

Please ask for: Mrs. W. Rowe

Extension No: 4584

E-Mail: wendyrowe@cannockchasedc.gov.uk

28 January, 2020

Dear Councillor,

**PLANNING CONTROL COMMITTEE
3:00 PM, WEDNESDAY 5 FEBRUARY, 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/19/363	<i>Land adjacent to 38 Flaxley Road, Rugeley, WS15 1LY – Residential development – one detached 3 bedroom dwelling</i>	2.00pm
CH/19/395	<i>White Gables, Kingsley Wood Road, Rugeley, WS15 2UG – Retention of swimming pool, proposed pool enclosure (resubmission of CH/19/241)</i>	2.20pm

Members wishing to attend the site visits are requested to meet at land adjacent to 38 Flaxley Road, Rugeley, WS15 1LY at 2.00pm, as indicated on the enclosed plan.

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 15 January, 2020 (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/19/363	<i>Land adjacent to 38 Flaxley Road, Rugeley, WS15 1LY</i> – Residential development – one detached 3 bedroom dwelling	6.1 – 6.20
2.	CH/19/395	<i>White Gables, Kingsley Wood Road, Rugeley, WS15 2UG</i> – Retention of swimming pool, proposed pool enclosure (resubmission of CH/19/241)	6.21 – 6.41

PLANNING APPLICATIONS

3.	CH/19/173	<i>Hill Farm, 84 Hayfield Hill, Cannock Wood, Rugeley, WS15 4RU</i> – Change of use of the buildings and land to light industrial (B1) and the retention of the fork lift truck store	6.42 – 6.64
4.	CH/19/426	<i>Land off Brindley Heath Road, Hednesford</i> - Erection of 1 no. 2 bed bungalow (resubmission of CH/18/373)	6.65 – 6.91
5.	CH/19/413	<i>Court Bank Farm, Slang Lane, Cannock Wood, Cannock, WS15 4RY</i> – Variation of Conditions (3 & 7) pursuant to CH/19/154 to allow storage of a tractor and revert building to original siting	6.92 – 6.103
6.	CH/19/408	<i>Former Council Depot, Old Hednesford Road, Cannock, WS11 6LX</i> - Construction of 44 dwellings	6.104 - 6.162

89. Members' Requests for Site Visits

None.

90. **Application CH/19/201, Rugeley 'B' Power Station, Power Station Road, Rugeley, WS15 2HS – 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**

Following a site visit consideration was given to the report of the Development Control Manager (Item 6.1 – 6.148 of the Official Minutes of the Council).

Prior to consideration of the application representations were made by Mr. Mark Sitch, speaking on behalf of the Applicant.

The Development Control Manager circulated the following update to the Committee:-

“

1. Incorrect description within header of original Officer Report
Since production of the original Officers Report, it has become apparent a slightly different application description appears at the top of the original report than that which was advertised formally as part of the statutory publicity process.

The original report description included the words “with the points of access included” and the word ‘with’ instead of ‘and’. Officers therefore wish to point out the description should have appeared as that which is apparent at the head of this updated report. This change is not otherwise considered to impact the merits of the case or formal consultation procedures undertaken.

2. Figures included in recommendation for S106

Officers included monetary figures in the recommendation with reference to approximate amounts in the knowledge these might be subject to change, but wishing to illustrate the scale and extent of monetary amounts involved i.e.

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)

The applicant considers 'The Section 106 discussions are ongoing with details to be finalised, including confirmation of exact amounts for some costs. As such, in respect of the Recommendations, we request that costs in relation to 5, 6 and 9 are removed.'

Officers adopt the view that the approximate figures included in the recommendation are provided for Member's information only, will be impacted by costings to be determined by other parties and may not be the exact figure carried through to the S106. Nevertheless, to ensure clarity and the right for Officers to proceed with drafting the S106 with potentially different monetary amounts (justified in liaison with Staffordshire County Highways and the NHS CCG) Officers recommend the inclusion of a slight change to recommendation (3).

This change seeks to permit Officers to make minor changes to the S106 requirements as may be required. The underlined text in the recommendation in this Update Report reflects the extent of the proposed change.

A slight change to recommendation (2) is also proposed for consistency of the terminology used in both recommendations."

RESOLVED:

That the application be approved subject to the conditions contained within the report detailed at Item No. 6.128 – 6.140, and for the reasons stated therein 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 the Development Control Manager to refuse planning permission based on the unacceptability of the development, without the required contributions and undertakings, as outlined.

(3) And delegated power to the Development Control Manager to make minor changes to conditions and the amount of financial contributions to be secured by the Section106 Agreement as may be required.

91. Application CH/19/375, 40 March Banks, Rugeley, WS15 2SA – Side extension to create 2nd lounge, new dining room at ground floor, 2 new bedrooms and family bathroom at 1st floor.

Following a site visit consideration was given to the report of the Development Control Manager (Item 6.149 – 6.164 of the Official Minutes of the Council).

Prior to consideration of the application representations were made by Mr. Richard Lever, speaking on behalf of the Applicant.

RESOLVED:

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

At this point, the Chairman agreed to change the order of the Agenda.

92. Application CH/19/363, Land adjacent to 38 Flaxley Road, Rugeley, WS15 1LY – Residential Development, one detached 3 bedroom dwelling.

Consideration was given to the report of the Development Control Manager (Item 6.237 – 6.254 of the Official Minutes of the Council).

Prior to consideration of the application representations were made by Mr. John Heminsley, speaking on behalf of the Applicant.

RESOLVED:

That a site visit be undertaken so that Members can assess the impact of the proposal on the character and form of the area.

93. Application CH/19/411, 71 Old Penkrige Road, Cannock, WS11 1HY – Demolition of existing two storey house and erection of 2no. houses and associated works (Resubmission of CH/19/015).

Consideration was given to the report of the Development Control Manager (Item 6.255 – 6.258 of the Official Minutes of the Council).

Prior to consideration of the application representations were made by Mr. Martyn Rochelle and Mr. Albert Haywood, objectors to the Application and Ms. Heather Sutton, representing the Applicant.

Members were advised that Page 4 of the Planning Inspectorate Appeal Decision had been omitted from the main Report (this would follow on from Item No. 6.285). Therefore this was circulated to all Members.

The Development Control Manager circulated the following update to the Committee :-

“Following compilation of the report for the Committee agenda, officers have received, two late consultation responses, as follows:-

Natural England

No objection. Based on the plans submitted, Natural England considers that the proposed development will not have significant adverse impacts on designated sites and has no objection.

Your Officers confirm that the Habitat Regulations Assessment (HRA) was completed and submitted to Natural England for comment (as per point 1) above). Further, your officers confirm that the S106 Unilateral Undertaking has been completed.

Parks and Open Spaces

Objection for the following reasons:-

- No appropriate tree survey and arboriculture assessment information,
- Variance in submitted plans,
- Potential detrimental impact on retained trees

- Insufficient information to be able to determine the application appropriately.

The landscape officer also stated that:-

“It should be noted that this section was not consulted on the original application CH/19/015. “

Your Officers confirm that the landscape department were not consulted on the original planning application CH/19/015 as it is not standard procedure to consult them on such small applications.

Officers did liaise with the landscape department in the first application on the site CH/17/234 however, given the neighbours requests for the Scots Pine on the frontage to be protected. The Landscape Department objected to the previous application. This application was presented to Members and, following a site visit, Members’ approved the application at the Development Control Planning Committee. The landscaping within the current application is not significantly different to that which was approved under extant permission CH/17/234 with the exception of the access into the site, which has been amended from running along the shared boundary with No. 69 to the shared boundary adjacent No.73.

Furthermore, within the Inspector’s decision for planning application CH/19/015; it was noted that the area is generally well vegetated with mature trees and hedges particularly along and adjacent to boundaries. The Planning Inspector, at no time, raised concern in relation to the landscaping within and surrounding the application site. Your Officers confirm that there is no difference to the landscaping proposals submitted in planning application CH/19/015.

Your Officers note that within the Appeal Decision, the Planning Inspectorate did state that had the application been acceptable in other aspects of the proposal, conditions could be attached requiring any further planting or boundary treatments necessary to mitigate fully any adverse effects in terms of the impact on the occupiers of Nos.73 and 75a who are adjacent the proposed access.

Notwithstanding this, the impact of noise and disturbance of neighbouring properties was not a reason the original application was refused.

Additional Representations

Additionally, following the public consultation two neighbours have stated that they would welcome the Planning Committee members to view the site again from their property at any further site visit.

However, given the nature of the proposal in relation to the Planning Inspectorates reason for refusal, your officers considered that no further site visits are necessary for the determination of this application.”

RESOLVED:

- (A) That the applicant be requested to enter into an Obligation under Section 106 of the Town and Country Planning Act, 1990

- (B) On completion of the Obligation the application be approved subject to the conditions contained in the report for the reasons stated therein.

94. Application CH/19/048, Grove Colliery, Lime Lane, Pelsall – 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

Following a site visit consideration was given to the report of the Development Control Manager (Item 6.165 – 6.236 of the Official Minutes of the Council).

Prior to consideration of the application representations were made by Ward Councillors John Preece, Zaphne Stretton and Josh Newbury, objecting to the Application. Representations were also made by Parish Councillor Bernard, Mr. David Fenton and Mr. Chisholm Wallace also objecting to the Application.

Representations were then made by Mr. M. Hargreaves, representing the applicant and Mr. Clee the applicant, who were speaking in favour of the Application.

The Development Control Manager circulated the following update to the Committee:-

“Following compilation of the report for the Committee agenda, officers have received, further objections regarding the proposal from the Parish Council. The objection is as follows:-

“This is a further letter of objection from the Parish Council to the above planning application. It is to be read in conjunction with the letter of objection submitted by the Parish and dated 14 March 2019. Further, the Parish is aware of and supports fully the letters of objection dated 26 March 2019 and 19 December 2019 submitted on behalf of Little Wyrley Estates.

Attached is a note which makes the case for heritage-led regeneration of the former colliery and against the current planning application. it argues:

- That the site and buildings of the former Grove Colliery is unquestionably an heritage asset which because of its history and as the only surviving colliery and canal wharf complex in the District, should be considered of importance to the District and the local community.
- That current planning policy through the adopted Local Plan (Part 1) July 2014 and emerging planning policy through the replacement Local Plan issues and Options stage, support heritage—led regeneration of the former colliery and canal wharf and the promotion of the site for recreation and tourism.
- That national planning policy recognises the value of heritage assets and could support enabling development to secure their future, even in the Green Belt.

- That the land ownerships, both at the Grove site and in the wider area, are supportive of delivering acceptable development on the site and linked leisure and recreation uses in the adjacent countryside.
- That the proposals of planning application CH/19/048 involving the demolition of heritage assets and development unsympathetic to heritage— led regeneration, will irreparably damage any opportunity of achieving the current planning policy for the site. The heritage assets at the Grove are unique and irreplaceable while there are other site opportunities to provide for Gypsy and Traveller needs.
- That an offer to collaborate with the aim of realising an heritage—led regeneration of the site, fully in line with current planning policy. has been made to the District Council by the Parish Council and Little Wyrley Estates, the other major landowner.

In addition to the above, the Parish Council notes that the planning application for a Gypsy and Traveller site is, under national planning policy, "inappropriate development" in the Green Belt, and should not be approved except in very special circumstances. The Parish Council has seen no evidence to suggest that the personal circumstances of the applicant create an exceptional case to allow this application contrary to national and local planning policy. Whilst the adopted Local Plan identifies an unmet need for Gypsy and Traveller sites, this is not of itself sufficient to outweigh the Green Belt and heritage policy considerations.

Indeed it is noted that when the District Council identified a short-list of potential Gypsy and Traveller sites in 2016, this site at the former Grove Colliery was not one of them. Also, significantly and material to the consideration of this application, the Parish notes that an offer of an alternative Gypsy and Traveller site has been made by Little Wyrley Estates.

The Parish Council is aware that one of the two buildings proposed in the current application to be demolished, the former Harrison's office building, is in a poor state of repair. Whilst the financial costs associated with the maintenance liabilities of this building or the costs of repair may be relevant to the District Council's decision to sell their property asset, these are not, in the opinion of the Parish Council, relevant to the merits of the current planning application. This application is inappropriate development in the Green Belt; is contrary to the Council's own policies for the protection and enhancement of the District's heritage assets, including — as here — locally significant assets, and would irreparably damage those local heritage assets; is unable to satisfy the legally required tests to justify the destruction of protected species in this case, bat roosts; and is potentially damaging to the adjacent Special Area of Conservation — the Parish notes and supports the contention of Little Wyrley Estates that the application does not have the required legally compliant Habitat Regulation Assessment.

The future of the former Harrison's office building, including the associated costs, should be should be fully explored in the context of the policy compliant heritage-led regeneration of the site including the potential for enabling development. it should be considered against the policies in the adopted Local Plan. Policy CP15

proposes "promoting development proposals that are sensitive to and inspired by their context and add value to the existing historic environment"; considering "Opportunities for new development within conservation areas and within the setting of heritage assets to enhance or better reveal their significance": supporting schemes "which help to promote wider understanding and enjoyment of the historic environment by all members of the local and wider community... including continued use and enhancement of heritage assets most at risk". To achieve this policy aim, the Parish Council and Little Wyrley Estates have offered to collaborate with the District Council on a heritage—led regeneration of the Grove Site. A joint masterplan/ brief for the site, including its role as a recreation / tourism hub, would consider the future of the existing buildings and structures, including the office building. In the meantime the office building could be secured to prevent further deterioration at a cost much lower than complete refurbishment and renovation.

For the reasons above the Parish Council respectfully submits that the application CH/19/048 be refused."

RESOLVED:

That the application, which was recommended for approval, be refused for the following reasons:

Reasons for Refusal

1. The proposed change of use of the site to a gypsy traveller residential site would, by virtue of the noise and general disturbance generated by neighbouring commercial uses, fail to provide a high standard of residential amenity to the future occupiers of the site, contrary to Policy CP3 of the Cannock Chase Local Plan and paragraph 127(f) of the National Planning Policy Framework.
2. The proposal, by virtue of the substandard access without pedestrian pavements or lighting, would result in conflicts between pedestrians generated by the use of the site and the commercial traffic generated by existing businesses to the detriment of pedestrian safety contrary to paragraph 109 of the National Planning Policy Framework.
3. The former colliery buildings on the site and their historic association with the adjacent Cannock Extension Canal and Wharf comprise an undesignated heritage asset of high local historic significance, being the only example of this type of arrangement within the Cannock Chase District. The proposal, by virtue that it would result in the total loss of the former colliery buildings, would result in the loss of the heritage asset to the significant detriment to the heritage of the District contrary to Policy CP15 of the Cannock Chase Local Plan. The loss of the heritage asset would not be outweighed by the provision of the three pitches for travellers and gypsy accommodation and the proposal should be refused in accordance with

paragraph 197 of the National Planning Policy Framework.

The meeting closed at 6:55 pm.

CHAIRMAN

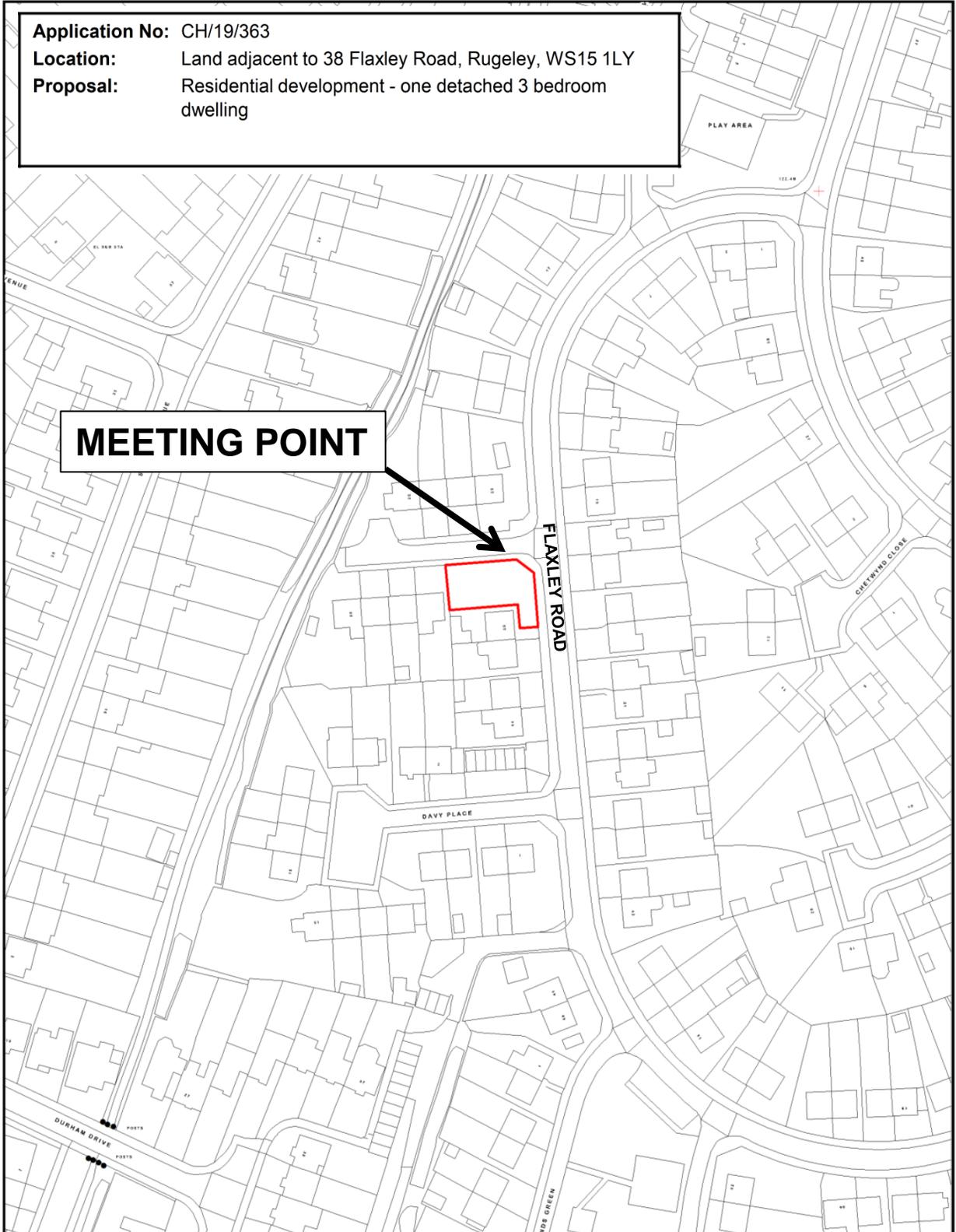


SITE VISIT



Application No: CH/19/363
Location: Land adjacent to 38 Flaxley Road, Rugeley, WS15 1LY
Proposal: Residential development - one detached 3 bedroom dwelling

MEETING POINT





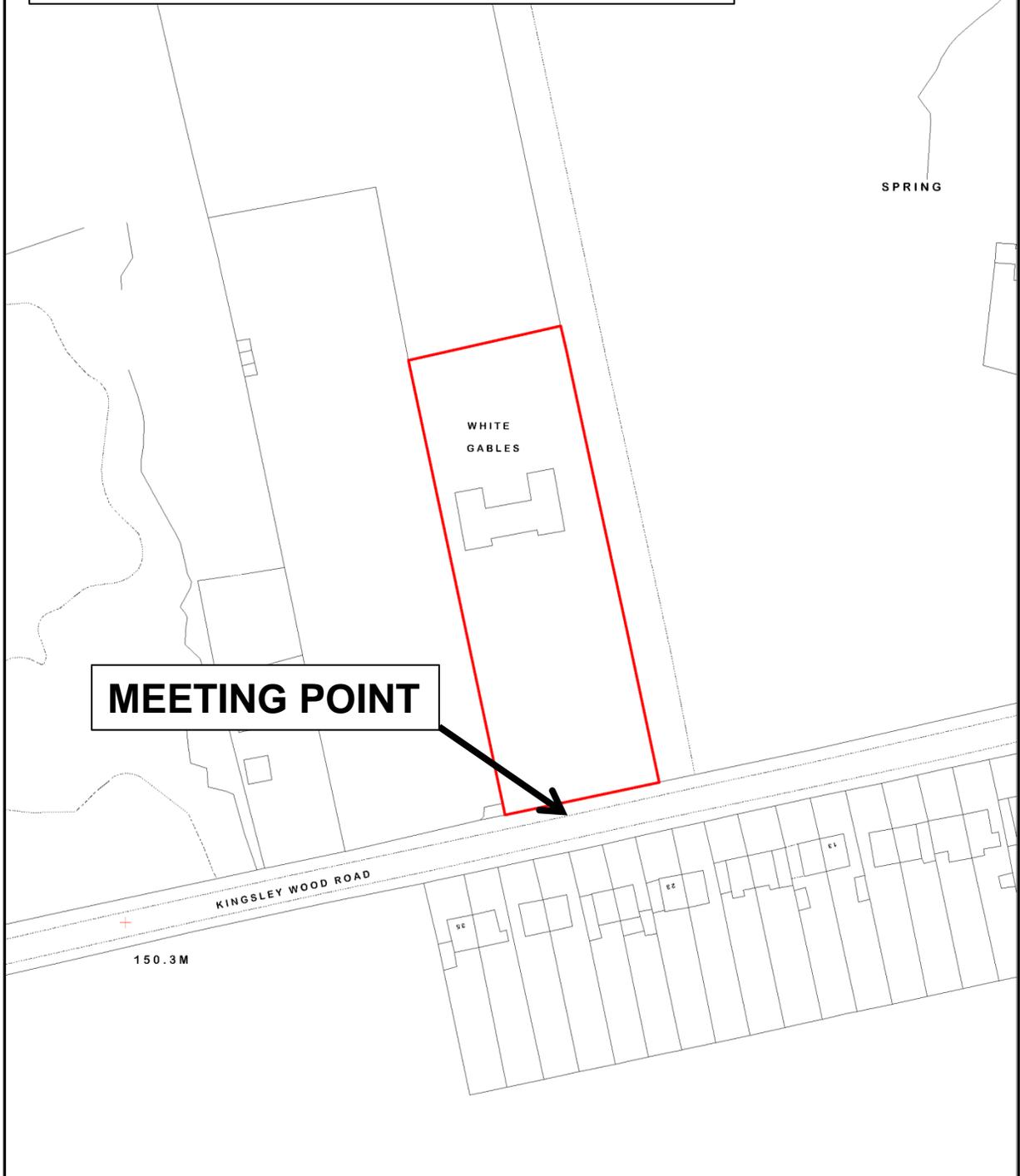
SITE VISIT



Application No: CH/19/395

Location: White Gables, Kingsley Wood Road, Rugeley, WS15 2UG

Proposal: Retention of swimming pool, proposed pool enclosure.
(Resubmission of CH/19/241)



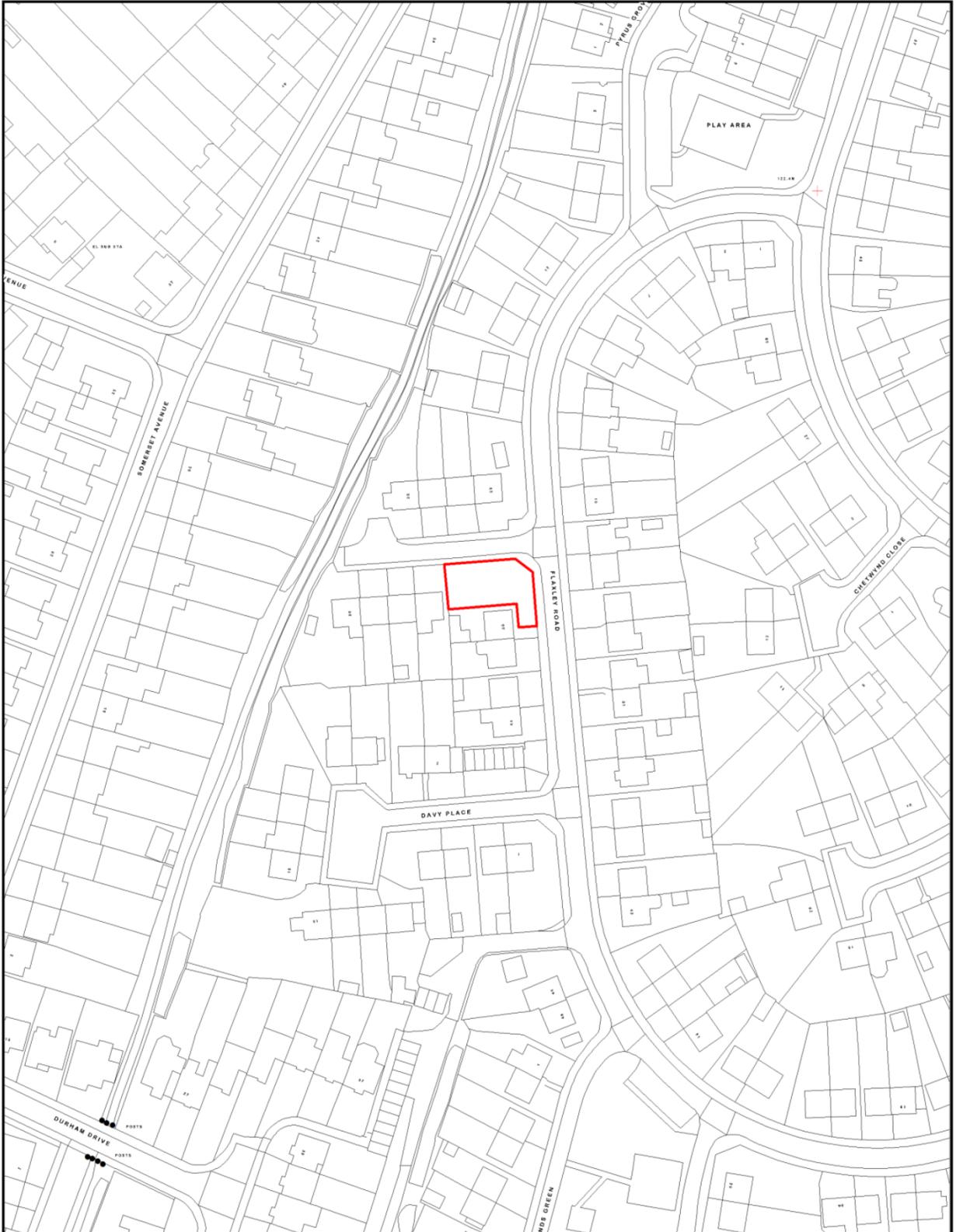


Application No: CH/19/363

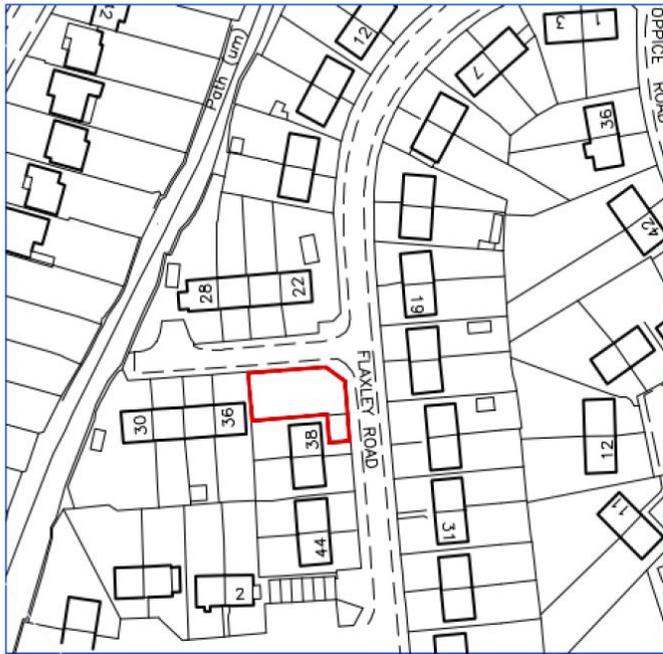
Location: Land adjacent to 38 Flaxley Road, Rugeley, WS15 1LY

Proposal: Residential development - one detached 3 bedroom dwelling

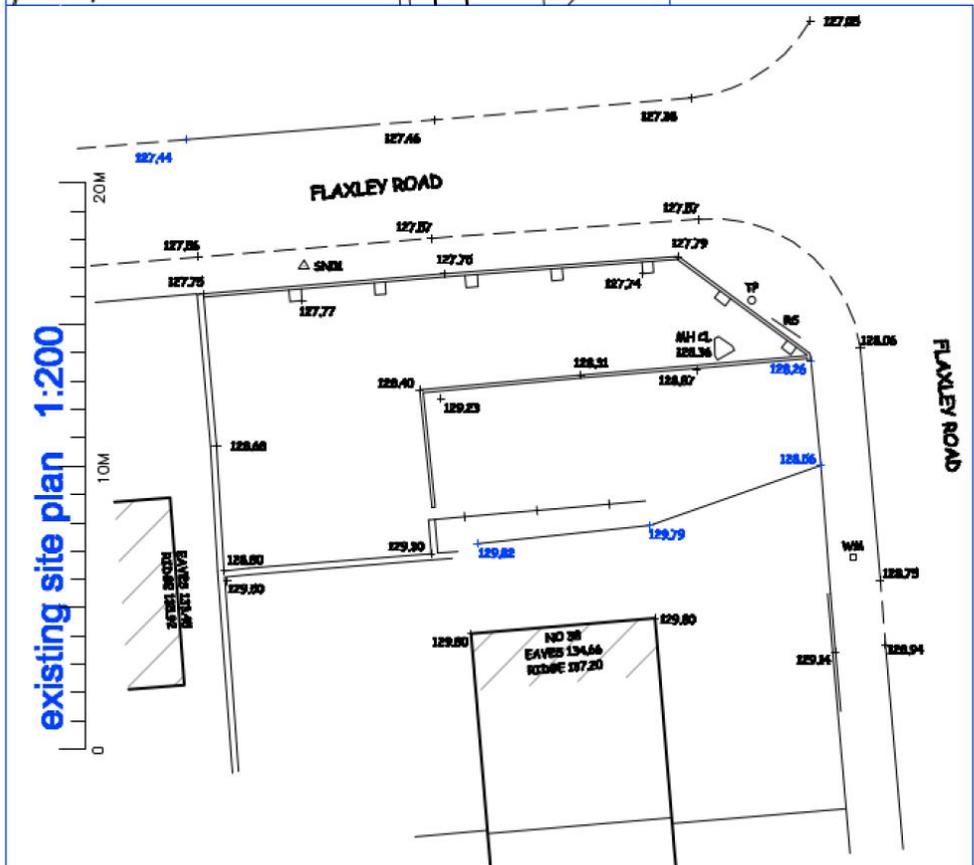
Item no. 6.1



Location Plan and Existing Site Plan



location plan 1:1250



existing site plan 1:200

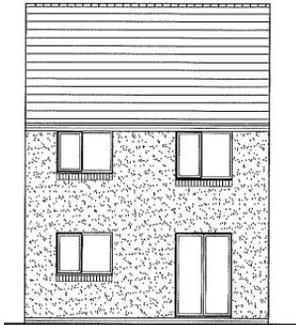
Floor Plans and Elevations

GH/19/363

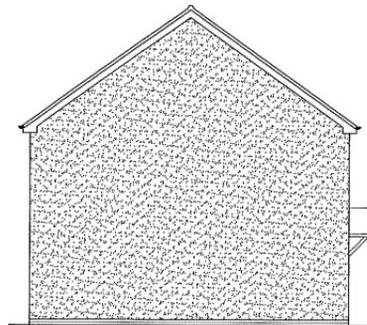


FRONT ELEVATION

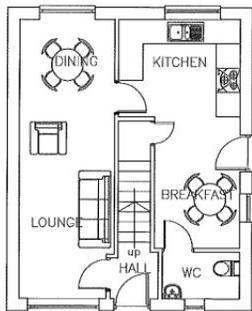
Roof tiling, render to walls and white upvc windows + doors all to LA Approval



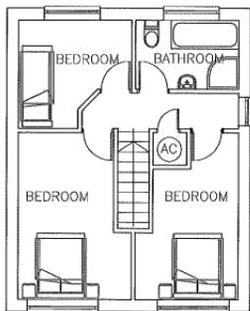
REAR ELEVATION



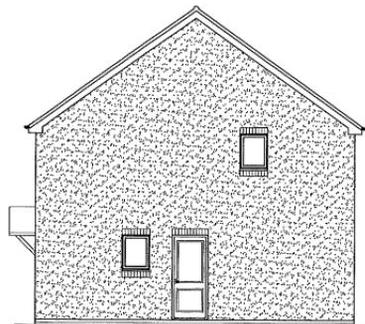
SIDE ELEVATION



GROUND FLOOR PLAN 1:100



FIRST FLOOR PLAN 1:100



SIDE ELEVATION

0 1M 2M 3M 4M 5M

Plotted at A3
John Heminsley
 OBE BA(hons) MRTPI
Planning Consultant
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 project
RESIDENTIAL DEVELOPMENT
 Land adjacent to
 38 Flaxley Road
 Rugeley
 WS15 1LY
 CLIENT
MR.G.ELWELL
 Aug 19
 dr no
2019:55:02

floor plans + elevations 1:100

Contact Officer:	David Spring
Telephone No:	

COMMITTEE REPORT	
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.
- 4.4.5 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.
- 4.4.7 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.

