

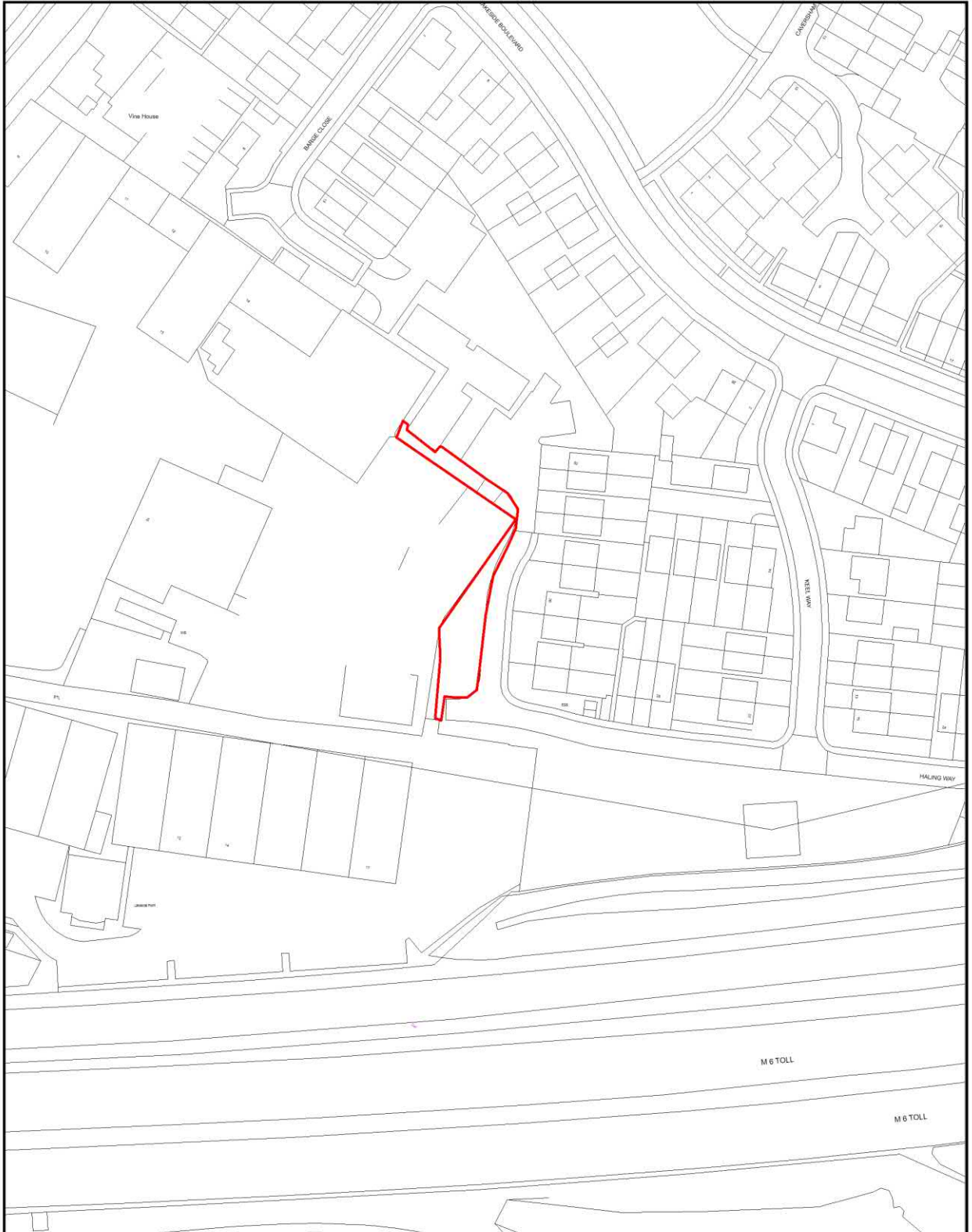


**Application No:** CH/20/090

**Location:** Land off Haling Way, Cannock, WS11 0FB

**Proposal:** Full application for a 4m High Heatshield Fence to replace existing 2m High wooden acoustic fence along the boundary of Haling Way/Axil Integrated Services & removal of 2 No. Parking spaces

ENCLOSURE 6.1



# Location Plan

ENCLOSURE 6.2



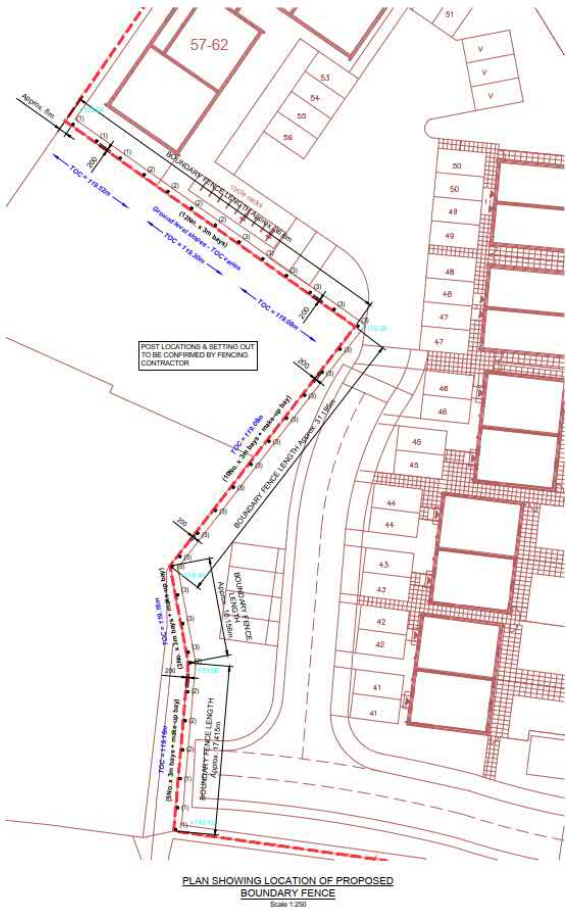
The information on this plan is for general information only. It is not intended to be used as a basis for any legal or financial transaction. The information on this plan is for general information only. It is not intended to be used as a basis for any legal or financial transaction.

