, unless material considerations indicate otherwise.
- 4.3.11 Paragraph 24 of the PPfTS outlines a number of issues that the Local Planning Authority should take into account when considering applications for traveller sites. For example, these include the existing level of local provision and need for sites, and the availability (or lack) of alternative accommodation for the applicant, other personal circumstances of the applicant; however these factors need to be considered in conjunction with Paragraph 16 which considers traveler sites in the Green Belt (which has already been considered in the previous section).
- 4.3.12 In this instance, it is considered that the applicant and his family meet the definition of ‘gypsy’ as defined within the PPfTS. Further, there are a number of dependents that would benefit from the stability and security the application site has to offer. The children require stable and long term access to schooling, services and facilities which would only realistically be available from a settled base. Having a lawful, planned and reasonably spacious and safe site from which the applicants could access health services and have a stable education would also undoubtedly be in the best interests of the extended family.

- 4.3.13 In line with the PPfTS, the Council is required to plan for the future needs of travellers via its Local Plan policies. In this respect the Cannock Chase District Local Plan (Part 1) Policy CP7 identifies a need for 41 gypsy and traveller pitches from 2012-2028. Notwithstanding this, the Council has recently updated its evidence base for Gypsy and Traveller needs as part of the Local Plan Review process. This identifies a reduced need of 26 pitches for the period 2018-2036 (although it should be noted that as this evidence has not been tested via a Local Plan examination process, it carries little weight at this stage). Despite a reduced need being identified in the updated evidence, the fact that no additional pitches have been identified remains the case and therefore the Council will still be seeking to allocate sites as part of the Local Plan Review. As set out in Policy CP7, the Local Plan (Part 1) pitch requirements were due to be delivered via the allocation of sites in the Local Plan (Part 2) focusing upon an 'Area of Search' which is identified within the Local Plan (Part 1). The application site is located within this designated search area. However no sites within this area were specifically identified.
- 4.3.14 The search area largely encompasses the southern part of the District which lies below the Cannock/ Lichfield Road (A5190) and constitutes Green Belt land in the main. The local context warranted the 'exceptional circumstances' to consider sites within this largely Green Belt area i.e. the A5 corridor represents a main travelling route and the vast majority of the District's existing gypsy, travelling and travelling showpeople sites are located within the area already (within relatively sustainable locations). The policy also provides a series of criteria for the consideration of gypsy and traveller proposals, which should be taken into account i.e. the proximity of existing settlements with access to shops, schools and other community facilities; providing adequate space for vehicles; providing appropriate highway access.
- 4.3.15 However, due to the extent of more recent changes to the national and local policy context the Council has since ceased work on the Local Plan (Part 2) and is now undertaking a review of the Local Plan. The Local Plan Review identifies the difficulties that have been faced in terms of identifying sites for gypsy and traveller uses since the adoption of the Local Plan (Part 1). This is largely due to a combination of the inability of existing gypsy and traveller sites in the District to expand further (due to physical and landownership constraints) and a lack of new sites being available i.e. landowners are promoting alternative uses of their land. The Authority Monitoring Report (2018) which monitors Local Plan policies outlines that no pitches have been delivered to meet the Local Plan (Part 1) requirements to date and that the Council does not have a five year supply of sites.
- 4.3.16 In this respect the comments of the objectors are noted with regard to existing sites within close proximity to the application site. However, these sites fall outside the Cannock Chase District boundary and therefore cannot be considered as provision by Cannock Chase Planning Authority.
- 4.3.17 Given the above it is considered that the conflict with paragraph Paragraph 79 of the NPPF is clearly outweighed by the fact that the site is within an area of search for traveller sites identified in the Local Plan, the current lack of alternative sites for travellers at the present time and that there is currently no

firm proposal to identify and bring forward specific alternative sites to make up the shortfall in provision.

4.3.18 As such it is considered, on balance, that the principle of the use of the site to provide accommodation for gypsies and travellers is acceptable.

4.4 Other Conflicts with the Development Plan

4.4.1 Whilst the application site is not allocated for any specific use on the Policies Map, paragraph 4.62 of the Local Plan (Part 1) identified the former Grove Colliery landfill site/ area as a landscape for restoration, which may be able to provide complementary recreation, leisure and tourism focused activities. However, this was not subject to any formal allocation given the lack of any detailed plans for the area.

4.4.2 Notwithstanding, this was largely related to a legacy of the former Local Plan (1997) which identified a potential tourism, leisure, recreational-focused regeneration site linked to the restoration of the Hatherton Canal, that would have linked into the Cannock Extension Canal. In view of the fact that the Extension Canal is a designated Special Area of Conservation this connection was abandoned in Local Plan (Part 1) and the Hatherton Canal will bypass the Grove Colliery area, removing part of the justification for the regeneration.

4.4.3 In addition it is noted that although the aspiration to stimulate tourism based development dates back to 1997 no firm proposal has come forward during that 22 year period and no evidence exists that such a firm proposal would come forward in the foreseeable future.

4.4.4 Given the above, it is considered that little weight should be given to the aspiration for tourism related development set out in the Local Plan and that this would be clearly outweighed by the substantial benefits arising from the delivery of three pitches for the travelling community.

4.4.5 Therefore having taken all relevant national and local policy and other material considerations into account it is concluded that the proposal is acceptable in principle.

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

4.5 Impact on the on the Undesignated Heritage Asset

4.5.1 In this respect, the application site is located to the west of the Cannock Extension Canal and the existing former colliery buildings are a surviving part of what was the main industry in the area. The Conservation Officer referenced paragraph 4.103 of the Local Plan (Part 1) which refers to the potential heritage value of the area and consideration of a Conservation Area. However, this designation was never progressed. It is understood that this was as result of further consideration of the heritage value of the site which did not then warrant such a designation.

4.5.2 As such the buildings at Grove Colliery and the Cannock Extension Canal constitute undesignated heritage assets.

4.5.3 Paragraph 197 of the NPPF states

“The effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.”

In addition paragraph 191 of the NPPF states

“Where there is evidence of deliberate neglect of, or damage to, a heritage asset, the deteriorated state of the heritage asset should not be taken into account in any decision.”

4.5.4 In this respect, the comments of the Canal and River Trust, Inland Waterways, Conservation Officer and other objections received are noted. However the NPPF states that in determining applications, local planning authorities should require an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting. It goes on to say ‘the level of detail should be proportionate to the assets’ importance and no more than is sufficient to understand the potential impact of the proposal on their significance. As a minimum the relevant historic environment record should have been consulted and the heritage assets assessed using appropriate expertise where necessary’.

4.5.5 In this respect, and as required by Paragraph 189 of the NPPF, the applicant has submitted a Heritage Assessment with which to inform the application. Your Officers confirm that whilst the Heritage Assessment is minimal it does record the time period between which the buildings were constructed (1919-1938), the sites significance in employment generation and it notes the gas explosion in the 1950s is recorded on an information board sited on Lime Lane. The assessment also acknowledges the importance of the Cannock Extension Canal in relation to the site.

4.5.6 Officers consider that the above is sufficient to comply with the requirement of Paragraph 189 of the NPPF and enables the decision taker to understand the significance of the heritage asset.

4.5.7 Members’ attention is drawn to the fact that an application for the former colliery buildings to be granted Listed status was submitted to Historic England. Historic England rejected the application for the following reasons:-

i) Degree of Architectural interest:

Although externally little-altered, these are utilitarian buildings of early C20th date which are modestly detailed and of limited architectural merit;

ii) Lack of historic interest:

Most of parts of the colliery have been demolished, reducing the context and significance of those buildings that remain.

4.5.8 Historic England concluded that although of some local interest as remnants of the former coal-mining landscape these former colliery buildings do not have the requisite level of special interest to merit listing in the national context.

4.5.9 Officers therefore note that whilst the buildings are not nationally listed the site does have some very local historical significance in that the Grove Colliery employed many people locally giving it strong communal value and has an historic functional connection to the nearby Cannock Extension Canal. The buildings have some status as a local landmark for people and this suggests that the site holds local importance for people giving it a value. However it should be noted that the buildings are not locally listed, and that in the large the historic context of the buildings (that is the wider colliery), apart from the canal has all but disappeared.

4.5.10 The Canal & River Trust suggested an Appraisal should be provided to include further details on the heritage significance of the buildings, a condition survey and an assessment of the suitability of the buildings for retention and reuse in accordance with Policy CP15 of the adopted Local Plan. However, given the above and Historic England's comments the Local Planning Authority considers a proportionate approach to identifying the significance of the buildings has been taken by the applicant in accordance with paragraph 189 of the NPPF.

4.5.11 In respect to the condition of the buildings it is noted that the Council has commissioned a Condition Survey Report in March 2018. This report confirmed that externally the buildings are in very poor condition, citing the following issues:-

- i) The roof is leaking and appears to have been for a number of years therefore a full roof replacement is required.
- ii) The fenestration is damaged and beyond repair, rotten timber windows and doors with glazing smashed. All windows would need replacement.
- iii) The external walls are in poor condition, brickwork damaged with defective pointing. Concrete flaunching cracked and weathered and pots damaged/ missing. Structural cracking on the rear elevation between the ground floor window lintel and first floor window sill. Concrete sills to window openings are cracked damaged and poor. Pointing is weathered, recessed and generally poor. Deteriorated gutters and downpipes.
- iv) Internally, the building is in very poor condition having been subject to prolong water penetration over a number of years with areas of the structure affected by dry rot. All internal finishes and the majority of the internal structure are beyond repair / salvage.

- v) Areas of the building have been vandalised and stripped out. The external areas are completely overgrown with vegetation and mature trees and shrubs making the areas inaccessible.

4.5.12 The report concludes that the building and external areas are in very poor condition having not been occupied for a number of years. The envelope of the building has been leaking for a number of years allowing prolonged water ingress. There is extensive internal damage to finishes and dry rot evident in a number of locations. Officers note that whilst it is undeniable that the building has been neglected there is no evidence to suggest that this has been by deliberate act. Indeed as back as the Local Plan 1997 the Council has sought to bring about a heritage led regeneration initiative for the site and the wider area but to no avail.

4.5.13 Further, given the previous uses of the site, the applicant also submitted a land contamination survey. This survey identifies the possible presence of potential contamination on or beneath the site originating from former activities on and off the site and current materials storage on the site. The main potential sources of contamination noted are the potential use of asbestos containing materials (ACM) used in the construction of the buildings. Given the date of construction this would be in the use of ACMs as insulation and fire-resistant materials in the building and in the fill used to level the site.

4.5.14 Given the above, Officers contend that the quantum of development required to facilitate the repair and reuse of the buildings would effectively result in the almost complete loss of the existing buildings and the creation of new buildings with little of the original historic value retained.

4.5.15 In conclusion, it is noted that although the buildings have some local historic value, they have little architectural interest being relevant functional buildings of early C20th date. The immediate historic context of the buildings has all but disappeared although there is an historic link to the Cannock Extension Canal. However, given the extensive repairs required to make the buildings functional the 'reuse' of the buildings would effectively involve their demolition and rebuild.

4.5.16 Objections have been made by Little Wyrley Estates and Norton Canes Parish Council on the grounds that an offer has been made to the District Council to collaborate on the heritage-led regeneration of the Grove site through a joint masterplan. Officers would respond that although the offer is acknowledged it is merely that an offer. There is no specific scheme at hand that has been shown to be deliverable or policy compliant. Such a regeneration scheme would give rise to its own challenges given the site constraints of Green Belt and the potentially adverse impacts on the integrity of the Cannock Extension Canal SAC.

4.5.17 It is also noted that the aspiration of a regeneration led scheme for this area dates back to at least 1997 when it was subject to Policy TRP2 "Tourism, Leisure and Recreational Development- Former Grove Colliery. It is also noted that this policy was not brought forward into the current Local Plan (2014). Instead it was somewhat relegated to the status of supporting text. This is understood to be on the basis that between 1997 and 2014 the Cannock Extension Canal was designated a SAC and the aspiration to connect the

Cannock Extension Canal with the Hatherton Canal was dropped due to the potential adverse impacts the proposal would have on the integrity of the SAC..

4.5.18 The uncertainties surrounding the impact of an regeneration led scheme, with or without enabling works on the integrity of the SAC, in itself means that little or, no weight can be given to this issue as a material consideration.

4.5.19 Given the above, it is noted that although the proposal would entail the demolition of the existing buildings, and therefore the complete loss of the undesignated heritage assets, only very limited weight should be attribute to this harm.

4.6 Impact on the Character and Appearance of the Area

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

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

4.6.2 Policy CP14 should be considered with regards to landscape character.

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

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

Planning policies and decisions should ensure that developments:

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

create attractive, welcoming and distinctive places to live, work and visit;

- 4.6.5 Paragraph 130 states planning permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions, taking into account any local design standards or style guides in plans or supplementary planning documents. Conversely, where the design of a development accords with clear expectations in plan policies, design should not be used by the decision taker as a valid reason to object to development.
- 4.6.6 Finally, the Design SPD provides guidance on the design of new traveller sites. The approach to be taken to each site depends upon its size and intended occupants; however there are common features across all sites to be considered too e.g. provision of appropriate utility buildings and space around the caravans, No. of caravans should be restricted to 15, the site boundary must provide clear demarcation etc. Officers can confirm that the proposal adheres to the guidance set out within the Design SPD in this respect.
- 4.6.7 The wider area comprises of a varied settled/ industrial landscape of former mining villages, pockets of ancient settled farmland and areas of disturbed ground. The remaining farmland, used mainly for stock rearing, comprises small to medium sized hedged fields defined by irregular, mixed species hedgerows. The landform to the south of the A5 comprises of topography of a low plateau summit with a gently rolling 'upland' character. Opencast coal mining and deep mining are a feature throughout the Coalfield Farmlands and within the relatively flat topography to the south of the A5, spoil tips, including the former historic mine workings at Grove Colliery and Little Wyrley (No 3 tip), provides the only real variation in topography. The spoil heaps have typically revegetated with secondary woodland, disguising their landforms and adding to the well treed character of the landscape. Areas of open water, subsidence flashes, and wet grassland are also a characteristic feature of this area.
- 4.6.8 The Coalfield Farmlands was historically a landscape of mixed arable and pasture farming, made up of an irregular pattern of medium sized hedged fields with hedgerow oaks. Where this agricultural landscape remains, it often includes old estates and farm buildings from the pre-industrial era. The area to the south of the A5 contains the historic and well wooded Little Wyrley Estate, where the estate woodlands still provide a strong sense of enclosure.
- 4.6.9 The application site itself lies within the open countryside but within a linear strip comprising of mixed uses comprising industrial and residential. The linear strip of development is clearly defined along its eastern side by virtue of the canal. The application site lies adjacent a residential dwelling, opposite a pallet yard and within close proximity to a travelling showpersons site.
- 4.6.10 As such, it is considered that the scale and mass of the proposed buildings, and caravans both permanent and temporary, combined with the reuse of existing materials already available within the site would not be at odds when viewed in the wider context of the area. In addition given that the proposed development is single storey in nature and that the site would be screened by a close boarded

wooden fence it is considered that it would not form a prominent feature in the surrounding landscape.

4.6.11 Therefore, having had regard to Policies CP3 and CP14 of the Local Plan, the relevant section of the Design SPD and the above mentioned paragraphs of the NPPF it is considered that the proposal would be acceptable in respect to its impact on the character and form of the area.

4.7 Impact on Nature Conservation Interests

4.7.1 Policy and guidance in respect to development and nature conservation is provided by Policy CP12 of the Local Plan and paragraphs 170, 174, 177, 179 of the NPPF. In terms of other relevant Local Plan policies, the proposal is in close proximity to the Cannock Chase Extension Canal SAC and a number of locally designated sites. In accordance with Policy CP12 the proposal should therefore demonstrate that there would be no adverse impacts upon this internationally protected site.

4.7.2 Policy CP12 of the Local Plan states that the District's biodiversity and geodiversity assets will be protected, conserved and enhanced by: -

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

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

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

- 'Planning policies and decisions should contribute to and enhance the natural and local environment by:
 - protecting and enhancing valued landscapes, sites of biodiversity or geological value and soils (in a manner

commensurate with their statutory status or identified quality in the development plan); [and]

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

4.7.4 Paragraph 174 of the NPPF goes on to state

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

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

Impacts on the Cannock Extension Canal SAC

4.7.5 Given that the site is in close proximity of the Cannock Chase Extension Canal SAC the Local Planning Authority must have regard to the provisions of the Conservation of Habitats and Species Regulations 2017. Under Regulation 63(1) a competent authority, before deciding to undertake, or give any consent, permission or other authorisation for, a plan or project which (a) is likely to have a significant effect on a European site or a European offshore marine site (either alone or in combination with other plans or projects), and (b) is not directly connected with or necessary to the management of that site, must make an appropriate assessment of the implications of the plan or project for that site in view of that site's conservation objectives.