4.10.2 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.

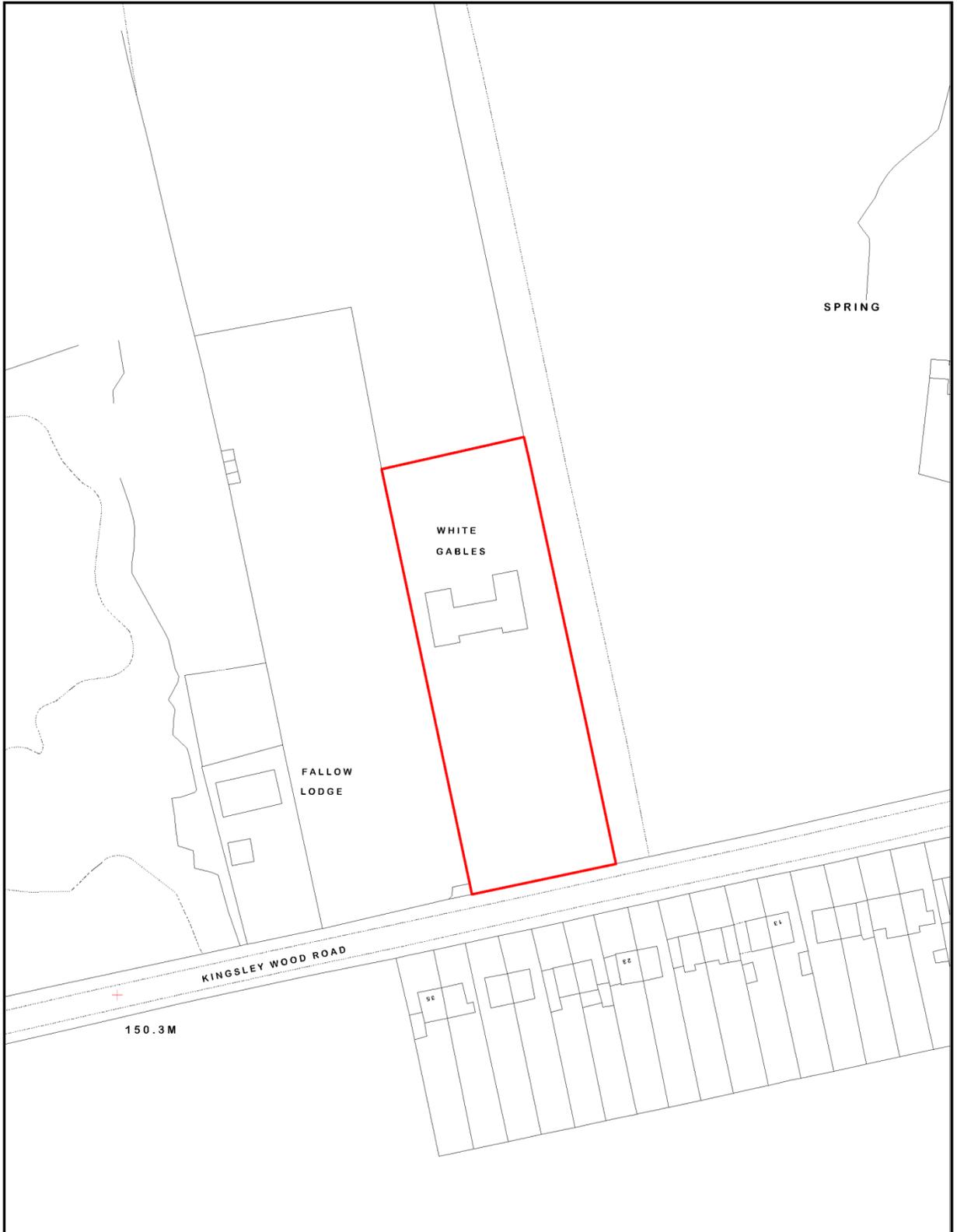


Application No: CH/19/395

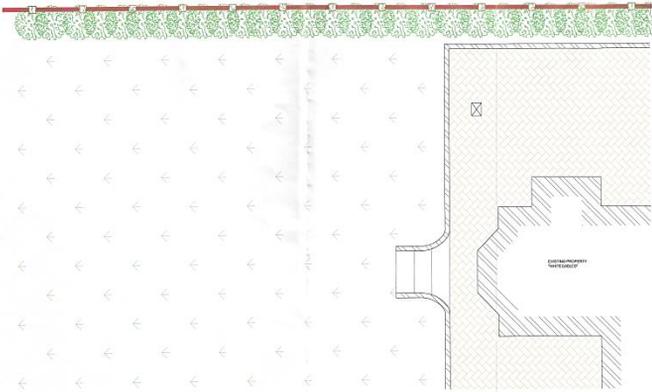
Location: White Gables, Kingsley Wood Road, Rugeley, WS15 2UG

Proposal: Retention of swimming pool, proposed pool enclosure.
(Resubmission of CH/19/241)

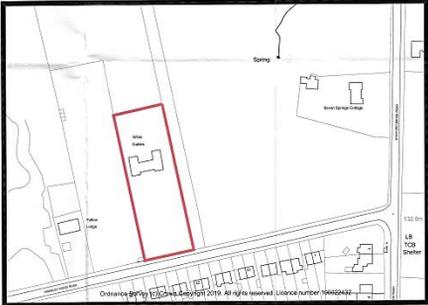
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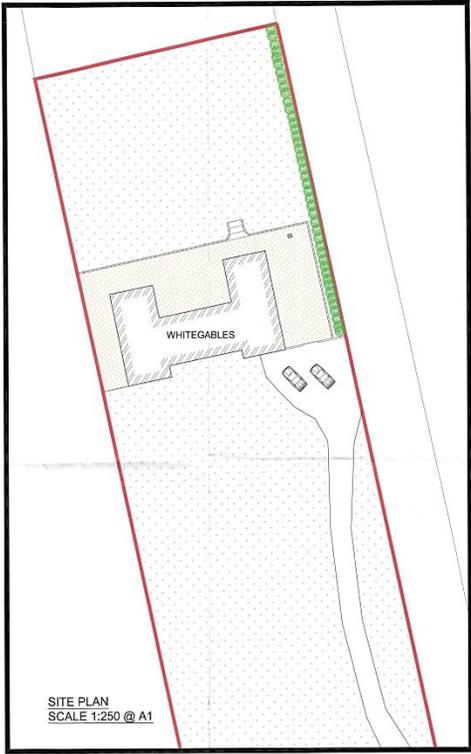
Location & Site Plans



EXISTING SITE PLAN
SCALE 1:50 @ A1



LOCATION PLAN
SCALE 1:1250 @ A1



SITE PLAN
SCALE 1:250 @ A1

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Contact Officer:	Audrey Lewis
Telephone No:	01543 464528

Application No:	CH/19/395
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PLANNING CONTROL COMMITTEE	
Received:	05-Nov-2019
Location:	White Gables, Kingsley Wood Road, Rugeley, WS15 2UG
Parish:	Brindley Heath
Description:	Retention of swimming pool, proposed pool enclosure. (Resubmission of CH/19/241)
Application Type:	Full Planning Application

RECOMMENDATION:

Approve Subject to Conditions

Reason(s) for Recommendation:

Reason for Grant of Permission

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

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 Tree Protection Plan, 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. 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 drawing (pursuant to Condition No.3 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.

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

Tree Report (3 November 2019)
Tree Survey Plan

Tree Constraints Plan
 Tree Protection Plan
 Planning Statement (January 2020)
 Drg No.s WG/01 Rev A, 02 Rev B & 03 Rev B.

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

Notes to Developer:

N/A

Consultations and Publicity

External Consultations

Parish Council

The Parish Council's Planning Committee raises objections to the development proposal for the reasons given below:

1. The massing of this development is considerable and out of keeping with the landscape character and scenic beauty of the area.
2. The pool enclosure would constitute a large new structure within the protected AONB landscape which is also adjacent to the boundary of a Special Area of Conservation and Site of Special Scientific interest.
3. The site is in the West Midlands Green Belt wherein there is a presumption against inappropriate development. Inappropriate development is by definition harmful to the Green Belt and should only be allowed where very special circumstances have been demonstrated to exist. Very special circumstances can only exist where the harm to the Green Belt and any other harm is clearly outweighed by other considerations.
4. The proposed enclosure taken cumulatively with existing extensions to the dwelling would result in disproportionate additions over and above the size of the original dwelling and therefore would constitute inappropriate development within the Green Belt.
5. In accordance with paragraph 144 of the NPPF substantial weight should be afforded to the harm to the Green Belt. Furthermore, in the absence of any other consideration put forward by the applicant it is considered that the very special circumstances have not been demonstrated to exist to support approval of the proposal.

6. Planning permission should have been obtained prior to construction/ installation of the swimming pool. It is disappointing that planning approval is now being sought retrospectively.
7. Members of the Parish Council are in full support of the comments made by the Assistant Planning Policy Officer, in his email dated 13 November 2019.

AONB Unit

No comments received.

Internal Consultations

Planning Policy Officer

The Policies Map 2014 shows that the location is in the Cannock Chase Area of Outstanding Natural Beauty and Green Belt. It is also adjacent to the boundary of a SAC and SSSI.

The National Planning Policy Framework (NPPF) 2019 states that development proposals that accord with the 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. Paragraphs 133 – 147 in the NPPF set out the purpose of the Green Belt and what types of development are appropriate within it, Policy CP1 in the Cannock Chase Local Plan – Local Plan (Part 1) 2014 supports this stance.

The NPPF (2019) paragraph 172 states that great weight should be given to conserving the landscape in the AONB. Policy CP3 in the Local Plan requires high quality design and integration with the existing environment, while Policy CP14 provides additional guidance on appropriate development in the AONB and Green Belt. The proposal should show how it forms appropriate development within the Green Belt to a design in keeping with its surroundings and preserve the landscape and character of the AONB. The Design SPD (Supplementary Planning Document) also provides additional guidance on appropriate design.

NPPF (2019) paragraph 170 sets out that planning policies and decisions should protect and enhance valued landscapes in line with their statutory status. Cannock Chase Local Plan (Part 1) 2014 Policy CP12 states that the Districts biodiversity sites will be protected, conserved and enhanced by safeguarding them from

damaging development. Development will not be permitted where significant harm cannot be mitigated for.

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)).

In conclusion it is noted that the swimming pool has already been constructed without planning permission and that the applicant also proposes to build a pod structure over the top of it. The application form states the development will be 134m². This will create a relatively large built structure within a residential garden that is sited within a protected landscape. As well as being sited within the protected landscape of the AONB and the Green Belt, the swimming pool directly abuts the joint boundary of both a Special Area of Conservation and a Site of Special Scientific Interest. Therefore the pool is a large engineering structure built within a sensitive part of the District in terms of both landscape and conservation. The views of the AONB unit should also be considered when a decision is taken on the application.

Landscaping Officer

- Access – the section within the report discusses the hard standing area to the rear of the building but I fail to see how this can be considered as access. There appears to be a number of trees at the front of the site which have not been considered and access will need to come directly past these trees. Why have these not been surveyed?
- Shading – the report states that the building is non residential and so shading will not be an issue. To point out the obvious, it's a swimming pool with an enclosure fitted with Velux windows. Clearly shading will have an impact on the use of an outdoor pool and to suggest otherwise is just bizarre. Furthermore, if direct sunlight is not required then why does the enclosure have Velux windows?
- Pressure for tree pruning and seasonal nuisance. There seems to be some confusion here as the report states that there will be no increase as the trees already overhang the swimming pool. The retention of the swimming pool is part of the application. The pool is surrounded by dense woodland and its retention will undoubtedly result in an increase pressure for tree works including those offsite which have not been considered.
- Tree pruning. T2 stands at a height of 13m and has a canopy height of 1.8m which it is recommended that it should be lifted to 5m. BS3998:2010 (Tree Work - Recommendations) clearly states that when lifting trees the remaining

live crown height should make up at least 2/3rd (66%) of the overall tree height. Live crown height on this tree will be 61% of the overall height on completion. The same standard also states that lifting should preferably not result in the removal of more than 15% of the live crown height. The live crown height of this tree is 11.2m with the proposed lifting removing 3.2m – this is 28.5% of the live crown height, almost double that which is recommended by industry best practice.

Response to Publicity

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

Relevant Planning History

CH/89/0736;	Single storey extension to rear of dwelling. Full - Approval with conditions 13/11/1989.
CH/18/362:	Single storey front garage extension with balcony on first floor. Full - Approval with conditions - 18/12/2018.
CH/19/24:	Proposed swimming pool enclosure - Withdrawn - 26/07/2019.

1 Site and Surroundings

- 1.1 The application site comprises a large dormer bungalow (White Gables) of brick/ render and tile construction with a pitched roof shape. The ground floor front elevation comprises a front facing gable end roof design and front bay window. The property is set 60m back from the pavement with mature landscaping and front parking area, which are secured behind a gate and wall. The plot it occupies measures 105m long x 35m wide.
- 1.2 The application property is set within a group of 3 dwellings that are located on the northern side of Kingsley Wood Road, which is an established development, within Cannock Chase. The 3 detached dwellings are all of bespoke design. They are set well away from the boundary and within generous sized plots, of similar dimensions to that of the application property.
- 1.3 There is a row of semi detached houses, which are located 80m away on the opposite side of the road.
- 1.4 The site is located in a predominantly rural area which is designated as an Area of Outstanding Natural Beauty and Green Belt in the Cannock Chase Local Plan with Tree Preservation Order bordering the periphery of the

application site. It is also located within a Mineral SafeGuarding Area and Coal Authority Low Risk Boundary.

2 Proposal

- 2.1 The applicant is seeking consent for retention of swimming pool, proposed pool enclosure. (Resubmission of CH/19/241).
- 2.2 The proposed pool building enclosure would measure 18.5m x 8.5m (157.25 m²) to a height of 4.6m. It would comprise brick face and roof tiles, with white UPVC windows to match the existing dwelling. It would be situated over the existing swimming pool, situated approximately 1.5m from the eastern boundary line and immediately adjacent to adjacent to the boundary hedge.
- 2.3 The proposed pool building would be located within close proximity to 3 No. trees. T1 would be retained, T2 (Plum) would be removed and T3 (Cherry) would be crown lifted to provide 5m of clearance from ground level.
- 2.2 The proposed pool build would be located within 1m from the rear of the 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). Relevant policies within the Local Plan include: -

CP1 -	Strategy – the Strategic Approach
CP3 -	Chase Shaping – Design
CP7 -	Housing Choice
CP13 -	Cannock Chase Special Area of Conservation (SAC)
CP14-	Landscape Character and Cannock Chase Area of Outstanding Natural Beauty (AONB)

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
143, 144 and 145	Protecting Green Belt Land
172	Conserving and Enhancing the Natural Environment

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:-

- Principle of the development in the Green Belt;
- Design and impact on the AONB, character and form of the area, trees and hedges.
- Impact upon residential amenity,
- Impact on highway safety,

Principle of the Development

4.2.1 The site is located within an area that is designated AONB and Green Belt, wherein there is a presumption against inappropriate development, which should only be approved in ‘very special circumstances’. Paragraphs 143 & 145 of the NPPF states that the Government attaches great importance to

Green Belts, adding that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open. As such the essential characteristics of Green Belts are their openness and permanence.

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

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.

Finally, the fall-back position of permitted development rights and domestic curtilage should also be explored to ascertain whether a building causing similar or worse harm could be constructed under these requirements.

4.2.3 Local Plan Policy CP1 & CP3 require that development proposals at locations within the Green Belt must be considered against the NPPF and Local Plan Policy CP14. Local Plan Policy CP14 relates to landscape character and AONB rather than to whether a proposal constitutes appropriate or inappropriate development.

4.2.4 Whether a proposal constitutes inappropriate development is set out in Paragraphs 145 and 146 of the NPPF. Paragraph 145 relates to new buildings and states: -

"A local planning authority should regard the construction of new buildings as inappropriate in Green Belt. Exceptions to this include, amongst other things: -

the extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building."

4.2.6 Whether a free standing structure could constitute, for planning purposes, an extension of a building is a matter of fact and degree, depending on the proximity and respective sizes of the buildings.

4.2.8 In this instance the proposed pool enclosure would be situated within 1 metre of the dwelling and therefore would read as an extension to the dwelling, rather than as an outbuilding for the consideration of conformity with Green

Belt Policy paragraph 145 (c). As such, the proposal could be considered as not inappropriate provided it would not result in a disproportionate addition over and above the size of the original building.

- 4.2.9 In respect to the above it is noted that the proposal is for a new structure with a footprint of some 157.25 sqm and a volume of 566.1 m³, which is comparable in size and scale to a small bungalow. The volume of the existing house is approximately 1632 m³, the existing extension at the front adds an additional 6%, while the proposed outbuilding extension would add a further 36.7%, which would result in a volume increase of a total of 42.7%. It is therefore considered that the proposed building would not form a disproportionate addition and would conform to Green Belt Policy requirements.
- 4.2.10 Should members take a view that the proposal would form a disproportionate addition and hence constitute inappropriate development in the Green Belt then they will need to consider whether 'very special circumstances exist' which would justify approval of the application.
- 4.2.11 Members, should therefore be aware that paragraph 144 of the NPPF states that 'Very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations. Furthermore, when conducting this weighting exercise paragraph 11 also states that local planning authorities should ensure that substantial weight is given to any harm to the Green Belt.
- 4.2.12 In this respect it should be noted that the applicant has put forward a statement to seek to demonstrate that in any case 'very special circumstances' exist that would justify approval of the proposal.
- 4.2.13 To this effect the applicant has stated: -

"In coming to a view as to whether very special circumstances exist, a number of Court judgements are of particular significance. In the Court of Appeal decision *Wycharon District Council v Secretary of State for Communities and Local Government & Ors [2008] EWCA Civ 692 (2008)* it was held that the word 'very special' should not be interpreted as being converse of 'common place'. Whilst a rarity factor may contribute to the special quality of a particular factor, the decision maker must undertake a qualitative assessment as to the weight to be afforded to a particular factor. The judge (Carnworth LJ) noted that it was incorrect to look for the unusual or uncommon when weighing considerations as a prerequisite for finding that very special circumstances exist. *Brentwood Borough Council v Secretary of State*

for the Environment [1996] 72 P&CR 61 decided that there is no restriction on what might be considered as an 'other consideration'

This is consistent with a judgement of Sullivan J in *Basildon District Council, R (on the application of) v Temple (2004)* who stated that in planning judgement, as in ordinary life, a number of ordinary factors which in themselves were not 'very special' may when combined together amount to very special circumstances.. Whether a particular combination of other considerations amounted to very special circumstances is a matter of planning judgement for the decision maker.

In *Hebra Foods Limited v Secretary of State for Communities and Local Government and Anor (2008) EWHC 3046 (Admin)*, Sir George Newman outlined that whether very special circumstances exist is the ultimate issue to be determined, the final part of the process of decision making, and the critical question on the path to that determination is whether there are other considerations that clearly outweigh the harm by reason of inappropriateness and any other harm. He further stated that the decision maker is obliged to give adequate consideration to circumstances, either individually or cumulatively, and to determine whether or not they clearly outweigh the harm, and in so doing has to exercise a judgement and assess the quality of factors according to planning principles and considerations."

- 4.2.14 In respect to the individual considerations that the applicant has stated cumulatively amount to very special circumstances then applicant has cited
- (i) Site Containment
 - (ii) Visual Impact
 - (ii) Fall-Back Position of the Permitted Development Rights pertaining to the property
- 4.2.15 Officers would comment that the applicant's review of the case law provided above reflects a reasonable summary of the principles surrounding the application of the very special circumstances test.
- 4.2.16 However, in respect to the considerations given above at paragraph 4.2.14 Officers would disagree that considerations (i) and (ii) could contribute towards demonstrating that very special circumstances exist. It is Officers' opinion that these factors merely demonstrate that potentially here may be no other harm over and above that to the Green Belt.
- 4.2.17 However, officers do consider that the existence of permitted development rights could, in principle, constitute very special circumstances, in those

cases where the exercise of permitted development rights could result in grater harm to the openness of the Green Belt and the purposes of including land within it.

4.2.18 As the test for very special circumstances requires an assessment of all [potential harms and benefits this report will now on to consider other policy tests, before coming back at a later section to consider the weighting exercise to determine whether any harm to the Green Belt and any other harm is outweighed by other considerations (in this case the fall-back of permitted development rights).

4.3 Design and impact on the AONB, Character and Form of the Area, trees and hedges

4.3.1 The site is located within the middle of the Cannock Chase Area of Outstanding Natural Beauty. Paragraph 172 of the NPPF sets out that great weight should be given to conserving the landscape and scenic beauty of an AONB. This is continued in Local Plan Policy CP14 which states:

“Development proposals including those for appropriate development within the Green Belt ... must be sensitive to the distinctive landscape character and ensure they do not have an adverse impact on their setting through design, layout or intensity.”

4.3.2 Furthermore, in respect to issues in relation to design Policy CP3 of the Local Plan requires that, amongst other things, that 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.

4.3.3 In addition Policy CP14 of the Local Plan requires that appropriate developments within the Green Belt and AONB must "be sensitive to the distinctive landscape character adding that development proposals for extensions to and replacements of existing buildings within the Green Belt will be expected to demonstrate sympathy with their location through size, appearance and landscape impact mitigation. The ground floor area of any proposed extension or replacement building should not normally exceed that of the original property by more than 50%."

4.3.5 In this respect it is noted that the AONB Unit has not provided any comments. However, taking the above into account, it is concluded that the

proposal would not exceed 50% of the original property ground floor and would therefore meet the test set out in Policy CP14.

- 4.3.6 It is also noted that the site does benefits from a high degree of concealment and that, due to the single storey height and the amount of screening the visual impact on the surrounding AONB would be very limited.

Impact on Trees

- 4.3.7 The arboricultural impact assessment and method statement are lacking in detail with regard to the tree root protection areas of the retained trees and hedges on site. It is also considered that the level of crown lifting proposed to T3 would comprise excessive pruning to the detriment of the health of the tree. Furthermore, the proximity of T3 to the velux windows of the proposed swimming pool enclosure, would be likely to exert pressure for removal of the tree in the future. However, these trees are not protected with a tree preservation order and therefore they could be felled without any consequence. Furthermore, should the trees be removed this would not have a significant impact on the character of the area given the surrounding woodland setting and the limited height of the fruit trees, That said, the applicant has provided tree protection plan measures, which can be conditioned as part of the decision notice. In addition, with regards to the front trees not being surveyed, it is considered that there would be no worse impact upon the health of these trees, than that caused by existing vehicular use of the driveway and the construction vehicular traffic for the previous front extension to the property.
- 4.3.8 Furthermore, the planning statement makes the point that the site is well set back from the highway and is well contained by existing mature boundary planting. There are no wider public vantage points in which the site can be clearly seen and if it were possible, the pool house would be read against the house rather than as an isolated structure. As such, having had regard to Policies CP3 and CP14 of the Local Plan and the appropriate sections of the NPPF, it is considered that the proposal would be acceptable in respect to its impact on the retained trees/ hedges and would not have an adverse impact upon the character and form of the area and that of the Cannock Chase AONB.

4.5 Impact upon Residential Amenity

- 4.5.1 Paragraph 127(f) states that decisions should aim to secure a high standard of residential amenity. This is supported by Policy CP3 of the Local Plan and the guidance as outlined in the Design SPD.

- 4.5.2 In this respect it is noted that the outbuilding is situated within a heavily screened area and is located approximately 80m from the nearest

neighbouring properties, which would not conflict with policy requirements, as set out in the Design SPD

4.5.3 Therefore the proposal, by virtue of its scale, design and location from the nearest dwelling would not result in any significant impact, by virtue of overlooking, loss of light or loss of outlook, on the residential amenities of the occupiers of the nearest property.

4.6 Access and Parking

4.6.1 The proposal would not include any alteration to the access arrangements or the level of parking provision within the site or increase the need for further parking to serve the dwelling and as such would have no significant detrimental impact on highway safety.

4.6.2 It is therefore considered that the proposal would not be detrimental to highway safety and would accord with paragraph 90 of the NPPF.

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

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

4.7.2 The proposal would, in effect, form an extension to a dwelling within the garden of that dwelling and would not in itself comprise a new dwelling. In addition the development would not result in any overshadowing of the SAC or in any way would it have a direct or indirect impact on the qualifying features of the SAC

4.7.3 As such the proposal is considered acceptable in respect to its impact on Cannock Chase SAC.

4.8 Assessment of the Applicant's case for Very Special Circumstances

4.8.1 As stated above, should planning committee form a view that the proposal constitutes a disproportionate addition and therefore inappropriate development in the countryside, they are required to determine whether very special circumstances exist.