Client	NAME
Address	GALLOPSTRY
Project	LAURENCE PARK, GARDENS
Scale	LOCAL PLAN

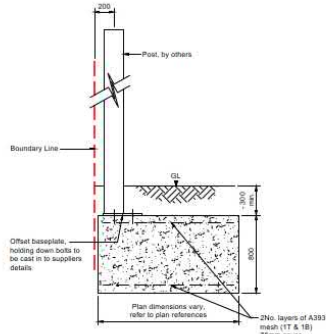
CU	REV	AD	1	1000	MAR 2025
05/10				05/10	03

**CORSTORPHINE + WRIGHT ARCHITECTS**  
 Name & Location  
 Director  
 Lead  
 Consultant  
 Manager  
 02081 00880 www.corstorphinewright.com

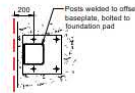
ALL DIMENSIONS TO BE CHECKED BY CONTRACTOR



PLAN SHOWING LOCATION OF PROPOSED BOUNDARY FENCE  
Scale 1:250



TYPICAL SECTION THROUGH BASE AND POST  
Scale 1:25



TYPICAL PLAN ON BASE PLATE  
Scale 1:25

BASE TYPE (1) = 2500x1500x800mm  
BASE TYPE (2) = 2000x1500x800mm  
BASE TYPE (3) = 1600x1400x800mm

**NOTES:**

- DO NOT SCALE.
- This drawing is to be read in conjunction with all other relevant drawings.
- Should there be any conflict between the details indicated on this drawing and those indicated on other drawings, the engineer should be informed PRIOR to construction on site.
- Until technical approval has been obtained from the relevant authority, it should be understood that all drawings issued are Preliminary and not for Construction. Should the contractor commence site work prior to approval being given, it is entirely at his own risk.
- All dimensions are in millimetres UNL.D.

REV	Final Issue	DATE	12.07.2019
REV	AMENDMENT	BY	DATE
PROJECT EXECUTION CLASS: N/A			
PRELIMINARY			
<b>COUCH</b> Consulting Engineers Civil & Structural			
The Old Forge, Priors London Road, Canons SITS 45P Surrey, GU24 4JD Tel: 01753 601700 www.couch.co.uk		14-16 St. Nicholas 18 Innovation Way Surrey, GU24 4BP Tel: 01483 493246 www.couch.co.uk	
CLIENT <b>GALLIFORD TRY</b>			
PROJECT <b>LAKESSIDE DEVELOPMENT</b>			
DRAWING TITLE <b>PROPOSED BOUNDARY FENCE</b>			
DESIGN	SCALE	DATE	ISSUED
A2	As Shown	July 2019	DF
DESIGNED	DATE	ISSUED	DATE
ES828	SK001	DCC	PO

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<b>Contact Officer:</b>	Richard Sunter
<b>Telephone No:</b>	01543 464481

<b>Application No:</b>	CH/20/090
<b>Received:</b>	04-Mar-2020

<b>PLANNING CONTROL COMMITTEE</b>	
<b>Location:</b>	Land off Haling Way, Cannock, WS11 OFB
<b>Parish:</b>	Bridgtown
<b>Description:</b>	Full application for a 4m High Heatshield Fence to replace existing 2m High wooden acoustic fence along the boundary of Haling Way/Axil Integrated Services & removal of 2 No. Parking spaces.
<b>Application Type:</b>	Full Planning Application

<b>RECOMMENDATION:</b>	
Approve subject to conditions	

<b>Reason(s) for Recommendation:</b>	
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.	

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

2. No dwellings at Plots 57-62 and plots 41 -50 as shown on Drawing Number 18670/SK200 Rev 04 shall be occupied until that dwelling has been fitted with acoustic ventilation units to the standard specified in Table 8 of the Lakeside Boulevard Removal of Acoustic Fence Noise Impact Assessment, prepared by PDA, referenced J002779/4164/3/TD and dated 2<sup>nd</sup> March 2020. The ventilation units fitted shall thereafter be retained and maintained for the lifetime of the development.

**Reason**

In the interest of ensuring that the occupiers of those properties have a high standard of amenity in accordance with Policy CP3 of the Cannock Chase Local Plan and paragraph 127(f) of the National Planning Policy Framework.

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

18670/SK150                      Location Plan  
 18670/SK200 Rev04 Heatshield Fence External Works Plan  
 ES828/SK001 RevP0 Proposed Boundary Fence

**Reason**

For the avoidance of doubt as to what hereby is permitted.

**Notes to Developer:**

**Consultations and Publicity**

**External Consultations**

Bridgtown Parish Council

No comments received.

HSE Planning Application Advice

This application does not fall within any HSE consultation zones. Therefore there is no need to consult HSE on this planning application and HSE has no comment to make.

Fire Safety Officer

I refer to your recent planning application, CH/20/090. I confirm that The Staffordshire Commissioner Fire and Rescue Authority has no objection to the application and will not be making any representation.

### County Highway

There are no objections on highway grounds to this proposal.

Site Visit Carried Out on 12/03/2020

There is currently no SCC accident data records for this location.

The proposal is for the replacement of a 2m high wooden fence with a 4m high heatshield fence. The fence is to be erected on Haling Way which currently is an unadopted road within a new development.

Haling Way (part) is however under a Section 38 Agreement and therefore it is expected that it will become adopted highway maintainable at public expense (HMPE) at some point. The parking and cycle rack area does not form part of the Section 38 Agreement and therefore will not become HMPE.

It is noted that two parking spaces are to be removed and replaced with planting. The parking spaces as detailed on the submitted plans show 2 x spaces per house and 1 x space per apartment with 3 visitor spaces. Current Cannock Chase District Parking Standards state 2 and 3 bedroom dwellings 2 spaces per dwelling and for communal parking with 1 & 2 bedroom dwellings 1.5 spaces.

Given, the proposed fence is to be sited outside of the highway boundary, as detailed on the Section 38 Adoption plans and the Parking Standards are still met despite the loss of 2 parking spaces, it is considered that the proposal will not cause a severe impact on the local highway network or a significant safety issue therefore I have no objection to this application. (application number CH/20/090).

### Environment Agency

The Environment Agency has no objections to the proposed development, as submitted.

The replacement of the wooden fence with a higher metallic one should be beneficial in being more difficult for projectiles to cross. The fire service / HSE should be consulted on the acceptability of the risk to/ from residential property at such close proximity to storage of chemicals/ flammables on the Axil site.