- 4.7.6 Regulation 63(2) goes on to state "a person applying for any such consent, permission or other authorisation must provide such information as the competent authority may reasonably require for the purposes of the assessment or to enable it to determine whether an appropriate assessment is required" adding at subsection (3) "the competent authority must for the purposes of the assessment consult the appropriate nature conservation body and have regard to any representations made by that body within such reasonable time as the authority specifies". Subsection (4) goes on to state "it must also, if it considers it appropriate, take the opinion of the general public, and if it does so, it must take such steps for that purpose as it considers appropriate".
- 4.7.7 Subsection (5) states "In the light of the conclusions of the assessment, and subject to regulation 64, the competent authority may agree to the plan or project only after having ascertained that it will not adversely affect the integrity of the European site or the European offshore marine site (as the case may be) adding at subsection (6) that "in considering whether a plan or project will adversely affect the integrity of the site, the competent authority must have regard to the manner in which it is proposed to be carried out or to any conditions or restrictions subject to which it proposes that the consent, permission or other authorisation should be given".
- 4.7.8 Officers note that the demolition of the existing buildings could give rise to air pollution which in turn could have an impact on the aquatic environment of the nearby Canal. During this stage of the development there could also be potential risk of spillage of dust and debris whilst materials are being removed from the site. In order to avoid these potential impacts the applicant has put forward a Construction Environmental Management Plan which would put in place a package of controls and measures to avoid potentially polluting activities. Officers consider that the measures proposed within the Construction Environmental Management Plan would adequately protect the integrity of the SAC and have submitted an "appropriate assessment" to Natural England. Having considered the assessment Natural England advised that they concur with the assessment conclusions and advise that the relevant planning conditions, to deliver the measures within the Construction Environmental Management Plan, are secured.
- 4.7.9 Objections have been received on the grounds that the measures outlined in the Construction Environmental Management Plan (CEMO) are not sufficiently detailed to ensure certainty that the measures specified will adequately mitigate the potential adverse impacts and therefore allow an appropriate assessment to be made. Officers note that the measures set out in the CEMP are not unusual but form part of standard procedures that are commonly used on demolition and construction sites. As such it is considered that they do provide the required level of certainty to ensure that there would not be adverse impacts on the integrity of the SAC, subject to conditions that enable the finer details to be approved. In respect to the reference to a further drain survey following demolition it is noted that this is in the nature of a precaution. There is no evidence to suggest that such drains are present on site and that the presence of drains on the site could only be definitively determined following demolition of the building. If such drains are found then the drainage strategy would be updated. This approach is no different to situations in which unexpected contamination conditions are attached to planning permissions and in the

circumstances of this application the approach is considered as a precautionary pragmatic measure. As stated above Natural England have considered the Appropriate Assessment undertaken by officers and have concluded that they “concur with the assessment conclusions and advise that the relevant planning conditions, to deliver the measures within the Construction Environmental Management Plan are secured.

Impacts on Bats

4.7.10 In order to inform the application the applicant has submitted a bat survey report which confirms the presence of non-breeding roost sites used by common pipistrelle bats. The proposals require the demolition of the former colliery buildings in which the roost sites are situated therefore would result in the complete removal of the features concerned.

4.7.11 All species of native British bat are protected under the Habitat Regulations and the Wildlife and Countryside Act 1981 (as amended). Members are advised that the presence of a protected species is a material planning consideration.

4.7.12 Furthermore, members should note that under Regulation 9(1) of the Habitats Regulations an “appropriate authority, the nature conservation bodies and, in relation to the marine area, a competent authority must exercise their functions which are relevant to nature conservation, including marine conservation, so as to secure compliance with the requirements of the Directives.

4.7.13 In this respect it should be noted that: -

- (i) Regulations 55(i) states “Subject to the provisions of this regulation, the relevant licensing body may grant a licence for the purposes specified in paragraph (2)”, which includes the purposes of “preserving public health or public safety or other imperative reasons of overriding public interest, including those of a social or economic nature and beneficial consequences of primary importance for the environment” and
- (ii) Regulation 55(9) states “relevant licensing body must not grant a licence under this regulation unless it is satisfied—
 - (a) that there is no satisfactory alternative; and
 - (b) that the action authorised will not be detrimental to the maintenance of the population of the species concerned at a favourable conservation status in their natural range.

4.7.14 In effect the local planning authority should in the exercise of its duty should have regard to whether

- (i) There are issues of “preserving public health or public safety or other imperative reasons of overriding public interest, including those of a social or economic nature and beneficial consequences of primary importance for the environment; and

- (ii) that there is no satisfactory alternative; and
- (iii) that the action authorised will not be detrimental to the maintenance of the population of the species concerned at a favourable conservation status in their natural range.

4.7.15 The applicant submitted further details outlining a potential bat mitigation plan. The Council's Ecologist was consulted on the proposed measures and has stated "that the measures set out represent the minimum mitigation measures likely to be necessary in order to obtain a licence from Natural England. The type of proposed bat box is not specified but these often represent poor replacements for the loss of building roosts and are not ideal. However, I would advise that the measures are likely to be accepted by Natural England."

4.7.16 The Ecologist has also commented that: -

- (i) that it is for Cannock Chase Council to decide if the application can pass the imperative overriding public interest test and be confident that there are no less damaging alternatives available. In the event that it is minded to approve this application; and
- (ii) any approval should be subject to a condition requiring the submission of a detailed lighting plan in order to ensure that light pollution is prevented or reduced to the minimum possible level as the canal corridor is used by a number of bat species that are capable of being adversely impacted by light pollution.

4.7.17 In respect to issues of overriding public interest it is noted that the site constitutes a previously developed site which is now in a state of dereliction. The redevelopment of such sites, either by partial and complete redevelopment or reuse is regarded as being in the public interest, so much so that they are given special status even within the Green Belt. The reuse of the site to provide new dwellings is therefore a matter to which significant weight should be attributed to. Furthermore, the provision of accommodation for the gypsy and traveler community for which there is an objectively assessed need which has not to-date been met adds additional to weight to this factor.

4.7.18 In respect to the presence of satisfactory alternative case the existing building is in a very poor structural state, and even if renovated for any use would require substantial demolition and rebuild such that any bats roosts present would be destroyed. To leave the building in situ would result in its continual decline and ultimate collapse which again would result in the loss of the roosts. Furthermore, to make good the building so that it could continue to function as a bat roost or for some cultural use (such as a museum), whilst being made structurally sound (so that it does not present a danger to the public) would also result in the loss of the existing roosts as it would again entail substantial demolition and rebuild.

4.7.19 In respect to the maintenance of the population of the species of bats concerned at a favourable conservation status in their natural range the applicant has proposed that the roosts be replaced in mitigation with bat boxes. The mitigation proposes the location of "3 x Schweigler 2F bat boxes, or similar specification, attached at about 3-4m on the sycamore at the site". This is a general purpose

box suitable for small non-breeding roosts as present on the site. Although not ideal officers consider that the proposed mitigation is adequate and would be sufficient to ensure that the maintenance of the population of the bats at a favourable conservation status in their natural range'

4.7.20 As indicated by the Council Ecologist a lighting condition should be used to allow avoidance of potential significant impacts from lighting on bats. This can be secured by condition.

4.7.21 Via these two actions, it is demonstrated that the development is not therefore 'detrimental to the maintenance of the population of the species concerned at a favourable conservation status in their natural range'.

4.7.22 In conclusion it is considered that

- (i) The public benefits of bringing the site into a positive use for housing and in particular to meet the objectively assessed needs of the travelling community outweighs the harm to the destruction of non-breeding bats roosts for the common species of bat concerned.
- (ii) there is no satisfactory alternative as all alternatives would require loss of the existing bat roosts; and
- (iii) with the provision of 3 bat boxes in the site 'the proposal would not be detrimental to the maintenance of the population of the bat species concerned at a favourable conservation status in its natural range.

Other Biodiversity Issues

4.7.23 The proposal provides an opportunity to increase the biodiversity of the site through the creation of new habitats. The proposal includes new tree and hedgerow planting which is indicated on the landscaping plans. The proposal could enhance opportunities for wildlife further by the inclusion of bird nest boxes, which would be incorporated into the landscaping. It is recommended that any permission granted is subject to a condition for the inclusion of bird nest boxes. Subject to the above conditions it is considered that the proposal would result in an increase of biodiversity within the site.

4.7.24 The comments of the objectors are noted in terms of the various species of wildlife that is purported to use the site, including the Great Crested Newt, which benefits from European protection. However, there is no breeding habitat for this species on site (it prefers medium sized, fish free water bodies) the nearest being to the south west at a distance of over 250m (the canal is discounted as such water body types are unsuitable for this species. Furthermore no evidence has been provided to support the claim that the species is to be found on the application site. As such further assessments were requested by the Council's Ecologist and it is considered that there is no demonstrable need to require the applicant to undertake a survey for this species.

Impacts of Cannock Chase Special Area of Conservation

4.7.25 Under Policy CP13 development will not be permitted where it would be likely to lead directly or indirectly to an adverse effect upon the integrity of the European Site network and the effects cannot be mitigated. Furthermore, in order to retain

the integrity of the Cannock Chase Special Area of Conservation (SAC) all development within Cannock Chase District that leads to a net increase in dwellings will be required to mitigate adverse impacts. As the proposals are for change of use and there is no additional floorspace constituting a dwelling (C3 use class) the scheme is not CIL liable. Any site specific requirements may be addressed via a Section 106/278 if required, in accordance with the Developer Contributions and Housing Choices SPD (2015) and the Council's most up to CIL Regulation 123 list.

4.7.26 Permanent traveller pitches are regarded as residential development for the purposes of the Habitat Regulations (see 'Cannock Chase SAC Partnership FAQs', updated May 2018). As per the Cannock Chase SAC Guidance to Mitigate the Impact of New Residential Development (2017), the development would therefore be required to mitigate for its impact upon the Cannock Chase SAC via the current standard charge of £221 per dwelling. This charge would be applied to each permanent pitch proposed by the development.

4.8 Impact on Residential Amenity

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

4.8.2 Although the Design SPD sets out guidance in respect to space about dwellings it does not contain guidance in respect to space about other uses. Of particular significance in this respect is the relationship between the application site and the residential properties to north.

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

4.8.4 Policy C of PPfTS states that in assessing sites, Local Planning Authorities should ensure that the scale of such sites does not dominate the nearest settled community. In this instance the nearest settled community is Little Wyrley which is located approx. 750m to the south west of the application site; a second settled community is Brownhills West being 1.2km to the east.

4.8.5 Notwithstanding, there are two residential properties to the immediate north and a travelling showperson site to the south (approx. 87m distant) with a residential mooring yard beyond. With regard to the residential dwellings to the north, the comments of the neighbours are noted. The nearest dwelling is No.143 Lime Lane. This property would be separated from the application site by a 2m high close board fence and a new native hedgerow. It is therefore considered that a proposal for 3 families would not dominate any of these communities.

4.8.6 The dwelling at No.143 is sited along their northern boundary with the garden located between this dwelling and the shared boundary of the application site. The main principle windows of No. 143 face out onto the garden and towards the

application site. The nearest mobile home would be positioned approx. 3.5m from the shared boundary with No.143. Due to the siting of the nearest proposed mobile home (single storey), it is considered that the proposal would not have a significant detrimental impact to the occupiers of the nearest neighbour in terms of daylight / outlook and privacy.

- 4.8.7 To the south east of the site lies an established pallet company. Paragraph 180 of the NPPF states that planning decisions should ensure that new development is appropriate for its location taking into account the likely effects of pollution on health, living conditions and the natural environment as well as the potential sensitivity of the site or the wider area to impacts that could arise from the development.
- 4.8.8 In this respect the comments of the neighbouring uses are noted. Environmental Health Officers were consulted on the application and raised no objections in terms of noise nuisance or impact on existing businesses.
- 4.8.9 It is noted that the hours of operation for the existing pallet business are restricted to 08:00hrs to 18:00hrs Mondays to Fridays, 08:00 hrs 13:00hrs on Saturdays and at no time on Sundays. It is considered that these hours are not unreasonable to operate in close proximity to residential properties. The comments of the pallet company in terms of using the application site for manoeuvring vehicles are noted. However, the land is not within their ownership and the use of the land for their business is trespass and as such a civil matter.
- 4.8.10 Beyond the pallet business is located a parcel of land currently occupied by travelling showpersons. In this respect it is noted that this site has benefitted from several temporary permissions with the planning history dating back to 1995. However, the latest permission relating to this site expired on 24th April 2016 and, in accordance with condition 1 of the planning permission (CH/13/0015) this use should have ceased. Nevertheless as two residential uses it is considered that they would constitute compatible land uses.
- 4.8.11 Given the above, it is concluded that the proposed layout of the site, the boundary treatments and new landscaping would ensure there is no significant detrimental impact to the occupiers of the adjacent dwellings. As such it is concluded that the proposal would protect the "amenity enjoyed by existing properties" and would maintain a high standard of amenity for existing and future users and therefore comply with Policy CP3 of the Local Plan and paragraphs 127(f) and 180 of the NPPF.

4.9 Crime and the Fear of Crime

- 4.9.1 In addition to the above paragraph 127(f) of the NPPF states planning policies and decisions should ensure that development create places which [amongst other things] create places that are safe and where crime and disorder, and the fear of crime, do not undermine quality of life, social cohesion and resilience.
- 4.9.2 Section 17 of the Crime and Disorder Act 1998 places a duty on each local authority 'to exercise its various functions with due regard to the likely effect of the exercise of those functions on, and the need to do all that it reasonably can

do to prevent crime and disorder in its area to include anti-social behaviour, substance misuse and behaviour which adversely affects the environment'.

4.9.3 It is noted that the site would be surrounded by a 2m high close boarded wooden fence and have one entrance with all caravan arranged around the perimeter given a high level of surveillance of the site. It would be a separate unit form all other properties within the immediate area.

4.9.4 In respect to the objective of securing good community relations between the gypsy community and the established community within the immediate vicinity the comments of Staffordshire Police are noted and accepted. It is also noted that the proposal is for a small site of 3 pitched to accommodate a single extended family. In this respect the proposal meets the relevant guidance and is considered acceptable.

4.9.5 Given the above it is considered that the proposal would provide a safe and secure environment for the occupiers. As such it is considered that the proposal would meet the requirement of paragraph 127(g) of the NPPF.

4.10 Impact on Highway Safety

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

4.10.2 The comments from the objectors are noted in respect of the unlit road with no pedestrian access, lack of parking for visitors to the site as well as the visitors who currently park in the area to gain access to local walks and the marina. The concerns raised regarding the layout and width of Lime Lane which could potentially restrict the ability of HGVs and the travelling showpeople to pass down the lane leading to vehicle damage and to the safety of children are noted.

4.10.3 Your Officers acknowledge that the access along Lime Lane has the potential to be busy at times. However, Staffordshire County Highway Authority has been consulted on the application and has raised no objection to the proposal in terms of highways safety and access to the site, subject to conditions.

4.10.4 The Highway Authority assessed the visibility splays demonstrated on Dwg.No. RC02 V2 and were satisfied the provision was adequate in relation to the proposal. The Highway Authority considered the siting of the two mature trees to the front of the application site within the highway verge would not impede visibility and as such could be retained. Notwithstanding this, other existing frontage vegetation shall be removed in order to maximise the visibility splays.

4.10.5 The Highway Authority note that the proposed parking spaces have adequate proportions and although the parking area is not large enough to accommodate the delivery of the static caravans there is adequate circulatory space on the gravel to allow vehicles to enter and exit for this purpose. Your Officers confirm that it is not for the applicant to provide parking provision for other users of the area.

4.10.6 Given the above, it is therefore considered that the proposal would not have a detrimental impact upon highway or pedestrian safety in accordance with paragraph 109 of the NPPF.

4.11 Drainage and Flood Risk

4.11.1 The site is located in Flood Zone 1 on the Environment Agency's Flood Zone Maps. Concerns regarding the drainage of the site have been raised by neighbours and these have been noted.

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

4.11.3 In this instance, the applicant has submitted a drainage strategy to demonstrate how drainage has been designed to avoid any drainage into the canal. The strategy proposes that the site drains into the sewer that runs downhill along the Council owned access road to the west of the site and feeds into the stream that runs on the north side of Gorsey Lane. Natural England was consulted on the application with specific regard to the impact on the canal and they raised no objection subject to appropriate conditions. Also, Severn Trent was consulted on the application and raised no objections to the proposal subject to the recommended condition. AS such it is deemed that the proposed drainage strategy is acceptable.