4.8.2 In this respect it should be noted that the applicant has stated that the fall-back position of what could be built under the provisions of the Town And Country (General Permitted Development (England) Order, 2015 (GDO) constitute very special circumstances.

- 4.8.3 Officers can confirm that under the GDO development rights in 'Areas of Outstanding Natural Beauty and World Heritage Sites would allow for the maximum area to be covered by buildings, enclosures, containers and pools (within 20 metres distance of a dwelling house) to be up to 50% of the land around the house.'
- 4.8.3 Although the proposal as-built would not constitute permitted development due to its height and location, it is clear that a building with an even greater floor area and volume could be accommodated within the site and that such a building could have a far greater impact on the openness of the Green Belt and the purposes of including land within the Green Belt.
- 4.8.4 In the absence of any significant harms to other acknowledge interests it is considered that any perceived harm to the Green Belt by reason of inappropriateness would be clearly outweighed by the exercise of the permitted development rights that exist for this property.
- 4.8.5 As such, should members determine that the proposal constitutes inappropriate development, it is officers' opinion that very special circumstances exist that would justify approval of the application.

5 Human Rights Act 1998 and Equalities Act 2010

Human Rights Act 1998

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

Equalities Act 2010

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

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

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

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

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

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

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

6 Conclusion

- 6.1 For the reasons set out above it is accepted that the proposed swimming pool enclosure would not comprise inappropriate development in this designated Green Belt location. In any case it is officers opinion that very special circumstances have been demonstrated to justify approval of the proposal.
- 6.2 In respect to all matters of acknowledged interests and policy tests it is considered that the proposal, subject to the attached conditions, would not result in any significant harm to the 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:

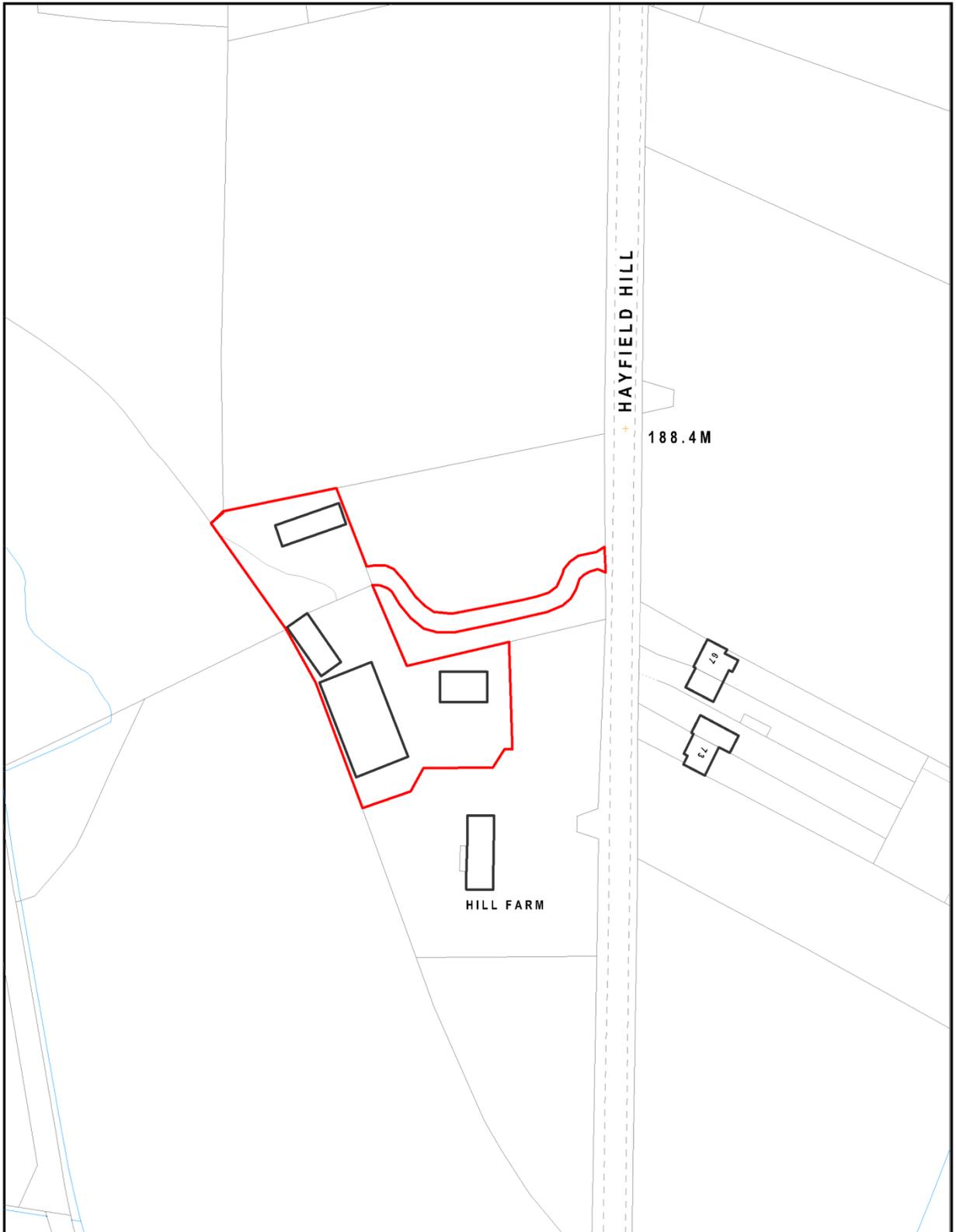


Application No: CH/19/173

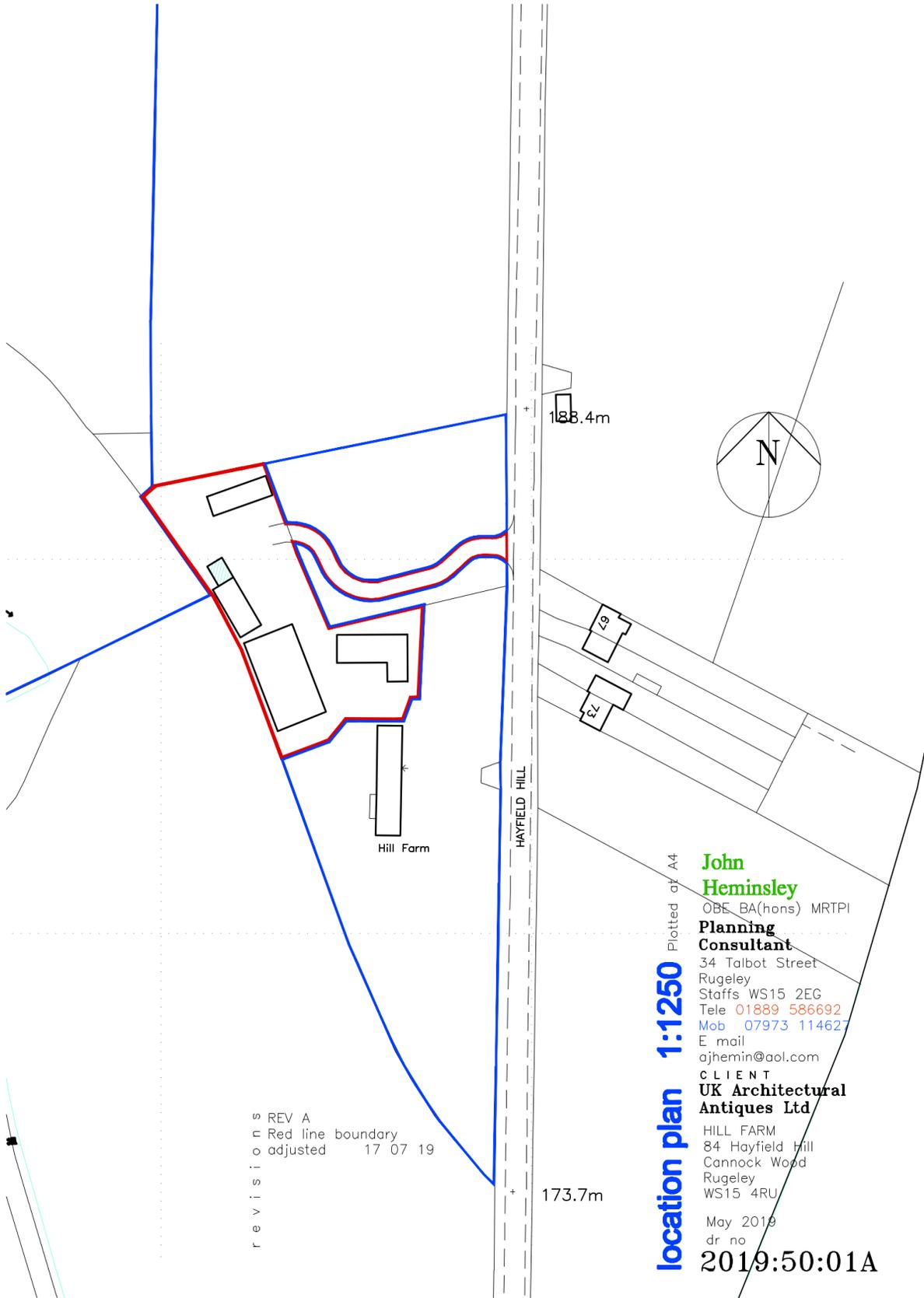
Location: Hill Farm, 84, Hayfield Hill, Cannock Wood, Rugeley, WS15 4RU

Proposal: Change of Use of the buildings and land to light industrial (B1) and the retention of the fork lift truck store

Item no. 6.41



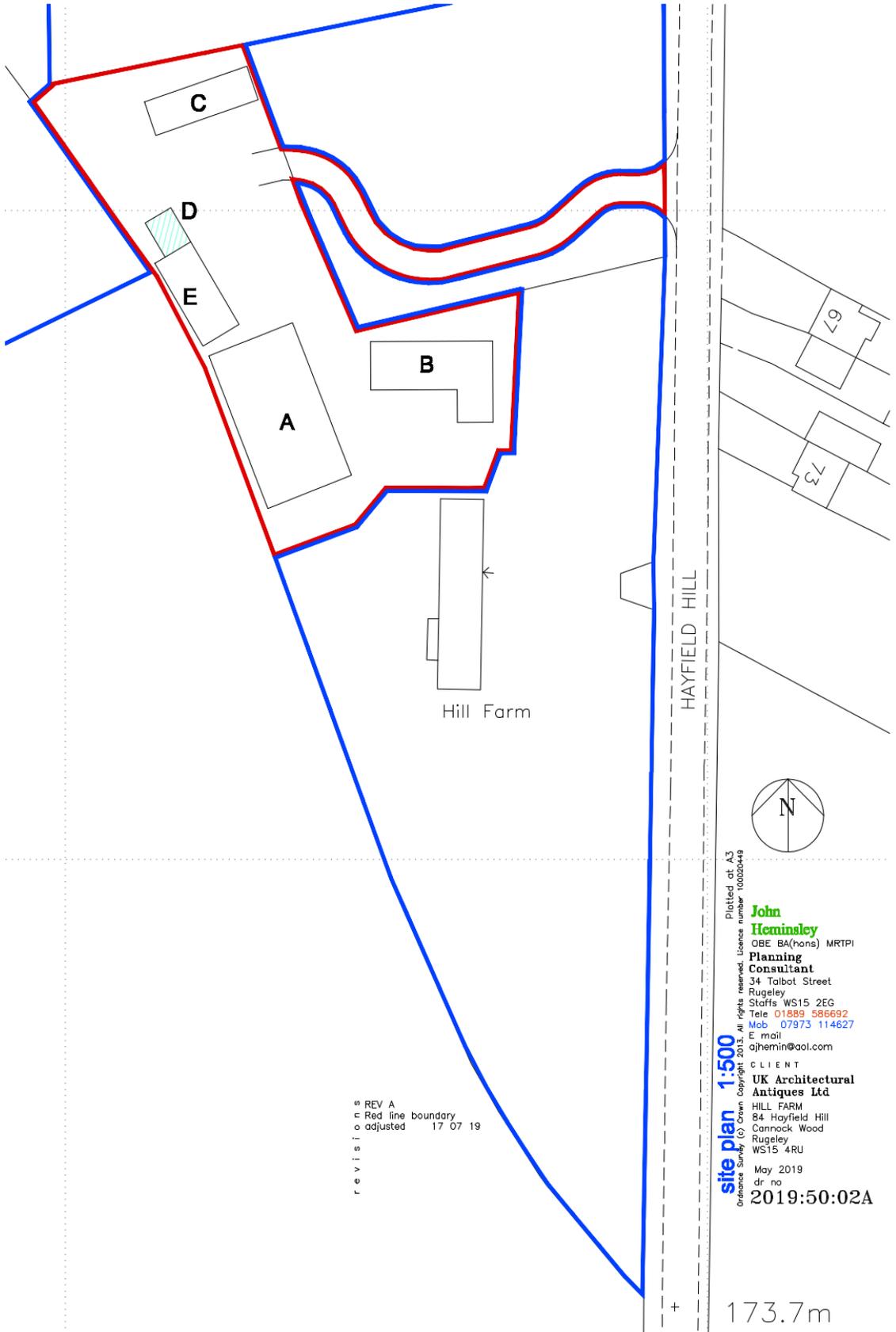
Location Plan



revisions
 REV A
 Red line boundary
 adjusted 17 07 19

Plotted at A4
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 CLIENT
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 HILL FARM
 84 Hayfield Hill
 Cannock Wood
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 May 2019
 dr no
2019:50:01A

Site Plan



© REV A
 = Red line boundary
 o adjusted 17 07 19
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Plotted at: A3
 Licence number: 100020449
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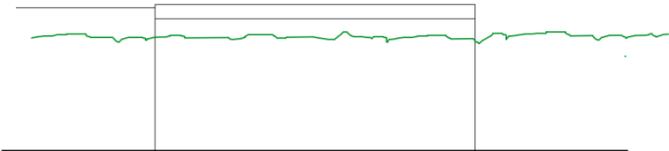
site plan 1:500
 Ordnance Survey (c) Crown Copyright 2013. All rights reserved.

173.7m

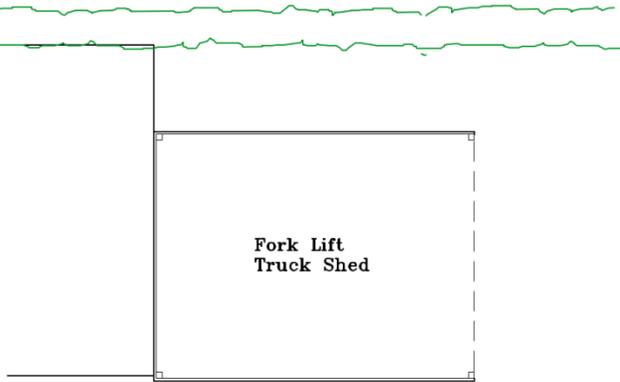
Floor Plans and Elevations



FRONT ELEVATION 1:100
Dark green plastic coated
profile metal cladding to
front + rear walls and roof

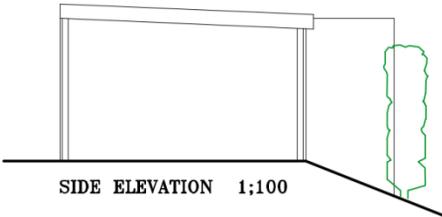


REAR ELEVATION 1:100



**Fork Lift
Truck Shed**

GROUND FLOOR PLAN 1:100



SIDE ELEVATION 1:100

Plotted at A4

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p r o j e c t

Fork Lift Truck Shed
May 2019
dr no
2019:50:03

floor plan + elevations 1:100

5M
4M
3M
2M
1M
0

ITEM NO. XX

Contact Officer:	Claire Faulkner
Telephone No:	01543 464337

PLANNING CONTROL COMMITTEE 5 th February 2020	
Application No:	CH/19/173
Received:	10-May-2019
Location:	Hill Farm, 84, Hayfield Hill, Cannock Wood, Rugeley, WS15 4RU
Parish:	Cannock Wood
Description:	Change of Use of the buildings and land to light industrial (B1) and the retention of the fork lift truck store
Application Type:	Full Planning Application

RECOMMENDATION:

Approve Subject to Conditions

Reason(s) for Recommendation:

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

Conditions (and Reasons for Conditions):

1. The use hereby approved shall only be used for business use B1 (c) with ancillary storage, office and retail uses.

Reason

In the interests of proper planning

2. Within 3 months of the date of approval, a scheme detailing a native landscaping scheme shall be submitted to and approved in writing by the

ITEM NO. XX

Local Planning Authority. The scheme shall include native tree and hedgerow planting along the eastern boundary of the yard and the northern side of the access (denoted within the blue line). The details shall be in the form as specified in Annex C of the Supplementary Planning Guidance 'Trees, Landscape and Development'.

Thereafter, the approved scheme shall be implemented in the first planting season following the date of approval and retained for the lifetime of the development.

Reason

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

3. The premises shall not be open for business outside the hours of 08:00hrs to 17:00hrs on Mondays to Friday, 08:00hrs to 14:00hrs on a Saturday and at no time on Sundays and bank and public holidays.

Reason

To ensure that the proposed development does not prejudice the enjoyment by neighbouring occupiers of their properties and to ensure compliance with the Local Plan Policies CP3 - Chase Shaping, Design, CP11 - Centres Hierarchy and the NPPF.

4. No means of illumination to the use hereby approved shall be brought into use until a scheme for external illumination has been submitted to and approved in writing by the Local Planning Authority. Any means of external illumination employed shall be in accordance with the approved scheme.

Reason

In the interests of protecting the rural character of the area from light pollution

5. The gates located to the entrance of the site shall remain open during normal daytime hours for the lifetime of the development.

Reason

To prevent HGVs waiting on the highway and to ensure the amenity of the neighbouring occupiers is protected in accordance with paragraph 109 of the National Planning Policy Framework.

6. There shall be no deliveries to, or from, or loading or unloading of vehicles at

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the site outside the hours of 08:00hrs to 17:00hrs on Mondays to Friday, 08:00hrs to 14:00hrs to a Saturday and at no time on Sundays and bank and public holidays.

Reason

To ensure that the proposed development does not prejudice the enjoyment by neighbouring occupiers of their properties and to ensure compliance with the Local Plan Policies CP3 - Chase Shaping, Design, CP11 - Centres Hierarchy and the NPPF.

7. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and re-enacting that Order with or without modification), no development within Part 3 of Schedule 2 Class PA shall be carried out without an express grant of planning permission, from the Local Planning Authority, namely:

- Development consisting of a change of use of a building and any land within its curtilage from a use falling within Class B1(c) (light industrial) of the Schedule to the Use Classes Order to a use falling within Class C3 (dwellinghouses) of that Schedule.

Reason

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

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

2019:50:02A

2019:50:03

Reason

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

ITEM NO. XX

Notes to Developer:**None****Consultations and Publicity**EXTERNAL CONSULTATIONSCannock Wood Parish Council

No objection.

Cannock Chase ANOB Unit

Conditional objection.

The main issues for the AONB are:-

The impact of the proposed development on the landscape and scenic beauty of the AONB.

In my response dated 4th June 2019 I stated that I was satisfied that retention of the storage building would not affect the natural beauty of the AONB, and the AONB Partnership have no objection to this element of the application. I expressed strong concern regarding the inclusion of the pasture field and am therefore satisfied that the application boundary omits this element.

I recommend that a scheme of landscaping mitigation is required, space permitting. I make the following recommendation:

I recommend this includes native tree and hedge planting along the eastern boundary of the yard to filter views and mitigate the development. Planting is also desirable along the north side of the access road to enhance landscape mitigation and habitat connectivity across the site.

In addition I would suggest removal of permitted development rights. This would bring potential over-intensification of development which could occur under planning control and enable consideration of any adverse impact on the AONB.

INTERNAL CONSULTATIONS

Planning Policy

The location lies within the Cannock Chase Area of Outstanding Natural Beauty (AONB) and the Green Belt just outside of the Cannock Wood Settlement Boundary. The applicants sets out that the business has been established over several years through the development of mostly existing buildings formerly in use for agricultural purposes. Building D is a small addition to the other buildings for an identified need in connection with the business.

The National Planning Policy Framework (NPPF) 2019 states that development proposals that accord with the 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. Paragraphs 133 — 147 in the NPPF set out the purpose of the Green Belt and what types of development are appropriate within it, Policy CP1 in the Cannock Chase Local Plan ~ Local Plan (Part 1) 2014 supports this stance.

The NPPF (2019) paragraph 172 states that great weight should be given to conserving the landscape in the AONB. Policy CP3 in the Local Plan requires high quality design and integration with the existing environment. The proposal should show how it forms appropriate development within the Green Belt to a design in keeping with its surroundings and preserve the landscape and character of the AONB. The Design SPD (Supplementary Planning Document) provides additional guidance on appropriate design.

The NPPF paragraph 83 sets out that planning decisions should enable the growth of all types of business in rural areas and paragraph 84 that sites to meet local business needs may have to be found outside settlement boundaries, while Local Plan policy CP9 supports proposals which contribute to the long term stability and vitality of the rural economy provided they comply with national Green Belt policy and other relevant policies.

Therefore the business is an established rural business that provides local employment, but the decision on whether to approve the application will need to take

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the Green Belt and AONB designations as well as the previous planning decisions on the site into account.

Environmental Health

No adverse comments are offered in principle.

I would request that hours of operation, including vehicular movements are restricted to reasonable daytime hours such as 08:00hrs to 17:00 hrs Monday to Friday and 08:00 hrs to 14:00 hrs on Saturdays and at no time on Sundays and Bank Holidays.

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. 21 letters of objection were received from neighbouring properties. A summary of these objections is set out below:

- There should not be two separate proposals within one application;
- The ongoing expansion and development of this site has impacted on AONB;
- The 'industrial' works already taking place on this site are to the detriment of the AONB and local residents, particularly with the use of HGVs.
- The current business would not require reclassification to light industrial, the business is retail in nature.
- There is no need for reclassification of the site in its entirety.
- The reclassification opens up the opportunity for permitted development to residential or more industrial development which is not suitable in AONB.

Relevant Planning History

- CH/17/250: - Construction of new access. Approved
- CH/11/0192: – Retaining wall to side and front of property. Approved
- CH/10/0418: – Non material amendment to planning permission CH/09/0393.
Approved
- CH/10/0099: – Erection of stable block incorporating 2 stables, tack room, feed store and horse trailer store. Approved
- CH/09/0393: – Replace existing 4 car garage with a new L shaped garage block. Approved.

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- CH/09/0330: – Replace existing chicken pens with stable block. Approved.
- CH/08/0439: – Erection of replacement detached storage building. Approved.
- CH/04/0291: – Hay and machinery store. Refused.

1 Site and Surroundings

- 1.1. The application site is comprised of a detached bungalow and associated land located to the north occupied by a business known as “UK Architectural Antiques Ltd”.
- 1.2. The site is accessed via one main vehicular access to the applicant’s land which is located directly off Hayfield Hill via an electronic gated entrance which leads to the main residential property and the land that forms “UK Architectural Antiques Ltd”.
- 1.3. The site lies within the AONB, within the landscape character type Settled Plateau Farmlands, as described in the Review of Cannock Chase AONB Landscape Character Framework, characterised by rolling farmland, with medium sized hedged fields, with clustered settlement. The application site lies to the west side of Hayfield Hill, located in a rural area characterised by open fields interspersed with blocks of woodland and heathland such as Gentleshaw Common. The land occupied by the business, comprising buildings, yard and containers. The wider site comprises of pasture land. The lie of the land is such that it slopes down from north to south and also away from either side of Hayfield Hill, to the east and west. To the east, lies Gentleshaw Common which provides panoramic views of the wider countryside.
- 1.4. The site falls within the Green Belt and within the Area of Outstanding Natural Beauty (AONB) as defined within the Cannock Chase Local Plan (Part 1) Adopted.

2 Proposal

- 2.1 The applicant is seeking full planning permission for the change of use of the buildings and land to light industrial (B1(c)) and for the retention of the fork lift truck store.

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2.2 The business is carried out within the existing buildings identified on the submitted plan as :-

- Building A - The main warehouse / workshop,
- Building B – An L shaped building containing storage / showroom space on the ground floor and offices above,
- Building C - A former stable building now used in connection with the business for assembly of furniture,
- Building E – A set of 6 containers used for storage purposes in connection with the business which have been in situ since 2009.

2.3 The applicant states that the components of the business are:-

- 35% items manufactured,
- 35% antiques refurbished, and
- 30% sales including ancillary office, retail and storage

2.4 The proposed use would utilise the existing access and hardstanding.

2.5 The forklift truck store, identified as building D on the submitted plan, has already been constructed adjacent an existing building. The footprint measures 6m in depth and 4.5m in width. The forklift truck store has been constructed to a height to match the existing building. The materials comprise of dark green plastic coated metal sheets.

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 |
| CP8: – | Employment Land |
| CP9: – | A Balanced Economy |

CP14: - Landscape Character and Cannock Chase Area of Outstanding Natural Beauty.

Relevant policies within the Minerals Plan are:-

3.2 Mineral Safeguarding

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
143-146	Protecting Green Belt
172	Conserving and Enhancing the Natural Environment
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.

Cannock Chase AONB Management Plan 2019-24.

- 4.1 In support of the application the applicant has made the following statement.
- 4.2 The Architectural Antiques Ltd was originally developed as a new rural enterprise. The business originally involved buying, restoring and selling a wide range of antiques. These included church chairs, tables, pews, tables, pews, settles, benches, reclaimed doors, reclaimed floorboards, reclaimed fires, radiators, garden antiques, old gates and railings , post boxes, spiral staircases and kitchen and bathroom antiques.
- 4.3 The business has since expanded and diversified to include the manufacture of tables using reclaimed materials. The manufacturing processes used on site include welding, painting, sand blasting, paint stripping and polishing.
- 4.4 The sales are mostly via the internet or by telephone with a couple of visitors on weekdays and maybe 6-7 on weekends.
- 4.5 The business now has 9 full time employees.
- 4.6 The planning statement states that the forklift truck store was constructed in 2016. The applicant has confirmed that the forklift truck accommodated within this building is used in connection with the business run from 84 Hayfield Hill and in conjunction with the equestrian facility located at Court Bank Farm. The fork lift truck is used on a daily basis at the application site in association with the business use to assist with the assembly of spiral staircases, movement of pillar boxes and large stone items. The forklift truck is only used for a few hours a week at Court Bank Farm to help move muck skips.

5 Determining Issues

- 5.1 The determining issues for the proposed development include:-
- i) Principle of development
 - ii) Design and impact on the character and form of the area, including the AONB and Green Belt.
 - iii) Impact on residential amenity.
 - iv) Impact on highway safety.
 - v) Drainage and Flood Risk
 - vi) Ground conditions and contamination
 - vii) Economic development Issues

5.2 Principle of the Development

5.2.1 The proposed development is located within land designated as an Area of Outstanding Natural Beauty and Green Belt, wherein the case of the latter, there is a presumption against inappropriate development, which should only be approved in 'very special circumstances'. Paragraph 133 of the NPPF states that the Government attaches great importance to Green Belts, adding that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open. As such the essential characteristics of Green Belts are their openness and permanence.

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

- a) In the first instance a decision has to be taken as to whether the proposal constitutes appropriate or inappropriate development.
- b) If the proposal constitutes inappropriate development then it should not be allowed unless the applicant has demonstrated that 'very special circumstances' exist which would justify approval.
- c) If the proposal is determined to constitute appropriate development then it should be approved unless it results in significant harm to acknowledged interests.

5.2.3 Local Plan Policies CP1 & CP3 require that development proposals at locations within the Green Belt must be considered against the NPPF and Local Plan Policy CP14. Local Plan Policy CP14 relates to landscape character and the AONB rather than to whether a proposal constitutes appropriate or inappropriate development.

5.2.4 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 including the making of material changes of use of land.

5.2.4 With respect to the change of use of the land and buildings, paragraph 146 of the NPPF is relevant. This states that "Certain other forms of development are also not inappropriate in the Green Belt provided they preserve its openness

and do not conflict with the purposes of including land within it. These are (amongst others):-

(e) material changes of use of land

5.2.5 With respect to the fork lift truck storage building, paragraph 145 of the NPPF is relevant. This states "A local planning authority should regard the construction of new buildings as inappropriate in Green Belt. Exceptions to this include, (amongst others): -

(c) the extension or alteration of a building provided it does not result in disproportionate additions over and above the size of the original building.

5.2.5 The application is in two parts;

- 1) the change of use of the land to B1, and
- 2) the retention of the forklift truck store.

5.2.7 With regard to the first part of the proposal; this seeks consent for the change of use of the land and existing buildings to B1(a) light industrial. The existing buildings within the site as denoted on the submitted site plan include:

- Building A - The main warehouse / workshop,
- Building B – An L shaped building containing storage / showroom space on the ground floor and offices above,
- Building C - A former stable building now used in connection with the business for assembly of furniture,
- Building E – A set of 6 containers used for storage purposes in connection with the business which have been in situ since 2009.

5.2.8 The Architectural Antiques Ltd business was originally developed as a new rural enterprise but has since expanded and diversified into the existing buildings within the application site.