### **Internal Consultations**

#### Environmental Health

I have reviewed the application, including the plans, supporting information and Noise Impact Assessment prepared by PDA Acoustic Consultants, dated 2<sup>nd</sup> March

2020, in relation to the proposal to replace the existing close-boarded timber acoustic fence with a Heatshield barrier along the boundary of the Axil Integrated Servies (formerly Augean) waste site and would make the following comments.

The proposal is to replace the close-boarded timber acoustic fence, which represents a fire risk, with a Heatshield barrier designed to improve the degree of fire protection between the Axil Intergrated Services site and the adjacent residential properties.

The current Noise Assessment, submitted in support of the application, seeks to demonstrate that the noise climate of the area would not be significantly affected by the removal of the acoustic fence, enabling it to be replaced by a Heatshield barrier, which has no significant sound attenuating capacity.

The methodology and findings of the Assesment have been compared with those produced by previous noise consultants involved with the earlier applications in respect of the residential development.

It makes reference to WHO guidelines and BS:8233 in its consideration of the impacts of daytime and potential night time noise emanating from the Axil site, were the Company to reinstate night time working.

I am satisfied that the Assessment has addressed the potential impact of the noise from activities on the residential amenity of the properties adjacent to the Axil site and acknowledge the findings in relation to both the daytime and night time periods.

It is evident from the assesment that during the daytime the predominant source of noise is that from the A460 and M6Toll to the South of the site. The noise from the Axil site during this period is mitigated by the internal layout of the properties and the orientation of the garden amenity areas such that they are screened by the houses themselves.

The predicted noise levels at night from potential activity on the Axil site are drawn from the earlier noise consultants report (Royal Haskoning DHV) and are considered to represent a reasonable assessment of the nature and frequency of night time work activity.

The Assessment notes that during the night time period the internal noise levels within bedrooms of specified flats (plots 57-62) and houses (41-50) would potentially exceed the acceptable criteria indicated in BS:8233 and the WHO guidelines. It advocates the installation of upgraded acoustic ventilation units to a specified standard as a means of reducing the noise levels internally to ensure that they fall within the acceptable criteria. I am satisfied that this is an appropriate acoustic measure and, if implemented, would mitigate the potential impact of the removal of the close-boarded timber fence.



I would therefore recommend that a condition is imposed requiring the upgrading of the acoustic ventilation units serving plots 57-62 and plots 41 -50 to the standard specified in Table 8 of the PDA Assessment report J002779/4164/3/TD dated 2<sup>nd</sup> March 2020.

The details of the Heatshield barrier, as supplied, are noted, including the proposed design, general information and overview of the product range. I am, however, concerned that the information is limited, notwithstanding the fact that its extensive use in the oil, gas and petrochemical industries suggests that it is effective in shielding personnel and equipment from radiant heat.

This is a specialised field and I would therefore expect other agencies, notably the Fire Service, Env Agency and HSE to provide more expert comment on the merits of the product and its intended use. In particular, whether the Heatshield Barrier would dissipate or contain radiant heat and how this would affect any material within the contained site – assuming the fire arose on the AIS side. Similarly, it is unclear whether the barrier would be equally effective in preventing radiant heat from a fire originating in the residential estate from impacting on the stored flammable products in the AIS site.

With regard to the issue of the release/discharge of hazardous and/or toxic products during an incident at the site, it is understood that enquiries have discounted the option of detectors and public warning systems to alert the residents of the nearby residential properties and it is considered unlikely that the installation of the Heatshield Barrier would have any mitigating effect on such products. It is, however, understood that this is a well managed site regulated by the Environment Agency and, whilst the risk of an incident will remain, the likelihood of such occurrence is more limited.

Again this is a specialist field and it is anticipated that the Fire Service, Environment [sic] Agency and Health and Safety Executive would be best placed to offer expert comment on the matter.

### **Response to Publicity**

The application was advertised by site notice and neighbour letter. One letter of representation has been received from Axil Integrated Services making the following comments: -

“In response to your letter dated 6 March and having viewed the available documents in support of this proposal, we, Axil Integrated Services Limited, would like to draw the following points to the Council's attention:

- We do not support housing on the site (permitted under planning application reference CH/130323) in close proximity to our own

property and have maintained that position since any housing proposals have been put forward on the Site.

- We are surprised to note that a statement in support of the Proposal has not been submitted. Please note that we reserve the right to make further representations in the event that such a statement is provided at a later date.
- Inadequacy of information supporting the Proposal. Whilst a Noise Impact Assessment has been provided (on which we do not have any comment to make) the Proposal (as with the previous application reference CH/19/300) is accompanied by limited and inadequate technical information for any consultees, including ourselves, Staffordshire Fire & Rescue Service and relevant Council officers, to be able to make an informed assessment as to the appropriateness of the proposed heatshield fence. Based on the stated purposes of the proposed heatshield fence, we can understand in principle the function of the proposal as a form of mitigation against thermal risks posed by fire. However, no technical assessment can be made and we are concerned that the Proposal fails to acknowledge or address the potential for the proposed heatshield fence to increase the risk of explosion and/or toxic gas emissions as by product of combustion resultant from containment of heat. We cannot offer a view on the suitability or otherwise of the proposal.”

#### Further Representations by Axil Integrated Services (Received 15<sup>th</sup> April 2020)

“Further to my email below and to your letter dated 31 March, please see the attached letter and report from Hudson Consultants Ltd. For completeness, also attached is a copy of the report that was submitted in respect of the original application for residential development.

[For the purposes of clarity officers confirm that the attachments within the email submission included: - a letter from Hudson Consultants, dated 14<sup>th</sup> April 2020, The Hudson Report, dated 7<sup>th</sup> November 2016 and Axil Cannock Toxic Effects Technical Note V1.0 Issue1.

The letter from Hudson Consultants, dated 14<sup>th</sup> April 2020, is attached at Appendix 1 of this report.

The Axil Cannock Toxic Effects Technical Note V1.0 Issue1 is attached at Appendix 2.”

The Hudson Report, dated 7<sup>th</sup> November 2016, is available on the Council's website.]

### **Relevant Planning History**

An application, reference CH/13/0323 for "Residential Development: Erection of 111 dwellings, public house/ restaurant" was granted outline approval on 03/29/2016, subject to a schedule of conditions including Condition 14 which stated: -

"Details of the design, siting and specification of the acoustic barrier which shall be in accordance with current British Standards for structural performance and durability shall be submitted to the Local Planning Authority prior to the commencement of the development.