4.12 Air Quality

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

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

4.12.2 The site is located near, but outside of the A5 Air Quality Management Area (AQMA). Environmental Health Officers were consulted on the application and raised no objection to the proposal in terms of the A5 AQMA. Given the location of the site and the scale of development proposed with regard to traffic

generation your Officers conclude that the impact on the A5 AQMA would be negligible in this instance.

4.12.3 As such, it is considered that the proposal would have no impact on air quality and therefore accords with paragraph 181 of the NPPF.

4.13 Mineral Safeguarding

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

4.15.2 Policy 3.2 of the new Minerals Local Plan states: -

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

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

4.13.3 The application site is located within a Mineral Safeguarding Area. Notwithstanding this, the advice from Staffordshire County Council as the Mineral Planning Authority does not require consultation on the application as the proposal is not classified as a major application.

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

4.14 Waste and Recycling Facilities

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

4.14.2 Officers can confirm that there is adequate provision within the site for the storage of waste and recycling facilities.

4.15 Ground Conditions and Contamination

4.15.1 The site is located in a general area in which Coal Authority consider to be a development low risk area. As such, the Coal Authority does not require consultation on the application.

4.15.2 The application site is near to a historic landfill site. In this respect the applicant has submitted a Phase 1 Land Contamination Assessment Ref: QA No.QA 18/045. The report identifies the possible presence of potential contamination on or beneath the site originating from former activities on and off the site and current materials storage on the site. The main potential sources of contamination noted are the potential use of asbestos containing materials (ACM) used in the construction of the buildings. Given the date of construction this would be in the use of ACMs as insulation and fire-resistant materials in the building and in the fill used to level the site.

4.15.3 The report also refers to the proximity of shafts and the mine explosion of 1930 meaning there may be a potential for mine gas. The report states that when considering the potential future use of the site the above ground nature of the structures would reduce from any mine gas leaking to the surface. It would then be expected that the mine gas risk would be from an isolated area and is unlikely to pose a significant risk to the proposed future use of the site.

4.15.4 Environmental Health Officers were consulted on the application and raised no objection to the proposal or the findings of the land contamination report.

4.16 Availability of Other sites

4.16.1 Objections have been raised by Shakespeare Martineau, on behalf of Wyrley Estates on the grounds of the "availability of alternative sites" namely a site off Lime Lane which would act "as an extension to the existing well-populated and popular Gypsy and Traveller Site".

4.16.2 Officers can confirm that the availability of other "available" sites is a material planning consideration and therefore a comparison should be made between the application site and the "alternative" site to determine what weight should be afforded to this material consideration.

4.16.3 The alternative "available" site put forward by Wyrley Estate in their representation to the Local Plan Issues and Options Consultation relates to a an area comprising several arable fields between Lime Lane and Lichfield Road being bound to the east by the Wyrley and Essington Canal (which in turn connects to the Cannock Extension Canal).

4.16.4 The Wyrley Estates submission acknowledges that the land parcel is partially divided by two administrative boundaries, is designated as Green Belt land, is graded as good to moderate (Grade 3) agricultural land, is "not well connected to Brownhills" and" is located as an island within Green Belt areas of CCDC and Walsall Council". However, it should be recognised that the land parcel is mainly put forward as a residential site with only part proposed as an extension to the gypsy site off Lime Lane.

4.16.5 It is clear that as a gypsy and traveller site, or indeed as a wider residential development on an open greenfield the "alternative" proposal would constitute inappropriate development in the Green Belt

4.16.6 It is also noted that the Wyrley Estate submission does not contain any supporting technical information with which a direct comparison could be made

with the current application site. This includes a lack of technical information in respect to whether it would have an adverse impact on the integrity of the Cannock Extension Canal. This particularly important given that the site abuts the Wyrley and Essington Canal which connects to the Cannock Extension Canal and that the site contains several field-drains which may run directly into the Cannock Extension Canal or via the Wyrley and Essington Canal. As such there is no certainty as to the adverse impact that the alternative site poses to the integrity of the SAC, and whether those impacts could be mitigated.

4.16.7 In addition to the above the comments of the Policy Officer are noted that

“the outcome of the Local Plan process can not be pre-judged, particularly at this early stage of the plan making process. The next stage of Local Plan consultation (Preferred Options) is not scheduled until summer 2020. Adoption of the Local Plan is not anticipated until July 2022.”

4.16.8 In comparison the application proposal does not constitute inappropriate development in the Green Belt, constitutes previously developed land, has been subject to consultation and notification, would comprise a small stand alone development for one extended family rather than the extension of an existing site and it has been subject to an appropriate assessment that has been supported by Natural England and which has demonstrated that the mitigation can be secured by appropriately worded conditions.

4.16.9 At best the “alternative” site/ proposal is an aspiration rather than an objectively assessed deliverable scheme which is unlikely to come forward before 2022 (assuming that the Local Plan time-table is met). As such little weight should be afforded to this issue as a material consideration.

4.17 Other Issues Raised by Objectors

4.17.1 An objector has raised concern regarding the public right of way which passes through the site. The objector states that the Timberland trail inaugurated in 2003 passes through the Grove Colliery in appreciation of the former colliery buildings of which the proposal plans to demolish. The objector continues that the walking instructions featured on the Forest of Mercia website states that walkers should “enter the site of the former Grove Colliery” and a wooden wayfinding post is present near the site, pointing in its direction. The objector concludes that this is a unique feature of the area and something that residents of the District are fortunate to have in Norton Canes. The Forest of Mercia trails give an insight into the natural beauty and colourful history of our area which could be impinged on by this development. Your Officers confirm that whilst there is a public right of way through the site, the designated footpath runs along Lime Lane before cutting across the wider site which is to the south of the application site.

4.17.2 An objector claims that there is no mains sewerage for the area, , which leads on to concerns over the use of the sewage treatment plant proposed, and risk of local surface water pollution to both the stream and canal an area designated as of significant scientific interest. Your Officers confirm that both Natural England and Severn Trent have been consulted on the application and are satisfied that subject to conditions, the proposal would not impact on the nearby watercourses

and that surface water and foul water can be adequately dealt with via conditions.

- 4.17.3 An objector states that the area is accessed by gates which are padlocked to protect them (residents of the wider area) from unwanted visitors walking or driving around. Your Officers note the siting of the gates and confirm that they would be retained to the south of the access into the application site. As such, there would be no additional persons coming or going through the gates than currently do.
- 4.17.4 A resident of the wider site has stated that the main electricity board for nearby units, is just outside the gates on Lime Lane. The resident has concerns that this will become part of the site and queries what the implications of this would be. Your Officers confirm that the electricity board is shown on the plans (adjacent the northern boundary to Cannock Pallets) however it is not included in the red line boundary of the application site.
- 4.17.5 Objectors state that the many businesses that are presently at Lime Lane will have to move site, if this application goes ahead. Your Officers confirm that this is not a material consideration for the determination of this application and applications can not be determined by what may or may not happen in the future.
- 4.17.6 Concern has been raised regarding the potential disruption during the demolition and construction work if not carried out by a competent contractor. Your Officers confirm that whilst there would be noise and disturbance created as a consequence of the proposed development, this would be short term only and it would not be reasonable to refuse an application on this basis. Conditions can be recommended to protect the amenity of existing users are retained as far as is practicably possible throughout the course of the construction/ demolition. Furthermore, should breaches of planning occur the Council could take enforcement action if it considered that it is expedient to do so.
- 4.17.7 The owner of Cannock Pallets states that for the last 16 years and for some 11 years before them, both this business and predecessors (Pelsall Pallets), have used the proposed site for the loading, unloading parking and turning of their and their suppliers' lorries as part of our pallet recycling business. The objector therefore concludes that the land that forms part of the application site is an extension of the pallet business. The land to the front of the application site has also been used by Pelsall Pallets for the parking of two vehicles without permission. The objector states that by virtue of the long use of the proposed site(which can be shown to be for over 20 years), by Cannock Pallets, they have acquired legal right over it, which the owner of Cannock Pallets hereby assert will proceed to register against the respective titles. However, officers would state that this is a private civil matter between the Council as land owner and he party laying the claim. The grant of planning permission would not negate the rights of the part who has control over the land.
- 4.17.8 An objector has stated that with a little vision, a lottery fund appeal and some voluntary help from enthusiasts the existing building and its site has the potential be a wonderful addition to the adjacent S.S.S.I. and as such an important educational resource for local school children - a living museum. Your Officers

confirm that whilst the above could potentially be a use for the site, the objector could have made a bid on the site and submitted an application for this use. However this was not the case and the application presented to Members is the application for consideration on its own merits.

- 4.17.9 An objector has raised concern that insurance premiums might go up if the site gets approval. Your Officers confirm that this is not a material consideration for the determination of the application.
- 4.17.10 The adjacent occupier at the travelling showperson site states that the applicant, like himself needs somewhere to live on a permanent basis. The objector suggests he has been talking to Cannock's planning department for around twenty four years, to seek a permanent base in the Norton Canes area. However, the objector states that he has been told that there is no land available. However, Officers confirm that the property was put up for sale on the open market by Andrew Dixon & Company acting on behalf of the Council. After an initial period of exposure to the market written offers were invited. Several bids were received and the Leadership Team approved the sale of the property to the successful bidder subject to contract and planning. Notwithstanding this, the objector did not submit a bid for this site. In any case the issue is not a material consideration in the determination of this particular application.
- 4.17.11 Comments have been received in respect to perceived cultural tensions between travellers and travelling showpeople. Officers advise that although there may cultural tensions between different social groups an objective of the NPPF is to promote 'mixed and balanced communities' which is not achieved through segregating communities on the base of their ethnicity or other social typology.

5 Human Rights Act 1998 and Equalities Act 2010

Human Rights Act 1998

- 5.1 The proposals set out in this report are considered to be compatible with the Human Rights Act 1998. The recommendation to approve the application accords with the adopted policies in the Development Plan which aims to secure the proper planning of the area in the public interest.
- 5.2 Dismissal of the application could make one of the prospective occupiers homeless and could deprive the prospective occupants of the possibility of establishing a home on the application site, the children settling into education, and of living in the family or community environment that they inspire to do. It is also likely that one of the prospective occupiers does not have a lawful home at present and refusal of the application could represent an interference with their rights under Article 8 of the First Protocol of the European Convention on Human Rights.
- 5.3 The comments of the neighbour in respect to his rights under the Human Rights Act 1988 are noted. The European Convention on Human Rights (included in UK law by the Human Rights Act 1988) confers rights on the settled community

as well as on travellers. The two Convention rights which are seen as of most particular relevance to travellers are:

- Articles 8 (“The right to respect for private and family life, home and correspondence”) and
- Article 14 (which outlaws discrimination on a variety of grounds including race).

5.4 Article 8 recognises that the applicant also has a right to a home and family life. The article is a qualified right and may be interfered with in accordance with the law, in pursuance of a legitimate aim and as necessary in a democratic society. Any interference with the right must be proportionate and necessary.

5.5 Article 14 does not provide for a free standing right to non-discrimination but requires that people are able to secure all other rights in the Convention without discrimination. Discrimination happens when a public authority, policy, practice or person:

- treats a person less favourably than others in similar situations on the basis of a particular characteristic
- fails to treat people differently when they are in significantly different situations, or
- applies apparently neutral policies in a way that has a disproportionate impact on individuals or groups.

5.6 In this respect officers can confirm that the competing rights of the different individuals has been taken into in reaching a balanced and proportionate recommendation such that any decision in accordance with the recommendation would not contravene the provisions of the act.

Equalities Act 2010

5.7 The Equality Act 2010 requires public bodies (like local councils) to consider how their decisions and policies affect people with different protected characteristics. The public body also should present clear evidence to indicate how it has done this when making its decision.

5.8 Protected Characteristics include the following:

- a) age;
- b) disability;
- c) gender reassignment;
- d) marriage and civil partnership;
- e) pregnancy and maternity;
- f) race;
- g) religion or belief;
- h) sex;

5.9 Section 149 of the Equality Act 2010 places a statutory duty on public authorities in the exercise of their functions to have regard to protected characteristics and how their decision will affect the following.

“In particular a public authority must, in the exercise of its functions, have due regard to the need to—

- a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;
- b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
- c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.”

5.10 In the case of the current application it is considered the proposed development would directly benefit each of the matters referenced in Para 149 of the Equality Act 2010 in that it would address, in part, the objectively assessed housing needs and the present short fall in gypsy sites within the District. This proposal would help to remedy this deficiency and provide a 3 pitch site for use by an extended family.

5.11 Given the positive duty conveyed by the Equality Act 2010, to advance equality of opportunity, to eliminate discrimination and to foster good relations between those with protected characteristics and the wider community, your officers consider the proposals offer an opportunity to fulfil the ambition set out in Para 149 of the Equalities Act 2010.

6 Conclusion

6.1 The applicant is seeking full planning permission for the demolition of the buildings and the change of use of the land to a gypsy and traveller residential site. The proposed development would have a layout in the form of an extended family site rather than individual pitches.

6.2 The site is in the West Midlands Green Belt wherein there is a presumption against inappropriate development. The proposal comprises the redevelopment of a previously developed site that would not have a material impact on the openness of the Green Belt. The proposal therefore does not constitute inappropriate development meeting as it is in accordance with paragraph 145 of the NPPF.

6.3 The proposal would result in the loss of an undesignated heritage asset however, it is clear that the quantum of works required to facilitate any reuse of the building would leave very little of the original building and that the wider historic importance has since been removed. As such although this weighs against the proposal only limited weight should be afforded to the loss of this heritage asset.

6.4 The Cannock Chase District Local Plan (Part 1) Policy CP7 identifies a need for 41 gypsy and traveller pitches from 2012-2028, although the recently updated

- evidence base for Gypsy and Traveller needs as part of the Local Plan Review process as reduced this need to 26 pitches for the period 2018-2036.
- 6.5 Despite a reduced need being identified in the updated evidence, the fact that no additional pitches have been identified remains the case.
- 6.6 The current search area for gypsy and traveler sites largely encompasses the southern part of the District which lies below the Cannock / Lichfield Road (A5190) and constitutes Green Belt land in the main.
- 6.7 The proposal would contribute towards meeting the current unmet objectively assessed need for gypsy and traveller sites in the general area of search for such sites. Furthermore, it should be taken into account that currently there is no firm proposal, either currently within the planning system, at pre-application stage or approved that would contribute towards meeting this need. These factors taken in combination should be given substantial weight in the determination of this application.
- 6.8 The application site is located in open countryside but within an area comprising residential development and industrial uses. The design and layout of the buildings would not result in a detrimental impact to the character and appearance of this location nor would the introduction of a further residential use have a significant adverse impact on the existing occupiers of the residential and business uses already sited in the wider locale.
- 6.9 Impacts on the Cannock Chase SAC and Cannock Extension Canal have been subject to appropriate assessment and subject to the attached conditions it is considered that the proposal would not have a significant impact on the integrity of these sites.
- 6.10 Although a small number of common species of bats are known to have used the building as a non-breeding roost, it is considered that there are matters of overriding public interest, that there are no satisfactory alternatives and that subject to mitigation the proposal would not be detrimental to the maintenance of the population of the bat species concerned at a favourable conservation status in its natural range.
- 6.11 The proposal is considered acceptable in all other respects.
- 6.12 Ultimately, it is considered that the benefits of providing 3 pitches to meet the objectively assessed needs of the travelling community outweighs the limited weight arising from the harm resulting from the loss of the undesignated heritage asset.
- 6.13 It is therefore recommended, on balance, that the proposal is approved subject to the completion of a section 106 agreement and the attached conditions.