5.2.9 In this respect paragraph 146 (e) allows for material changes in the use of the land, providing they preserve the openness and do not conflict with the purposes of including land within it.

5.2.10 In this instance, the change of use of the buildings and the land would not result in an impact on the openness of the Green Belt as the buildings,

hardstanding and ancillary uses of such already exist. As such the proposal would not result in any significant increase in built (other than the forklift truck which is dealt with in paragraph 5.2.11) or would result in industrial/commercial paraphernalia over and above that could exist on the site under the existing consent.

5.2.11 With regard to the forklift truck store; this has been constructed immediately adjacent the side elevation of building E. Whilst building E comprises of shipping containers they have been in situ since 2009. Furthermore, the containers have water and electricity supplies, are bolted together and have concrete flooring, including linking them together all of which makes them a permanent building within the site. As such, the proposal should be considered under the relevant paragraph 145(d) of the NPPF.

5.2.12 In this respect, it is noted that the forklift truck store, has a length of 6m abutting an existing building of similar height of 2.6m, resulting in a combined building length of 21m. As such it does not form a disproportionate addition to the existing building. Furthermore, the proposed extension is not readily visible from outside the yard because of the landform on the Hayfield Hill frontage being much higher than the yard and at the rear being well screened by vegetation when viewed from the west and the screened by the existing buildings when viewed from the south.

5.2.13 Given the above, the proposal would not constitute inappropriate development falling with paragraphs 145(d) and 146 (e) of the NPPF and would preserve the openness of the Green Belt as already exists. As such it is concluded that the proposal is acceptable in Green Belt.

5.3 Design and the Impact on the Character and Form including the Cannock Chase AONB

5.3.1 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.

5.3.2 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.

5.3.3 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;

5.3.4 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.

5.3.5 Paragraph 172 gives great weight to AONB, in terms of conserving and enhancing the natural environment. Local Plan Policy CP14 relates to landscape character and the AONB. In this regard, the AONB Unit has been consulted on the proposals and raised no objection subject to conditions.

- 5.3.6 The scale and mass of the forklift truck store would not be incongruous in this location in respect of the AONB. The store is located immediately adjacent existing buildings on an area of hardstanding and adjacent a boundary hedgerow. The building itself comprises of a dark green plastic coated metal sheeting which helps the structure to blend into the adjacent landscape boundary
- 5.3.7 Policy LCP1 of the Cannock Chase AONB Management Plan (2019-2024) seeks new development to mitigate and enhance their setting. The existing buildings within the yard are located along the western part of the site; an area defined by an internal boundary on the site plan. The pasture field to the east of the yard forms an integral part of the farmland character of this part of the AONB, essential to the buffer between the current development and Hayfield Hill, Cannock Wood and Gentleshaw Common. In this respect the AONB Unit recommend a condition for native tree and hedgerow planting along the eastern boundary of the yard to filter views and mitigate the development. The AONB Unit also consider planting along the north side of the access road to enhance the landscape mitigation and habitat connectivity across the site.
- 5.3.8 Given the light industrial (Use B1(c)) proposal and the existing business use employs staff, during the winter months, the proposal may result in the applicant wishing to provide some form of illumination to assist visitors and staff using the site especially during the dark winter months. Whilst the applicant has not requested any form of illumination it is noted that this could be provided by portable lights which would not in itself require permission. Although the distance from the SAC/ SSSI precludes any significant impact on their special interest, means of any external illumination could affect the rural character and general amenity of this relatively dark area of the countryside and AONB. As such it is considered reasonable to control all means of illumination of the site.
- 5.3.9 Therefore, having had regard to Policy CP3 and CP14 of the Local Plan and the above mentioned paragraphs of the NPPF it is considered that the proposal, subject to the attached conditions would be acceptable in respect to its impact on the landscape character and form of the AONB area.

5.4 Impact on Residential Amenity

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- 5.4.1 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".
- 5.4.2 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. 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. In doing so (amongst others) (a) mitigate and reduce to a minimum potential adverse impacts resulting from noise from new development and avoid noise giving rise to significant adverse impacts on health and the quality of life.
- 5.4.3 The Town & Country Planning Use Class Order defines B1(c) as being for any industrial process (which can be carried out in any residential area without causing detriment to the amenity of the area). However there have been objections received from the neighbouring residents in relation to loss of amenity on the grounds of noise pollution, vibrations, smell, pollution, fumes and dust pollution.
- 5.4.4 As such, Environmental Health Officers were consulted on the application and raised no objections, subject to conditions, to the proposal. However, Officers have recommended an hours restriction including vehicular movements to and from the site. The Environmental Health Officers have suggested reasonable opening hours as being: 08:00hrs to 17:00hrs Monday to Friday, 08:00hrs to 14:00hrs on Saturdays and at not time on Sundays and Public / Bank Holidays.
- 5.4.5 As such, the proposal would comply with Policy CP3 of the Cannock Chase Local Plan and paragraph 127 of the NPPF.

5.5 Impact on Highway Safety

- 5.5.1 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.

- 5.5.1 There are no alterations to the vehicle movements to, from and around the site since planning permission CH/17/250 was approved for the access road into the site.
- 5.5.2 The comments of the neighbours are noted in relation to the access gates remaining closed and lorries waiting on the highway for the gates to be opened by staff. This can lead to the lorry engines running for prolonged periods of time in this rural location. As such, it does not seem unreasonable to require the access gates to remain open whilst the business operates throughout the day to ensure the protection of neighbours' amenity and in the interest of highway safety.
- 5.5.3 It is therefore considered that the proposal, subject to conditions would not have an unacceptable impact on highway safety and accords with paragraph 109 of the NPPF.

5.6 Drainage and Flood Risk

- 5.6.1 The site is located in Flood Zone 1 on the Environment Agency's Flood Zone Maps.
- 5.6.1 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'.
- 5.6.3 In this instance, the building already exists with the development converting the existing ground floor. As such, the proposal would not create additional flood risk over and above the current situation.

5.7 Ground Conditions and Contamination

- 5.7.1 The site is located in a general area in which Coal Authority consider to be a development low risk area. The application seeks the change of use of the existing buildings and the retention of a small forklift truck store within an existing business curtilage. As such, the Coal Authority does not require consultation on the application.

5.8 Other Issues Raised by Objectors

- 5.8.1 Objectors considered that there should not be two separate proposals within one application. The applicant has submitted the proposal on one application. There is no reason for him to not do so however if any part of the application is considered unacceptable then the application could be refused in its entirety or a split decision could be made.
- 5.8.1 Objectors stated that there is no need for reclassification of the site in its entirety. Your Officers confirm that the red line of the site has been amended to incorporate the area of the buildings only and to exclude the adjoining paddock.
- 5.8.2 Objectors raised concerns regarding the reclassification of the site which could open up the opportunity for permitted development to residential or more industrial development which is not suitable in AONB in the future. Your Officers confirm that they cannot determine the application based on what the applicant may or may not do in the future. However, a condition has been recommended that removes the permitted development rights of the site. Notwithstanding this, the applicant could submit an application in the future for alternate development however this would be assessed at that time and determined on its own merits.

5.9 Economic Development Issues

- 5.9.1 Paragraph 83 of the NPPF seeks to support a prosperous rural economy and states that planning decision should (amongst others):-
- a) The sustainable growth and expansion of all types of business in rural areas, both through conversion of existing buildings and well designed new buildings;
- 5.9.2 The business run at the application site has been carried for more than 10 years (in part) and has grown significantly in recent years. The application site was originally a dwelling with ancillary outbuildings e.g. a stables and garage which have since been converted for business use.
- 5.9.3 As such the proposal is supported in principle by the NPPF and this adds weight in favour of the proposal.

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 The proposal is not inappropriate development within the Green Belt, falling within paragraphs 145 and 146 of the NPPF. The reuse of the existing buildings would not result in an impact on the openness of the Green Belt over and above that which already exists.
- 6.2 The proposal, subject to conditions, would not be detrimental to the landscape character and form of the AONB and subject to conditions, further enhance

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the area with native planting. As such, the proposal is not contrary to Policy CP14 of the Local Plan or paragraph 172 of the NPPF.

- 6.3 It is concluded that the proposal, subject to the attached conditions, is acceptable in respect to its impacts on acknowledged interests and therefore is in accordance with the development plan and the NPPF.

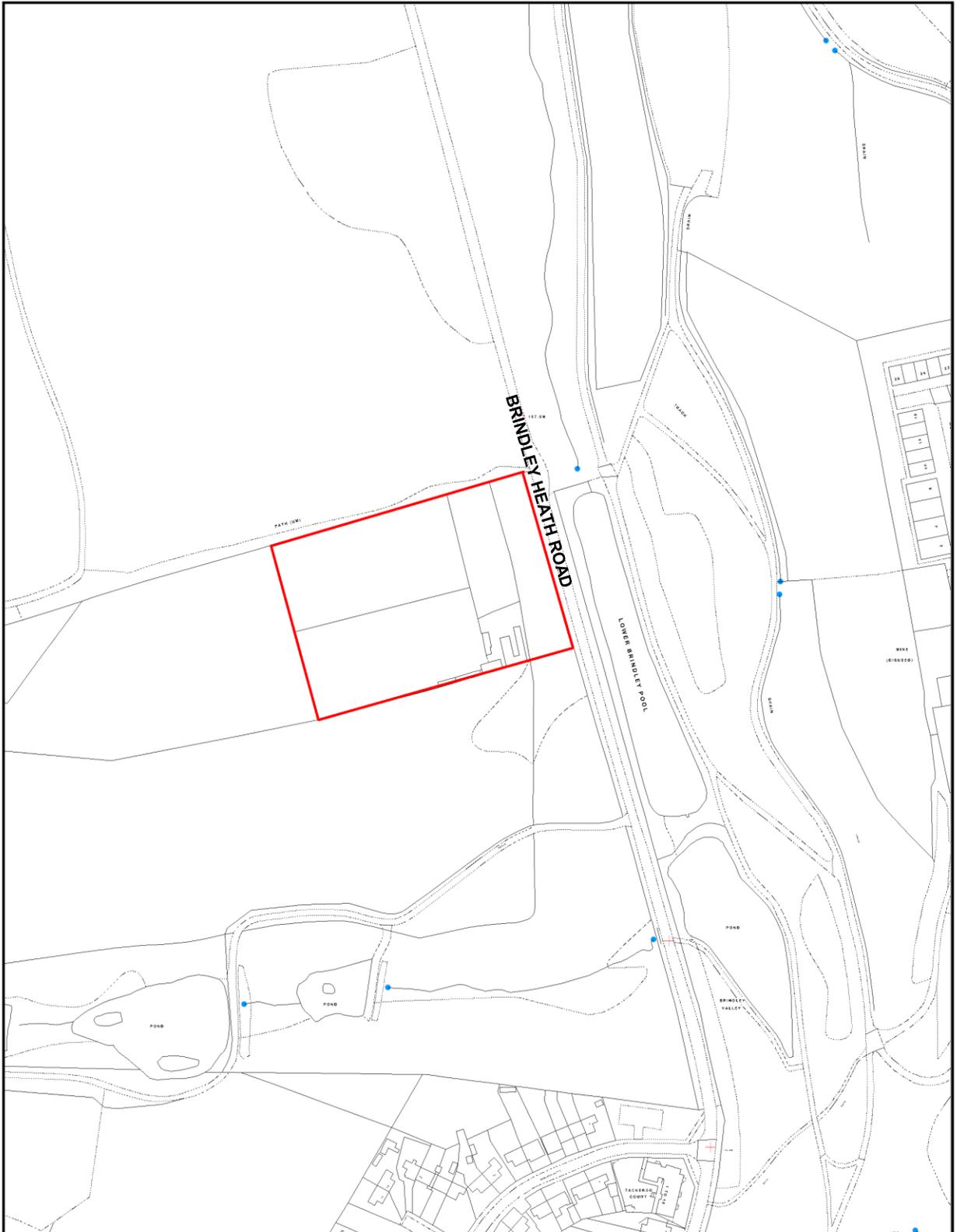


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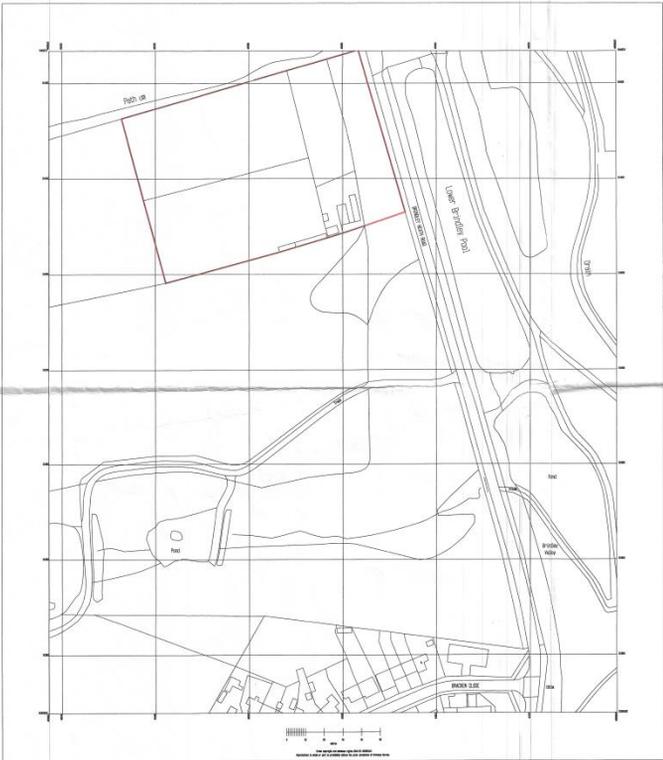
Location: Land off Brindley Heath Road, Hednesford,

Proposal: Erection of 1 No 2-bed bungalow (re submission of CH/18/373)

Item no. 6.65



Location Plan



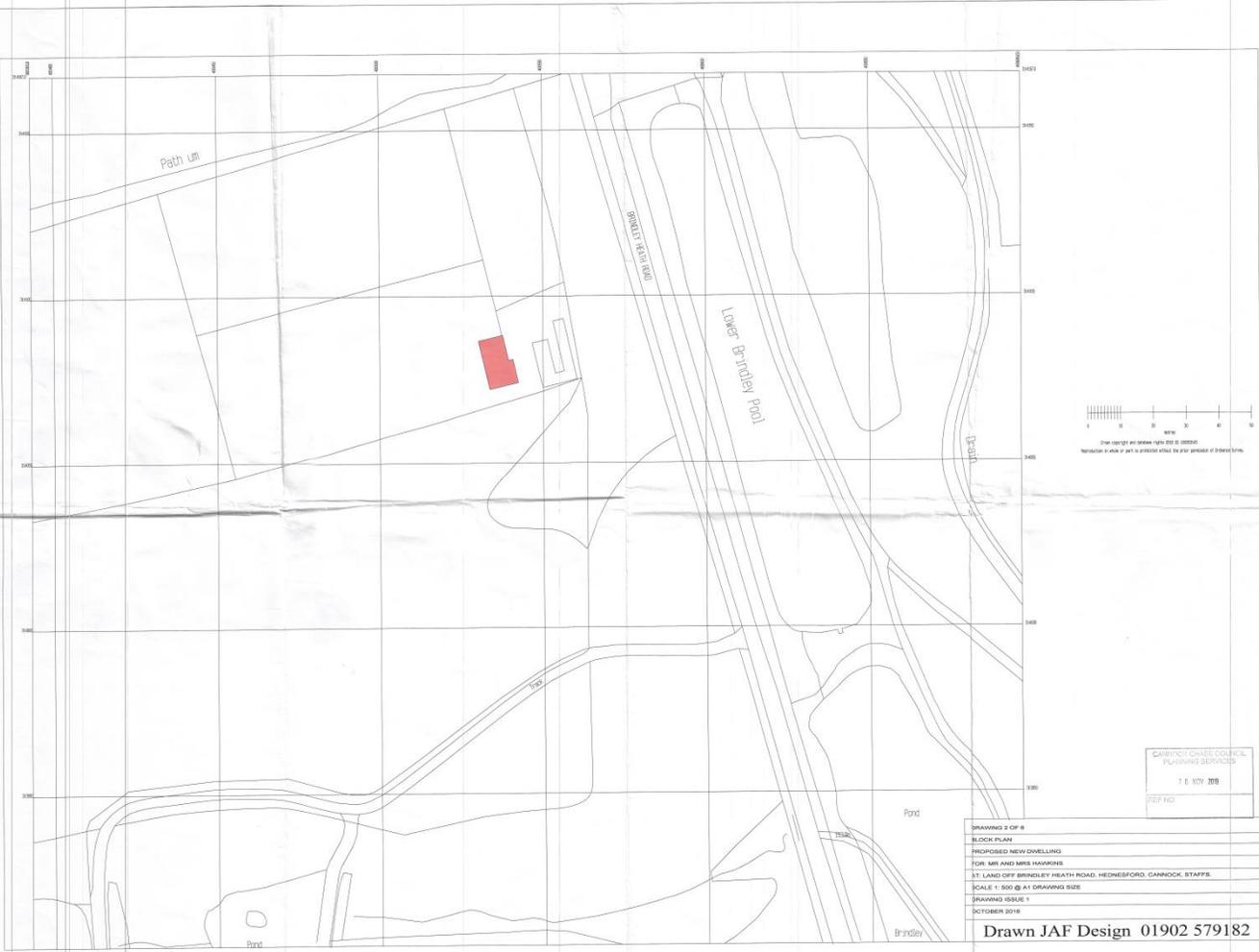
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CANNOCK CHASE COUNCIL
 PLANNING SERVICES
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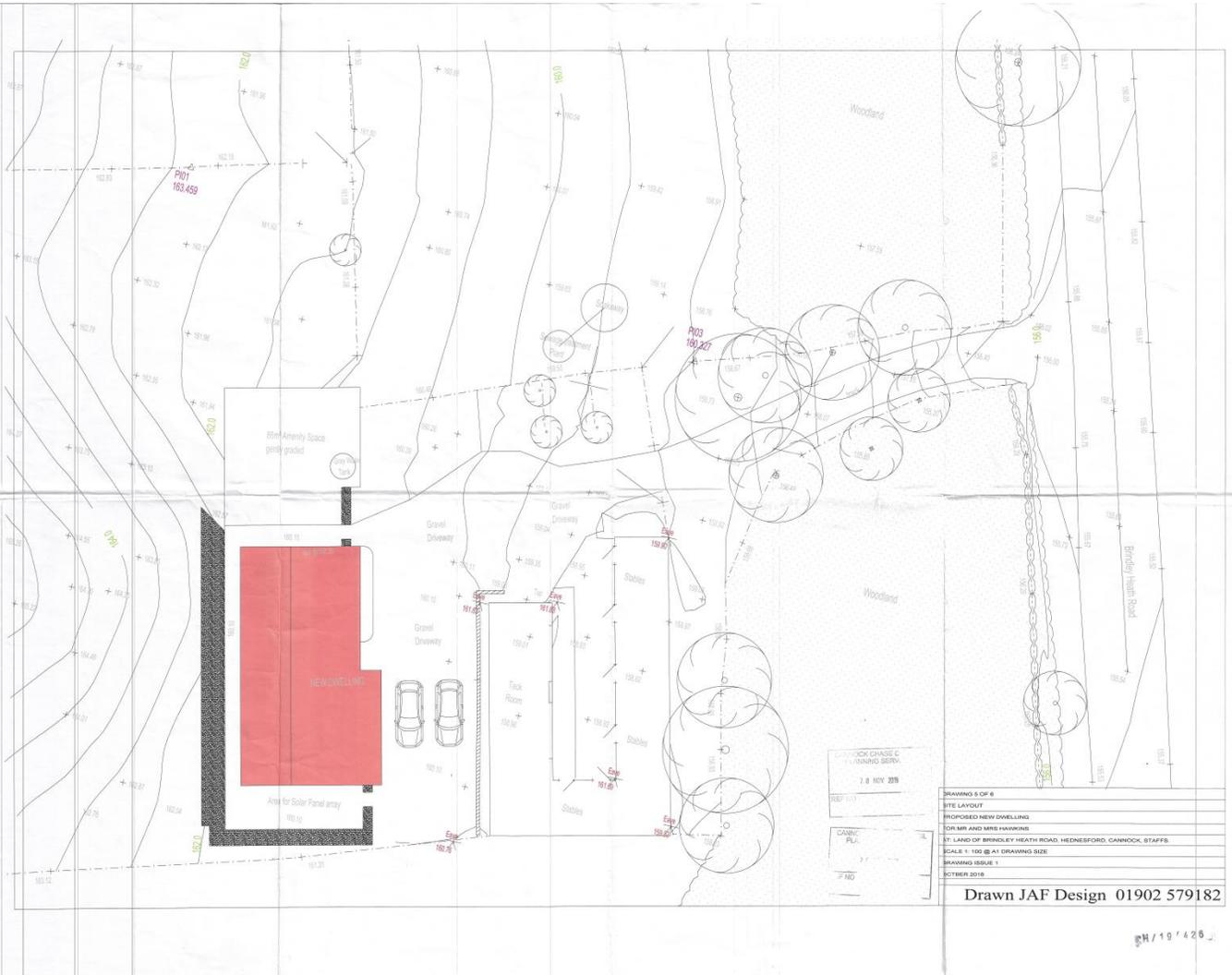
DRAWING 1 OF 1
SITE PLAN
PROPOSED NEW DWELLING
AT: LAND OFF BRINDLEY HEATH ROAD, HEDNESFORD, CANNOCK, STAFFS
SCALE 1:1250 @ A2 DRAWING SIZE
DRAWING ISSUE 1
OCTOBER 2018

Drawn JAF Design 01902 579182

Block Plan



Site Layout Plan



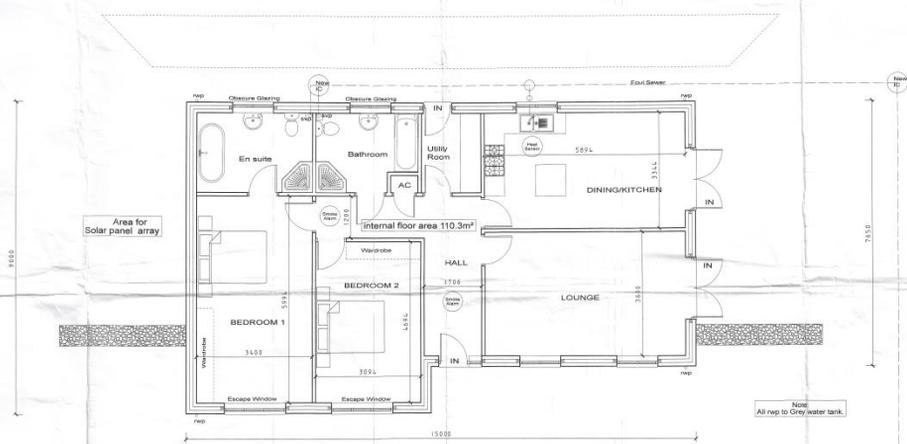
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PLAN
1:100
18 OCT 2018

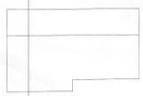
DRAWING 6 OF 6	
SITE LAYOUT	
PROPOSED NEW DWELLING	
FOR MR AND MRS HAWKINS	
ST. LAND OF BRINDLEY HEATH ROAD, HEINESFORD, CANNOCK, STAFFS.	
SCALE 1:100 @ AT DRAWING SIZE	
DRAWING ISSUE 1	
OCTOBER 2018	
Drawn JAF Design 01902 579182	

Proposed Floor Plan



GROUND FLOOR PLAN VIEW
SCALE 1:50

PLAN VIEW OF ROOF
SCALE 1:200



GH/19/426

CANNOCK CIVIL ENGINEERING
PLANNING SERVICES
15 NOV 2018
REF NO

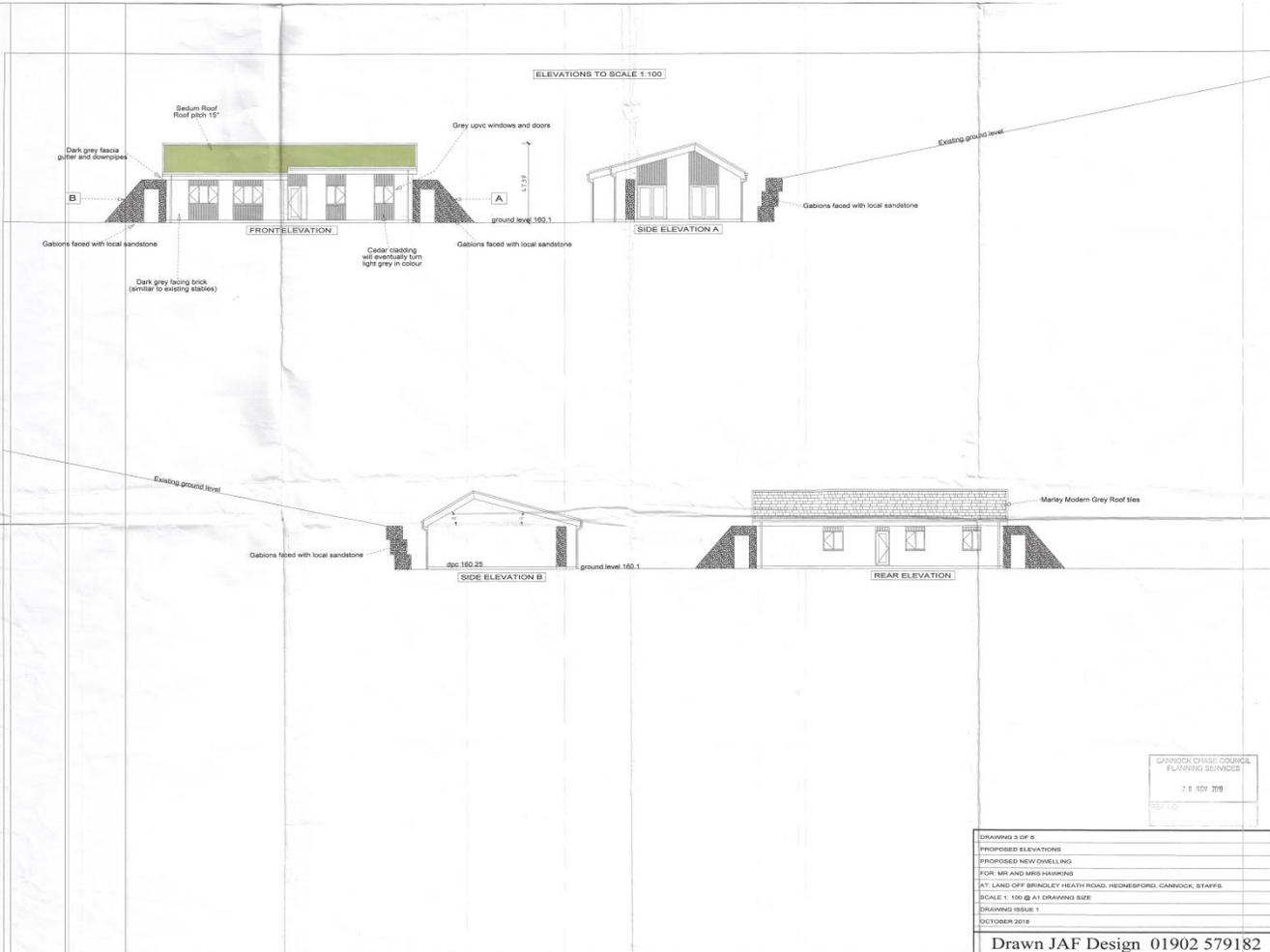
To Sewage
Treatment Plant

DRAWING 3 OF 8
PROPOSED PLAN VIEW
PROPOSED NEW DWELLING
FOR SP AND SWS DRAWING
AT: LAND OFF BRINDLEY HEATH ROAD, HEDNESFORD, CANNOCK, STAFFS.
SCALE 1:50 @ A1 DRAWING SIZE
DRAWING ISSUE 1
OCTOBER 2018

Drawn JAF Design 01902 579182

Proposed Elevations

ELEVATIONS TO SCALE 1:100



CANNOCK CHASE COUNCIL
PLANNING SERVICES
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DRAWING 3 OF 6
PROPOSED ELEVATIONS
PROPOSED NEW DWELLING
FOR MR AND MRS HAWKINS
AT LAND OFF BRINDLEY HEATH ROAD, HEDNESFORD, CANNOCK, STAFFS
SCALE 1:100 @ A1 DRAWING SIZE
DRAWING ISSUE 1
OCTOBER 2016

Drawn JAF Design 01902 579182

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Contact Officer:	Claire Faulkner
Telephone No:	01543 464337

PLANNING COMMITTEE REPORT
5th February 2020

Application No:	CH/19/426
Received:	12-Dec-2019
Location:	Land off Brindley Heath Road, Hednesford
Parish:	Brindley Heath
Description:	Erection of 1 No 2-bed bungalow (re submission of CH/18/373)
Application Type:	Full Planning Application

RECOMMENDATION:

Refuse for the following reasons:-

- (i) The site is located within the West Midlands Green Belt, wherein there is a presumption against inappropriate development, which should only be approved in 'very special circumstances'. Paragraph 144 of the NPPF states that local planning authorities should ensure substantial weight is given to any harm to the Green Belt. Furthermore very special circumstances will not exist unless the potential harm to the Green Belt by reason of inappropriateness and any other harm resulting from the proposal is clearly outweighed by other considerations.