Thereafter, the approved details shall be completed before any of the dwellings is occupied and retained for the life of the development.

Reason

To ensure a satisfactory standard of residential environment and to ensure compliance with the Local Plan Policy CP3 - Chase Shaping, Design and the NPPF."

Subsequently an application for the approval of reserved matters, reference CH/16/124, was approved on 07/23/2018, followed by a range of applications for the discharge of conditions on both the reserved matters and the outline approvals.

### **1 Site and Surroundings**

- 1.1 The application site is an irregular area of land at the western boundary of a residential development called Chenet Chase, but also known as Lakeside Boulevard at Bridgtown. The site encompasses the boundary between the residential estate and Axil Integrated Services (formerly known as Augean), which comprises a concrete fence and wooden acoustic fence. The application site also includes an area of amenity grassland and part of the parking, turning and circulation area servicing the recently erected properties at Haling Way.
- 1.2 The residential estate was constructed under planning permission CH/13/0323 and CH/16/124 described in the previous section of this report. The part of the estate nearest to the Axil site is predominantly comprised of affordable housing units.
- 1.3 Axil Integrated Services operates Cannock Waste Transfer Station out of Unit 15, Cannock Industrial Centre, Walkmill Lane. Axil Integrated Services

advertises the Cannock Waste Transfer Station as being fully permitted by the Environment Agency, allowing them to accept a variety of waste streams safely and compliantly and that they apply the waste hierarchy to waste and segregate all refuse into either recyclable materials or waste suitable for energy recovery wherever possible.

- 1.4 The Cannock Waste Transfer Station handles hazardous waste which can contain dangerous substances which could be flammable toxic, corrosive, carcinogenic or ecotoxic. This waste is stored, at least in part, in an outside compound which abuts the boundary with the Chenet Chase estate.
- 1.5 The application site is unallocated and undesignated for any planning purpose in e Cannock Chase Local Plan

## **2 Proposal**

- 2.1 The applicant is seeking full planning permission for a 4m high heatshield fence to replace the existing 2m High wooden acoustic fence along the boundary of Haling Way/ Axil Integrated Services & removal of 2 No.Parking spaces.
- 2.2 The application has been submitted as part of a package of non statutory measures that have been put forward by Walsall Housing Group in response to technical evidence submitted to the Council in July 2017 by Augean in the form of the Hudson Consultancy Report that identified additional risks associated with fire and the release of toxic gas which could impact on residents of the new dwellings.
- 2.3 Following receipt of the Hudson Report a stakeholder group was convened by the Council to examine the risk issues further and this consisted of Walsall Housing Group, Augean/ Axil, Staffordshire Fire and Rescue Service, Galliford Try, Environment Agency and Cannock Chase Council Planning and Environmental Health services. The Health and Safety Executive declined to be involved despite numerous requests. Walsall Housing Group took the decision not to tenant the 48 vacant dwellings until the risk issues were more clearly understood and Cannock Chase Council decided not to make any nominations for the same reasons.
- 2.4 Subsequently a number of meetings have been undertaken with stakeholders which led to the commission of a substantial body of technical evidence on risk and risk mitigations. The evidence produced was as follows:
  - Hudson Consultants Ltd (Axil Integrated Services)
  - Deputy Chief Fire Officers report [V5] (Staffordshire Fire and Rescue Service)

C.S Todd and Associates (Walsall Housing Group)

· AECOM Report (Walsall Housing Group)

· McPhelan Fire Consultancy Report (Galliford Try)

2.5 There has been substantial dialogue involving all stakeholders. Technical experts have presented their assessments and potential risk mitigations to the stakeholder group. Following completion of the technical evidence, the point was reached by the end of February 2019 where Walsall Housing Group needed to take a formal decision as to whether or not the dwellings were going to be occupied; and based on this judgement, whether Cannock Chase Council were going to nominate individuals to occupy the dwellings.

2.6 In considering the risk issues associated with residential dwellings adjacent to the perimeter of Axil Integrated Services, regard was had to the framework that governs and manages risk and that there are already a number of substantial statutory safeguards in place to manage and mitigate fire risk and the risk of a toxic gas release from the Axil Integrated Services (Axil IS) site.

2.7 Regard was also had that the primary safeguard is that the Axil site is permitted and regulated by the Environment Agency. There have been no compliance issues in terms of breaches of approved permit. The regulator has no concerns about the competence of Axil IS and its predecessor company Augean. Furthermore, under health and safety legislation, Axil IS also has statutory duties to maintain a safe working environment and to have up to date fire risk assessment that has regard to any changing circumstances such as housing on its perimeter. This statutory obligation has led to the production of a revised Fire Risk Assessment by Rhino Fire Control in November 2017 for Augean / Axil IS.

2.8 In response to the above additional non statutory risk mitigations have been identified which Walsall Housing Group has confirmed will be implemented subject to planning consent. These are: -

1. 4m high Heatshield along the entire boundary with Axil Integrated Services.
2. The fitting of water sprinklers to plots 51-68 (apartment block) and plots 40-50 (houses) on the Axil boundary perimeter.
3. The removal of two car parking spaces along the boundary with Axil to reduce fire risk.
4. The installation of gated access to the apartment block to reduce fire risk on the Axil boundary.
5. That a Quarterly review meeting is held with all key stakeholders on an ongoing basis to review and monitor risk issues and take any appropriate actions for further risk mitigation.

- 2.9 The current application seeks permission for the items (1) heatshield and (3) removal of car parking spaces to enable the Council to make nominations to the affordable housing units.
- 2.10 In response to the comments made by Axil Integrated Services the applicant has submitted a letter, dated 30 March 2020 from Locker Heatshielding Limited which is the supplier of the proposed heatshield. In this they have stated, amongst other things: -

“Locker Heatshielding Limited is a wholly owned subsidiary of the Locker Group Limited based in Warrington in the United Kingdom. The Company has been at the forefront of development of applications for woven wire mesh-based products and is an acknowledged industry leader, with the first Radiant Heat Shield being developed by Locker for The Claymore platform in the Forties field and installed in 1976.