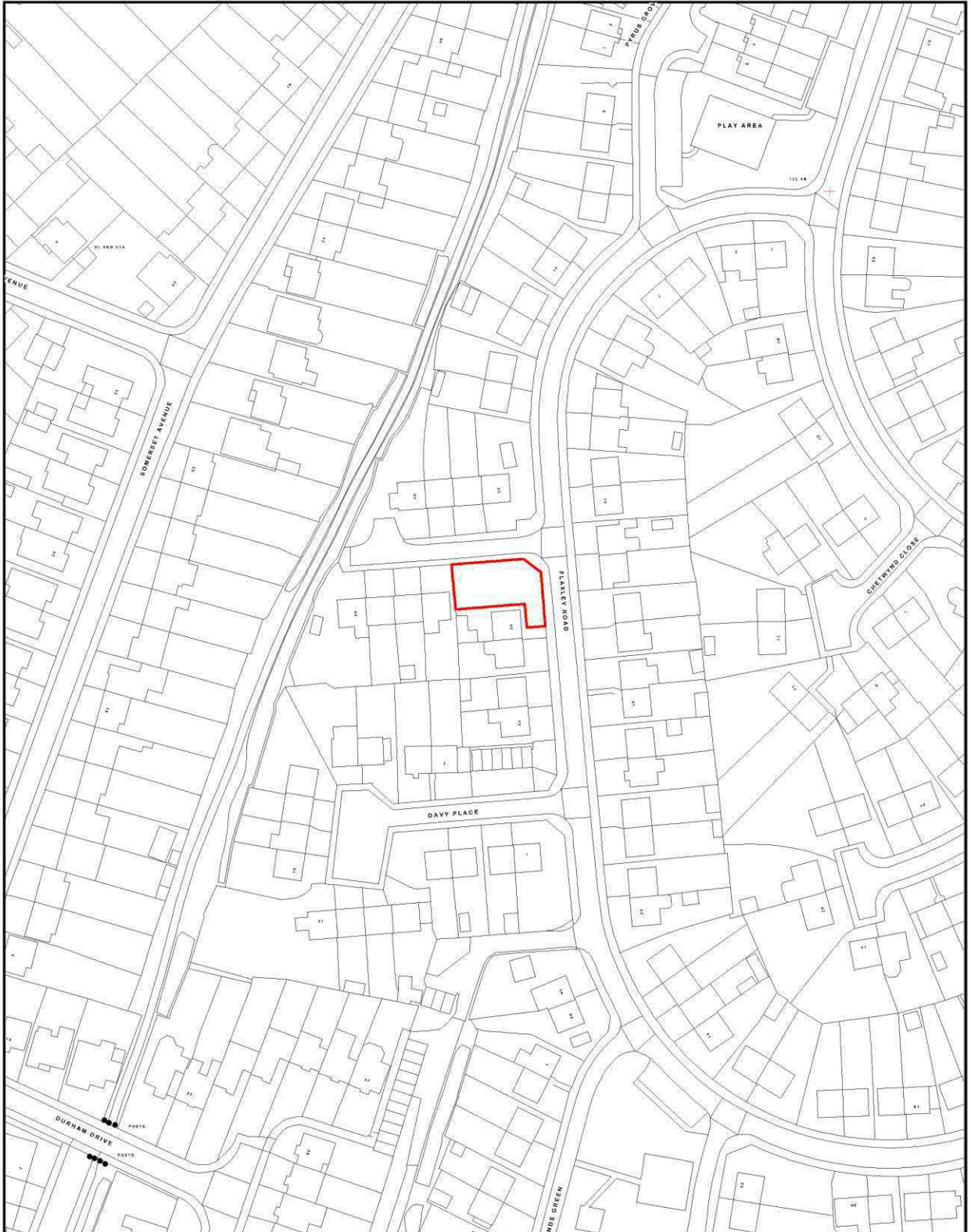


Application No: CH/19/363

Location: Land adjacent to 38 Flaxley Road, Rugeley, WS15 1LY

Proposal: Residential development - one detached 3 bedroom dwelling

ITEM NO. 6.237



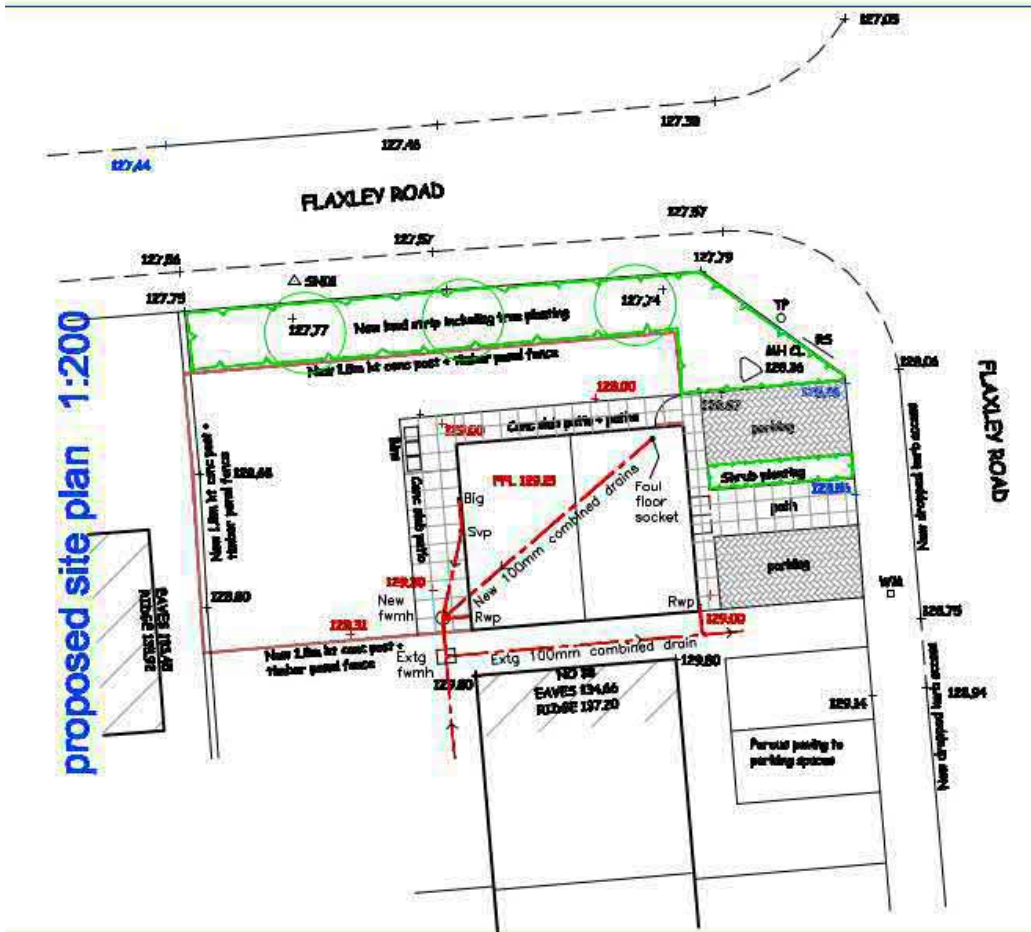
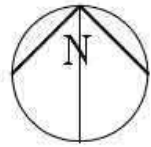
Proposed Site Plan

LANDSCAPING

Three trees to be planted
 2no Silver Birch and 1no Rowan as light standard 8-10cm girth
 2m height support by one stake with supportable tie.
 Base to be top soiled and mulched to 1m diameter circle and topped
 up. Road drain to be installed with regular as a minimum 16 times in
 year one, 10 times in year two and four times in year three.
 Any trees which are dead or dying within five years to be replaced like
 for like.

REV A
 Car parking spaces for
 no 38 added to proposed
 site plan 20/11/2019

REV B
 Red line revised to take
 in parking to no 38
 Flaxley Road
 26/11/2019



proposed site plan 1:200

Plotted at A3
John Heminsley
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RESIDENTIAL DEVELOPMENT
 Land adjacent to
 38 Flaxley Road
 Rugeley
 WS15 1LY

CLIENT
MR.G.ELWELL
 Aug 19
 dr no
2019:55:01B

location + site plans

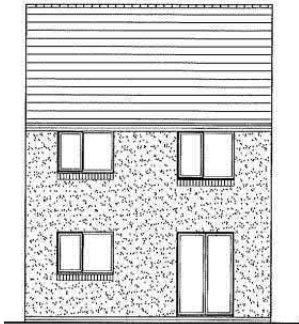
Floor Plans and Elevations

GH/19/363

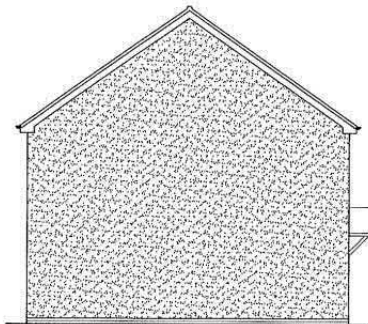


FRONT ELEVATION

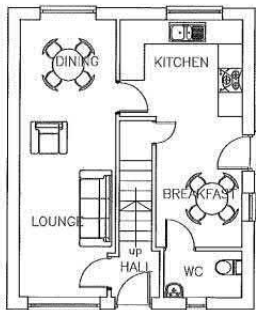
Roof tiling, render to walls and white upvc windows + doors cit to LA Approval



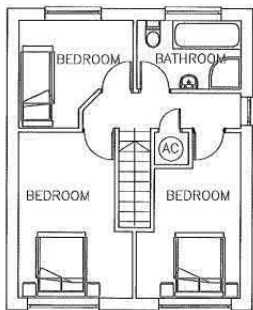
REAR ELEVATION



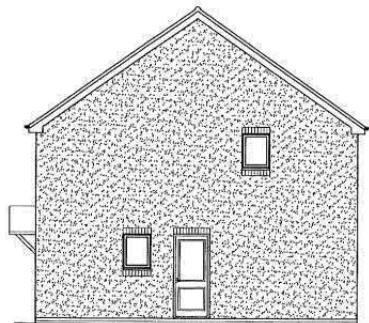
SIDE ELEVATION



GROUND FLOOR PLAN 1:100



FIRST FLOOR PLAN 1:100



SIDE ELEVATION



Plotted at A3
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 project
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 CLIENT
MR.G.ELWELL
 Aug 19
 dr no
2019:55:02

floor plans + elevations 1:100

Contact Officer:	David Spring
Telephone No:	01543 464 517

PLANNING CONTROL COMMITTEE

15 JANUARY 2020

Application No:	CH/19/363
Received:	07-Oct-2019
Location:	Land adjacent to 38 Flaxley Road, Rugeley, WS15 1LY
Parish:	Rugeley
Description:	Residential Development – one detached 3 bedroom dwelling
Application Type:	Full Planning Application

RECOMMENDATION:

Refusal for the following reason:

Reason(s) for Recommendation:

In accordance with paragraph (38) of the National Planning Policy Framework the Local Planning Authority has worked with the applicant in a positive and proactive manner to approve the proposed development. However, in this instance the proposal fails to accord with the Local Plan and the National Planning Policy Framework.

The application site occupies an open, elevated and prominent position in relation to the adjacent highway at Flaxley Road. The character of the wider estate is characterised by the openness of the corner plots. This form and layout of buildings and garden spaces in the area follow an established pattern, providing a well defined distinction between public and private space and visual relief from built form on the corner plots. The proposed erection of a two storey dwelling in this location would be visually intrusive and fail to reflect the continuity of the street and undeveloped spaces within Flaxley Road contrary to Cannock Chase Local Plan CP3 and paragraph 127 (a)(b)(c) & (d) of the National Planning Policy Framework.

Consultations and Publicity

External Consultations

Rugeley Town Council

Objection

Councillors objected to this application as it was considered over intensive development for this site. The CCDC Local Plan identified the housing area as being of medium density and the new development would put it into high density.

Highways

No objection subject to conditions

Internal Consultations

Pollution Control Officer

No adverse comments to make.

Environmental Health

No objections.

Development Plans and Policy Unit

The site is in the Rugeley urban area on a residential estate and is not protected for a specific use on the Local Plan (Part 1) Policies Map.

The Cannock Chase Local Plan (part 1) 2014 policy CP1 supports sustainable development, while policy CP6 permits new housing on urban sites within Cannock Chase District.

Policy CP3 advocates appropriate design and cohesion with adjacent uses in new development, including the protection of amenity. The Design SPD provides additional guidance and Appendix B (p91) should be consulted to ensure that the minimum garden sizes and distances from neighbouring dwellings are taken into account when considering the application.

The Cannock Chase Local Plan (Part 1) 2014 was adopted more than five years ago; it is therefore the subject of a review. This review is at an early stage in the process with consultation on 'Issues and Options' being undertaken recently (May-July 2019). Therefore limited weight can be afforded to it. The starting point for the determination of planning applications remains the adopted development plan (Local Plan (Part 1)).

If it is a market housing residential development scheme the proposal may be CIL liable. Given that a net increase in dwellings is proposed the development also needs to mitigate its impacts upon the Cannock Chase SAC (Local Plan Part 1 Policy CP13). Should the development be liable to pay CIL charges then this will satisfy the mitigation

requirements, as per Local Plan Part 1 Policy CP13, the Developer Contributions SPD (2015) and the Council's Guidance to Mitigate Impacts upon Cannock Chase SAC (2017). However, should full exemption from CIL be sought then a Unilateral Undertaking would be required to address impacts upon the Cannock Chase SAC in accordance with the Council's policy/guidance. Any site specific requirements may be addressed via a Section 106/278 if required, in accordance with the Developer Contributions and Housing Choices SPD (2015) and the Council's most up to CIL Regulation 123 list.

CIL Officer

In respect of the above planning application, based on the additional information form submitted, the chargeable amount of the development would be £4,419.90.

Response to Publicity

The application has been advertised by site notice and neighbour letter. Two letters of representation have been received; 1 letter of objection and 1 letter of support. The main summarised points of objection are:

- There is concern about the designation of neighbours. The adjoining neighbour should have included No. 40 Flaxley Road,
- As of October 21st a site notice has not been displayed,
- The land plan shows the red line for the property around the entire land and building ownership of 38 Flaxley Road and as such no blue line is shown. As no blue line is shown it is not possible to anticipate the Grampian nature of any technical matters relating to the submitted materials,
- The planning application is FULL but it does not contain sufficient detail to distinguish it from an outline application for access and layout with all matters reserved,
- The proposed development does not take into account the significant material changes that would be required to the existing dwelling at No. 38,
- The existing building would no longer have vehicular access, or, on site parking resulting in 2 displaced parking spaces,
- The refuse collection and servicing arrangements of the existing dwelling are not addressed,
- The ground floor plan layout is shown in a way that is not possible to construct unless the lounge is on two different levels,
- The proposed layout allows external access from the southern, western and eastern elevations but it is hard to establish the benefit of access from the southern façade,
- The proposal considers a finished floor level for the new building of 129.15. The proposed parking appears to be sloped. As such arrangements suitable for modern planning and standards relating to inclusive mobility and building regulations? The result would be a slope of approx. 1 in 5. Without such a slope the dwelling would need stepped access,
- The finished floor level of No. 36 is below the proposed FFL. Therefore the proposal would sit prouder in the context of this corner and be more dominant. This does not present itself well in terms of good response to the context,

- The plans do not take into account or show the existing walled height onto Flaxley Road. To achieve the planting proposed the entire wall or most of it would have to be removed,
- The proposed 1.8m high concrete post and timber panel does not respond well to the existing boundary treatment nor does it take into account that the boundary wall pier is within the ownership of No. 36,
- The proposed dropped kerb length would seem to be in excess of 7m considering two parking bays of 2.4m width, the proposed shrub and walking route to the front access,
- For protection of highway infrastructure the crossover would need to be extended and reinforced to protect utility infrastructure,
- The application form establishes there will be 4 parking opportunities as an outcome of this proposal but only two are shown,
- There is the potential for any proposed development to have an impact on access and highway safety in the absence of a Construction Management Plan and suitable restricted working hours,
- The primary reasons for objection are parking, highways safety, layout and density of development, disabled persons access,
- The land is not unused, it forms the vehicular crossover access onto the land and the existing building's parking,

The main issues in support of the application are: -

I would like to improve the aesthetics and look.

Currently the land is not used for anything other than parking for a horse lorry which is no longer mobile.

I have advised Mr Elwell to submit further drawings to show parking for my property being provided with creating a driveway to the front of my property. Within the plans there are measurements between myself and the proposed property of some 1.5m.

This has been agreed by myself and the applicant.

The refuse collection will be carried out in the same manner as other properties in the area whereby we will present the bins at the front of the property on collection day and then keep them closer to the property at other times.

The planning notice has been placed on a post opposite my property for a few weeks now and is in full view of the passing public.

The land is unused and does nothing more than provide a dumping ground for children in the area to dispose of their rubbish and worsen the look of the area.

Relevant Planning History

There is no relevant planning history.

1 Site and Surroundings

- 1.1 The application site is comprised of an open plot of land on a prominent corner within Flaxley Road, Rugeley. The land currently forms part of the side garden associated with No.38.
- 1.2 The application site is on the Pear Tree housing estate and is approximately 1km from Rugeley Town Centre.
- 1.3 The application site sits in an elevated position above the highway with the site sloping down to the North and to the East. The site is bound by low level walling and is currently separated from the main amenity area of No.38 by fencing.
- 1.4 The site has an area of approximately 228sqm and is currently overgrown.
- 1.5 The surrounding area comprises of dwellings of a similar design and scale; being two storey and finished in pebbledash or render. The existing dwellings form a rhythmic pattern of development being set behind modest frontages with corner plots remaining undeveloped to provide an open and spacious character. The wider street scene rises steeply from north to south resulting in the dwellings being constructed in a staggered design.
- 1.6 The site is within a designated Mineral Safeguarding Area and a Low Risk Coal Authority Designation Boundary.