The proposed dwelling does not accord with any of the categories of development outlined in paragraph 145 of the NPPF and therefore constitutes inappropriate development in the Green Belt.

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Furthermore, the harm by reason of inappropriateness, the harm to the character of the Cannock Chase Area of Outstanding Natural Beauty and harm to highway safety would not be clearly outweighed by the benefits of crime prevention/ animal welfare put forward by the applicant such that very special circumstances would exist to support approval of the proposal.

- (ii) The proposed dwelling and intensification of the site would detract from the rural, semi-natural character of this part of the Cannock Chase Area of Outstanding Natural Beauty contrary to Policies CP3 and CP14 of the Local Plan and section 172 of the NPPF.
- (iii) The proposed dwelling by virtue that it would result in the intensification of a substandard single width access off of Brindley Heath Road which is subject to a 60mph speed limit would result in conflicting traffic movements and therefore have an unacceptable impact on highway safety, contrary to paragraph 109 of the National planning Policy Framework.

Reason(s) for Recommendation:

Reason for Refusal of Planning Permission

In accordance with paragraph (38) of the National Planning Policy Framework the Local Planning Authority has worked with the applicant in a positive and proactive manner to approve the proposed development. However, in this instance the proposal fails to accord with the Local Plan and the National Planning Policy Framework.

Consultations and Publicity

External Consultations

Brindley Heath Parish Council

Objection.

The proposal is considered to be inappropriate in the Green Belt and harmful to the Cannock Chase AONB.

Cannock Chase AONB Unit

Objection.

According to the Design and access Statement, this is an existing equestrian small holding, extending to around 3 acres, with 5 stables, tack room, barn and ancillary buildings. There is also a small free-range chicken pen.

The site is off Brindley Heath Road, around 240m north of the edge of the built-up area of Pye Green. The site is located within the AONB falling within the character type Sandstone Hills and Heaths as described in the Review of the AONB Landscape Character Framework (2017), and it lies approximately 75m to the south of the Special Area of Conservation at Brindley Heath.

Brindley Heath, is an area of open heathland and a focus for visitors to the AONB. The AONB Management Plan cites the open heathland as one of the special qualities of Cannock Chase AONB that should be protected from detrimental impacts. The proposed development comprises a detached bungalow, and justification for 'exceptional circumstances' that might warrant approval, is made on the grounds of security.

The protection afforded to the landscape and scenic beauty of the AONB by NPPF (Para 172) and Local Plan policies, and the complimentary manner in which Green Belt Policies strive to maintain openness are important matters of principle. The AONB had a strong in-principle objection to application CH/18/373, on the grounds of the harm that would be caused to the AONB (and Green Belt) by development through intensification of development on the site. The AONB's position is unchanged, that the principle of development would be harmful to the AONB, and whilst we are sympathetic to concerns regarding security raised by the applicant, we consider that these could be addressed by other landscape sensitive security measures.

Staffordshire Wildlife Trust

No response to date

Historic England (8th Floor)

No comment

Natural England

No response to date

Travel Management and Safety

Objection.

The site is located off Brindley Heath Road which is subject to a 60mph speed limit. The access to the site is via a single track road, with a gate located on the boundary, which will not allow two way movements on the access.

The proposal is for the erection of a 2 x bed detached bungalow on an equestrian facility which houses stables, a tack room, barn and ancillary buildings. The property will provide 2 parking spaces which comply with Cannock District Council's parking standards for a 2 x bed house. However, I have concerns over the potential for conflict over the vehicle access which will not allow 2 vehicles to pass on entering and leaving the site. This will be rectified if the access is improved.

Internal Consultations

Development Plans and Policy Unit

The application site is on the edge of fields to the north of Brindley Heath settlement and set back from Brindley Heath Road behind a tree belt. It is sited in both the Cannock Chase Area of Outstanding Natural Beauty (AONB) and the Green Belt. The site appears to contain a mix of storage containers used as an agricultural small holding.

The site is listed in the Strategic Housing Land Availability Assessment 2018 background document as reference 0342, classed as a site unavailable or suitable for residential development due to the AONB and Green Belt designations.

The National Planning Policy Framework (NPPF) 2019 states that development proposals that accord with the 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. Paragraphs 133 ~ 147 in the NPPF set out the purpose of the Green Belt and what types of development are appropriate within it, Policy CP1 in the Cannock Chase Local Plan — Local Plan (Part 1) 2014 supports this stance.

The NPPF (2019) paragraph 172 states that great weight should be given to conserving the landscape in the AONB. Policy CP3 in the Local Plan requires high quality design and integration with the existing environment, while Policy CP14 provides additional guidance on appropriate development in the AONB and Green Belt. The proposal should show how it forms appropriate development within the

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Green Belt to a design in keeping with its surroundings and preserve the landscape and character of the AONB. The Design SPD (Supplementary Planning Document) also provides additional guidance on appropriate design. The Design SPD also contains a section on Green Belt and AONB development.

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.

The tree belt will protect most views of the wider AONB from the proposed development, but a judgement will need to be made on whether or not the dwelling meets the exception requirements set out in the NPPF for a new development.

Environmental Health

No adverse comments

I have no objections to this proposal. However, I would request that the applicant undertakes ground gas monitoring to determine whether gas protection measures are required for the property. Alternatively, the applicant may install gas protection measures as a precautionary measure without undergoing monitoring.

The report, and proposals for any mitigation measures should be submitted to Environmental Health for approval prior to commencement.

This measure is required due to the proximity of made ground within 250 metres of the proposal site.

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Strategic Housing

No response to date

CIL Officer

Based on the proposed plan view, which indicates the internal floor area would be 110.03m², the chargeable amount for this development would be £5,675.35. Please note this figure was calculated under the assumption that the planning application will be decided in 2020, in which the fee per square metre would be £51.58.

Response to Publicity

The application has been advertised by site notice and neighbour letter with no letters of representation received to date.

Relevant Planning History

CH/18/373: Erection of a 2 bed detached bungalow. Refused for the following reason:-

- (i) The site is located within the West Midlands Green Belt, wherein there is a presumption against inappropriate development, which should only be approved in 'very special circumstances'. Paragraph 144 of the NPPF states that local planning authorities should ensure substantial weight is given to any harm to the Green Belt. Furthermore very special circumstances will not exist unless the potential harm to the Green Belt by reason of inappropriateness and any other harm resulting from the proposal is clearly outweighed by other considerations.

The proposed dwelling does not accord with any of the categories of development outlined in paragraph 145 of the NPPF and therefore constitutes inappropriate development in the Green Belt.

Furthermore, the harm by reason of inappropriateness and the harm to the character of the Cannock Chase Area of Outstanding Natural Beauty would not be clearly outweighed by the benefits of crime prevention put forward by the applicant such that very special circumstances would exist to support approval of the proposal.

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- (ii) The proposed dwelling and intensification of the site would detract from the rural, semi-natural character of this part of the Cannock Chase Area of Outstanding Natural Beauty contrary to Policies CP3 and CP14 of the Local Plan and section 172 of the NPPF.

CH/08/0781: Retention of field shelter (resubmission) Approved

CH/08/0574: Retention of field shelter. Refused

CH/00/592: Retention of temporary stores to be used as hay barn. Approved

1 Site and Surroundings

- 1.1 The application site forms part of a 3 acre equestrian facility located off Brindley Heath Road, Cannock.
- 1.2 The application site lies approx. 240m from Bracken Close which forms the edge of the built up area of Pye Green.
- 1.3 The trees and existing buildings screen the majority of the site from the adjacent highway with only limited views into the site surrounding the vehicular access. The application site benefits from some outbuildings which are used for keeping of horses, other small holding animals and farm machinery.
- 1.4 The site is situated within the Green Belt and Area of Outstanding Natural Beauty (AONB).
- 1.5 The application site is located within a Mineral SafeGuarding Area for Bedrock Sand and Superficial Sand and Gravel deposits. The site is located within a low risk boundary as designated by the Coal Authority.

2 Proposal

- 2.1. The application is for the construction of 1 detached single storey dwelling and associated parking and amenity space.

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- 2.2 The proposed new dwelling would comprise a two bedroom bungalow with a footprint of 135m². The proposed dwelling would be constructed to a height of 4.8m to the ridge.
- 2.3 An area of 86m² of amenity space is proposed to the side of the dwelling and a driveway adjacent to accommodate 2+ vehicles.
- 2.4 The materials proposed would reflect the surrounding environment with cedar cladding to the external elevations and a sedum roof covering. The topography of the site would result in the proposed dwelling being built into the landscape with sandstone filled gabions to retain the land on three sides of the dwelling.
- 2.5 The proposed development would remove two of the existing outbuildings.

2 Supporting Information

- 3.1 The applicant has stated that:-
- (i) The application site is part of a 3 acre equestrian facility with 5 stables, tack room, barn and ancillary buildings. There is also a small free range chicken pen.
 - (ii) The site is suffering from a plague of burglaries, fence damage, gate damage and loss of farm machinery:-
 - a) On numerous occasions the premises have been broken into (including through damaging the main gate, cutting through the fence and accessing through the adjoining premises),
 - b) On one of these occasions the intruders killed a number of chickens,
 - c) On another occasion, the intruders caused non-life threatening harm to our horses (cutting manes and tails and inflicting wounds on the rear legs of the horses),
 - d) There have been thefts of property including a generator and horse rugs, and
 - e) In addition there have been a number of horse thefts within the local area.
 - (iii) The site owners have owned the site for 19 years and would like to move onto the site to offer a security presence:-

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- (iv) Mr Hawkins (applicant) has spent a number of nights sleeping in the existing buildings to deter intruders. This is not ideal given his age and state of physical health.
- (v) The proposal would remove the two containers currently on the site and build a two bedroom bungalow designed to sit into the hill with a low pitch sedum roof.
- (vi) The applicant feels that living on the site is the only long-term solution to address these issues and to ensure the welfare of the animals.

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 Development Plan currently comprises the Cannock Chase Local Plan (2014) and the Minerals Local Plan for Staffordshire (2015-2030).
- 4.3 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 and Cannock Chase Area of Outstanding Natural Beauty (AONB)
- 4.4 The relevant policies within the Minerals Plan are
- 3.2 Mineral Safeguarding.
- 4.5 National Planning Policy Framework

- 4.6 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
- 4.7 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.

- 4.8 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	Proposals affecting the Green Belt
172	Conserving and Enhancing the Natural Environment
212, 213	Implementation

- 4.9 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.

Hednesford Neighbourhood Plan 2017-2028.

5 Determining Issues

- 5.1 The determining issues for the proposed development include:-

- i) Principle of the development in the Green Belt;
- ii) Impact on the character and form of the area and AONB
- iii) Impact upon residential amenity,
- iv) Impact on highway safety,

- v) Nature conservation
- vi) Drainage and flood risk
- vii) Mineral Safeguarding
- viii) Waste and recycling
- ix) Ground conditions and contamination
- x) Weighting Exercise to Determine Whether Very Special Circumstances Exist

5.2 Principle of the Development

5.2.1 The site is located within the West Midlands Green Belt, wherein there is a presumption against inappropriate development, which should only be approved in 'very special circumstances'. Paragraph 144 of the NPPF states that local planning authorities should ensure substantial weight is given to any harm to the Green Belt by reason of inappropriateness and any other harm resulting from the proposal is clearly outweighed by other considerations.

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

- a) In the first instance a decision has to be taken as to whether the proposal constitutes appropriate or inappropriate development.
- b) If the proposal constitutes inappropriate development then it should not be allowed unless the applicant has demonstrated that 'very special circumstances' exist which would justify approval.
- c) If the proposal is determined to constitute appropriate development then it should be approved unless it results in significant harm to acknowledged interests.

5.2.3 Local Plan Policy CP1 & CP3 require that development proposals at locations within the Green Belt to be considered against the NPPF and Local Plan Policy CP14. Local Plan Policy CP14 relates to landscape character and AONB rather than to whether a proposal constitutes appropriate or inappropriate development.

5.2.4 Whether a proposal constitutes inappropriate development is set out in Paragraphs 145 & 146 of the NPPF. Paragraph 145 relates to new buildings. The lists contained within these paragraphs are closed and therefore are

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fixed. The proposal could be considered as not inappropriate provided it meets one of the exceptions in paragraphs 145 and 146.

5.2.5 Paragraph 145 states: -

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

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

5.2.6 However, in this case it is clear that the construction of a new dwelling does not fall within one of the provisions accepted on the list within paragraph 145 of the NPPF. As such, the proposed construction of a dwelling in this location constitutes inappropriate development in the Green Belt contrary to the NPPF paragraph 145.

5.2.5 Paragraph 143 of the NPPF makes it clear that "inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances". Furthermore paragraph 144 states when "considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt" adding "Very special circumstances will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations". The test of whether Very Special Circumstances therefore requires an assessment of all potential harms and benefits of the proposal. This report will therefore now go on to consider other material considerations to establish the weight to be attributed to the various factors and then will conclude with the weighing exercise to determine whether very special circumstances exist.

5.3 Design and the Impact on the Character and Form of the Area and the AONB

5.3.1 The site is located within the Cannock Chase Area of Outstanding Natural Beauty. Paragraph 172 of the NPPF sets out that great weight should be given to conserving the landscape and scenic beauty of an AONB. This is continued in Local Plan Policy CP14 which states:

“Development proposals including those for appropriate development within the Green Belt ... must be sensitive to the distinctive landscape character and ensure they do not have an adverse impact on their setting through design, layout or intensity.”

5.3.2 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.

5.3.3 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.

5.3.4 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;

5.3.5 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.

5.3.6 Given the above, it is noted that the application site abuts an open field to the south and a recently planted plantation to the west. However, along the northern boundary the site is screened by a hedgerow and along the eastern part of the site it is comprised of a woodland belt. As such any views of the site from the adjacent highway and the surrounding public rights of way are well screened, particularly in the summer months .

5.3.7 The rural openness of the application site and the immediate area is a key part of the character of the landscape of the AONB. Whilst it is noted that the design of the proposed dwelling sits within the topography of the wider site to

reduce the impact on the open countryside it would alter the levels of the site, introduce residential volume to the site and increase the intensification of the use of the land all of which would contribute to the erosion of this protected landscape character. The proposal would therefore be harmful to the landscape and scenic beauty of the AONB and contrary to Local Plan Policies CP3 and CP14 and in accordance with paragraph 172 of the NPPF great weight should be given to conserving the landscape and scenic beauty of an AONB .

5.4. Impact on Residential Amenity

- 5.4.1 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.
- 5.4.2 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.
- 5.4.3 There are no adjacent occupiers to the site that would be impacted by the proposal. The impact on the future occupiers of the site would benefit from a modest dwelling with adequate amenity space and parking provision.
- 5.4.4 As such it is concluded that the proposal would secure a high standard of amenity for the future occupiers in accordance with paragraph 127(f) of the NPPF.

5.5 Impact on Highway Safety

- 5.5.1 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.
- 5.5.2 The Highway Authority was consulted on the proposal and raised objections to the development proposed. The site is located off Brindley Heath Road which is subject to a 60mph speed limit. The access to the site is via a single

track road, with a gate located on the boundary, which would not allow two way movements on the access and would therefore increase the potential for conflict over the vehicle access which would not allow 2 vehicles to pass on entering and leaving the site. This would be rectified if the access is improved as part of any future proposal submitted.

5.5.3 However, it is noted that trees in the woodland belt running alongside the eastern side of the site grow in close proximity of the existing site access. Therefore any widening of the access would result in the loss of trees and in increase the visibility of the existing and proposed buildings on the site to the detriment of the character and form of the AONB. As such the widening of the access to accommodate the requirements of the Highway Authority would be unacceptable on landscape grounds.

5.5.4 The proposal is for the erection of a 2 x bed detached bungalow on an equestrian facility which houses stables, a tack room, barn and ancillary buildings. The property would provide 2 parking spaces which would comply with Cannock District Council's parking standards for a 2 x bed house.

5.5.5 In conclusion it is considered that given that the substandard access to the site and that it could not be improved without causing harm to the AONB, the proposal have an unacceptable impact on highway safety, contrary to paragraph 109 of the National Planning Policy Framework

5.6 Impact on Nature Conservation Interests

5.6.1 The application site is not subject to any formal or informal nature conservation designation and is not known to support any species that is given special protection or which is of particular conservation interest.

5.6.2 As such the site has no significant ecological value and therefore the proposal would not result in any direct harm to nature conservation interests.

5.6.3 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. The proposal would lead to a net increase in dwellings and therefore is required to mitigate its adverse impact on the SAC. Such mitigation would be

in the form of a contribution towards the cost of works on the SAC and this is normally provided through CIL. However, in this instance, the applicant has indicated that the proposal would be a self build and therefore CIL exempt. As such, the SAC mitigation provision would be required through a S106 agreement.

5.6.4 Given the above it is considered that the proposal, subject to the S106 agreement, 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.

5.7 Drainage and Flood Risk

5.7.1 The site is located in Flood Zone 1 on the Environment Agency's Flood Zone Maps.

5.7.2 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'.

5.7.3 In this respect it is noted that the application proposes foul sewerage to be directed to a sewage treatment plant located adjacent the access drive. As such it is deemed that the proposed drainage strategy is acceptable subject to conditions. Further, the proposed dwelling would be constructed on an area of existing hardstanding and would replace two existing containers. As such, there would not be any increase in surface water runoff as a consequence of the siting of the proposed dwelling.

5.8 Mineral Safeguarding

5.8.1 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.

5.8.2 Policy 3.2 of the new Minerals Local Plan states that:

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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.

5.9 Waste and Recycling Facilities

5.9.1 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).

5.9.2 Officers note that there is provision for the collection of waste and recycling facilities on Brindley Heath Road although again this would add to the harm to the character of the AONB.

5.10 Ground Conditions and Contamination

5.10.1 The site is located in a general area in which there is the potential for ground gas affecting any dwelling built. The comments of the Environmental Health Officer are noted and it is considered that subject to a suitably worded condition this matter could be satisfactorily addressed..

5.11 Weighting Exercise to Determine Whether Very Special Circumstances Exist

Applicants Very Special Circumstances

5.11.1 In support of the application the applicant has stated that the application site forms part of a 3 acre equestrian facility with 5 stables, tack room, barn and ancillary buildings. The applicant goes on to state that there is also a small free range chicken pen and that the site is suffering from a plague of burglaries, fence damage, gate damage and loss of farm machinery. On numerous occasions the premises have been broken into which has resulted

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in the deaths of a number of chickens, and non-life threatening harm to the horses (cutting manes and tails and inflicting wounds on the rear legs of the horses). In addition there have been a number of horse thefts within the local area.

- 5.11.2 The site owners have stated that they have owned the site for 19 years and would like to move onto the site and to build a two bedroom bungalow designed to sit into the hill with a low pitch sedum roof.
- 5.11.3 Officer would respond that whilst “functional need” (including issues of animal welfare) has the potential to be a “very special circumstance” this is normally only given significant weight where 24hour supervision is required, for example where the enterprise is large, or where supervision of foaling is required for substantial parts of the year (e.g. breeding facility). Officers would add that although the theft of machinery and harm to livestock is unfortunate there are means of securing a site to prevent or reduce the incidence of theft, for example the installation of CCTV, provision of secure gates, or potentially moving those parts at most risk to another site, such as a supervised livery or a site with more natural surveillance.
- 5.11.4 As such officers conclude that only limited weight should be afforded to the issue of crime, the fear of crime and the functional need for a dwelling on the site to reduce the potential for crime.
- 5.11.5 In accordance with the provisions of paragraph 144 of the NPPF substantial weight should be given to the harm to the Green Belt by reason of inappropriateness and to the openness of the Green. In addition moderate weight should be given to the harm to the rural, semi-natural character of the AONB and moderate weight to the harm to highway safety by virtue of the intensification of the substandard access.
- 5.11.6 In conclusion it is considered that the limited weight that should be attached to the functional need of crime prevention/ animal welfare does not clearly outweigh the substantial weight to be attributed to the harm to Green Belt, moderate weight to the harm to the AONB and moderate weight to the detriment of highway safety.
- 5.11.7 As such it is officers’ opinion that the test of very special circumstances has not been met and that the application should be refused.

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 constitutes inappropriate development within the Green Belt. Inappropriate development in the Green Belt is, by definition harmful, and in accordance with the NPPF substantial weight should be given to any harm to

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the Green Belt. Furthermore, inappropriate development should only be approved where very special circumstances exist that would justify approval. Such circumstances should only exist where the harm to the Green Belt and any other harm is clearly outweighed by other considerations.

- 6.2 In addition to the harm to the Green Belt it is considered that the proposal would also be detrimental to the character of the AONB and to highway safety.
- 6.3 The case put forward by the applicant that the history of theft and harm to animals necessitates a dwelling on the site is considered to only carry limited weight.
- 6.4 In conclusion it is considered that the limited weight that should be attached to the functional need of crime prevention does not clearly outweigh the substantial weight to be attributed to the harm to Green Belt, moderate weight to the harm to the AONB and moderate weight to be attributed to the detriment of highway safety.
- 6.5 As such it is considered that the test of very special circumstances has not been met and that the application should be refused.

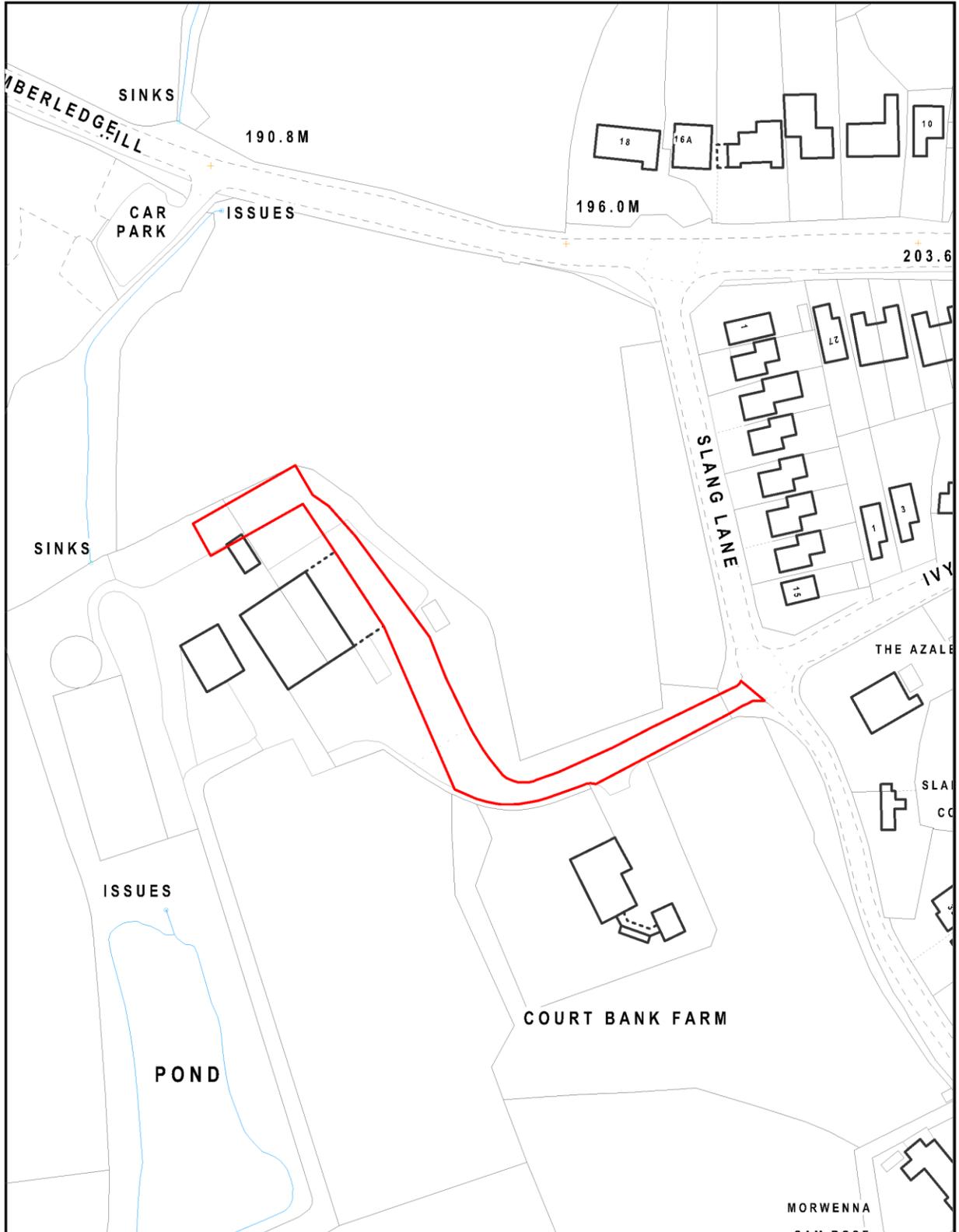


Application No: CH/19/413

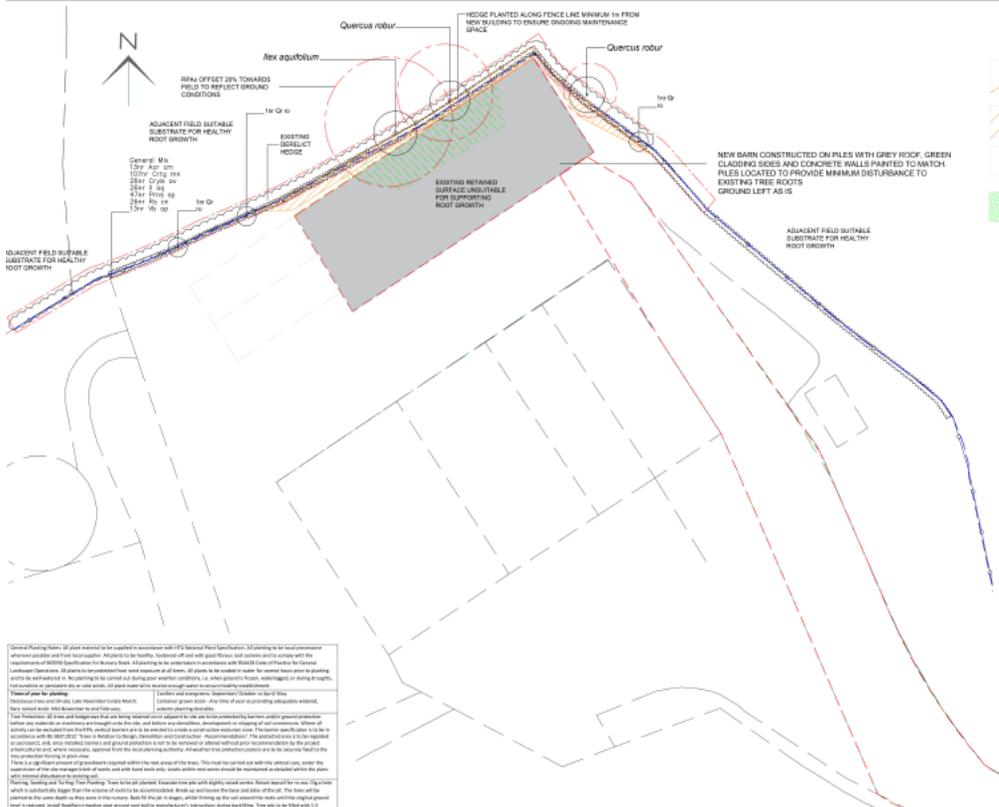
Location: Court Bank Farm, Slang Lane, Cannock Wood, Cannock, WS15 4RY

Proposal: Variation of Conditions (3&7) pursuant to CH/19/154 to allow storage of a tractor and revert building to original siting

Item no. 6.92



Tree Protection and Planting Plan



TREE PROTECTION TO BS5837 (2012)

- EXISTING FENCING TO BE USED AS DELINEATE CEZ
 - CONSTRUCTION EXCLUSION ZONE
 - RPA
 - HAND DIG ONLY AREA, NO TRACKED VEHICLES OR PLANT >2T WITHIN THIS AREA
 - DEVELOPMENT BOUNDARY
 - PROPERTY BOUNDARY
 - RETAINED TREES
 - EXISTING HEDGE
 - EXISTING FENCE
 - NEW BUILDING
 - NEW TREE
 - NEW HEDGE
- NOTE: PLANT 3x0 QUERCUS ROBUR IN THESE LOCATIONS UNLESS OTHERWISE AUTHORISED IN WRITING BY THE LOCAL PLANNING AUTHORITY**
- TO BE READ IN CONJUNCTION WITH ARBORICULTURAL METHOD STATEMENT (427 AMS)**

General Notes:

1. All planting shall be in accordance with BS5837 (2012) unless otherwise specified.
2. All trees to be planted shall be of a suitable size and species for the site.
3. All trees to be planted shall be of a suitable size and species for the site.
4. All trees to be planted shall be of a suitable size and species for the site.
5. All trees to be planted shall be of a suitable size and species for the site.
6. All trees to be planted shall be of a suitable size and species for the site.
7. All trees to be planted shall be of a suitable size and species for the site.
8. All trees to be planted shall be of a suitable size and species for the site.
9. All trees to be planted shall be of a suitable size and species for the site.
10. All trees to be planted shall be of a suitable size and species for the site.