With hundreds of installations worldwide and more than 120,000 of heat and wind shields supplied to date, they are the recognized method of protecting personnel and equipment from the effects of adverse weather and Thermally Radiated Heat produced from onshore and offshore applications.

The proposed Mini ES shield is a fabricated box section frame with a single layer of woven wire mesh welded to the front face which will be positioned facing the potential radiant heat source.

The Locker Heatshields have undergone extensive testing at independent N.A.M.A.S. approved laboratories and with a front face radiant heat of 20kW/m<sup>2</sup> and 30kW/m<sup>2</sup> the resultant radiant heat reduction recorded at a distance of 150mm behind the Heatshield was 83 and 84% respectively.

It has been stated that in the event for a fire at the adjacent Axil hazardous waste disposal site from the IBC storage, the radiant heat has been calculated as 24kW/m<sup>2</sup> therefore based on the Locker Heatshielding test data the radiant heat will be reduced to 4.1kW/m<sup>2</sup> at 150mm, 2.4kW/m<sup>2</sup> at 600mm and 1.44kW/m<sup>2</sup> at a distance of 1200mm behind the Heatshield therefore it can be seen that the radiant heat level is reduced to below the recommended level of 1.58kW/m<sup>2</sup> for continuous exposure.

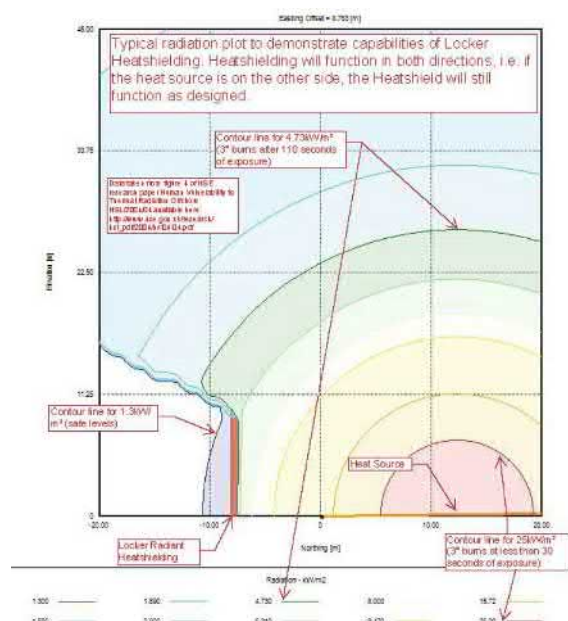
As the Radiant Heatshields is an industrial product it is also our recommendation that a single layer of “ImagePerf” is attached to the rear of the frames to add a more aesthetically pleasing appearance than the standard Heatshield face and the image below show what can be achieved.



As well as providing a more aesthetic look to the fence we will also size the hole patterns in such a way that the perforated plate also provides additional radiant heat reduction from the potential heat source.

#### Existing fence replacement

The proposed Heatshield wall will be a replacement of the existing acoustic perimeter wooden fence which is currently installed adjacent to a 2m high concrete panel fence and will be positioned along the same perimeter line, although the proposed Heatshield wall is approximately 1.5m higher than the existing wooden fence the Heatshield is designed to dissipate the radiant heat on either side of the Heatshield through, up and over the top of the wall and is not designed as a containment wall. As such, there will not be any significant increase in heat energy being reflected back towards the Axil site or the housing development.



### Additional Protection to Existing Axil Site

In addition to offering greater protection to the housing development, the introduction of the 4m High wall will conversely also offer the same level of protection to the Axil site from the effects of radiant heat emanating from a potential housing fire on the rear of the fence and as such will provide greater protection to the Axil's site and therefore staff than currently exists.

### Support Structure

The Heatshield wall is constructed in 3m wide sections which will be supported by 200mm SHS (or similar) sections with a mounting flange plate which is bolted back to the cast in anchors as shown in our provisional drawing LRHS-19-2194-001 Sheet 1 opposite.

The support structure has been designed and verified by our engineers to accommodate both the weight of the panels and the associated wind loads. The structural integrity of the proposed Heatshield fence is to be independently verified by a structural engineer that is not linked to Locker Heatshielding Limited.

### Wind Load

The standard Mini ES Heatshield has an open area of 34%, however for calculation purposes the wind load is always based on a solid wall. The Mini ES shield has been wind load tested to 101mph over a span of 4m and have been proof load tested up to 8.2kN/m<sup>2</sup> and based on a panel 3m x 2m the maximum wind load acting on the panel based on a wind speed of 45m/s (100mph) will be 1.67kN/m<sup>2</sup>."

## **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 |
| CP3: | Design   |



CP5: Social Inclusion and Healthy  
 CP14: Landscape Character and Cannock Chase Area of  
 Outstanding Natural Beauty (AONB)

### 3.4 National Planning Policy Framework

3.5 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 a presumption in favour of sustainable development' and sets out what this means for decision taking.

3.6 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.

3.7 Relevant paragraphs within the NPPF include paragraphs: -

8:	Three dimensions of Sustainable Development.
11-112:	The Presumption in favour of Sustainable Development.
47-50:	Determining Applications.
54-59:	Planning Conditions and Obligations.
108-109:	Promoting Sustainable Transport.
124, 127, 128, 130:	Achieving Well-Designed Places.
170, 175, 177, 179:	Conserving and Enhancing the Natural Environment.
212, 213:	Implementation.

### Other Relevant Documents

3.8 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 (2005).

Manual for Streets.

Report to Cabinet, 13<sup>th</sup> June 2019

Cannock Chase SAC Guidance 2017.

## 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) Design and impact on Health and Safety
- iv) Impact on residential amenity.
- v) Impact on highway safety.
- vi) Impact on nature conservation
- vii) Drainage and flood risk.
- viii) Mineral safeguarding.

### 4.2 Principle of Development

4.2.1 The National Planning Policy Framework (NPPF 2019, para 11) states that Plans and decisions should apply a presumption in favour of sustainable development. It goes on to say that development proposals that accord with an up to date development plan should be approved without delay, adding

“where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:

- i. the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or
- ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.”

4.2.2 Paragraph 12 of the NPPF goes on to state

“The presumption in favour of sustainable development does not change the statutory status of the development plan as the starting point for decision making. Where a planning application conflicts with an up-to-date development plan (including any neighbourhood plans that form part of the development plan), permission should not usually be granted. Local planning authorities may take decisions that depart from an up-to-date development plan, but only if material considerations in a particular case indicate that the plan should not be followed.”