2 Proposal

- 2.1 The applicant is seeking consent for the residential development of one detached 3 bedroom dwelling on the side garden area of No. 38 Flaxley Road, Rugeley.
- 2.2 The proposed development would be sited 1.5m from the side of the existing property and would front the main road through the estate.
- 2.3 The dwelling would have a footprint of 45 sqm and would have a proposed floor level some 0.65m below that of the existing property. The proposed dwelling would be constructed to a height of 7.7m to the ridge (4.6m to the eaves) and would be orientated with the front elevation facing onto the main highway through the estate.
- 2.4 Two parking spaces would be provided off Flaxley Road, in front of the proposed dwelling with a further two spaces identified on the plan for the existing dwelling, to the front of No.38.
- 2.5 The private amenity space provided would measure approximately 100 sqm and would be set behind 1.8m high concrete post and timber panel fence. The proposed fence would be set back from the side boundary by 2m with a new landscaping strip proposed to the front of this. The landscaping proposed would comprise of 2No. Silver Birch Trees and 1No. Rowan Tree.

- 2.6 The existing dwelling would retain a private garden area of 65 sqm and have two parking spaces on the main highway frontage.
- 2.7 The external appearance of the dwelling would be similar to existing properties built on former garage court sites on this estate. Walls would be cream textured render with brick detailing above doors and windows and a concrete tiled gabled roof at a 30 degree pitch.

3 Planning Policy

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

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

- CP1 - Strategy – the Strategic Approach
- CP2 - Developer contributions for Infrastructure
- CP3 - Chase Shaping – Design
- CP6 - Housing Land
- CP7 - Housing Choice
- CP13 - Cannock Chase Special Area of Conservation (SAC)
- CP14- Landscape Character

3.3 National Planning Policy Framework

3.4 The NPPF (2019) sets out the Government’s position on the role of the planning system in both plan-making and decision-taking. It states that the purpose of the planning system is to contribute to the achievement of sustainable development, in economic, social and environmental terms, and it states that there should be “presumption in favour of sustainable development” and sets out what this means for decision taking.

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

3.6 Relevant paragraphs within the NPPF include paragraphs: -

- | | |
|---------------------|--|
| 8: | Three dimensions of Sustainable Development |
| 11-14: | The Presumption in favour of Sustainable Development |
| 47-50: | Determining Applications |
| 124, 127, 128, 130: | Achieving Well-Designed Places |
| 212, 213 | Implementation |

3.7 Other relevant documents include: -

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

4 Determining Issues

4.1 The determining issues for the proposed development include:-

- i) Principle of development
- ii) Design and impact on the character and form of the area
- iii) Impact on residential amenity.
- iv) Impact on highway safety.
- v) Waste & recycling facilities
- vi) Drainage & flood risk
- vii) Affordable housing provision

4.2 Principle of the Development

The proposal is for the construction of one dwelling on a corner within Flaxley Road, Rugeley. Both the NPPF and Cannock Chase Local Plan Policy CP1 advocate a presumption in favour of sustainable development. Further, Local Plan Policy CP6 seeks to support the creation of new homes within existing urban areas.

4.2.1 The site is located within the urban area of Rugeley. It is a 'windfall site' having not been previously identified within the Strategic Housing Land Availability Assessment (SHLAA) as a potential housing site. 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 proposals would normally fall to be considered within the presumption in favour of sustainable development, outlined in paragraph 11 of the NPPF.

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

"the presumption in favour of sustainable development does not apply where development requiring appropriate assessment [under the Habitat Regulations] because of its potential impact on a habitats site is being planned or determined"

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

4.2.4 In respect to the principle of the proposal it is noted that the site is located within the main urban area of Rugeley and hence broadly conforms to the requirements of Policy CP1. In addition to the above the site is located within a sustainable location with good access by cycle or walking to the town centre and the local centre on the estate where there is a wide range of goods and services to meet the day to day needs of people. As such the proposal would meet the thrust of Policy CP1 to focus investment and regeneration on existing settlements which are expected to accommodate most of the District's housing and it is therefore concluded that the proposal is acceptable in principle.

4.2.5 However, proposals that are acceptable in principle are still subject to all other policy tests. The next sections of this report will consider the proposal in the light of those policy tests and determine what harms or benefits arise from the proposal.

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

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

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

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

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

Planning policies and decisions should ensure that developments:

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

create attractive, welcoming and distinctive places to live, work and visit;

- 4.3.4 Finally Paragraph 130 states planning permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions, taking into account any local design standards or style guides in plans or supplementary planning documents. Conversely, where the design of a development accords with clear expectations in plan policies, design should not be used by the decision taker as a valid reason to object to development.
- 4.3.5 In this respect it is noted that Appendix B of the Design SPD sets out clear expectations and guidance in respect to extensions to dwellings. Whilst the title of the SPD refers to extensions the document is also used as guidance for ensuring appropriate levels of amenity is retained for new development.
- 4.3.6 Having taken all of the above into account it is considered that the main issues in respect to design and the impact on the character and form of the area are: -
- (i) Overall layout
 - (ii) Density
 - (iii) Materials, scale and external appearance of the dwellings
 - (iii) Landscaping
- 4.3.7 The application site is located within a residential area within Rugeley. The application site benefits from a wider than average plot which includes a side garden. The application site occupies an elevated position in relation to the adjacent highways. The character of the wider local is characterised by the openness of the corner plots. With the exception of ancillary domestic outbuildings, the side gardens of properties within this location have not been developed. The form and layout of buildings and garden spaces in the area follow an established pattern, providing a well defined distinction between public and private space and visual relief from built form on the corner plots. As such, any development of the land to the side of the existing dwelling would disrupt the continuity of the existing built form and would be at odds with the existing pattern of development. The erection of a two storey dwelling in this location would be visually intrusive and detrimental to the street scene. Whilst it is noted that the current condition of the land is unkempt, it does offer some degree of visual relief from the built form.
- 4.3.8 There is no objection to the proposed design of the house and although garden standards and parking standards dwelling would be met, the development of this side garden within this established estate in an elevated position would be incongruous with the character of the area.
- 4.3.9 As such, the proposal would fail to reflect the continuity of the street and undeveloped spaces within Flaxley Road and would not maintain the areas prevailing open and spacious character. As such, the proposal is considered contrary to Cannock Chase Local plan CP3 and paragraph 127 (a)(b)(c) & (d).

4.3.10 In respect to density, external appearance and landscaping, the proposal is considered acceptable. However, this does not negate or mitigate the harm resulting from the layout and its impact on the character of this area.

4.4 Impact on Residential Amenity

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

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

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

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

4.4.5 The layout plan indicates the proposed dwelling to be 1.5m from the side elevation of No.38 which would allow access to the rear garden for the existing occupier. The proposed dwelling would be sited in line with the rear elevation of the adjacent dwelling, slightly in front of the front elevation and new fencing would delineate the boundaries. The proposal indicates two parking spaces to be provided to the front of No.38. As such, the proposed dwelling would have no significant impact on the occupiers of No.38.

4.4.6 The proposal would remain 10.4m from the side elevation of No.36 Flaxley Road, which comprises of a blank elevation with the exception of a doorway. Whilst the proposed development would fall short of the guidance set out within the Design SPD which seeks 12m between principle elevations and side elevations (a shortfall of 2m), the proposed dwelling would be constructed in line with existing dwellings and therefore would not significantly alter the existing situation in terms of overbearing to the occupiers of No.36.

4.4.7 The proposed dwelling would benefit from a rear garden comprising of 80+m² and over 70m² retained for No.38. A total of 4 parking spaces would be provided for the development; 2 spaces for the existing dwelling (No.38) and 2 spaces for the proposed dwelling which would accord with the Parking SPD which seeks maximum standards for development.

4.4.8 As such, it is considered that whilst the proposed development would not comply with the Council's Design SPD with regard to compliance with the separation

distances this would not result in a significant detrimental impact on the amenity of the occupiers of that property.

4.5 Impact on Highway Safety

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

4.5.2 In this respect Staffordshire County Highways Department were consulted on the proposal and raised no objections subject to a condition. As such, it is concluded that the proposal would not result in an unacceptable impact on highway safety.

4.6 Impact on Nature Conservation Interests

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

4.6.2 As such the site is not known to have significant ecological value and therefore no obvious direct harm to nature conservation interests is considered to result.

4.6.3 Under Policy CP13 development will not be permitted where it would be likely to lead directly or indirectly to an adverse effect upon the integrity of the European Site network and the effects cannot be mitigated. Furthermore, in order to retain the integrity of the Cannock Chase Special Area of Conservation (SAC) all development within Cannock Chase District that leads to a net increase in dwellings will be required to mitigate adverse impacts. There is a net increase in dwellings of 1 No. such that SAC mitigation contributions are required. Such contributions will be secured by CIL where applicable to the development. In this case the proposal is CIL liable and the applicant has not claimed any exemption.

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

4.7 Drainage and Flood Risk

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

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

4.7.3 The applicant has stated that it is intended to connect to the existing drainage system. It is noted that the site immediately abuts a main road and is within a

predominantly built up area. As such it is in close proximity to drainage infrastructure that serves the surrounding area. Therefore, it is considered that options for draining the site are available.

4.8 Mineral Safeguarding

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

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

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

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

4.8.3 The application site is located within an area identified within the Local Plan as a Mineral Safeguarding Area. Notwithstanding this, the advice from Staffordshire County Council as the Mineral Planning Authority does not require consultation on the application as the site falls within the development boundary of an urban area and does not constitute a major application.

4.9 Waste and Recycling Facilities

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

4.9.2 The proposed dwelling would be sited within close proximity to the highway within a residential located where bins are already collected by the Local Authority. The bins would, in this instance, be collected from the adjacent highway within Flaxley Road and there is both sufficient area to the rear of both properties to store bins and sufficient space to the side to enable them to be brought forward on collection days.

4.10. Ground Conditions and Contamination

4.10.1 The site is located in a general area in which Coal Authority consider to be a development low risk area. As such, the Coal Authority does not require consultation on the application.

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

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

Equalities Act 2010

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

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

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

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

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

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

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

6 Conclusion

- 6.1 The proposal is acceptable in principle being a compatible use in a main urban area which has good access links to a range of goods and service to meet day to day needs. Furthermore the proposal is considered acceptable in respect to its standard of residential amenity, and its impact on highway safety, flood risk, drainage and nature conservation interests
- 6.2 The application site occupies an open, elevated and prominent position in relation to the adjacent highway at Flaxley Road. The character of the wider estate is characterised by the openness of the corner plots. This form and layout of buildings and garden spaces in the area follow an established pattern, providing a well defined distinction between public and private space and visual relief from built form on the corner plots. The proposed erection of a two storey

dwelling in this location would be visually intrusive and fail to reflect the continuity of the street and undeveloped spaces within Flaxley Road contrary to Cannock Chase Local Plan CP3 and paragraph 127 (a)(b)(c) & (d) of the National Planning Policy Framework.

6.3 It is therefore recommended that the application be refused.

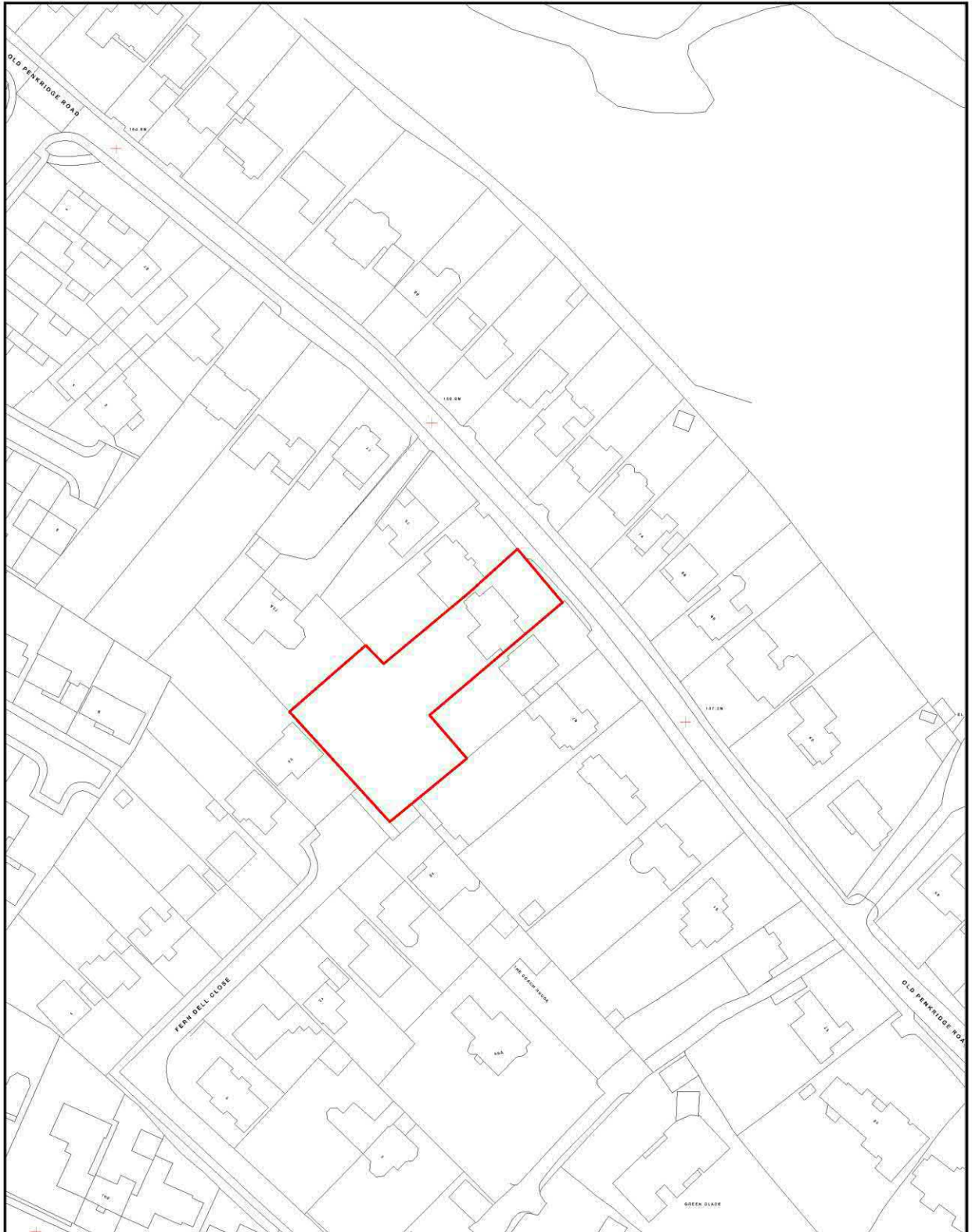


Application No: CH/19/411

Location: 71 Old Penkridge Road, CANNOCK, WS11 1HY

Proposal: Demolition of existing two storey house and erection of 2No. houses and associated works. (Resubmission of CH/19/015)

ITEM NO. 6.255



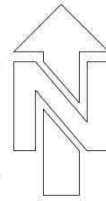
Location Plan

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REV.	AMENDMENT:	INT.	DATE:
A	Do not scale omitted from notes	SC	11.01.19



PROJECT:
Proposed Residential Development at:
71 Old Penkridge Road,
Cannock,
Staffordshire

TITLE:
Location Plan

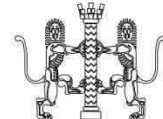
CLIENT:
Mr & Mrs J P Salmon

SUTTON AND WILKINSON

CHARTERED ARCHITECTS

Victoria House, 13 New Penkridge Road,
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SCALE	DRAWN	DATE	SIZE
1:1250	SC	Jan '18	A4
DRAWING NUMBER	REVISION		
2411 - 08	A		

Site Plan



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LANDSCAPING LEGEND

- 1.8m high closed boarded fencing
- Existing Trees to be retained
- Proposed Trees
- Areas of turf / soft landscaping to L.A. approval - design and spec by others
- Macadam access drive
- 450x450x35mm concrete slabs. Suitable sloping to all roadways
- Permeable block paved parking bays

DRAINAGE LEGEND

- Indicates storm water drainage (discharging into soakaways)
- Indicates foul water drainage (linked to existing mains sewer)
- Proposed location of inspection chamber
- Approximate location of existing inspection chamber