Tree Protection:

1. All trees to be protected shall be of a suitable size and species for the site.

Planting:

1. All trees to be planted shall be of a suitable size and species for the site.

Materials:

1. All materials to be used shall be of a suitable quality and quantity for the site.

Site Preparation:

1. All site preparation shall be in accordance with BS5837 (2012) unless otherwise specified.

Construction:

1. All construction shall be in accordance with BS5837 (2012) unless otherwise specified.

Access:

1. All access shall be in accordance with BS5837 (2012) unless otherwise specified.

Drainage:

1. All drainage shall be in accordance with BS5837 (2012) unless otherwise specified.

Lighting:

1. All lighting shall be in accordance with BS5837 (2012) unless otherwise specified.

Security:

1. All security shall be in accordance with BS5837 (2012) unless otherwise specified.

Other:

1. All other work shall be in accordance with BS5837 (2012) unless otherwise specified.

STATEMENT:
The positioning of the barn as proposed will not affect the establishment of the new hedge or tree planting due to its situation on material unsuitable for skewing or supporting healthy root growth. The planting method (see general planting notes) and the availability of soil volume within the adjacent field will ensure the effective establishment and the continued growth and health of all proposed planting.

Shrub	Name	Age	Height	Form	Brks	Root	Dirp	Dira	Qty
Coriaria cordata	1/1	80-100cm	Bushy	3	3%	0.400	0.400	26	
Prunus spinosa	1/1	80-100cm	2	3%	0.400	0.400	47		
Ilex aquifolium	1/1	80-100cm	3	3%	0.400	0.400	26		
Ilex aquifolium	1/1	80-100cm	3	3%	0.400	0.400	26		
Tree								163	
Aster composite	1/1	80-100cm	1/1	3%	0.400	0.400	13		
Crataegus monogyna	1/1	80-100cm	1/1	3%	0.400	0.400	127		
Quercus robur	1/1	450-500cm	Standard	3/0	0.400	0.400	3		
Total								231	



Rev	Date	Revised By	Drawn	Checked	Approved
1	20/08/19	added 3 x oak	RB	DJ	DJ
2	11/11/19	Building footprint	RB	DJ	DJ
3	14/01/20	Hedge moved, area added	RB	DJ	DJ
4	17/01/20	hedge area created and adj added	RB	DJ	DJ

Client:
Mr Andrew Newton

Project:
Court Bank Farm Cannock Wood

Title:
Tree Protection and Planting Plan

Drawn	Checked	Approved
RB	DJ	DJ

Original sig. size: A1
Date: 30/08/2019
Scale: 1:200

Drawing Status: ISSUED
Drawing Number: 427.1
Rev: 4

DJOGS
Landscape Architecture and Ecology Services
Danielle Jaynes M A LMI
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Contact Officer:	Audrey Lewis
Telephone No:	01543 464528

Application No:	CH/19/413
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PLANNING CONTROL COMMITTEE	
Received:	25-Nov-2019
Location:	Court Bank Farm, Slang Lane, Cannock Wood, Rugeley, WS15 4RY
Parish:	Cannock Wood
Description:	Variation of Conditions (3 & 7) pursuant to CH/19/154 to allow storage of a tractor and revert building to its original siting.
Application Type:	Full Planning Application

RECOMMENDATION:	
Approve Subject to Conditions	

Reason(s) for Recommendation:	
Reason for Grant of Permission	
<p>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/or the National Planning Policy Framework.</p>	

Conditions (and Reasons for Conditions):	
<p>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.</p> <p>Reason To comply with the requirements of Section 91 of the Town & Country Planning Act 1990.</p>	

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 building hereby approved shall only be used solely in connection with the equestrian business use of the site, but not for the stabling or training of horses.

Reason

In the interests of proper planning.

4. No trees or hedges shown as retained on Dwg No. 427.1 Rev 4 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.

5. The approved landscape works shown on Dwg. No. 427.1 Rev 4 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.

6. 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.

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

Drg Nos Newton-18-1, 200-02 Rev B & 427.1 Rev 4.

Reason

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

Notes to Developer:

Due to the presence of Cadent and/or National Grid apparatus in proximity to the specified area, the contractor should contact Plant Protection before any works are carried out to ensure the apparatus is not affected by any of the proposed works.

Consultations and Publicity

External Consultations

Cannock Chase AONB Unit

The proposal is for use of the building by a tractor (Condition 3) and moving the building to its original proposed location, one metre closer to the site boundary (variation to Condition 7).

AONB issues. The main issue for the AONB are:

- The impact of the proposed development on the landscape and scenic beauty of the AONB.

The AONB has no objection to the variation to Condition 3.

The AONB objects to the proposed variation to Condition 7. Positioning the building 1 metre closer to the site boundary would result in insufficient space for full development of mitigation hedge planting that replaces that removed by the applicant on the site boundary. This would limit the efficacy of screening (filtering of views) of the proposed development secured through Application CHI19/154.

I recommend the advice of the Authority's Tree Officer should be sought regarding tree protection, and to ensure that tree canopies would not be affected by the proposal.

Internal Consultations

Landscaping Officer

Condition 7 To carry out the development in accordance with approved plans.

In terms of the revised building location I can confirm that following the site inspection and checking the building alignment with the existing building to the south, there would be sufficient space for a hedge to be planted and grow along the rear of the building. The plan unfortunately due to the scale makes it appear as there is insufficient space.

The Arboricultural method statement details minor works to the trees and method of treatment of the proposed foundations. These would be acceptable and should be conditioned appropriately.

The hedge mix has been amended as requested to include hawthorn and less blackthorn.

Environmental Health

No comments.

Response to Publicity

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

Relevant Planning History

CH/01/0781:	Change of use from existing agricultural storage building - Full - Approval with conditions - 20/2/2002.
CH/13/0354:	Retention of stable block. Full - Approval with conditions 29/11/2013.
CH/15/0025:	Demolition of existing buildings and construction of larger replacement equestrian building for stabling (12 horses) and storage of hay and bedding materials, creation of midden and alterations to site levels. (Amended proposal). Full - Approval with conditions - 22/04/2015.
CH/15/0225:	Erection of a roof over manure store - Full - Approval with conditions - 16/09/2015.
CH/15/0322:	Proposed installation of two ponds and erection of boathouse within existing lake. Full - Approval with conditions 30/09/2015.
CH/15/0322/A	Discharge of Conditions 2 (Materials) & 3 (Pond Detail) for Approved Planning Application Discharge of conditions - Full Approval 03/02/2016.
CH/17/025	Extension of existing ménage. Full - Approval with conditions - 24/03/2017.

CH/19/154 Proposed erection of a storage building (390sqm) for equestrian use approved subject to conditions 30/10/2019.

1 Site and Surroundings

- 1.1 The application site comprises an area within Court Bank Farm, which comprises grazing land and an equestrian centre. The wider site comprises a dwelling, storage and equestrian buildings, ponds, woodland and grazing area accessed from Slang Lane, Rugeley.
- 1.2 The storage and equestrian buildings are grouped within a 'compound' to the north of the site with an expanse of grass and woodland to the south and west of the farmyard. There is a single dwelling to the east of the site 45m back from Slang Lane.
- 1.3 The compound comprises a terrace of three buildings that are currently used as livery stables. The site was originally used for agricultural purposes however it was converted to an equestrian operation in 2002.
- 1.4 The application site is lower than the nearest highway (Slang Lane) and residential properties, as the land slopes down towards the pond to the south west of the application site. The farmyard is visible from in part from a public footpath around 300m to the south. It is also visible from the houses around Hayfield Hill and the southern part of Cannock Wood.
- 1.5 There is a mature hedgerow along the boundary with Slang Lane and a number of mature trees around the site; some of which are covered by Tree Preservation Orders.
- 1.6 The landscape character is one of rolling grassed hills with hedgerows, woodland and isolated trees. The area is at the edge of Cannock Wood where there is a clear boundary between the open countryside and the urban defined by the properties fronting Slang Lane with the application site being within the open countryside.
- 1.7 The site is within the Green Belt and the AONB and outside of the Cannock Wood settlement boundary. It is also located within a Mineral Safeguarding Area,

2 Proposal

- 2.1 The applicant seeks consent for the variation of condition No.s 3 & 7 pursuant to CH/19/154 to allow 'storage of a tractor (the building to be used solely in connection with the equestrian business use, but not for the stabling or training of horses) and to alter the location of the storage building to the site shown on the original plans submitted under planning application CH/19/154. The building would be located adjacent to the northern edge of land within ownership of the applicant.
- 2.2 An arboricultural method statement and amended plan information has been received since submission.

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 |
| CP14- | Landscape Character and Cannock Chase Area of Outstanding Natural Beauty. |

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
143-145	Protecting Green Belt
172	Conserving and Enhancing the Natural Environment
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.

Cannock Chase AONB Management Plan 2019-24.

4 Determining Issues

- 4.1 When planning permission is granted, development must take place in accordance with the permission and conditions attached to it, and with any associated legal agreements. However, new issues may arise after planning permission has been granted, which require modification of the approved proposals. Where these modifications are not fundamental or substantial, but still material in nature, a developer may seek to obtain approval for the changes through the provision of Section 73 of the 1990 Town and Country Planning Act.
- 4.2 An application can be made under section 73 of the Town and Country Planning Act 1990 to vary or remove conditions associated with a planning permission. One of the uses of a Section 73 application is to seek a minor material amendment, where there is a relevant condition that can be varied (Paragraph: reference ID: 17a—013-20140306 of the Planning Practice Guidance).
- 4.3 Section 73(2) of the 1990 Act states: —

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

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

4.4 The determining issues in respect to this application area whether

- (i) Whether amendment of condition 3 would be to the detriment of the proper planning of the area: and
- (ii) Whether amendment of the approved plans to allow the building to be moved back to its original position would be to the detriment of the character and form of the Cannock Chase AONB

4.5 Amendment of Condition 3

4.5.1 Condition 3 of planning permission CH/19/154 states: -

“The building hereby approved shall only be used for storage of hay and straw bedding in association with the equestrian use of the site.

4.5.2 The reason given for the imposition of the condition was in the interest of the “proper planning of the area”. The condition was imposed to prevent the building to be used for the stabling of horses.

4.5.3 The applicant is seeking permission to amend the condition to read: -

“The building hereby approved shall only be used solely in connection with the equestrian business use of the site, but not for the stabling or training of horses.

4.5.4 The reason for the request for the amended condition is that it would allow for the storage of a tractor and to allow incidental activities associated with the equestrian business, such as use by a farrier and as a wash-down area.

4.5.5 The amendment of the condition would allow for greater flexibility whilst not undermining the purpose of the original condition. As such the amendment of the condition is considered to be acceptable.

4.6 Amendment of Condition 7

4.6.1 Condition 7 of the planning permission CH/19/154 identifies the approved plan(s). The applicant is seeking amendment of the condition to allow the insertion of a new plan which would allow the building to be built in a slightly different location.

4.6.2 When the original planning application was received the building was shown close to the boundary of the site and concern was expressed that as the hedgerow along the boundary had been recently removed the building would be prominent in the landscape. As such the building was moved into the site to allow the planting of a hedgerow which in time would screen the building.

4.6.3 The applicant has requested that the building be moved back to its original position. Furthermore, despite objections being received from the AONB Unit the Landscape officer has confirmed that sufficient width would remain to allow the planting and establishment of the hedgerow.

4.6.4 As such it is considered that the requested amendment would not compromise the reason why the original condition was attached to the planning permission

4.5.2 As such it is considered that the application is acceptable and approval is recommended.

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 For the reasons set out above it is considered that the proposed variation to conditions Nos 3 and 7 would be acceptable.
- 6.2 It is therefore recommended that the application be approved subject to the attached conditions:

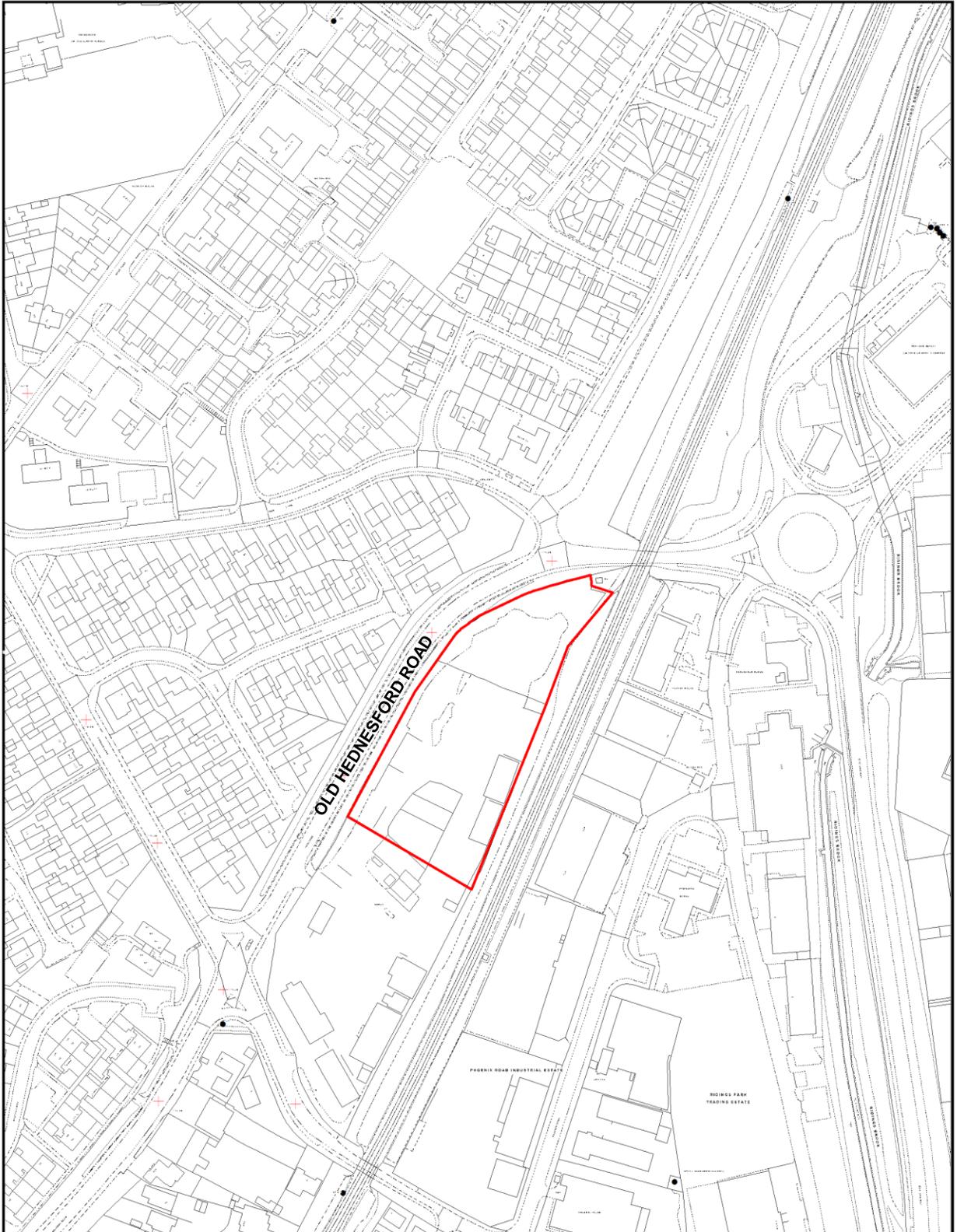


Application No: CH/19/408

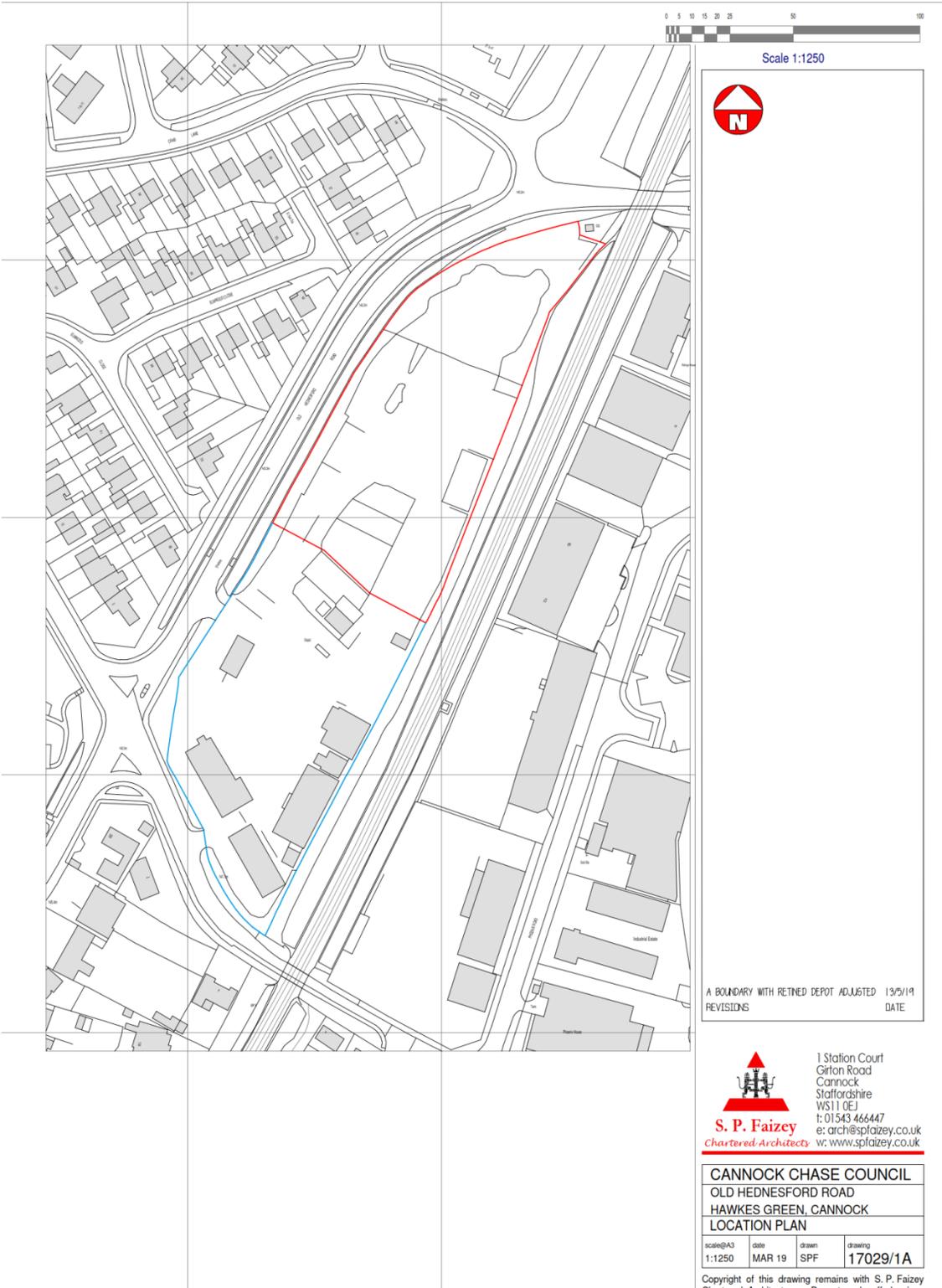
Location: Former Council Depot, Old Hednesford Road, Cannock

Proposal: Construction of 44 dwellings

Item no. 6.104



Location Plan



399200m

399300m

399400m

399

Street Scene



STREET SCENE A-A FACING NORTH EAST



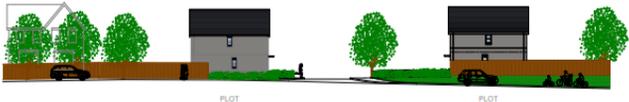
STREET SCENE B-B FACING NORTH WEST



STREET SCENE C-C FACING SOUTH EAST



STREET SCENE D-D FACING SOUTH WEST



STREET SCENE E-E FACING SOUTH EAST

Proposed Elevations



Front Elevation



Rear Elevation



Side Elevation



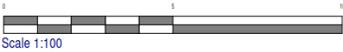
Side Elevation

MATERIALS	
WALLS:	Facing brickwork with contrasting brick detailing
ROOF:	Grey Interlocking concrete tiles at 30° pitch.
WINDOWS:	White Upvc frame.
A PLOTS 41 + 42 ADDED REVISIONS	12/12/19 DATE


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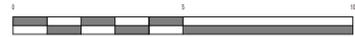
JESSUP/CANNOCK CHASE COUNCIL			
RESIDENTIAL DEVELOPMENT			
OLD HEDNESFORD RD, HAWKS GREEN, CANNOCK			
ELEVATIONS: PLOTS 39 - 42			
scale: A3	date:	drawn:	drawing:
1:100	AUG 19	SPF	17029/32A



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Proposed Elevations

Item no. 6.109



Scale 1:100



Front Elevation



Rear Elevation



Side Elevation



Side Elevation

MATERIALS	
WALLS:	Facing brickwork & render with contrasting brick detail
ROOF:	Grey Interlocking concrete tiles at 30° pitch.
WINDOWS:	White Upvc frame.
A. PLOTS 41 + 42 DELETED REVISIONS	12/12/19 DATE


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JESSUP/CANNOCK CHASE COUNCIL			
RESIDENTIAL DEVELOPMENT			
OLD HEDNESFORD RD, HAWKS GREEN, CANNOCK			
ELEVATIONS: PLOTS 35-38			
scale@A3	date	drawn	drawing
1:100	AUG19	SPF	17029/31A

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Proposed Elevations



Scale 1:100



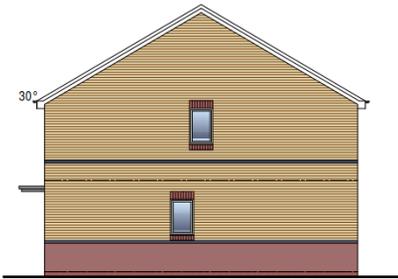
Front Elevation



Side Elevation



Rear Elevation



Side Elevation

MATERIALS	
WALLS:	Facing brickwork & render with contrasting brick detailing
ROOF:	Grey Interlocking concrete tiles at 50° & 30° pitch.
WINDOWS:	White Upvc frame.

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ELEVATIONS: PLOTS 11-13

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Proposed Elevations



Front Elevation



Rear Elevation



Side Elevation



Side Elevation



Scale 1:100

MATERIALS			
WALLS:	Facing brickwork & render with contrasting brick detailing		
ROOF:	Grey Interlocking concrete tiles at 50° & 30° pitch.		
WINDOWS:	White Upvc frame.		

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ELEVATIONS: PLOTS 20-24

scale/RA3	date	drawn	drawing
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Contact Officer:	Richard Sunter
Telephone No:	

Application No:	CH/19/408
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PLANNING CONTROL COMMITTEE	
Received:	14-Nov-2019
Location:	Former Council Depot, Old Hednesford Road, Canock
Parish:	Non Parish Area
Description:	MAJOR APPLICATION - Construction of 44 dwellings
Application Type:	Full Planning Application Major

RECOMMENDATION:

Approve subject to the attached 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.

Contamination

2. In dealing with land contamination, the developer shall have regard to the submitted reports relating to the development site: Phase 1 Site Appraisal, Old Hednesford Road, Hawks Green, Cannock. Ref. B19205, dated September 2019. Authored by Patrick Parsons; and Phase 2 Site Appraisal, Old Hednesford Road, Hawks Green, Cannock. Ref. B19205, dated November 2019. Authored by Patrick Parsons.

Reason

To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems and to ensure that the development can be carried out safely without unacceptable risks to workers neighbours and other offsite receptors in accordance with Paragraph 178 of the National Planning Policy Framework

3. The ground gas monitoring programme detailed in the Phase 2 report shall be completed before the development hereby approved has commenced. The details of the findings (including all technical data) shall be submitted to the Council, as a phase 2 report addendum, for approval prior to any site demolition, remediation or construction works. The development shall thereafter be carried out in accordance with the approved recommendations of the report and no dwelling shall be occupied until verification of the remediation works has been received and acknowledged by the Local Planning Authority.

Reason

To ensure that risks from ground gas to the future users of the land are minimised, in accordance with Paragraph 178 of the National Planning Policy Framework

4. No development shall commence until a remediation strategy to deal with the risks associated with contamination of the site in respect of the development hereby permitted, has been submitted to, and approved in writing by, the local planning authority. This strategy will include the following components:
1. A preliminary risk assessment which has identified:
 - all previous uses
 - potential contaminants associated with those uses
 - a conceptual model of the site indicating sources, pathways and receptors
 - potentially unacceptable risks arising from contamination at the site
 2. A site investigation scheme, based on (1) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off-site.
 3. The results of the site investigation and the detailed risk assessment referred to in (2) 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.

4. A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy in (3) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

Any changes to these components require the written consent of the local planning authority. The scheme shall be implemented as approved.

Reason(s)

To ensure that the development does not contribute to, and is not put at unacceptable risk from or adversely affected by, unacceptable levels of water pollution in line with paragraph 170 of the National Planning Policy Framework.

5. In those cases where the phase 2 report has confirmed the presence of contamination, a Remediation Method Statement shall be submitted to this Department (for approval prior to works) detailing the exact manner in which mitigation works are to be carried out (at time of writing, imported topsoil and ground gas protection). The Statement should also include details of validation testing that will be carried out once works have been completed.

Reason

To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems and to ensure that the development can be carried out safely without unacceptable risks to workers neighbours and other offsite receptors in accordance with Paragraph 178 of the National Planning Policy Framework

6. If during remediation works, any contamination is identified that has not been considered within the Remediation Method Statement, then additional remediation proposals for this material shall be submitted to this Department for written approval. Any approved proposals should, thereafter, form part of the Remediation Method Statement.

Reason

To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems and to ensure that the development can be carried out safely without unacceptable risks to workers neighbours and other offsite receptors in accordance with Paragraph 178 of the National Planning Policy Framework

Noise

7. The development hereby approved shall be carried out in accordance with the recommendations for the use of specified glazing and ventilation requirements

outlined in the submitted noise assessment (Hawks Green Depot Site, Environmental Noise Assessment, Cannock Chase Council, ref. 1021634-RPT-AS001, dated 21st June 2019, authored by Cundall Johnston & Partners LLP) and the Noise Attenuation Statement (Old Hednesford Road, Hawks Green, Cannock, S.P. Faizey, 17029, dated 8th November 2019), Glazing and ventilation of equivalent acoustic performance may be utilized, as required, subject to the written prior approval of the Local Planning Authority. The noise mitigation works shall be fully implemented in accordance with the approved scheme, prior to occupation of the proposed development.

Reason

In the interest of securing a high standard of residential amenity in accordance with Policy CP3 of the Cannock Chase Local Plan (Part 1) paragraph 127(f) of the National Planning Policy Framework.

Control of Construction Activities

8. The development hereby approved shall be carried out in accordance with the Construction Management Plan Revision 01, dated Nov 2019.

Reason

In order to comply with Paragraphs 109 and 127(f) of the National Planning Policy Framework.

Air Quality-Electric Vehicles Charging Points

9. No dwelling hereby approved, shown to be served by an electric vehicle charging point on Drawing 17029/5B, shall be occupied until a EV ready 13amp external socket mode 2 electric vehicle charging point has been fitted to that dwelling. The electric vehicle charging point shall thereafter be retained for the lifetime of the development.

Reason

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

Ecology

10. No means of external illumination shall be brought into use until a scheme for that means of external illumination has been submitted to and approved in writing by the Local Planning Authority. That means of external illumination shall only be carried out in accordance with the approved scheme.

Reason

In the interest of ensuring that the means of external illumination will not negatively impact on the foraging behaviour of bats in accordance with Policy CP12 of the Local Plan and paragraph 175 of the National Planning Policy Framework.

11. Notwithstanding the details of the approved plans the dwellings hereby

approved shall not be constructed above ground floor levels until a revised scheme for the provision of integrated bat and bird boxes has been submitted to and approved in writing by the Local Planning Authority. The dwellings shall thereafter be constructed in accordance with the approved scheme. The bat and bird boxes shall thereafter be retained for the lifetime of the development.

Reason

In the interests of compensating for the loss of bird breeding habitat as a result of the development and ensuring a net biodiversity gain in accordance with Policy CP12 of the Local Plan and paragraphs 175 of the NPPF.

- 12 Notwithstanding the details of the boundary treatments detailed in Drawing 17029/5B no fencing or other form of boundary treatment shall be erected until a scheme to allow the passage of hedgehogs through the site has been submitted to and approved in writing by the Local Planning Authority. Any fencing, or other form of boundary treatment, shall thereafter be erected in accordance with the approved scheme and retained for the lifetime of the development.