4.2.3 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 which is not subject to any restrictive planning policies, designations or allocations it is considered that the proposal would meet the general strategy for the District as set out in Policy CP1 of the Local Plan and is therefore acceptable in principle.

4.2.4 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 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 there are two elements of the proposal, namely

- (i) the provision of a a 4m High Heatshield Fence to replace the existing 2m High wooden acoustic fence along the boundary of Haling Way/Axil Integrated Services &
- (ii) removal of 2 No.Parking spaces.

4.3.6 The removal of the parking spaces is a minor alteration and would have no significant impact on the character of the area.

4.3.7 However, the heat shield fence would be comprised of a metal tight mesh fence, 4m in height running along just outside of the boundary shared with Axil. It is therefore certainly not the type of boundary treatment that is normally found, or approved, in residential estates, which is predominantly comprised of wooden fencing or walls up to 2m in height. As such a fence of this type would not normally be considered to be particularly well-related to a residential context by virtue of its scale appearance and materials.

4.3.8 Notwithstanding the above it should be noted that the current outlook towards the Axil Integrated Services premises from Haling Way is not particularly attractive, and is wholly industrial in character being formed, when not screened by the recently erected acoustic fence a concrete fence beyond which is an open yard in which chemicals are stored and beyond which in turn is a set of industrial buildings, constructed of a mix of cement fibre and brick.

4.3.9 The fence would help to screen this view and would be located on the interface of an wholly residential area and a wholly industrial area. Furthermore, it is proposed that a single layer of “ImagePerf” is attached to the rear of the frames to add a more aesthetically pleasing appearance than the standard Heatshield face. As such it is considered that, on balance, the impact of the proposal on the character of the area would acceptable in this context.

#### 4.4 Design and Impact on Health and Safety and Axil Integrated Services

4.4.1 The proposed heatshield fence has, like any other form of barrier, the potential to have impacts on the activities of Axil Integrated Services and any outbreak of fire on the premises.

4.4.2 In this respect it is noted that paragraph 180 of the NPPF states: -

“Planning policies and decisions should also ensure that new development is appropriate for its location taking into account the likely effects (including cumulative 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 they should:

- 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; .....

and paragraph 182 goes on to state: -

“Planning policies and decisions should ensure that new development can be integrated effectively with existing businesses and community facilities (such as places of worship, pubs, music venues and sports clubs). Existing businesses and facilities should not have unreasonable restrictions placed on them as a result of development permitted after they were established. Where the operation of an existing business or community facility could have a significant adverse effect on new development (including changes of use) in its vicinity, the applicant (or ‘agent of change’) should be required to provide suitable mitigation before the development has been completed.”

4.4.3 Axil have made comments in respect to the “inadequacy of information” supporting the application is noted. However, the applicant has submitted

additional technical information from Locker Heatshielding Limited which states: -

“the Heatshield is designed to dissipate the radiant heat on either side of the Heatshield through, up and over the top of the wall and is not designed as a containment wall. As such, there will not be any significant increase in heat energy being reflected back towards the Axil site or the housing development.”

4.4.4 The new technical information submitted has been sent to the Environment Agency, Environmental Health and Staffordshire Fire and Rescue Service, in addition to Axil Integrated Services. No objections have been received from the Environment Agency, Environmental Health and Staffordshire Fire and Rescue Service.

4.4.5 Axil Integrated Services in the letter from Hudson Consultants have stated: -

“The proposed solution to protect off site personnel from a fire is likely to be effective (based upon my limited experience of this equipment within industry) albeit the use of this equipment within a residential setting is thought to be unknown and therefore may require further assessment. However, the greater residual concern is the potential for a toxic gas release from the site. The proposed Heatshield fence is unlikely to provide mitigation for this type of event.

Therefore, it was requested that consequence modelling is accrued to assess the potential impact of a representative toxic gas release to people who live (or will live as some of the dwellings are currently unoccupied) on the adjacent off-site housing development.”

4.4.6 In addition to the above Officers have commissioned an independent review, from Tenos (independent fire safety engineering consultants) into the impact of the heatshield in respect to its potential for radiating heat back into the Axil site.

4.4.7 The full Tenos report (reference TS200286-R01-ISSUE01) is available on Public Access. The executive summary of the report states: -

“A heatshield fence is to be installed at the boundary between Axil Integrated Services and the new housing development in Cannock to mitigate the risk of the fire at the Axil site to property and life within the new housing development. The heatshield fence will be 4m high and constructed using a Mini ES system by Locker Heatshielding Ltd.

Axil Integrated Services has raised concerns regarding the impact of the proposed heatshield fence on the safety of Axil's site, primarily concerning reflecting radiant heat from fire back towards the site, thus increasing the risk to life and property.

This assessment is concerned only with the impact of the proposed heatshield fence on the operations at Axil site; it does not consider fire safety requirements for the Cannock Council housing development.

To determine the impact on safety at Axil's site, two fire scenarios involving two flammable fuels were modelled. The design fires were based on the findings of Hudson Consultants' report dated 7/11/2016.

Scenarios:

- Scenario 1 - fire contained to bay 7,
- Scenario 2 - fire in reception bay spilling to the yard.

Fuel types:

- Benzene,
- Ethanol.

The results suggest that the proposed fence will have no detrimental effect on the safety at Axil site.

The maximum increase in the radiant heat flux due to the heatshield wall was approximately 20%, and this only arose for the least onerous fire scenario (ethanol), at far-field locations. For the more onerous fires (benzene), the proposed shield generated less than a 6% increase in radiant heat flux.

The low impact of the proposed heatshield fence on the Axil site reflects the limited protection that the heatshield fence provides to the housing development. The height of flames calculated in this analysis were an order of magnitude higher than the proposed fence. During a large fire of extremely flammable substances stored onsite, the fence offers little to no additional protection, as the 4m high fence does not significantly obstruct the line of sight between the flames and the housing development.

Based on our analysis, in the most critical fire scenario (a benzene pool fire spilling to the yard), the reduction of the radiant heat flux received by the housing development would be approximately 1% lower than

without the heatshield. The impact of the shield would be greater for smaller fires where the flame height does not significantly exceed the wall height.