PLANNING

REV	DATE	DESCRIPTION	BY	CHKD
1	11/02/15	Issue for planning	AW	AW
2	11/02/15	Issue for planning	AW	AW
3	11/02/15	Issue for planning	AW	AW
4	11/02/15	Issue for planning	AW	AW
5	11/02/15	Issue for planning	AW	AW
6	11/02/15	Issue for planning	AW	AW
7	11/02/15	Issue for planning	AW	AW
8	11/02/15	Issue for planning	AW	AW

PROJECT
 Proposed Residential Development at:
 71 Old Penkridge Road,
 Cannock,
 Staffordshire

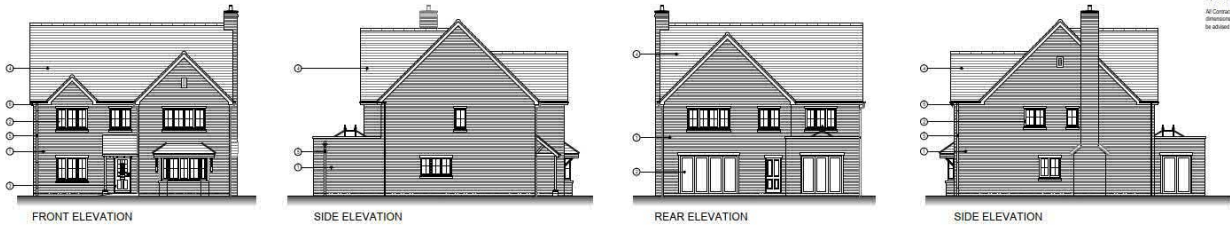
CLIENT:
 Mr & Mrs J. Salmon

TITLE:
 Proposed Site Layout

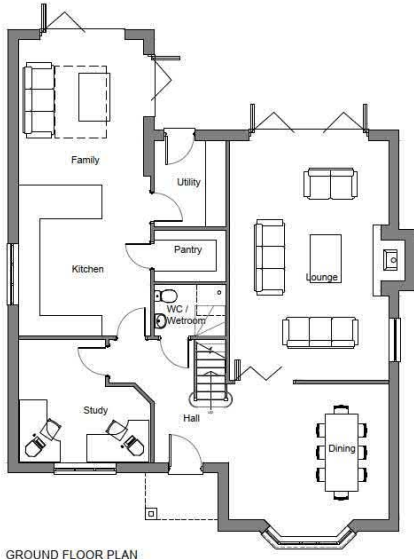
SUTTON AND WILKINSON
CHARTERED ARCHITECTS
 (Status: 1000, 11 New Penkridge Road, Cannock, Staffs, SP11 1YH)
 Telephone: 01542 46641
 Facsimile: 01542 46648
 e-mail: office@suttonandwilkinson.co.uk

SCALE	ORIGIN	DATE	SHEET
1:200	SC	Sept. 15	A2
SHEET NUMBER			TOTAL SHEETS
2411 - 13			14

Plans and Elevations



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GROUND FLOOR PLAN



FIRST FLOOR PLAN

- MATERIALS LEGEND:**
- 1 Facing Brickwork to LA Approval
 - 2 PVCu Double Glazed Windows
 - 3 Steel Core GFR Door
 - 4 Concrete Interlocking Roof Tiles to LA Approval
 - 5 PVCu Rainwater Gutters & Down Pipes
 - 6 PVCu Facias & Soffit Boards

Gross Internal Floor Area	
net	223.28
gr	240.3

PLANNING

NO.	REVISION	BY	DATE
1	Final plan submitted to Council for approval	AS	14/07/18
2	Final plan submitted to Council for approval	AS	14/07/18
3	Final plan submitted to Council for approval	AS	14/07/18
4	Final plan submitted to Council for approval	AS	14/07/18

PROJECT:
 Proposed Residential Development at:
 71 Old Pennington Road,
 Canford,
 WIS11 1HY

CLIENT:
 Mr & Mrs J P Sulmon

TITLE:
 PROPOSED FLOOR PLANS & ELEVATIONS

SUTTON AND WILKINSON
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Scale	Drawn	Check	Date	Sheet
1:50 (1:100)	SD	AS	July 18	A1
Drawing Number				Sheet
2411 - 11				F

Plans and Elevations



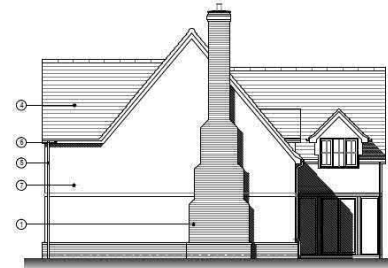
FRONT ELEVATION



SIDE ELEVATION



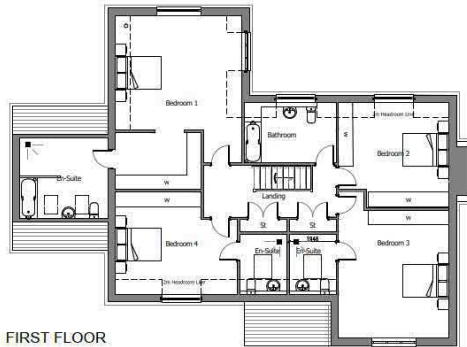
REAR ELEVATION



SIDE ELEVATION



GROUND FLOOR



FIRST FLOOR

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MATERIALS LEGEND:

- ① Facing Brickwork to LA Approval
- ② Aluminium Double Glazed Windows
- ③ Steel Core GRP Door
- ④ Plain Roof Tiles to LA Approval
- ⑤ PVCu Rainwater Gutters & Down Pipes
- ⑥ PVCu Facias & Soffit Boards
- ⑦ Through Colour Render to LA Approval
- ⑧ Timber Cladding

PLANNING

REV.	AMENDMENT	INT.	DATE
A	Layout altered in line with comments from Council with Client.	SC	14.11.18
B	Layout altered in line with comments from Client.	SC	28.11.18
C	Material legend added and Chimney location altered.	SC	28.11.18
D	Revised to Planning Dept.	SC	27.01.19
E	Do not scale unless from notes.	SC	17.01.19

PROJECT:
 Proposed Residential Development at:
 Land rear of 71 Old Penkridge Road,
 Cannock, Staffordshire
 WS11 1HY

CLIENT:
 Mr & Mrs N. Hunt

TITLE:
 PROPOSED FLOOR PLANS & ELEVATIONS

SUTTON AND WILKINSON
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 Cannock, Staffs, WS11 1HY
 Telephone: 01543 456441
 Facsimile: 01543 456469
 e-mail: office@suttonwilkinson.co.uk

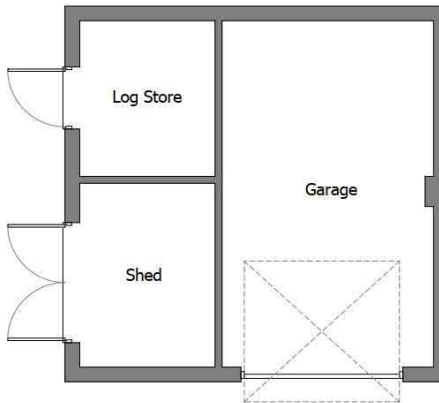


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1:100	SC	Oct 18	A2
DRAWING NUMBER: Z411 - 14			REVISION: E

Detached Garage Plans and Elevations

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MATERIALS LEGEND:

- ① Concrete interlocking roof tiles to Local Authority approval.
- ② UPVC fascias & soffit boards.
- ③ UPVC rainwater gutters & downpipes.
- ④ Facing brickwork to Local Authority approval.

PLANNING ISSUE			
REV.	AMENDMENT	INT.	DATE
0	Original issue issued from notes. Garage door to front elevation revised to suit floor plan.	SC SD	11.01.15 17.08.19

PROJECT:
 Proposed Residential Development at
 71 Old Penkridge Road
 Cannock
 Staffordshire

CLIENT:
 Mr & Mrs J. Salmon

TITLE:
 Detached Garage / Shed / Wood Store - No. 71
 Floor Plan & Elevations

SUTTON AND WILKINSON
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 Cannock, Staffs, WS11 1HW
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 Facsimile: 01543 462469
 e-mail: office@suttonwilkinson.co.uk

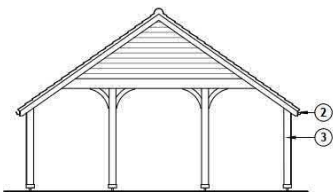


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DRAWING NUMBER		REVISION	
2411 - 16		B	

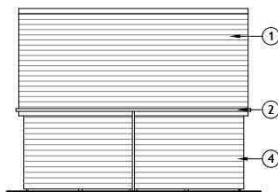
Detached Car Port Plans and Elevations

NOTES:

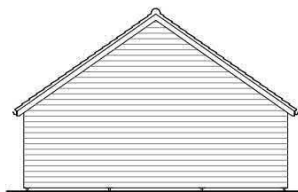
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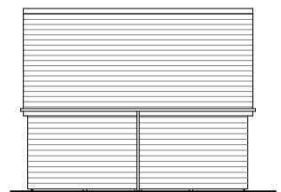
FRONT ELEVATION



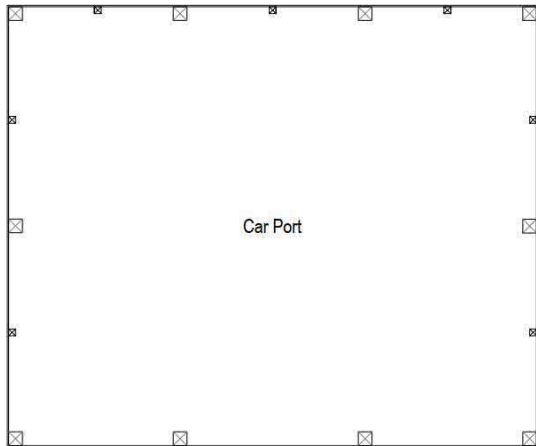
SIDE ELEVATION



REAR ELEVATION



SIDE ELEVATION



CAR PORT FLOOR PLAN
1:50

MATERIALS LEGEND:

- ① Plain roof tiles to match house tiles.
- ② UPVC rainwater gutters & downpipes.
- ③ Oak Posts.
- ④ Timber Cladding.

PLANNING ISSUE			
REV	AMENDMENT	INT.	DATE
A	Do not scale unless from notes	SC	11.01.18

PROJECT:
Proposed Residential Development at:
Land Rear of 71 Old Penkridge Road
Cannock
Staffordshire

CLIENT:
Mr & Mrs N. Hunt

TITLE:
Detached Car Port
Floor Plan & Elevations

SUTTON AND WILKINSON
CHARTERED ARCHITECTS

Victoria House, 13 New Penkridge Road,
Cannock, Staffs, WS11 1HJ
Telephone: 01543 466441
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e-mail: office@suttonwilkinson.co.uk



SCALE	DRAWN	DATE	SIZE
1:50 / 1:100	SC	Jan '18	A3
DRAWING NUMBER			REVISION
2411 - 17			A

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Contact Officer:	Claire Faulkner
Telephone No:	01543 464 337

PLANNING CONTROL COMMITTEE

15 JANUARY 2020

Application No:	CH/19/411
Received:	19-Nov-2019
Location:	71 Old Penkridge Road, Cannock
Parish:	Non-Parish Area
Description:	Demolition of existing two-storey house and erection of 2no houses and associated works (Resubmission of CH/19/015)
Application Type:	Full Planning Application

RECOMMENDATION:

S106 then approve with conditions.

Reason(s) for Recommendation:

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

Conditions (and Reasons for Conditions):

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

Reason

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

2. No materials shall be used for the external surfaces of the development other than those specified on the application, except with the written approval of the Local Planning Authority.

Reason

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

3. The approved landscape works shown on Dwg. No. 2411-13 G shall be carried out in the first planting and seeding season following the occupation of any buildings or the completion of the development whichever is the sooner.

Reason

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

4. Notwithstanding the approved plans, new fencing shall be erected to the boundaries to the rear of No.73 Old Penkrige Road. The style, size and location of the fencing to be erected shall first be submitted to and approved in writing by the Local Planning Authority. Thereafter, the fencing shall be erected in the approved location and retained for the life of the development.

Reason

In order to retain the privacy of the neighbouring occupiers in accordance with Policy CP3 of the Cannock Chase Local Plan.

5. The development hereby permitted shall not be brought into use until the access, parking and turning area have been provided in accordance with Drawing No.2411-13 Revision G and shall thereafter be retained for the lifetime of the development.

Reason

To comply with the objectives and policies contained within paras 108 – 110 of the NPPF and in the interests of highway safety

6. The garages indicated on proposed Drawing Number: 2411 – 13 Rev G, shall be retained for the parking of motor vehicles and cycles. They shall at no time be converted to living accommodation without the prior express permission of the Local Planning Authority.

Reason

To comply with the objectives and policies contained within paras 108 – 110 of the NPPF and in the interests of highway safety

7. No development (including demolition works) shall take place until a Demolition & Construction Vehicle Management Plan (CVMP) has been submitted to and approved in writing by the Local Planning Authority. The approved statement shall be adhered to throughout the construction period.

The statement shall include:

- Arrangements for the parking of site operatives and visitors.
- Loading and unloading of plant and materials.
- Storage of plant and materials used in constructing the development
- Construction & demolition hours
- Delivery hours

- Measures to remove mud or debris carried onto the highway
- Measures to control dust

Reason

To comply with the objectives and policies contained within paras 108 – 110 of the NPPF and in the interests of highway safety

8. No part of the development hereby approved shall be undertaken above ground level until:
- i) details the precautionary gas protection measures to be used on the proposed development, or,
 - ii) a ground gas survey to ascertain the extent to which gas protective measures may be required, and
 - iii) details of any gas protection measures identified in (ii) have been submitted to and approved by the Local Planning Authority.

Thereafter, the approved details shall be implemented and retained for the life of the development.

Reason

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

9. The demolition hereby permitted shall not be undertaken before a contract for the carrying out of the works of redevelopment of the site in accordance with the planning permission has been made and written confirmation of this has been received by the Local Planning Authority.

Reason

To safeguard the character and appearance of the Main Road, Brereton Conservation Area and the setting of the Listed Buildings.

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

- 2411-13 G
- 2411-14 E
- 2411-11 F
- 2411-17 A
- 241116 A

Reason

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

Notes to the Developer:

Severn Trent advise that there may be a public sewer located within the application site. Although our statutory sewer records do not show any public sewers within the area specified, there may be sewers that have been recently adopted under the Transfer of Sewer Regulations 2011. Public sewers have statutory protection and may not be built close to, directly over or be diverted without consent and contact must be made with Severn Trent Water to discuss the proposals. Severn Trent will seek to assist in obtaining a solution which protects both the public sewer and the building. Call Severn Trent on 01902 793851.

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/>

Any demolition should pay regard to BS 6187:2011 Code of Practice for full and partial demolition.

Consultations and Publicity***External Consultations***Travel Management and Safety

No objection subject to conditions

Severn Trent Water Ltd

No objections

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

Internal ConsultationsEnvironmental Health

No objection

I understand the site to include an existing building. which will require demolition. If so, the usual full suite of standard conditions should be applied to these works and regard paid to BS 6187:2011 Code of practice for full and partial demolition. If not already undertaken, a survey of the premises by a competent person for the presence of asbestos containing materials will be necessary prior to the commencement of works.

Any such materials identified should be removed and disposed of in an appropriate manner using licensed contractors as necessary. It is recommended that working hours should be restricted to between 08.00 to 18.00 weekdays and 08:00 to 13:00 Saturdays only and suitable steps shall be put in place to reduce dust.

Ground Gas

The site is within 250 metres of a former landfill site. I advise that no part of the development hereby approved shall be undertaken above ground level until details of the precautionary gas protection measures to be used on the proposed development, or a ground gas survey to ascertain the extent to which gas protective measures may be required have been submitted to and approved by the Authority. Thereafter, the approved details shall be implemented and retained for the life of the development. Validation of the works undertaken shall also be submitted to the LPA.

Development Plans and Policy Unit

No objection.

The site is in the Cannock urban area within a residential estate and is not protected for a specific use on the Local Plan (Part 1) Policies Map.

The Cannock Chase Local Plan (part 1) 2014 policy CP1 supports sustainable development, while policy CP6 permits new housing on urban sites within Cannock Chase District.

Policy CP3 advocates appropriate design and cohesion with adjacent uses in new development, including the protection of amenity. The Design SPD provides additional guidance and Appendix B (p91) should be consulted to ensure that the minimum garden sizes and distances from neighbouring dwellings are taken into account when considering the application.