Reason

In the interests of ensuring that hedgehogs are able to use the garden spaces for foraging habitat in accordance with Policy CP12 of the Local Plan and paragraphs 175 of the National Planning Policy Framework.

Materials

- 13 The external materials to be used in the dwellings hereby approved shall be as shown in the Old Hednesford Road, Hawks Green, Cannock, Schedule of Materials Reference 17029Materials and dated 6/9/19 unless otherwise approved in writing by the Local Planning Authority.

Reason

In the interests of visual amenity and to ensure compliance with Policy CP3 of the Cannock Chase Local Plan and the National Planning Policy Framework and to provide a degree of flexibility as developers are experiencing difficulties in procuring hard materials .

Affordable Housing

14. The development shall not begin until a scheme for the provision of affordable housing as part of the development has been submitted to and approved in writing by the Local Planning Authority. The affordable housing shall be provided in accordance with the approved scheme and shall meet the definition of affordable housing in Annex 2 of the National Planning Policy Framework (February 2019) or any future guidance that replaces it. The scheme shall include: -

- (i) The numbers , type, tenure and location on the site of the affordable housing provision to be made which shall consists of not less than 20% of

hosing/ bed spaces:

- (ii) The timing of the construction of the affordable housing and its phasing in relation to the occupancy of the market housing;
- (iii) The arrangements for the transfer of the affordable housing to an affordable housing provider or the management of the affordable housing (if no registered provider is involved);
- (iv) The arrangements to ensure that such provision is affordable for both first and subsequent occupiers of the affordable housing and the means by which occupancy criteria shall be enforced.

Reason

In the interests of creating mixed and balanced communities and promoting housing choice in accordance with Policy CP7 of the Cannock Chase Local Plan and the National Planning Policy Framework.

Highways

15. The development hereby permitted shall not be brought into use until the access, parking and turning areas have been provided in accordance with approved Drawing 'Site Layout' No.17029/5B and surfaced in a bound and porous material and shall thereafter be retained for the lifetime of the development.

Reason

In the interests of highway safety in accordance with paragraph 109 of the National Planning Policy Framework.

Landscape and Trees

16. The approved landscape works shown on Dwg. No. ADL283 Rev B 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 NP

17. No part of the development shall commence until an arboricultural method statement has been submitted to and approved by the Local Planning Authority. Details shall include a method statement and schedule of works.

Reason

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

18. The approved arboricultural method statement shall be carried out fully in accordance with the submitted details including timetable and to BS 3998

Tree Work & BS 5837 Trees in Relation to Construction, unless otherwise approved in writing by the Local Planning Authority.

Reason

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

Approved Plans

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

17029/1A	Location Plan
17029/2F	Site Plan
17029/5C	Site Layout*
17029/6	Plans Plots 1-4
17029/7	Plans Plots 5 and 6
17029/8	Plans Plots 7 and 8
17029/9	Plans Plots 9 and 10
17029/10	Plans Plots 11-13
17029/11	Plans Plots 14-17
17029/12	Plans Plots 18 and 19
17029/13	Plans Plots 20-24
17029/14	Plans Plots 25-28
17029/15	Plans Plots 29-32
17029/16	Plans Plots 33 and 34
17029/17A	Plans Plots 35-38
17029/18A	Plans Plots 39-42
17029/19	Plans Plots 43 and 44
17029/20	Elevations Plots 1-4
17029/21	Elevations Plots 5 and 6
17029/22	Elevations Plots 7 and 8
17029/23	Elevations Plots 9 and 10
17029/24	Elevations Plots 11-13
17029/25	Elevations Plots 14-17
17029/26	Elevations Plots 18 & 19
17029/27	Elevations Plots 20-24
17029/28	Elevations Plots 25-28
17029/29	Elevations Plots 29-32
17029/30	Elevations Plots 33-34
17029/31A	Elevations Plots 35-38
17029/32A	Elevations Plots 39-42
17029/33	Elevations Plots 43-44
17029/36	Bin Collection Points
17029 Materials 6/9/19	Schedule of Materials
	Post Mounted Electric Vehicle Charging Point
ADL283 Rev B	Landscaping

DWG-01 RevB	11.9m Refuse Vehicle Swept Path Analysis
K787-100	Proposed Levels
K787-101 P03	Impermeable Areas Plan +
K787-102 RevP05	Strategic Drainage Plan Sheet 1 of 2+
K787-103 RevP03	Strategic Drainage Plan Sheet 2 of 2+
K787-104 RevP01	Contoured Layout ⁺
K787-105 Rev P01	Longitudinal Sections 1 of 3 ⁺
K787-106 Rev P01	Longitudinal Sections 2 of 3 ⁺
K787-107 Rev P01	Longitudinal Sections 3 of 3 ⁺
K787-108 RevP04	Maintenance Plan Sheet 1 of 2 ⁺
K787-109 Rev 03	Maintenance Plan Sheet 2 of 2 ⁺
Landscape Schedule Received 20/01/2020	
Micro-Drainage Calculations Received 02/01/2020 ⁺	
Construction Management Plan Rev 012 Dated Nov 2019	
Design and Access Statement 17029 Design, dated 4/11/19	
1021634-RPT-AS001 Environmental Noise Assessment. Dated 21 June 2019	
Noise Attenuation Statement 17029 dated 08/11/19.	
THL-R20-05, Aboricultural Method Statement, Dated 17 January 2020	
Phase 1 Preliminary Ecological Appraisal	
Transport Statement, dated September 2019.	
Stage 1 Road Safety Audit	
Dust Procedure	
Phase 1 Site Appraisal, B19205, dated September 2019.	
Phase II Site Appraisal B19205, dated November 2019.	
17029/CGIS/35	CGI's
17029/34A	Street Scenes

*Notwithstanding the details of the approved plans permission is not hereby granted in respect to the bird and bat boxes.

⁺ Member should be aware that these have been added pending approval of the Lead Local Flood Authority.

Drainage

20. Subject to the provisions of condition 21 no dwelling hereby permitted shall not be brought into use until the approved drainage scheme shown in drawings K787-102 Rev P05' Strategic Drainage Plan Sheet 1 of 2', and K787-103 Rev P03 'Strategic Drainage Plan Sheet 2 of 2' has been implemented. Thereafter the drainage scheme shall be retained and maintained in accordance with drawings K787-108 Rev P04 'Maintenance Plan' Sheet 1 of 2 and K787-109 Rev P03 'Maintenance Plan' Sheet 2 of 2 for the lifetime of the development.
21. Notwithstanding the details of the approved plans the developmeng shall not be brought into use until a scheme showing amendments to the drainage layout adjacent plots 12-14 has been submitted to and approved in writing by the Local Planning Authority. Thedevelopment shall take place in accordance with the approved details.

Reason

In the interest of providing proper drainage to the area and ensuring such drainage complements the landscaping of the site.

Notes to Developer:**Staffordshire County Council Highway Authority**

The County Council Highway Authority has advised: -

This consent will require approval under Section 7 of the Staffordshire Act 1983 and will require a Section 38 of the Highways Act 1980. The developer should be advised to contact Staffordshire County Council to ensure that approvals and agreements are secured before commencement of works.

The conditions requiring off-site highway works shall require a Highway Works Agreement with Staffordshire County Council. The applicant is requested to contact Staffordshire County Council in order to secure the Agreement. The link below is to the Highway Works Information Pack including an application form. Please complete and send to the address indicated on the application form or email to (nmu@staffordshire.gov.uk). The applicant is advised to begin this process well in advance of any works taking place in order to meet any potential timescales.
<https://www.staffordshire.gov.uk/transport/staffshighways/highwayscontrol/HighwaysWorkAgreements.aspx>

Cadent

Considerations in relation to gas pipeline/s identified on site:

Cadent have identified operational gas apparatus within the application site boundary. This may include a legal interest (easements or wayleaves) in the land which restricts activity in proximity to Cadent assets in private land. The Applicant must ensure that proposed works do not infringe on Cadent's legal rights and any details of such restrictions should be obtained from the landowner in the first instance.

If buildings or structures are proposed directly above the gas apparatus then development should only take place following a diversion of this apparatus. The Applicant should contact Cadent's Plant Protection Team at the earliest opportunity to discuss proposed diversions of apparatus to avoid any unnecessary delays.

If any construction traffic is likely to cross a Cadent pipeline then the Applicant must contact Cadent's Plant Protection Team to see if any protection measures are required.

All developers are required to contact Cadent's Plant Protection Team for approval before carrying out any works on site and ensuring requirements are adhered to.

Email: plantprotection@cadentgas.com Tel: 0800 688 588.

Please note this response and any attached map(s) are valid for 28 days.

An assessment has been carried out with respect to Cadent Gas Limited, National Grid Electricity Transmission plc's and National Grid Gas Transmission plc's apparatus. Please note it does not cover the items listed in the section "Your Responsibilities and Obligations", including gas service pipes and related apparatus.

For details of Network areas please see the Cadent website (<http://cadentgas.com/Digging-safely/Dial-before-you-dig>) or the enclosed documentation.

Are My Works Affected?

Searches based on your enquiry have identified that there is apparatus in the vicinity of your enquiry which may be affected by the activities specified.

Can you please inform Plant Protection, as soon as possible, the decision your authority is likely to make regarding this application.

If the application is refused for any other reason than the presence of apparatus, we will not take any further action.

Please let us know whether Plant Protection can provide you with technical or other information that may be of assistance to you in the determination of the application.

Due to the presence of Cadent and/or National Grid apparatus in proximity to the specified area, the contractor should contact Plant Protection before any works are carried out to ensure the apparatus is not affected by any of the proposed works.

Your Responsibilities and Obligations

The "Assessment" Section below outlines the detailed requirements that must be followed when planning or undertaking your scheduled activities at this location.

It is your responsibility to ensure that the information you have submitted is accurate and that all relevant documents including links are provided to all persons (either direct labour or contractors) working for you near Cadent and/or National Grid's apparatus, e.g. as contained within the Construction (Design and Management) Regulations.

This assessment solely relates to Cadent Gas Limited, National Grid Electricity Transmission plc (NGET) and National Grid Gas Transmission plc (NGGT) and

apparatus. This assessment does NOT include:

Cadent and/or National Grid's legal interest (easements or wayleaves) in the land which restricts activity in proximity to Cadent and/or National Grid's assets in private land. You must obtain details of any such restrictions from the landowner in the first instance and if in doubt contact Plant Protection.

Gas service pipes and related apparatus

Recently installed apparatus

Apparatus owned by other organisations, e.g. other gas distribution operators, local electricity companies, other utilities, etc.

It is YOUR responsibility to take into account whether the items listed above may be present and if they could be affected by your proposed activities. Further "Essential Guidance" in respect of these items can be found on either the National Grid or Cadent website.

This communication does not constitute any formal agreement or consent for any proposed development work; either generally or with regard to Cadent and/or National Grid's easements or wayleaves nor any planning or building regulations applications.

Cadent Gas Limited, NGGT and NGET or their agents, servants or contractors do not accept any liability for any losses arising under or in connection with this information. This limit on liability applies to all and any claims in contract, tort (including negligence), misrepresentation (excluding fraudulent misrepresentation), breach of statutory duty or otherwise. This limit on liability does not exclude or restrict liability where prohibited by the law nor does it supersede the express terms of any related agreements.

If you require further assistance please contact the Plant Protection team via e-mail ([click here](#)) or via the contact details at the top of this response.

Staffordshire Fire and Rescue

Please note that Staffordshire Fire and Rescue have advised as follows: -

Appropriate supplies of water for fire fighting and vehicle access should be provided at the site, as indicated in Approved Document B, Volume 1 requirement B5, Section 11.

I would remind you that roads and drives upon which appliances would have to travel in order to proceed to within 45 metres of any point within the property, should be capable of taking the weight of a Staffordshire firefighting appliance (G.V.W of 167800kg).

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

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

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

Further information can be found at www.bafsa.org.uk - the website of the British Automatic Fire Sprinklers Association Ltd.

South Staffordshire Water Plc

South Staffordshire Water Plc has advised that it should be noted that they have a large diameter trunk water main asset within very close proximity to the site boundary so would need careful discussions with ourselves to ensure that this asset is protected during construction works and any consents to work in this location are provided prior to works commencing.

Please note that South Staffordshire Water Plc do not keep records of individual water services so this site may well require the existing water service to be disconnected prior to the development being undertaken.

Consultations and Publicity

External Consultations

Network Rail

No comments received.

Fire Safety Officer

Appropriate supplies of water for fire fighting and vehicle access should be provided at the site, as indicated in Approved Document B, Volume 1 requirement B5, Section 11.

I would remind you that ropads and drives upon which appliances would have to travel in order to proceed to within 45 metres of any point within the property, should be capable of taking the weight of a Staffordshire firefighting appliance (G.V.W of 167800kg).

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

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

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

Further information can be found at www.bafsa.org.uk - the website of the British Automatic Fire Sprinklers Association Ltd.

National Grid

Should you be minded to approve this application please can the following notes be included an informative note for the Applicant

PLEASE NOTE – the below information is related to Low and Medium Pressure Assets. You may be contacted separately by our engineers regarding High/Intermediate Pressure Pipelines.**

Considerations in relation to gas pipeline/s identified on site:

Cadent have identified operational gas apparatus within the application site boundary. This may include a legal interest (easements or wayleaves) in the land which restricts activity in proximity to Cadent assets in private land. The Applicant must ensure that proposed works do not infringe on Cadent's legal rights and any details of such restrictions should be obtained from the landowner in the first instance.

If buildings or structures are proposed directly above the gas apparatus then development should only take place following a diversion of this apparatus. The Applicant should contact Cadent's Plant Protection Team at the earliest opportunity to discuss proposed diversions of apparatus to avoid any unnecessary delays.

If any construction traffic is likely to cross a Cadent pipeline then the Applicant must contact Cadent's Plant Protection Team to see if any protection measures are required.

All developers are required to contact Cadent's Plant Protection Team for approval before carrying out any works on site and ensuring requirements are adhered to.

Email: plantprotection@cadentgas.com Tel: 0800 688 588

County Flood Risk Management (SUDS)

No objections.

School Organisation,

I would advise that the above planning application would not result in an education contribution and is therefore acceptable from an education perspective.

The response is based on the information contained within the planning application and should the number and/or mix of dwellings change we would wish to be consulted so that a revised contribution can be calculated.

The majority of Staffordshire schools include residence in the school's catchment area as a high priority within their admission arrangements. Even where this is not the case schools still give high priority to children who live in the local area.

The location of a housing development in relation to schools in the local area is taken into consideration when assessing the mitigation required for education provision.

Based on the location of the proposed development we have considered the impact on school places at the following school(s):

Chadsmoor Community Infant and Nursery School
Chadsmoor CE (VC) Junior School
Cannock Chase High School

To understand the impact of this development on education infrastructure analysis has been undertaken using:

- Pupil Number on Roll;
- Net capacity/funding agreement of the schools;
- Pupil projections which include committed developments

In determining whether there is a need for the developer to mitigate the impact of this development it was calculated that 32 dwellings would require 7 primary school places and that 30 dwellings would require 5 secondary places and 1 Post 16 places. These are based on a pupil product ratio (PPR) 0.03 per dwelling per year group. Using 7 year groups for Primary, 5 for secondary and 1 for Post 16 places. Where appropriate all 1 bedroom dwellings have been deducted from the dwellings numbers and at secondary level only, all RSL dwellings have also been deducted in line with our Education Planning Obligations Policy.

There are projected to be a sufficient number of school places to mitigate the impact of this development at both primary and secondary phases of education.

Please note that we reserve the right to amend this response should circumstances materially change from this analysis to the point that education contributions are finalised within the S106 Agreement.

Staffordshire County Council

No comments received.

County Highways

There are no objections on Highway grounds subject to the attached conditions.

Severn Trent Water Ltd

With Reference to the above planning application the company's observations regarding sewerage are as follows.

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

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

The scheme shall be implemented in accordance with the approved details before the development is first brought into use. This is to ensure that the development is provided with a satisfactory means of drainage as well as to prevent or to avoid exacerbating any flooding issues and to minimise the risk of pollution.

Crime Prevention Officer

Thank you for the above consultation document, I ask that Cannock Chase District Council 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(f) 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 developments, 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 adversely 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.

This proposal could easily attain Police Secured by Design (SBD) accreditation and I recommend to prevent crime, reduce the fear of crime and to demonstrate compliance with the above policies that it does so. There is no charge for my advice or the Secured by Design award and once awarded the Police SBD logo can be used on advertising material.

Research shows that adopting SBD can reduce burglary by 50%, car crime and criminal damage by 25%, therefore the carbon costs of replacing door-sets and windows on SBD developments as a result of criminal activity is more than 50% less than on non SBD developments, the cost of installing SBD approved products equals 0.2% of the total build cost.

One of the most revealing elements of research into SBD is how much 'safer' residents feel if they occupy a dwelling on an accredited development, even if they are not aware of the award status. There are few other initiatives which can deliver a measurable reduction in fear like this.

SBD supports one of the Government's key planning objectives - the creation of safe, secure, quality places where people wish to live and work. SBD applies quality standards to a range of security measures and should be seen as a positive marketing opportunity.

SBD can contribute towards BREEAM assessments.

[Officers advise that the rest of the response goes onto make detailed recommendations to the developer in respect to the specification for Secured by Design Accreditation].

Environment Agency

The Environment Agency has no objections to the proposed development but wishes to make the following comments.

Contamination Issues

We have viewed the Phase I Site Appraisal for the Old Hednesford Road, Hawks Green, Cannock, reference B19205 dated September 2019. 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 Formation. This is designated as a secondary A aquifer as described above.

The Ridings Brook is situated approximately 170 m to the east of application site.

Our records show that the application site has previously been used as a landfill site. This site was known as the Old Hednesford Road and was filled with Household waste between 1960 and 1961. There is also a former landfill site situated approximately 30metres to the east. This was known as Hawks Green Lane Landfill Site. This was also filled with household waste between 1935 and 1945.

The previous use of the proposed development site as a landfill presents a risk of contamination that could be mobilised during construction to pollute controlled waters. Controlled waters are sensitive in this location because the proposed development site is located upon a secondary A aquifer.

The application phase 1 Site Appraisal demonstrates that it will be possible to manage the risks posed to controlled waters by this development. Further detailed information will however be required before built development is undertaken. We believe that it would place an unreasonable burden on the developer to ask for more detailed information prior to the granting of planning permission but respect that this is a decision for the local planning authority.

In light of the above, the proposed development will be acceptable if a planning condition is included requiring the submission of a remediation strategy. This should be carried out by a competent person in line with paragraph 178 of the National Planning Policy Framework.

Without this condition we would object to the proposal in line with paragraph 170 of the National Planning Policy Framework because it cannot be guaranteed that the development will not be put at unacceptable risk from, or be adversely affected by, unacceptable levels of water pollution.

[Officers advise that the response goes on to recommend conditions in respect to land remediation (as attached to the front of this report)].

South Staffordshire Water Plc

I have viewed the application and from our existing asset records we appear to have no water mains assets crossing the land affected by this scheme so would look to install new water assets to supply the development through the normal application for new connections process.

It should be noted that we have a large diameter trunk water main asset within very close proximity to the site boundary so would need careful discussions with ourselves to ensure that this asset is protected during construction works and any consents to work in this location are provided prior to works commencing.

Please note that we do not keep records of individual water services so this site may well require the existing water service to be disconnected prior to the development being undertaken.

Internal Consultations

Environmental Health

Land Contamination

- 1) The proposed development consists of two small apartment blocks, with the remainder as semi-detached dwellings. The former have private gardens; the latter shared external amenity space.
- 2) A preliminary site investigation was carried out and reported on in 2016 (Phase 1 and Phase 2 Geo-environmental report at Hawks Green Depot, ref. DAP/24724, dated 16th August 2016, authored by GIP Ltd). The area considered by this report is larger than that proposed by this planning application. This report noted the presence of above ground and underground fuel storage tanks, fuel pumps and the inferred presence of fuel lines. Additionally, the northern two-thirds of the site is a historic landfill, and there is a further landfill 21m to the east. Both areas are noted to have accepted 'deposited waste including household waste', and may represent a risk from ground gases and various contaminants.
- 3) Six monitoring boreholes were installed in order to detect ground gases and groundwater. Four rounds of weekly monitoring took place, concluding that the ground gas regime (consisting of elevated levels of carbon dioxide and measurable gas flow) was equivalent to Characteristic Situation 2 (as per BS8485). Hydrocarbon odours were also noted in the well closest to the fuel tanks (WS6). Groundwater was not seen in all wells, but where present, it was relatively shallow.

- 4) Geotechnical concerns were noted within the report. These include a concern over: the presence of soft ground over parts of the site; thickness of variable made ground; the base of superficial strata not proven (i.e. competent load-bearing strata depth not known); requirement for dewatering in deeper excavations; and the plausible presence of buried obstructions.
- 5) Additionally, the report notes that geology data indicates the site is underlain by Coal Measures Strata. The depth to the top of this strata is unknown as the base of the superficial deposits have not been proven. Coal Authority data show the site is within the zone of influence of ten recorded seams, from 80m to 350m depth, and last worked in 1956. Whilst this represents a low risk of surface instability due to the depth of the known seams, the report recommends the use of rotary boreholes to further assess the risk.
- 6) For soil contamination, the risk assessment presented in the GIP report assumed the proposed use would be industrial/ commercial. This use would be much less sensitive to contamination, and the risk assessment therefore understates the risk to site end-users (residents).
- 7) We hold no records of historic contamination at the site but there is a possibility that the site or adjacent surroundings may have been subject to potentially contaminative uses. Therefore the following conditions are recommended, with particular emphasis on the requirement for a desk study (to be acted on as described), and if unforeseen contamination is noted during site works.
- 8) The proposed development may be impacted by noise from the surrounding uses (car parking and superstore). The effect of this should be determined in order to properly protect the amenity of residents of the proposed development.

Additional reports were submitted alongside the planning application:

Phase 1 Site Appraisal, Old Hednesford Road, Hawks Green, Cannock. Ref. B19205, dated September 2019. Authored by Patrick Parsons.

&

Phase 2 Site Appraisal, Old Hednesford Road, Hawks Green, Cannock. Ref. B19205, dated November 2019. Authored by Patrick Parsons.

The Phase 1 appraisal considered the foregoing GIP report, and produced an updated conceptual site model which included the proposed residential land-use.

A further report from the Coal Authority gave more details on mining in the area, including the depth, dipping and thickness of the seams noted in the area and below

the site. The abandoned mine plan catalogue has five entries that intersect with some, or all of the site boundary. The conclusion being that the site was not at risk from coal mining activities, and that there was no probability of unrecorded shallow workings.

Preliminary geotechnical recommendations note that the made ground and/or soft or loose natural deposits may require localised ground improvement or piling. The use of soakaways may also be suitable.

Preliminary recommendations include localised garden/open space capping if areas of contaminated ground identified; and gas protection to be installed if risk assessment requires it.

The Phase 1 report made further recommendations for intrusive investigation, including the installation of groundwater/gas monitoring wells.

The Phase 2 report detailed the installation of 22 further boreholes, 3 of which had monitoring wells installed. Chemical analysis noted some exceedances of GACs, and whilst not suitable for gardens/landscaped areas, it would be acceptable for use under hard standing. A single asbestos detection was noted at WS210 at 0.5mbgl, as an ACM fragment, and this was also noted to not be a significant risk to the end user.

It is proposed that 300mm of imported topsoil would be appropriate for gardens and landscaped areas. The report also details the validation and analysis requirements of the material, depending upon its source.

As the installed boreholes were predominantly dry, leachate samples were also taken to assess the risk to groundwater. No exceedances of UKDWS were noted.

Ground gas monitoring is ongoing, and expected to finish early 2021, but currently CS₂ is being considered (which would require protective measures to be installed in all buildings across the site).

It is noted that the area of the proposed development is smaller than that presented in the 2016 report. This means that the previously-identified tanks and areas of heavily impacted soils and groundwater are outside the development area.

Accordingly, the conclusions of the report are reasonable.

[Officers advise that the response goes on to recommend conditions in respect to dealing with ground contamination (as attached to the front of this report)].

Noise

- 1) The following report has been submitted in support of the planning application: Hawks Green Depot Site, Environmental Noise Assessment, Cannock Chase Council, ref. 1021634-RPT-AS001, dated 21st June 2019, authored by Cundall Johnston & Partners LLP.
- 2) This report was commented on by Stephen Moore of CCDCC earlier this year, noting that all properties will require a level of acoustic protection consisting of glazing and ventilators, as specified in the report.
- 3) The previous review queried night-time exceedance of WHO internal maximum noise levels (45dB LAmax, no more than 10-15 times per night). It was suggested that an additional comment from the noise consultant be sought in order to classify whether or not this standard is to be met, as this may impact on the acoustic protection to be installed.
- 4) For external amenity, it is noted that perimeter fencing will be required to protect against traffic noise, with possible additional screening to be considered by the developer to further reduce the impact from a jetwash area in the depot.

Following the above, additional submissions were made, comprising of a 'Noise Attenuation Statement' (Old Hednesford Road, Hawks Green, Cannock, S.P. Faizey, 17029, dated 8th November 2019), and glazing specifications for the three distinct levels of protection identified previously. This also includes confirmation that perimeter fencing would be installed as requested. No further comment is made on the LAmax point previously raised, although a review of section 4.4 which shows the range of measured night-time levels and the night-time predicted façade noise levels in section 7, suggest that a significant number of exceedances of the LAFmax is unlikely.

The submissions are acceptable.

[Officers advise that the response goes on to recommend conditions in respect to dealing with noise (as attached to the front of this report)].

Parks & Open Spaces

The Site plan, site layout, landscaping and associated schedule have been amended to cover previous issues raised. The exception being the Ecological enhancement details (Dwg 17029/5-C Site layout, which still need to be confirmed. These details need to be conditioned.

The Arboricultural method Statement (AMS) whilst covering some aspects needs to clarify comments made

9.2 If tree felled a replacement is to be planted

9.4 Statement incorrect. Rootbarrier was/is shown on the tree protection plan which contradicts the statement in the Arboricultural report about adjacent trees on the railway being able to utilise new gardens as rootspace. As soakaways are proposed in the gardens a rootbarrier would be required along the railway side of these but this should then leave a suitable area of garden space for rootzone development.

The tree protection plan THL-0761-7 refers to Root protection barrier – (ref also above). It is not clear if this is referring to Tree protective fencing or potential root barrier. If it is the former, then that would be acceptable but would not be required for the southern end of the site adjacent the retained section of depot. If the latter, then it would not be required around trees that lie within or adjacent to garden areas or as noted above along the boundary to the railway. Query as to why needed along the southern boundary.

There is no reference to the area identified as special measure adjacent to retained tree T8. The method statement should clearly state what is to occur ie no digconstruction – how what etc.

Recommend conditioning to submission and approval of the AMS

Arboricultural report

Following comment were noted prior to the office meeting and submission of the AMS however some aspects are still appropriate:-

Para 9.6 – suggests retention of T3 via careful removal of concrete foundation and use of no dig construction and detailing in an arboricultural method statement (CH-19-408-2 AMS). Indicated on Arboricultural impact assessment and tree protection plans but not on layout or landscape plans! Needs confirmation of what is to occur.

Para9.7 – notes suggestion of trees T8&9 are outside the boundary line – this needs to be confirmed! A specific Method statement will be required for any works within RPA.

Para 9.8 suggests use of pile and beam foundation – This wholes depends on levels proposed as the beam aspect is usually below exiting ground level this requiring excavation into the RPZ and is therefore not acceptable. The AIA should be advising the site layout to be revised if retain tree or agree its removal with SCC and replacement planting to suite the development.

Para 9.9 G1 why has the fact that there has been removal of up to 50% the crowns on the railway side not been noted yet still classing the trees as B1.

Para 9.11 notes removal of the concrete etc. and reinstatement of most of the area as garden would improve the rootzone aspect. Agreed but why then indicate a tree root barrier along all the rear garden boundaries to the railway – defeats the object!

Para 9.12 – Arboricultural method statement required – submitted but to amend.

Para 9.13 – but no consideration taken of the large percentage crown loss to the railway side and potential effects. Any tree works need to be specified and confirmed as part of the planning application and fully detailed within an AMS for submission, it is not acceptable to agree works on site.

Para 9.15 – location of tree protection fence.

Along railway boundary this would be acceptable

T3 – Depends on retention

Southern boundary to exiting retained yard – why needed?

Trees to northern boundary – depends on retention options

Protection to hedge on western boundary?

Ecological aspects

Amendment to include holes in fence noted –these need to be conditioned and to be kept open for use for retention for the life of the development as per the fences themselves.

The proposed number of bat and bird boxes has been increased however these are still attached to buildings and not inbuilt, this is essential to ensure long term retention. Ref <https://www.birdbrickhouses.co.uk/> . These will also need to be conditioned for retention for the life of the development.