It is important to note that should the height of the heatshield fence increase, the impact of the radiant heat flux reflection towards Axil site will also increase.”

4.4.6 As such, it is considered that the proposed heat shield wall will have no detrimental effect on the safety at Axil site and therefore the proposal is acceptable in respect to requirements of paragraphs 180 and 182 of the National Planning Policy Framework.

#### 4.5 Impact on Residential Amenity.

4.5.1 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.

4.5.2 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.

4.5.3 The two main issues in respect to impacts on residential amenity are noise from activities at Axil on and whether the fence would be overbearing or cause loss of daylight on the occupiers of the properties that would look directly on it.

#### Noise

4.5.4 The proposal would result in the replacement of the existing acoustic fence that was conditioned in the first instance in order to mitigate against potential noise arising from operations arising within the Axil site. As such the loss of the existing acoustic fence has given rise to concerns regarding the acoustic properties of the proposed heatshield fence.

4.5.5 In support of the application the applicant has provided a noise assessment in respect to the removal of the acoustic fence, which states: -



“A noise survey at the site has been conducted at the site to quantify the current noise climate.

Results from the noise survey have been used to calibrate a computer noise model and predict noise egress to the nearest residential properties with the section of fence identified as a fire hazard removed.

Noise measurements conducted at the site in conjunction with the subsequent modelling of noise egress and subjective assessments made while attending the site indicate that the overall noise climate to the nearest residential properties is dominated by traffic noise from the M6 Toll and A460. It is concluded that the removal of the fence section identified as fire hazard will not significantly affect the overall noise levels to the nearest residential receivers. The recommended internal noise level criteria for residential dwellings as detailed in BS 8233:2014 and WHO 1999 guidelines is expected to be achieved based on internal glazing and trickle vents to the relevant facades. However it is noted that the Axil site may change its operational times in the future to include activities in the yard during the night time period suitable internal noise level criteria can still be achieved based on an upgraded performance specification for the passive ventilators.

It is therefore recommended as a precaution the passive ventilators to bedroom spaces of the residential dwellings as indicated in Figure 9 are upgraded as per the specification given in Table 8.

Based on the upgraded specification for the ventilators being installed to relevant bedroom spaces, no adverse impacts are predicted in regards to noise egress post removal of the relevant fence section for either day or night time period.”

4.5.6 The Environmental Health Officer has stated that he is “satisfied that the Assessment has addressed the potential impact of the noise from activities on the residential amenity of the properties adjacent to the Axil site and acknowledge the findings in relation to both the daytime and night time periods”. However, the EHO also advises

“that the Assessment notes that during the night time period the internal noise levels within bedrooms of specified flats (plots 57-62) and houses (41-50) would potentially exceed the acceptable criteria indicated in BS:8233 and the WHO guidelines. It advocates the installation of upgraded acoustic ventilation units to a specified standard as a means of reducing the noise levels internally to ensure that they fall within the acceptable criteria. I am satisfied that this is an

appropriate acoustic measure and, if implemented, would mitigate the potential impact of the removal of the close-boarded timber fence”,

and therefore recommends that a condition is imposed requiring the upgrading of the acoustic ventilation units serving plots 57-62 and plots 41 -50 to the standard specified in Table 8 of the PDA Assessment report J002779/4164/3/TD dated 2<sup>nd</sup> March 2020. The comments made by the EHO are accepted and it is recommended that a suitably worded condition should be attached to any permission granted.

#### Impact of the Heat Shield by Virtue of its Height, Scale and Mass

- 4.5.7 The proposed fence would comprise a 4m high structure running along the boundary of the site and hence, by virtue of its height, scale and mass has the potential to create an overbearing structure to the loss of the residential amenity of the occupiers of Haling Way.
- 4.5.8 Although the Council's Design Guide does not have guidance about the distance between a dwelling and a fence it does provide some guidance for space between two storey properties (which are normally 8- 10m in height) and is therefore useful in calibrating judgements of when a structure may appear overbearing. Normally the minimum distance between front to front elevations on 2 storey houses, which are at the same ground level, is set at 21.3m. The minimum distance between a front to a side elevation is set at 13.7m for a two storey structure dropping to 10.7m for a single storey structure. In this case the distance between the dwellings and the 4m high fence would be 12.5m. This is at a pinch point at Plot 47 where after the fence then recedes back from the dwelling and hence provides an open aspect to the property. For much of its length the fence would be at a distance of approximately 20m from the dwellings.
- 4.5.9 Given the above it is considered that the proposal would not form an overbearing structure or unacceptably restrict daylight to the dwellings.
- 4.5.10 It is therefore considered that subject to the attached conditions the proposal would secure a high standard of amenity for all future occupiers of the surrounding residential properties in accordance with Policy CP3 of the Local Plan and paragraph 127(f) of the NPPF.

#### 4.6 Impact on Highway Safety

- 4.6.1 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
- 4.6.2 The proposal involves the loss of 2 car parking spaces as it is considered that in their current location they potentially could result in the transfer of fire and hence increase the risk from fire.
- 4.6.3 The Highway Authority has no objections to the proposal and officers accept this and the reasoning given in the consultation response
- 4.6.4 As such it is considered that the proposal would not have an unacceptable impact on highway safety and therefore would be in accordance with paragraph 109 of the NPPF.

#### 4.7 Impact on Nature Conservation

- 4.7.1 Policy and guidance in respect to development and nature conservation is provided by Policy CP12 of the Local Plan and paragraphs 170 and 174, of the NPPF.
- 4.7.2 Policy CP12 of the Local Plan states that the District's biodiversity and geodiversity assets will be protected, conserved and enhanced by: -

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

- support for the protection, conservation and enhancement of existing green infrastructure to facilitate robust wildlife habitats and corridors at a local and regional scale (particularly to complement Policy CP16);
- supporting and promoting initiatives for the restoration and creation of priority habitats and recovery of priority species and the provision of new spaces and networks to extend existing green infrastructure;
- supporting development proposals that assist the delivery of national, regional and local Biodiversity and geodiversity Action plan

(LBAP/GAP) targets by the appropriate protection, incorporation and management of natural features and priority species;

- the promotion of effective stewardship and management across the district to contribute to ecological and geological enhancements.'