The Cannock Chase Local Plan (Part 1) 2014 was adopted more than five years ago; it is therefore the subject of a review. This review is at an early stage in the process with consultation on 'Issues and Options' being undertaken recently (May-July 2019). Therefore limited weight can be afforded to it. The starting point for the determination of planning applications remains the adopted development plan (Local Plan (Part 1)).

If it is a market housing residential development scheme the proposal may be CIL liable. Given that a net increase in dwellings is proposed the development also needs to mitigate its impacts upon the Cannock Chase SAC (Local Plan Part 1 Policy CP13). Should the development be liable to pay CIL charges then this will satisfy the mitigation requirements, as per Local Plan Part 1 Policy CP13, the Developer Contributions SPD (2015) and the Council's Guidance to Mitigate Impacts upon Cannock Chase SAC (2017). However, should full exemption from CIL be sought then a Unilateral Undertaking would be required to address impacts upon the Cannock Chase SAC in accordance with the Council's policy/guidance. Any site specific requirements may be addressed via a Section 106/278 if required, in accordance with the Developer Contributions and Housing Choices SPD (2015) and the Council's most up to CIL Infrastructure list.

Waste and Engineering Services

No objection.

All waste containers will be collected from the kerbside on Old Penkrigde Road.

Landscape

No response to date.

Ecology

No response to date.

CIL Officer

The replacement dwelling would not provide any additional floorspace and being a replacement would not be a net increase in dwellings.

The new dwelling to the rear would be a self build property and therefore would require a S106 for SAC mitigation. A signed S106 has been submitted with the application.

Response to Publicity

The application has been advertised by site notice and neighbour letter with 4 letters of representation received. The comments received are summarised below:-

- Confirmation is requested that Ferndell Close can not be used in connection with the supply of materials or services.
- The Council considered this application to be inappropriate development for the location and the national inspector considered it inappropriate due to the closeness of the Special Area of Conservation (SAC).
- The last application for a two storey dwelling on this site was rejected. The relatively small fee to enable this application to be passed would make a mockery of the whole planning system.
- Should the applicant have submitted a bat survey?
- This example of garden grabbing seems to remove the natural water course and drainage that is currently there and the removal of trees also means less absorption of ground water. There appears to be a large area of garden lost to construction of the dwellings / garages and driveway. The new garage behind No.71 seems excessively large again removing natural drainage. The garage would have a detrimental impact to No.69 due to its imposing size. If essential can it be reduced in height?
- In the Planning Inspectorate Appeal response, it quotes that: The proposed development would introduce additional vehicle movement along the boundary with No 73, and close to the boundary with No 75a. Although from time to-time the sounds of vehicular activity and the visual implications of car headlights could be noticeable from those adjacent properties, existing planting would serve to soften and screen these effects to some extent. Moreover, were other aspects of the proposal acceptable in planning terms, conditions could be

attached requiring any further planting or boundary treatments necessary to mitigate fully any adverse effects in these regards. In the application a significant amount of the existing planting between 73 and the service road to parking for 71 and the proposed 71A is to be removed according to the plans due to the closeness of the proposed road to the border of 73. Considering this, could the comments of the Planning Inspectorate be considered to move the service road away from the border of N073 to allow existing planting to be retained and insist upon further planting as suggested?

- The application was declined at Planning Committee and the appeal was dismissed by The Planning Inspectorate. To conclude the proposed two storey building in this Character Area backland location and the service road to it would have an overbearing and dominant impact on the surrounding 7 properties and would result in a consequential loss of amenities, in particular garden privacy and importantly, security, will be unfairly reduced. This view to decline was fully supported at Planning Committee and by the Planning inspector as above.

Relevant Planning History

The most relevant case in the determination of this application is planning application CH/19/015 for the demolition of an existing house, erection of 2 no. detached dwellings. This application was refused by Planning Committee for the following reasons: -

"The proposed two storey dwelling to rear, by virtue of its size and scale, the location of the windows within it and their juxtaposition in respect to neighbouring properties, the difference in ground levels between the site compared to that of neighbouring properties, and the back-land nature of the site would result in unacceptable levels of overlooking and loss of privacy and outlook and therefore fail to protect the residential amenities of the occupiers of the neighbouring properties and to retain a high standard of amenity for those occupiers contrary to Policy CP3 of the Cannock Chase Local Plan and paragraph 127(f) of the National Planning Policy Framework."

The applicant took the case to appeal. The appeal was subsequently dismissed for the following reason: -

"There is no legally enforceable mechanism associated with the proposal which would secure the mitigation measures necessary to address its adverse effects to the SAC. For these reasons, I conclude on this main issue that the proposed development would be likely to have a significant effect on the integrity of the Cannock Chase SAC. It would therefore conflict with Policy CP13 of the Local Plan insofar as, amongst other matters, it seeks to ensure that the integrity of Cannock Chase SAC is retained. "

However, although the case was dismissed it should be noted that the Council's reasons for refusal were not upheld by the Inspector. Indeed the Inspector concluded in respect to the impact on living conditions for existing occupiers, in terms of privacy, outlook, noise pollution and disturbance that:-

" the proposal would not cause material harm to the living conditions of the occupants of neighbouring dwellings".

In order to address the Inspector's sole reason for refusal the applicant has submitted the 'Heads of Term' within the submitted Unilateral Agreement which would act as a legally enforceable mechanism to secure the mitigation measures necessary to address the proposed developments adverse effects to the SAC. As such, the proposal now accords with Policy CP13 of the Local Plan insofar as, amongst other matters, it seeks to ensure that the integrity of Cannock Chase SAC is retained.

Based on the above, the applicant has addressed the Planning Inspectorate's reason for dismissal.

Other Applications

CH/19/289 Demolition of existing house and erection of replacement 4 bed detached house, detached garage & vehicular access to housing development at rear of site. Approved.

CH/19/236 Approval of reserved matters pursuant to CH/17/234 for the appearance, landscaping and scale. Approved.

CH/17/234 Residential Development: - 2 detached dwellings (outline including access and layout). Committee approval.

1 Site and Surroundings

- 1.1 The application site comprises the rear garden of 71 Old Penkridge Road.
- 1.2 The application site lies along Old Penkridge Road within a row of large, mainly detached dwellings of differing form and appearance, occupying wide and deep plots. The deep plots allow the dwellings to be set back from the highway which creates an attractive spacious residential frontage.
- 1.3 The existing dwelling is set within a generous curtilage to the front of the plot and comprises of a generous 'T' shaped rear garden. Road. The plot to the host property is generally wider and deeper than surrounding plots. The width of the plot comprises of approx. 17.5m and a depth 44m before the site opens up to a width of 38m and a further depth of 25m.
- 1.4 There are a number of trees on and around the site that contribute to a verdant environment. A number of trees were removed prior to the submission of the current application however, none of the trees are/ were protected by a Tree Preservation Order.
- 1.5 The topography of the application site is reasonably flat however, the adjacent dwelling (No.69 is sited on lower ground. The application site backs onto Ferndell Close to the rear.
- 1.6 There is a single storey dwelling to the north of the site, accessed via a private drive off Old Penkridge Road that was granted approval in 1980's.
- 1.7 The application site is located within a Mineral Safeguarding Area and is also within the Coal Authority Low Risk Boundary.

2 Proposal

- 2.1 The Applicant is seeking consent for the demolition of existing house and erection of 2 no.detached dwellings.
- 2.2 The proposed access would be from Old Penkrige Road and would provide access for the proposed new dwelling at No. 71 and the proposed dwelling to the rear.
- 2.3 The layout of the proposed development would provide 2 x two storey dwellings with associated outbuildings, parking and amenity spaces.
- 2.4 The proposed frontage dwelling would be sited in a similar position to the existing dwelling of a similar scale to the existing. The bespoke design of the proposed dwelling would incorporate a walk in bay, cills and header details, finished in brickwork and tile. The frontage would be used for parking and a secondary access to the rear for additional parking and garage / store outbuilding. A private garden is proposed to the rear comprising of approx. 270m². The proposed outbuilding would provide a garage and store and would be sited in the rear garden. The proposed outbuilding would be 4.7m in height with a width of 5.5m.
- 2.5 A second dwelling is proposed to the rear of the site on an area comprising approx. 1000m². The proposed dwelling would be of a two storey design with the first floor accommodation in the roofspace in order to provide a low profile. The proposal would incorporate dormer windows, front and rear projecting gables and finished in a combination of brickwork, render and wooden cladding. The parking area would be to the front of the proposed dwelling with an area of 300m² of private amenity space. The proposed outbuilding would provide car port parking with an open frontage facing into the application site. The outbuilding would be constructed using timber cladding.
- 2.6 The existing access off Old Penkrige Road would be used and extended along the side of No.73. The proposed extended driveway would provide access to the proposed rear dwelling and further parking provision for the frontage dwelling.

3 Planning Policy

- 3.1 Section 38 of the Planning and Compulsory Purchase Act 2004 requires planning applications to be determined in accordance with the provisions of the Development Plan, unless material considerations indicate otherwise.
- 3.2 The Development Plan currently comprises the Cannock Chase Local Plan (2014) and the Minerals Local Plan for Staffordshire (2015-2030).
- 3.3 Relevant Policies within the Local Plan Include:
 - CP1 - Strategy – the Strategic Approach
 - CP2 - Developer contributions for Infrastructure
 - CP3 - Chase Shaping – Design

- CP6 - Housing Land
- CP7 - Housing Choice
- CP13 - Cannock Chase Special Area of Conservation (SAC)
- CP14- Landscape Character

3.4 The policies within there Minerals Plan are:-

Policy 3.2

3.5 National Planning Policy Framework

3.6 The NPPF (2019) sets out the Government’s position on the role of the planning system in both plan-making and decision-taking. It states that the purpose of the planning system is to contribute to the achievement of sustainable development, in economic, social and environmental terms, and it states that there should be “presumption in favour of sustainable development” and sets out what this means for decision taking.

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

3.8 Relevant paragraphs within the NPPF include paragraphs: -

- 8: Three dimensions of Sustainable Development
- 11-14: The Presumption in favour of Sustainable Development
- 47-50: Determining Applications
- 124, 127, 128, 130: Achieving Well-Designed Places
- 212, 213 Implementation

3.9 Other relevant documents include: -

Design Supplementary Planning Document, April 2016.
Cannock Chase Local Development Framework Parking Standards, Travel Plans and Developer Contributions for Sustainable Transport.

4 Determining Issues

4.1 The determining issues for the proposed development include:-

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

4.2 Principle of the Development

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

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

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

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

4.2.4 In respect to the principle of the proposal it is noted that the site is within the curtilage of a residential use and is located within the Old Penkridge Road area which is approximately 1km from the town centre of Cannock, close to the local primary school and served by bus routes giving access by public transport. As such the site has good access by public transport, walking and cycling to a range of goods and services to serve the day to day needs of the occupiers of the proposed development.

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

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

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

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

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

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

Planning policies and decisions should ensure that developments:

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

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

4.3.5 In this respect it is noted that Appendix B of the Design SPD sets out clear expectations and guidance in respect to extensions to dwellings. Whilst the title of the document makes specific reference to extensions it also sets out the spaces about dwellings and separations distances expected for new development.

4.3.6 The site is located within the South and West Cannock Character Area, the character of which is described in Appendix A of the Design SPD. Key Local Design Principles [amongst others] are that development should

- Safeguard/ enhance 'leafy character' of Old Penkridge Road area with density of development, green views over and between buildings and householder permitted development rights controlled as appropriate. Promote retention and use of front garden boundary hedging to reinforce 'leafy' feel.

4.3.7 Specific Design Guidance for the 'Mature Suburb' of Old Penkridge Road is provided on pages 79 -80 of the Design SPD. Particular Key Features of the character of this area are that: -

- They usually consist of substantial houses and bungalows on large plots within well established gardens along roads leading to the open countryside of the Chase or Shoal Hill.
- The spacious nature and lower density of these areas has led to pressure for intensification of development, particularly on the larger plots with impacts on/ loss of mature trees and shading effects on the new development itself. Whilst such development can have benefits by increasing housing stock and making efficient use of land, it can also affect local character, amenity and privacy unless development is designed to be sympathetic to the main features which makes these areas unique.

4.3.8 The applicant has submitted a Tree Survey Report with which to inform the submission. This outlines that the quality of trees is categorised as follows: -A (high quality and value), B (moderate quality and value), C (low quality and value) and U which are considered as unsuitable for retention. In this respect it is noted that the trees within the application site are category C to U. It is noted that a number of trees referred to within the Tree Report have since been removed. However, your Officers confirm that these trees were not protected by Protection Orders and could have been removed at any time by the applicant. Notwithstanding this, the removed trees are identified within the Tree Report as being Category B, C and U and therefore no objection would have been raised to their removal. The comments of the neighbour regarding previous planning conditions are noted, however, Officers can confirm that the previous planning permission was not implemented and therefore the conditions referred to by the neighbour have not come into force.

4.3.9 Replacement trees are proposed within the curtilage of the application site to mitigate the loss of the removed trees. There is adequate room within the site to plant new trees in locations that would benefit the visual amenity of this location. The comments of the neighbours are noted in respect to the views and visual amenity value of the trees both existing and those that have already been removed. Your Officers confirm however that neighbours do not have a right to a view over third party land and it is not for the applicant to provide vegetation for the enjoyment of neighbouring land owners. The applicant's agent has confirmed that there will be no further trees lost as a consequence of the proposal.

4.3.10 In respect to the proposed dwellings, part of the proposal would be constructed to the rear behind a frontage dwelling with access provided to the side. The proposed dwellings would sit next to the existing and varied houses against which context they would be viewed. The proposed scheme would retain the appearance of a main frontage house and the remaining landscape within the grounds. As such any harm to the form and character of the area through loss of semi-natural vegetation would be slight when viewed within this context. Notwithstanding this, where there has been a loss of trees, the applicant has proposed replacement planting. Furthermore, it is considered that the proposed dwellings would be a bespoke and traditional design and would sit comfortably within its semi-rural setting. As such the proposed is considered to preserve the character and form of the street scene and wider area.

4.3.11 Furthermore, it is noted that Planning Control Committee, in determining the previous identical proposal had no objections to it on the grounds of its impact on the character and form of the area. Officers can confirm that there have been no material changes in circumstances that would support a contrary view to be taken

4.3.12 As such the proposal is considered acceptable in respect to its impact on the character and form of the area and the proposal is considered to accord with Policy CP3 of the Local Plan and the relevant paragraphs of the NPPF.

4.4. Impact on Residential Amenity

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

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

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

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

Proposed Dwelling to Front

4.4.5 In this respect it is noted that the proposed frontage property would be constructed in line with neighbouring properties and would occupy a similar footprint to the existing dwelling. The proposed frontage dwelling would comply with the guidance for 'space about dwellings' as set out in the Design SPD.

Proposed Dwelling to Rear

4.4.6 The proposed dwelling to the rear would remain at least 26m from the principle rear elevations of the properties fronting Old Penkrige Road (Nos 69-73). Whilst No.69 does sit on a lower level than the application site, the proposal would retain the existing hedgerow that runs to the rear boundary of No.69. Notwithstanding this, the proposed dwelling to the rear of No.69 would be orientated with a side elevation facing No.69 at a distance of more than 25m. The Design SPD seeks new development to retain a separation distance of 13.7m between principle and side elevations. There are no windows within the

side elevation of the proposed dwelling that would give rise to overlooking the rear garden of No.69.