Drainage

The revised drainage drawing has not catered for the revisions around plots 11-14 so as to avoid root protection zones of trees or hedges. Recommend condition this aspect

Summary:

Conditions required for :-

1. Submission and approval of AMS
2. Implementation of AMS
3. Implementation and retention of hedgehog access points for life of development
4. Submission of inbuilt bird bat box details

5. Implementation and retention of bird and bat boxes for life of development
6. Implementation of landscape scheme
7. Drainage amendments required adjacent plots 12-14

Recommend that the arboricultural report THL-R19-55 Rev 2, is not approved unless revised to accord with points above.

CIL Officer

In respect of the above application, based on the CIL additional information form submitted, the chargeable amount for this development would be £145,824.77. Please note this figure is index linked and is subject to change depending on the year in which planning permission is granted. This development would be eligible for Social Housing Relief for 1,337.76m², the applicant will need to apply for this using forms 2 and 10 – I will forward these onto the applicant.

As the development is providing 50% social housing, which is over and above the 20% of social housing required, the applicant will need to enter into a Section 106 for SAC mitigation fee for the additional 13 dwellings – the SAC fee for 9 of the affordable dwellings will be top sliced off the CIL amount.

Planning Policy

The National Planning Policy Framework (NPPF Paragraph 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 Plan. The views of Staffordshire County Council as the waste and minerals 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 Local Plan (Part 1) was adopted more than five years ago; it is now 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)).

The proposal is for 44 dwellings (with 22 affordable dwellings). The site represents a brownfield site within the urban area of Cannock; a former part of the extant Council Depot. The site itself is not allocated for development on the Policies Map, nor has the site been identified within the Strategic Housing Land Availability Assessment (SHLAA).

National Planning Policy Considerations

The provisions of the NPPF as a whole should be considered in the determination of this application. However, the most pertinent areas to consider are outlined further below.

Chapter 5 of the NPPF seeks to deliver a sufficient supply of homes and Paragraph 59 reiterates the Government's objectives of significantly boosting the supply of homes. Paragraph 64 sets out that a major development should provide at least 10% of the homes for affordable home ownership, unless this would exceed the level of affordable housing required in the area or significantly prejudice the ability to meet the identified affordable housing needs of specific groups.

Chapter 8 promotes healthy and safe communities and Paragraph 91 outlines that planning decisions should aim to achieve healthy, inclusive and safe places which promote social interaction, are safe and accessible, and enable and support healthy lifestyles.

Chapter 9 considers promoting sustainable transport and that transport issues should be considered from the earliest stages of plan-making and development proposals. Paragraphs 108-111 in particular, outline the measures that should be taken in relation to specific development proposals.

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 119 sets out that Local Planning Authorities, and other plan-making bodies, should take a proactive role in identifying and helping to bring forward land that may be suitable for development needs, including suitable sites on brownfield registers or held in public ownership. 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. local market and development character.

Chapter 12 sets out the national policy for achieving good design.

Chapter 14 sets out how ‘the planning system should support the transition of a low carbon future in a changing climate, taking full account of flood risk and coastal change.’

Chapter 15 sets out how planning policies and decisions should contribute to conserving and enhancing the natural environment.

Local Plan (Part 1) Considerations

Policy CP1 sets out the overall development strategy for the District, which is to focus the majority of development within the existing settlements whilst conserving and enhancing the landscape of the AONB, Hednesford Hills, Green Belt and the green infrastructure of the District. The urban areas are to accommodate most of the District’s new housing and employment development, distributed broadly in proportion to the existing scale of settlement.

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 in the District. This includes inter alia facilities for health, education, sports and recreation, and cycling/pedestrian routes and pathways. The policy states that ‘Subject to viability, development proposals will be required to have regard to the wider determinants of health and make a positive contribution to provision of infrastructure, design and layout which supports social inclusion and healthy living for sustainable communities.’

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. The policy also outlines a positive approach to the consideration of windfall sites. It sets out that the release of land for housing will be managed to achieve the re-use of previously developed land within the build up of areas and will be informed by monitoring; via the annual SHLAA and Authority Monitoring Report (AMR). The site is not identified within the most recent SHLAA (2018) as part of the housing land supply for the plan period.

Policy CP7 is concerned with meeting the affordable housing needs and housing need of specific groups within the District. It is noted that this is a 50% affordable housing scheme, and therefore complies with the requirements of Policy CP7. Details of the potential housing mix, including affordable housing tenures should be considered with reference to the Council’s Developer Contributions and Housing Choices Supplementary Planning Document (2015) (SPD) and in consultation with the Housing Strategy team. In relation to the national policy for 10% of homes to be for affordable home ownership, the Council’s evidence to date indicates that this

would not meet local needs and therefore the preferred tenure mix as set out in this SPD is still appropriate¹.

Policy CP8 addresses employment land within the District. It sets out that proposals which involve the redevelopment or conversion of employment uses to alternative uses will be considered on their merits, based upon other Core Strategy policies and having primary regard to the outlined key criteria.

Policy CP10 supports sustainable transport provision across the District, including walking and cycling routes. It is noted that the proposal seeks to incorporate a new access onto the development site and advice on this should be sought from the County Council Highways.

With regards to the detailed design of the scheme, regard should also be paid to Policy CP3, Policy CP16, the Design SPD (in particular Appendix B: Residential Development Guidelines including garden sizes), and the Parking Standards, Travel Plans and Development Contributions for Sustainable Transport SPD (2005) (contains parking standards).

As a residential development scheme the proposal may be CIL liable – advice on liability should be sought from the Planning Obligations Officer. 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 exemption from CIL be sought then a Unilateral Undertaking would be required to address impacts upon the Cannock Chase SAC in accordance with the Councils 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 in consultation with the relevant infrastructure provider.

Emerging Local Plan Considerations

The most recent Issues and Options consultation 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

¹ As per Affordable Housing Policy Update Note, reported to planning committee December 2018
<http://www.cannockchasedc.gov.uk/residents/planning/planning-policy/community-infrastructure-levy>

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.

In terms of the Districts' capacity to meet these growth options, the document outlines that there are a number of strategic development options to consider. These include 'Option A' which utilises the existing housing supply identified within the urban area (circa 3,200 dwellings) and then seeks to identify any additional sites or supply (e.g. via higher densities) to maximise the contribution made from development within the urban areas. Over and above this, the Council will need to consider additional capacity from the former Rugeley Power Station and then potentially Green Belt site options. It is therefore important to maximise the capacity of urban sites for residential developments.

Other key areas of updated evidence which are of relevance to this application include an updated Housing Needs Assessment (2019). The Housing Needs Assessment identified a continued need for affordable housing provision in the region of 110 dwellings per annum (circa 40% of overall minimum local housing need) for 2018-2036. This 50% affordable housing scheme would therefore help contribute to these needs.

Waste and Engineering Services

The minimum road/ access width requirement is 5m. Smaller widths may be considered if parking restrictions are to apply.

The minimum road / access width requirement is 5m. Smaller widths may be considered if parking restrictions are to apply.

Evidence has been received that a swept width analysis has been successfully carried out, using a 32 tonne refuse collection vehicle model (with a minimum length of 11.2m) to verify the road / access layout.

We have no further comments to make if the Highways Authority is comfortable with the design.

Economic Development

Are supportive of the application. It is great to see the creation of a large number of new build housing, with affordable housing equating to 50% of these.

Also mention of employment during the construction phase. We would like to reiterate that focus on local employment, particularly apprentices during construction is massively beneficial to the local economic growth, and is therefore something we would like to see more detail on. It would also be great to see a focus on working with

local suppliers and construction partners as much as possible, to increase the impact on the local business community.

Private Sector Housing

No comments received.

Property Services

No comments to make.

Strategic Housing

The site is currently underutilised and this housing development will make the best use of Council land and create an attractive environment. 22 units will be for Council housing, providing affordable homes for rent that are in high demand. 22 units will be for open market sale to create a mixed tenure, sustainable community.

Response to Publicity

The application was advertised by site notice and newspaper advertisement. No letters of representation have been received.

Relevant Planning History

CH/08/0279:	Relocation of existing smoking shelter. Full - Approval with Conditions
CH/11/0388:	Retention of nine 6m high poles with screen netting. Full - Approval with Conditions, 01/05/2012.
CH/89/0105	New Vehicular Access off Old Hednesford Road. C ReG 3- Approved Subject to Conditions. 03/29/1989.
CH/91/0762	New building forming offices and mess facilities. C ReG 3- Approved Subject to Conditions. 01/22/1992.
CH/93/0447	Extension to maintenance Bay. Full - Approval with Conditions. 10/27/1993.
CH/97/0550	Retention of compressor and dust extract unit. Full - Approval with Conditions 11/26/1997.
CH/98/0500	Change of use of building for storage. Full - Approval with Conditions. 10/07/1998
CH/99/0496	Proposed 3 metre high retaining wall. Full - Approval with Conditions. 10/20/1999

1 Site and Surroundings

- 1.1 The application site comprises the northern half of the Cannock Chase District Council Depot, off Hednesford Old Road, Cannock. The site is bounded to the north-west by the A460 Hednesford Old Road, to the south-east by the Rugeley-Cannock railway line and to the south west by the remaining part of the depot. In the main the site comprises of an area of hardstanding with some semi-natural vegetation along the periphery.
- 1.2 The railway to the south east is raised above the level of the application site. However, its embankment benefits from tree cover which provides a partial screen, especially during the summer months.
- 1.3 Similarly along the north eastern boundary there is a native hedge with scattered trees which, along with the roadside embankment acts as a screen to the site, at least from the highway.
- 1.4 The site is unallocated for any planning purpose and lies within the main urban area of Cannock. It is however designated as contaminated land and within a Mineral Conservation Area for coal and fireclay.
- 1.5 There is a bus route along the A460 served by the 25 and 60 bus services with bus stops just outside of the depot.

2 Proposal

- 2.1 The applicant is seeking permission for a residential development comprising 44 dwellings with a mix of 1, 2 and 3 bed houses. 22 of the dwellings (14 houses and 8 flats) proposed are proposed as affordable housing with the remaining 22 houses for market sale.
- 2.2 Access would be formed directly off the Old Hednesford Road which would lead to two cul-de-sacs. In total, 84 car parking spaces are proposed, 72 for the 36 houses and 12 for the 8 flats. It is further proposed that there would be an electric vehicle charging point for each house.
- 2.3 The houses proposed have a contemporary style incorporating brickwork and render under pitched concrete tile roofs.

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
 - CP5: - Social Inclusion and Healthy Living
 - CP6: - Housing Land
 - CP7: - Housing Choice
 - CP10:- Sustainable Transport
 - CP12:- Biodiversity and Geodiversity
 - CP13:- Cannock Chase Special Area of Conservation (SAC)
 - CP14:- Landscape Character and Cannock Chase AONB
 - CP16:- Climate Change and Sustainable Resource Use
- 3.4 **National Planning Policy Framework**
- 3.5 The NPPF (2018) 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 a presumption in favour of sustainable development' and sets out what this means for decision taking.
- 3.6 The NPPF (2018) 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.
- 3.7 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.
 - 54-59: Planning Conditions and Obligations.
 - 91, 96, 97: Open Space and Recreation.
 - 108-109: Promoting Sustainable Transport.
 - 117,118, 120: Making Effective Use of Land.
 - 124, 127, 128, 130: Achieving Well-Designed Places.

170, 175, 177, 179: Conserving and Enhancing the Natural Environment.

212, 213: Implementation.

3.8 Other relevant documents include: -

Design Supplementary Planning Document, April 2016.

Developer Contributions and Housing Choices Supplementary Planning Document (July 2015).

Cannock Chase Local Development Framework Parking Standards, Travel Plans and Developer Contributions for Sustainable Transport (2005).

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) Impact on nature conservation
- vi) Drainage and flood risk
- vii) Education
- viii) Air quality
- ix) Mineral safeguarding
- x) Crime and the fear of crime
- xi) 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 'previously developed 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 on the interface between a predominantly residential area to the west (across the A460) and a [predominantly industrial/ commercial area to the east (across the railway line).

4.2.5 The site is located on a bus route, with easy access to the bus stops serving the 25 (Cannock- Pye Green- Hednesford) service and the 60 (Cannock-Norton canes- Burntwood –Lichfield) service. In addition to this it is noted that the distances to the local schools are as follows: -

490m to Chadsmoor Cof E School,

1.38km to Cannock Chase High School*

1.17km to St Joseph's Catholic Primary School *

* indicates that part of the journey could be taken by bus along the A460.

4.2.6 As such the site has good access by public transport, walking and cycling to a range of goods and services to serve the day to day needs of the occupiers of the proposed development. The site is not located within either Flood Zone 2 or 3 and it is not designated as a statutory or non-statutory site for nature conservation nor is it located within a Conservation Area (CA) or affect a designated or undesignated heritage asset or their settings.

4.2.7 Local Plan (Part 1) Policy CP1 identifies that the urban areas of the District, will be the focus for the majority of new residential development. Therefore as an urban site located in a sustainable location, the development of the site for residential purposes is considered to meet the general strategy for the District as set out in Policy CP1 of the Local Plan and is therefore acceptable in principle. .

4.2.8 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 space about dwellings and landscape.
- 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 overall layout takes the form of a main access from Old Hednesford Road which splits into two cul-de-sacs sinuous spine road taken from Burntwood Road. This reflects the design of many of the estates built in the latter half of the twentieth century commonly found throughout the Chadsmoor and Hawks Green areas and as such is in keeping with the character of the area.
- 4.3.8 In general, taking into account the relationship and juxtaposition between different elevations, the layout meets and in some cases exceeds the guidance for space about dwellings set out in the Council's Design SPD giving an overall density of 49 dwellings per hectare.
- 4.3.9 In respect to the composition of the proposed house types it is noted that these are all two storey. In addition the proposal includes a mix of semi-detached, linked and two storey flats which have a contemporary design As such the which have proposed house types reflect the range of dwellings to be found in the wider Chadsmoor and Hawks Green area.
- 4.3.10 In terms of height the houses fall between 7-8.4m tall to the apex, depending on the house-type. These heights fall within the range of heights of dwellings found in the general area and are within the normal range generally found in modern housing. The applicant has submitted not only elevation drawings of the proposed dwellings but also CGI streetscene visuals.

- 4.3.11 A range of materials have been selected for the proposal which includes Ibstock Hardwicke Welbeck Red Mixture, Ibstock Apollo Staffordshire Smooth Red detail brick and Ibstock Minster Sandstone Mixture, Ibstock Staffordshire Slate Blue detail brick and white render. The proposed roof tiles are Russell Galloway Interlocking Concrete slate grey tiles. These materials have been checked and are considered suitable and in keeping with the character of the wider residential area, wherein can be found a wide palette of materials, including both red and sandy coloured bricks..
- 4.3.12 In respect to the landscaping of the site it is noted that although the Landscape Officer has identified a number of technical point which require resolution he has no objections to the proposal subject to the attached conditions.
- 4.3.13 As such it is concluded that the proposal, subject to the attached conditions, would be in accordance with Policy CP3 of the Local Plan and paragraph 127 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 and are not regulations. When applying such guidance consideration should be given to the angle of views, off-sets and changes in levels.

4.4.5 Officers can confirm that in general the proposal meets, and in some cases exceeds the guidance set out within the Design guide for space about dwellings.

4.4.6 Given the above it is considered that a high standard of residential amenity would be achieved for all existing and future occupiers of the development and the neighbouring properties and the proposal is considered acceptable in respect to the requirements of Policy CP3 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 order to inform the application the applicant has submitted a Transport Statement prepared by Jessup and a Stage 1 Road Safety Audit.

4.5.4 The County Highway Authority has no objections to the proposal subject to the attached conditions

4.5.5 It is considered that the proposal would not have an unacceptable impact on highway safety and that the residual cumulative impacts on the road network would not be severe. As such the proposal would be in accordance with Paragraph 109 of the NPPF.

4.6 Impact on Nature Conservation Interests

4.6.1 The site is comprised of semi-natural habitats including grassland, emergent heathland, scrub, flowing water and relic hedgerows and hence has some ecological value. 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.

4.6.2 Policy CP12 of the Local Plan states that the District's biodiversity and geodiversity assets will be protected, conserved and enhanced via

'the safeguarding from damaging development of ecological and geological sites, priority habitats and species and areas of importance for enhancing biodiversity, including appropriate buffer zones, according to their international, national and local status. Development will not be permitted where significant harm from development cannot be avoided, adequately mitigated or compensated for;

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.

4.6.3 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:

- a) protecting and enhancing valued landscapes, sites of biodiversity or geological value and soils (in a manner commensurate with their statutory status or identified quality in the development plan); [and]
- d) minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures;'

4.6.5 Paragraph 174 goes on to state: -

“When determining planning applications, local planning authorities should apply the following principles:

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 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.

4.6.6 In order to inform the application the applicant has submitted a Phase 1 Preliminary Ecological Appraisal (dated October 2019), which unsurprisingly concludes that the site has low to negligible ecological value. Given the

nature of the site as a former depot made up predominantly from hardstanding, officers concur with the report and its findings.

4.6.7 As such the proposal would not cause any harm to ecological interests. Indeed the proposal provides opportunity for enhancing the biodiversity on the site by creation of soft landscaped areas in the gardens of the dwellings, tree planting and the provision of bird boxes to some dwellings. Given that the bird boxes indicated to be used are not integral to the building fabric it is considered that a revised scheme should be submitted. This could be secured through the use of an appropriately worded condition. In addition it is also considered that a condition should be attached to any permission granted to ensure that fencing throughout the site enables the hedgehog the potential to move throughout the whole site for foraging purposes.

4.6.25 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. An Appropriate Assessment has been undertaken in accordance with the Habitats regulations which has identified that as the proposal would lead to a net increase in dwellings it would have an adverse impact on the integrity of the Cannock Chase SAC through increased visitor pressure and therefore and therefore there is a need to mitigate this adverse impact through a contributions towards managing that impact. Such mitigation would be in the form of a contribution towards the cost of works on the SAC and this would be provided through CIL.

4.6.26 Therefore subject to the attached conditions and informatives it is considered that the proposal is acceptable in respect of the requirement of Policy CP12 of the Local Plan and paragraphs 170, 174, 177, 179 of 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, and therefore is in the zone at least threat from flooding. Notwithstanding the Flood Zone in which the application site sits it is noted that an un-named ordinary watercourse runs along the northern boundary of the site which could potentially pose a risk of flooding to the proposed development.

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; and
- d) where possible, provide multifunctional benefits.

4.7.4 In this respect it is noted that the applicant has submitted

- (a) Drainage Plans
- (b) Micro-drainage calculations
- (c) Soakaway tests
- (d) An Impermeable Areas Plan
- (e) Maintenance Plan

4.7.5 Severn Trent Water Authority and the Lead Local Flood Authority (LLFA) have no objections to the proposal.

4.7.6 As such it is considered that the proposal is acceptable in respect to drainage and flood-risk.

4.8 Education

4.8.1 Policy CP2 states that all housing development will be required to contribute towards providing the infrastructure necessary for delivery of the Local Plan informed by viability assessment. It goes on to state that contributions will be secured primarily via (i) rates set out in a community Infrastructure Levy (CIL) charging schedule and (ii) Section 106 planning obligations.

4.8.2 In addition to the above paragraph 94 of the NPPF states: -

"It is important that a sufficient choice of school places is available to meet the needs of existing and new communities. Local Planning authorities should take a proactive, positive and collaborative

approach to meeting this requirement, and to development that will widen choice in education. They should:

- (a) give great weight to the need to create, expand or alter schools through the preparation of plans and decisions on applications; and
- (b) work with school promoters, delivery partners and statutory bodies to identify and resolve key planning issues before application are submitted.'

1.8.3 In this respect it is noted that the Education Authority has advised that having considered the impact on school places at Chadsmoor Community Infant and Nursery School, Chadsmoor CE (VC) Junior School and Cannock Chase High School it is projected that there will be a sufficient number of school places to mitigate the impact of this development at both primary and secondary phases of education.

1.8.4 Therefore no contribution is required in respect to education for this particular proposal

4.9 Air Quality

4.9.1 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.'

4.9.2 EPUK/IAQM guidance Land – Use planning & Development Control: Planning for Air Quality, January 2017 provides guidance to when an air quality

assessment is required. The document recommends initial screening criteria comprising of

A

10 or more residential units or a site area of more than 0.5ha

more than 1,000 m² of floor space for all other uses or a site area greater than 1ha

B. Coupled with any of the following:

the development has more than 10 parking spaces

the development will have a centralised energy facility or other centralised combustion process

4.9.3 However, it should be noted that Section 6.10 of the document states

“The criteria provided are precautionary and should be treated as indicative. They are intended to function as a sensitive ‘trigger’ for initiating an assessment in cases where there is a possibility of significant effects arising on local air quality. This possibility will, self-evidently, not be realised in many cases. The criteria should not be applied rigidly; in some instances, it may be appropriate to amend them on the basis of professional judgement, bearing in mind that the objective is to identify situations where there is a possibility of a significant effect on local air quality.”

4.9.4 It is also noted that for development of the type currently under assessment an air quality assessment is only need where there would be “a significant change in Light Duty Vehicle (LDV) traffic flows on local roads with relevant receptors. (LDV = cars and small vans <3.5t gross vehicle weight)” and that the threshold given is as follows: -

change of LDV flows of:

- more than 100 AADT within or adjacent to an AQMA
- more than 500 AADT elsewhere

4.9.5 As the application site is several kilometres from an Air Quality Management Area (these are along the A5 and at Five Ways Roundabout, Heath Hayes) the threshold of 500AADT would apply. Furthermore, it is clear from the Transport Statement that the traffic generation from the proposed 44 dwellings will be very modest when taking into account the previous use of the

site. As such it is concluded that there is no requirement for an Air Quality Assessment and no requirement for mitigation against air quality impacts.

4.9.6 Notwithstanding the above it is noted that it is proposed that all the new houses proposed would be fitted with electric vehicle charging points.

4.9.7 Therefore subject to the attached conditions it is considered that the proposal would be acceptable in respect of air quality and meet the requirements of Policy CP16 (Climate Change) and Paragraph 181 of the NPPF.

4.10 Mineral Safeguarding

4.10.1 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.

4.10.2 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.

4.10.3 In this particular case, the site is located within the middle of a built up area and therefore would not sterilise in itself any mineral deposits.

4.10.4 Therefore the proposal is considered acceptable in respect to mineral safeguarding.

4.11 Crime and the Fear of Crime

4.11.1 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'.

4.11.2 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.

4.11.3 In this respect the comments of the Police Service are noted and it is considered that the proposal is acceptable in respect to its design and its impact on crime prevention. In respect to the detailed comments received from the Police in respect to specifications for doors etc and "Secure by Design" accreditation it is considered that the appropriate way of dealing with these recommendation is to attach an informative to any permission granted bringing the developer's attention to the consultation response.

4.12 Waste and Recycling Facilities

4.12.1 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).

4.12.2 The Waste and Recycling Team have confirmed that the bin storage points shown are positioned in acceptable locations for access and that they are of a sufficient size to match the Council's collection regime and frequency. Furthermore the applicant has demonstrated that the layout could accommodate an 11.9m refuse vehicle.

4.12.2 As such the proposal is considered acceptable in respect to the requirements of Policy CP16(1) (e) of the Cannock Chase Local Plan

4.13.2 Ground Conditions and Contamination

4.13.1 The site is located in a general area in which coal mining has been a significant factor and where previous uses are likely to have resulted in ground contamination.

4.13.2 In this respect paragraph 170 of the NPPF states: -

“Planning policies and decisions should contribute to and enhance the natural and local environment by [amongst other things]:

- e) preventing new and existing development from contributing to, being put at unacceptable risk from, or being adversely affected by, unacceptable levels of soil, air, water or noise pollution or land instability. Development should, wherever possible, help to improve local environmental conditions such as air and water quality, taking into account relevant information such as river basin management plans; and
- f) remediating and mitigating despoiled, degraded, derelict, contaminated and unstable land, where appropriate.

4.13.3 In addition to the above paragraph 178 of the NPPF states: -

“Planning policies and decisions should ensure that:

- a) a site is suitable for its proposed use taking account of ground conditions and any risks arising from land instability and contamination. This includes risks arising from natural hazards or former activities such as mining, and any proposals for mitigation including land remediation (as well as potential impacts on the natural environment arising from that remediation);
- b) after remediation, as a minimum, land should not be capable of being determined as contaminated land under Part IIA of the Environmental Protection Act 1990; and
- c) adequate site investigation information, prepared by a competent person, is available to inform these assessments.”

4.13.4 Finally paragraph 179 of the NPPF makes it clear that where 'a site is affected by contamination or land stability issues, responsibility for securing a safe development rests with the developer and/or landowner'.

4.13.5 In order to inform the decision the applicant has submitted a Phase 1 Site Appraisal (including a Mining Report) and a Phase 2 Site Appraisal.

4.13.6 The Environmental Health Officer has stated that the conclusions of the reports are reasonable and has no objections to the proposal subject to conditions requiring

- (i) The developer in dealing with land contamination, to have regard to the submitted reports relating to the development site: Phase 1 Site Appraisal, Old Hednesford Road, Hawks Green, Cannock. Ref. B19205, dated September 2019. Authored by Patrick Parsons; and Phase 2 Site Appraisal, Old Hednesford Road, Hawks Green, Cannock. Ref. B19205, dated November 2019. Authored by Patrick Parsons.
- (ii) A ground gas monitoring programme.
- (iii) The submission of a Remediation Method Statement for approval prior to works detailing the exact manner in which mitigation works are to be carried out and subsequent validation
- (iv) The means of dealing with unexpected contamination.
- (v) Submission of validation documentation.

4.13.7 It is therefore considered that subject to the attached conditions the proposal is acceptable in respect to the requirements of paragraphs 170 and 178 and of the National Planning Policy Framework.

4.14 Affordable Housing

4.14.1 Policy CP2 of the Local Plan states that 'all housing development will be required to contribute towards providing affordable housing and/ or infrastructure necessary for the delivery of the Local plan informed by viability assessment'. This is expanded upon within the Developer Contributions and Housing Choices Supplementary Planning Document (July 2015) which states: -

"It is the Council's intention:

- To seek 20% affordable housing on commercial house builder sites of 15 or more dwellings, subject to viability of individual sites."

4.14.2 The SPD goes on to state that the "Council will expect 80% of the 20% affordable housing requirement to be social rented housing and the remaining 20% to be intermediate housing" and that the preferred housing mix would be

1bed = 10%
 2bed = 60%
 3bed = 25%

4bed = 5%

- 4.14.3 The proposed development is for 44 dwellings with a mix of 1, 2 and 3 bed houses. 22 of the dwellings (14 houses and 8 flats) proposed would be affordable housing with the remaining 22 houses for market sale.
- 4.14.4 The Strategic Housing Officer has confirmed that the 22 units of affordable housing will be for Council Housing, providing affordable housing for rent that are in high demand and that 22 units would be for open market sale to create a mixed tenure, sustainable community
- 4.14.5 Therefore although the proposal does not exactly meet the guidance contained within the SPD in respect to the split between social rent/intermediate it is considered that this is outweighed by the fact that the proposal substantially exceeds the % of affordable units set out in guidance (that is 50% rather than 20%) and the fact that the 100% provision of affordable units for Council rent weighs substantially in favour of the proposal.
- 4.14.6 The above affordable housing provision would normally be secured by a section 106 agreement. However, a Local Planning Authority cannot enter such an agreement with itself. As such, given the particulars of this case, it is recommended that the provision of affordable housing is secured through an appropriately worded condition.
- 4.14.7 As such it is considered that, on balance and subject to the attached condition, the proposal is acceptable in respect of its affordable housing provision.

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.

- 5.3 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

6 Conclusion

- 6.1 Full planning permission is sought for 44 dwellings.
- 6.2 The application site comprises the northern half of the Cannock Chase District Council Depot, off Hednesford Old Road, Cannock.
- 6.3 The site is unallocated for any planning purpose and lies within the main urban area of Cannock. It is however designated as contaminated land and within a Mineral Conservation Area for coal and fireclay.
- 6.4 There is a bus route along the A460 served by the 25 and 60 bus services with bus stops just outside of the depot.
- 6.5 The applicant is seeking permission for a residential development comprising 44 dwellings with a mix of 1, 2 and 3 bed houses. 22 of the dwellings (14 houses and 68 flats) proposed are proposed as affordable housing with the remaining 22 houses for market sale.
- 6.6 Access would be formed directly off the Old Hednesford Road which would lead to two cul-de-sacs.
- 6.7 In respect to the principle of the proposal it is noted that the site is on the interface between a predominantly residential area to the west (across the A460) and a predominantly industrial/ commercial area to the east (across the railway line).

- 6.8 Local Plan (Part 1) Policy CP1 identifies that the urban areas of the District, will be the focus for the majority of new residential development. Therefore as an urban site located in a sustainable location, the development of the site for residential purposes is considered to meet the general strategy for the District as set out in Policy CP1 of the Local Plan and is therefore acceptable in principle. .
- 6.9 In respect to issues such as impacts on the character and form of the area, the standard of residential amenity, highway safety and capacity, ecology, crime and crime prevention, mineral safe guarding and land stability, affordable housing and education the proposal is considered to be acceptable.
- 6.10 Therefore it is recommended that the application be **Approved** subject to the attached conditions.