- 4.4.7 In order to retain a low profile, the proposed dwelling has been designed with first floor accommodation in the roof space. Windows are proposed in the rear elevation of the proposed dwelling that would face the shared boundary with No.67. These windows would be over 13m from this shared boundary which is in excess of the 10m recommended in the Design SPD and therefore are considered acceptable.
- 4.4.8 The front of the proposed dwelling would face towards No.75A Old Penkrigde Road. However, the two dwellings would have a separation distance of 29m between their respective principle elevations and a distance of 24.8m when taking into account the conservatory to the south elevation of 75a. This would exceed the minimum separation distance of 21.3m set out in the Design SPD. Furthermore, the proposed dwelling would retain a separation distance of 13m to the shared boundary with No.75a which again is in excess of the required 10m within the Design SPD. Therefore, although the comments of the neighbour in respect to impacts on privacy are noted, in this instance the proposed dwelling would provide in excess of the required standards for space about dwelling and separation distances and any impact on the neighbouring occupiers would not be significant to warrant refusal.
- 4.4.9 The occupiers of No. 73 have raised concern regarding views into their property. However, No.73 is located on an angle to the proposed rear dwelling. As such, the angle of any views onto this property as a consequence of the proposed dwelling would be oblique and at a distance of 12m. The trees to the rear of No.73 within the application site are identified on the proposed plan as being retained. Furthermore, a condition has been recommended to the effect that the shared boundary with No.73 be retained in order to protect the neighbour's privacy.
- 4.4.10 The proposal would use the existing access and driveway off Old Penkrigde Road before extending the drive for a further 34m along the side of No.73, running the full depth of the neighbouring property. The objections from the occupiers of neighbouring properties are noted. There is the potential for disturbance due to engine noise, fumes, manoeuvres into and out of the proposed parking area and general human activity associated with parking areas. Whilst there is already a driveway and garage to the side of the host dwelling, as a consequence of the proposal it will be extended further into the plot where vehicle manoeuvring does not currently exist. Notwithstanding this, the one dwelling proposed to the rear would not significantly prejudice the peace and enjoyment of the rear gardens for existing occupiers.
- 4.4.11 Furthermore, it should be noted that the Inspector, in considering the previous, identical, proposal concluded that the proposal was acceptable in respect to its impact on the standard of amenity of existing and future users.
- 4.4.12 Given the above, it is concluded that the proposal by virtue of the distance from the nearest dwellings, the proposal would attain a high standard of amenity for all existing and future occupiers of both the proposed dwellings and the

neighbouring properties in accordance with Policy CP3 of the Cannock Chase Local Plan and paragraph 127(f) of the NPPF.

4.5 Impact on Highway Safety

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

Within this context, applications for development should:

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

- 4.5.2 In this respect, the proposed access to the site would be via the existing drive which currently serves No.71 Old Penkrigde Road. The Council's Supplementary Planning Document: Parking Standards, Travel Plans and Developer Contributions for Sustainable Transport, states that new two or three bedroom dwellings should provide two off-street parking spaces and three spaces should be provided for four or more bedroomed dwellings. The proposal demonstrates parking for 3+ vehicles for the frontage dwelling and adequate room and turning space provided for the rear dwelling.

- 4.5.3 The proposed access arrangements have been reviewed by County Highways Officers, who have raised no objections but have recommended conditions. It is therefore concluded, on balance, that the proposal provides adequate parking and access provision such that it would not create problems in respect to the capacity of the surrounding highway network to accommodate the additional movements generated by the proposed development. In this respect the proposal is considered to be in accordance with Policy CP16 (a) and (c) of the Local Plan and paragraphs 29, 30, 32 and 36 of the NPPF.

4.6 Impacts of Cannock Chase Special Area of Conservation

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

- 4.6.2 As such the site is not known to have significant ecological value and therefore no obvious direct harm to nature conservation interests is considered to result.
- 4.6.3 Under Policy CP13 development will not be permitted where it would be likely to lead directly or indirectly to an adverse effect upon the integrity of the European Site network and the effects cannot be mitigated. Furthermore, in order to retain the integrity of the Cannock Chase Special Area of Conservation (SAC) all development within Cannock Chase District that leads to a net increase in dwellings will be required to mitigate adverse impacts. There is a net increase in dwellings of 1 No. such that SAC mitigation contributions are required. Such contributions will be secured by CIL where applicable to the development. However, in this instance the application indicates the proposal would be CIL exempt. As such, the application is required to enter into a S106 for SAC mitigation for the additional dwelling. It is noted that the applicant has submitted the 'Heads of Terms' for the legal agreement. As such it is considered that subject to the completion of the S106 agreement, there would be no impact on the SAC as a consequence of the proposed development.
- 4.6.4 Given the above it is considered that the proposal would not have a significant adverse impact on nature conservation interests either on, or off, the site. In this respect the proposal would not be contrary to Policies CP3, CP12 and CP13 of the Local Plan and the NPPF.

4.7 Drainage and Flood Risk

- 4.7.1 The site is located in Flood Zone 1 on the Environment Agency's Flood Zone Maps.
- 4.7.2 In this respect it is noted that paragraph 155 of the NPPF states 'inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk (whether existing or future)' adding 'where development is necessary in such areas, the development should be made safe for its lifetime without increasing flood risk elsewhere'.
- 4.7.3 In addition to the above it is paragraph 165 of the NPPF states 'Major developments should incorporate sustainable drainage systems unless there is clear evidence that this would be inappropriate. The systems used should:
- a) take account of advice from the lead local flood authority;
 - b) have appropriate proposed minimum operational standards;
 - c) have maintenance arrangements in place to ensure an acceptable standard of operation for the lifetime of the development;
- 4.7.4 It is noted that the site is within close proximity to a main road and is within a built up area. As such it is in close proximity to drainage infrastructure that serves the surrounding area and is considered acceptable. The applicant has demonstrated that soakaways would be incorporated in the scheme and links through to existing drainage. Severn Trent was consulted on the application and is satisfied that the proposal would not impact on the public sewerage system.

4.8 Mineral Safeguarding

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

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

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

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

4.8.3 The application site is located within a Mineral Safeguarding Area. Notwithstanding this, the advice from Staffordshire County Council as the Mineral Planning Authority does not require consultation on the application as the site falls within the development boundary of an urban area and is not classified as a major application.

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

4.9 Crime and the Fear of Crime

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

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

4.9.3 Officers can confirm that there is nothing within the submission that would suggest that the proposal would be vulnerable to crime or anti-social behaviour.

4.10 Waste and Recycling Facilities

4.10.1 Policy CP16(1) (e) 'Climate Change and Sustainable Resource Use' of the Cannock Chase Local Plan states that development should contribute to national and local waste reduction and recycling targets according to the waste hierarchy'. One of the ways of achieving this is by ensuring development can be

adequately serviced by waste collection services and that appropriate facilities are incorporated for bin collection points (where required).

4.10.2 Officers can confirm that there is adequate provision within the site for the storage of waste and recycling facilities.

4.11. Ground Conditions and Contamination

4.11.1 The site is located in a general area in which Coal Authority consider to be a development low risk area. As such, the Coal Authority does not require consultation on the application and the proposal is considered acceptable in this respect.

4.11.2 However, the comments from the Environmental Health Officer regarding ground gas are noted. However, this issue could be adequately dealt with by condition. It is therefore recommended that any permission granted is subject to a condition requiring mitigation of the impacts of ground gas.

4.12 Affordable Housing

4.12.1 Under Policy CP2 the proposal would be required to provide a contribution towards affordable housing. However, given the order of the Court of Appeal, dated 13 May 2016, which give legal effect to the policy set out in the Written Ministerial Statement of 28 November 2014, and the subsequent revision of the PPG it is considered on balance that the proposal is acceptable without a contribution towards affordable housing.

4.13 Objections raised not already covered above:-

4.13.1 Neighbours seek confirmation that Ferndell Close cannot be used in connection with the supply of materials or services. Your Officers confirm that the application does not include links through to Ferndell Close. A Construction Vehicle Management Plan has been recommended for condition which would allow Officers to control how construction vehicles access the site.

4.13.2 An objection has been received raising concern that No.69 would be compromised by the new house being built on the land to the rear of No.71, blocking light to the garden and create significant shade in late afternoon. Your Officers consider that given the east – west orientation of the sun, the light to the garden of the eastern neighbour would not be so significant that it would warrant refusal.

4.13.3 Concern has been raised that the proposal seems to remove the natural water course and drainage that is currently there and the removal of trees also means less absorption of ground water. In the first instance your Officers note that such an assertion has not be supported with any evidence to support it and in the second instance your officers confirm that the application site is located in Flood Zone 1 which is the least likely to flood. Whilst the proposal does incorporate a large area of hardstanding, the proposed driveway materials are porous and soakaway drainage proposed within the site.

- 4.13.4 The comments from neighbours in respect of land ownership are noted. Officers confirm that the applicant was requested to revise the red line accordingly and as a consequence, The redline denoting the boundary of the application was amended. The neighbour still raises concern with regard to the position of the red line as revised however both parties refer to land registry plans as evidence. The applicant was requested to confirm land ownership and has signed certificate 'A' stating all land within the red line falls within their ownership. Any further landownership disputes would be a civil matter between both parties involved.
- 4.13.5 One of the representations received queries whether a bat survey should have been submitted with the application. Your Officers confirm that in accordance with the validation criteria a bat survey is required if the dwelling to be demolished was constructed pre-1914 or the site is within an area identified as having bat roosts. The dwelling is not pre-1914 and the application site is not located within an area identified as having bat roosts. As such, no bat survey was required.
- 4.13.6 An objector states that in the Planning Inspectorate Appeal response, it quotes that:

"The proposed development would introduce additional vehicle movement along the boundary with No 73, and close to the boundary with No 75a. Although from time to time the sounds of vehicular activity and the visual implications of car headlights could be noticeable from those adjacent properties, existing planting would serve to soften and screen these effects to some extent. Moreover, were other aspects of the proposal acceptable in planning terms, conditions could be attached requiring any further planting or boundary treatments necessary to mitigate fully any adverse effects in these regards."

The objector continues that in the application a significant amount of the existing planting between 73 and the service road to parking for 71 and the proposed 71A is to be removed according to the plans due to the closeness of the proposed road to the border of 73. Considering this, could the comments of the Planning Inspectorate be considered to move the service road away from the border of NO.73 to allow existing planting to be retained and insist upon further planting as suggested? Your Officers confirm that the plans are the same as previously considered by the Planning Inspectorate.

5 Human Rights Act 1998 and Equalities Act 2010

Human Rights Act 1998

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

Equalities Act 2010

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

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

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

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

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

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

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

6 Conclusion

- 6.1 Residential development on this unallocated site within a sustainable location in a predominantly residential area within the urban area of Cannock is considered acceptable under current local and national policy.
- 6.2 It is concluded that the proposal, subject to the attached conditions and completion of a section 106 agreement, is acceptable in respect to its impacts on acknowledged interests and therefore is in accordance with the development plan and the NPPF.

ITEM NO. 6.

Copy of the Inspectors Report to planning application CH/19/015



Appeal Decision

Site visit made on 2 October 2019

by **G J Fort BA PGDip LLM MCD MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 08 November 2019

Appeal Ref: APP/X3405/W/19/3231228
71 Old Penkrige Road, Cannock WS11 1HY

- 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 John Salmon against the decision of Cannock Chase District Council.
- The application Ref CH/19/015, dated 10 January 2019, was refused by notice dated 10 April 2019.
- The development proposed is the demolition of the existing two-storey house and erection of 2 No. houses and associated works.

Decision

1. The appeal is dismissed.

Procedural Matters

2. In the interests of clarity, in the banner heading above I have used a truncated version of the description of development that appears on the application form¹.
3. In its submitted material the Council indicated that the proposed development is anticipated to be a self-build project. I sought the relevant documentation² from the Council to confirm that this is the case, which was duly provided. As the relevant documentation was submitted with the original application, and signed on behalf of the appellant, no prejudice would occur as a result of my consideration of this material in my assessment of the appeal's planning merits.
4. Whilst not cited by the Council as a reason for refusal, I note reference to the Cannock Chase Special Area of Conservation (SAC), which is an area defined by the Conservation of Habitats and Species Regulations 2017 (the Regulations) and has been given special protection as a nature conservation site. I have also been supplied with Policy CP13 of the Cannock Chase Local Plan Part 1 (adopted 2014) (the Local Plan) which relates to the SAC. Due to these considerations, taken together with the scope of the proposal and the location of the appeal site, I consulted with Natural England in accordance with s.63(3) of the Regulations, and sought the comments of the parties on Natural England's response. On this basis, I consider that the interests of parties

¹ Which is "Demolition of existing two storey house and erection of 2No. houses and associated works. (Previous planning application number CH/17/234)"

² Community Infrastructure Levy (CIL)- Determining whether a development may be CIL liable planning application additional information form dated 8 January 2019

would not be prejudiced either as a result of taking this material into account in my consideration of the appeal, or as a consequence of my dealing with the proposed development's effects on the SAC as a main issue.

Main Issues

5. I consider the main issues to be firstly, the effect of the proposed development on the Cannock Chase SAC; and secondly, the effects of the proposed development on the living conditions of the occupants of neighbouring dwellings with particular regard to privacy, outlook, noise and disturbance.

Reasons

Site, surroundings and proposed development

6. Set within broadly residential environs, the appeal site comprises a detached house and its large rear garden. The proposed development, as described above would see the demolition of the dwelling near the front of the site, and its replacement by another house. This demolition would also facilitate extending the existing access to the rear of the site where a detached dwelling would be developed, incorporating accommodation at its ground floor and in its roof-space.

Cannock Chase SAC

7. Cannock Chase SAC is principally an area of lowland heathland, one of twelve European dry heaths in Britain, and the most extensive such habitat in the Midlands. The SAC contains the main British population of the hybrid bilberry, a plant of restricted occurrence; and important populations of butterflies and beetles. Also found within the SAC are the European Nightjar and five species of bats. As the appeal site is in close proximity to the SAC, and residential development is of a type that is likely to result in recreational visits to the protected habitat, it is necessary for me, as the competent authority for the purposes of the Regulations, to conduct an appropriate assessment in relation to the effect of the development on the integrity of the SAC.
8. The appeal site is situated close to Cannock Chase SAC, and its residential development both of itself, and in combination with other developments in the area is likely to give rise to additional recreational activity within the SAC, which would materially increase the risk of disturbance to the protected habitat. Such disturbance could include the creation of new paths, path widening, erosion and nutrient enrichment. As a result, the proposal would be likely to cause significant adverse impacts to the integrity of the SAC.
9. Policy CP13 of the Local Plan sets out that all development within the District that leads to a net increase in dwellings would be required to mitigate adverse effects on the integrity of the SAC. Whilst the Council usually collects contributions to mitigate adverse effects by means of the Community Infrastructure Levy (CIL), the proposed development would be a 'self-build' project and thus exempt from payment of CIL.
10. In such a circumstance mitigation could be secured by means of a planning obligation pursuant to s.106 of the Town and Country Planning Act 1990 (as amended). An obligation that sought mitigation would be directly related to the adverse effect that the appeal scheme would cause to the SAC and would be proportionate to the scale of the development proposed. Consequently, I

consider that such an obligation would be necessary to make the development acceptable in planning terms, directly related to the development and fairly and reasonably related in scale and kind to it, and thus meet the requirements of the Community Infrastructure Levy Regulations 2010 (as amended)³ in these regards. However, no such obligation has been entered into in the current case.

11. Moreover, the Government's Planning Practice Guidance⁴ (PPG) sets out that planning conditions limiting development that can take place until a planning obligation has been entered into are unlikely to be appropriate in the majority of cases. Although the PPG advises that such a condition may be appropriate in exceptional circumstances, it sets out that such exceptions may apply in the case of particularly complex development schemes- which due to the limited extent of the appeal proposal is clearly not the case in this instance. For these reasons, I consider that the imposition of a condition requiring a planning obligation would run contrary to the advice of the PPG. Furthermore, even if I were to conclude otherwise, I have been supplied with no details of agreed heads of terms or principal terms for an obligation which the PPG advises would be required, in the interests of transparency, before the grant of any planning permission bound by such a condition.
12. Consequently, there is no legally enforceable mechanism associated with the proposal which would secure the mitigation measures necessary to address its adverse effects to the SAC. For these reasons, I conclude on this main issue that the proposed development would be likely to have a significant effect on the integrity of the Cannock Chase SAC. It would therefore conflict with Policy CP13 of the Local Plan insofar as, amongst other matters, it seeks to ensure that the integrity of Cannock Chase SAC is retained.

Living Conditions

13. Although I saw the variations in ground levels between the rear of the appeal site and adjacent properties and plots, the area is generally well-vegetated with mature trees and hedges present particularly along and adjacent to boundaries. Moreover, the front and rear elevations of the dwelling that would be located to the rear of the appeal site would be set well in from the plot's boundaries- and even further from surrounding dwellings which are all situated in reasonably generous plots. Furthermore, due to the proposed dwelling's orientation combined with the positioning of existing trees and hedges in its surroundings, its windows would avoid direct inter-visibility with those of adjacent dwellings, and would only facilitate limited and partial views of portions of adjacent gardens. In combination, these aspects of the proposed development lead me to the conclusion that it would neither infringe the privacy of the occupants of adjacent dwellings, nor unduly restrict the outlook available to them from their houses or gardens.
14. Although noise and disturbance considerations did not form part of the Council's reason for refusal on living conditions grounds, I have taken into account the comments of the occupants of neighbouring properties on these matters in my overall assessment. The proposed development would introduce additional vehicle movement along the boundary with No 73, and close to the boundary with No 75a. Although from time-to-time the sounds of vehicular

³ At Regulation 122(2)

⁴ Use of Planning Conditions Paragraph: 010 Reference ID: 21a-010-20190723 Revision date: 23 07 2019