4.7.3 Paragraph 170 of the NPPF states [amongst other things] that: -

'Planning policies and decisions should contribute to and enhance the natural and local environment by:

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

4.7.4 Paragraph 174 of the NPPF goes on to state: -

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

- a) if significant harm to biodiversity resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused;
- b) development on land within or outside a Site of Special Scientific Interest, and which is likely to have an adverse effect on it (either individually or in combination with other developments), should not normally be permitted. The only exception is where the benefits of the development in the location proposed clearly outweigh both its likely impact on the features of the site that make it a Site of Special Scientific Interest, and any broader impacts on the national network of Sites of Special Scientific Interest;
- c) development resulting in the loss or deterioration of irreplaceable habitats (such as ancient woodland and ancient or veteran trees) should be refused, unless there are wholly

exceptional reasons and a suitable compensation strategy exists; and

- a) 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.

4.7.5 The application and its immediate surroundings are not designated for any nature conservation purpose and are not known to support any species or habitat that are protected under law or which are of significant conservation interest.

4.7.6 Correspondence has been received on a previous application stating that the proposed fence should be subject to a Habitats Regulations Appropriate Assessment as the application site falls within the zone of influence of the Cannock Chase Special Area of Conservation. Whilst the correspondent did not identify what zone of influence they were referring to it is noted that there is a 15km Zone of Influence referred to in the evidence base supporting the Cannock Chase Local Plan. However this relates purely to impacts arising from visitor pressure to the SAC and the requirement for a mitigation payment for net new dwellings within a zone 0-8km from the SAC and not to any other risk.

4.7.7 Given the nature of the proposal and the distance and juxtaposition from the SAC, and any evidence to the contrary, it is considered that it is not likely that the proposal would directly or indirectly, either by itself or in combination with any other project have a significant impact on Cannock Chase SAC or Cannock Extension Canal SAC.

4.7.8 It is therefore concluded, that the proposal would not be contrary to Policy CP12 of the Cannock Chase Local Plan and paragraphs 170 and 172 of the NPPF.

#### 4.8 Drainage and Flood Risk

4.8.1 The site is located in Flood Zone 1 on the Environment Agency's Flood Zone Maps, and therefore is in the zone at least threat from flooding.

4.8.2 In addition to the above it is noted that the fence, by its nature and limited footprint would not significantly increase surface water run-off

4.8.4 As such it is considered that the proposal would be acceptable in respect to drainage and flood risk.

#### 4.9 Mineral Safeguarding

4.9.1 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.

4.9.2 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.

4.9.3 In this particular case, the site is located within the main urban area of Cannock and therefore would not sterilise, in itself, any mineral deposits. Therefore the proposal is considered acceptable in respect to mineral safeguarding.

#### 4.10 Other Issues Raised by the Applicant

4.10.1 It is noted that the applicant has submitted: -

- (i) A letter from Hudson Consultants, dated 14<sup>th</sup> April 2020, is attached at Appendix 1 of this report.
- (ii) The Axil Cannock Toxic Effects Technical Note V1.0 Issue1 is attached at Appendix 2.
- (iii) The Hudson Report, dated 7<sup>th</sup> November 2016, which is available on the Council's website.]

4.10.2 The above submissions mainly deal with the issue of the potential for a toxic gas release from the Axil Integrated Services site. In this respect officers advise that the current application is for the provision of a 4m high heatshield fence to replace existing 2m high wooden acoustic fence along the boundary of Haling Way/Axil Integrated Services & removal of 2 No. Parking spaces. Therefore only the issues that relate to the fence and the removal of the parking spaces are material to the determination of the application. The application is not an opportunity to revisit the merits of the application for residential development at the Lakeside Boulevard site or to reassess any health and safety issues other than those arising as a direct, or indirect, consequence of the erection of the fence and the removal of the parking spaces.

4.10.3 Axil Integrated Services have not indicated in their submissions that the proposal would, in any way, cause any harm to health and safety interests through toxic gas release and have merely stated that the proposed fence would not mitigate against the release of toxic gas. Officers would point out that the fence is not intended to mitigate against toxic gas and that its only purported function is to mitigate against risks associated with fire.

### **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 The application site is an irregular area of land at the western boundary of a residential development called Chenet Chase, but also known as Lakeside Boulevard at Bridgtown. The site encompasses the boundary between the residential estate and Axil integrated Services (formerly known as Augean), which comprises a concrete fence and wooden acoustic fence. The application site also includes an area of amenity grassland and part of the parking, turning and circulation area servicing the recently erected properties at Haling Way.
- 6.2 The applicant is seeking full planning permission for a 4m high heatshield fence to replace the existing 2m high wooden acoustic fence along the boundary of Haling Way/ Axil Integrated Services & removal of 2 No.Parking spaces.
- 6.3 The application has been submitted as part of a package of non statutory measures that have been put forward by Walsall Housing Group in response to technical evidence submitted to the Council in July 2017 by Augean in the form of the Hudson Consultancy Report that identified additional risks associated with fire and the release of toxic gas which could impact on residents of the new dwellings.
- 6.4 The proposal, on balance, is acceptable in respect of its impact on the character of the area, residential amenity, highway safety, mineral safeguarding and flood risk and drainage and impacts on nature conservation interests.
- 6.5 The heatshield fence, and the removal of the car parking spaces along with a range of other non statutory mitigation measures (which are not subject to the application) would enable the Council to nominate people to the affordable housing units on Haling Way and hence ensure that they are used for their intended purpose. This is a matter of substantial weight that clearly weighs in favour of the proposal.
- 6.6 As such, on balance, it is considered that the proposal is acceptable and approval is recommended subject to the attached conditions.



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To: [REDACTED] - Axil Integrated Services Ltd

## **Consequence Modelling - Axil Integrated Services Cannock site – Toxic release**

### Background

The Axil Integrated Services Cannock site is a transfer station allowing the acceptance of mixed loads and the segregation and storage of these containers before they are sent as full loads to other sites for further processing.

Consequence modelling was done in 2016 which was detailed within a report titled 'Augean Cannock consequence modelling Nov 16 rev 1'. This identified 2 main types of industrial accident that could lead to potential significant offsite consequences to people (as well as onsite personnel); fire and the generation of a toxic gas cloud.

There is ongoing concern within Axil Integrated Services Cannock site with the proximity of a residential development to the site boundary. Specifically, a planning application has been made to install a 4m high Heatshield fence to replace an existing 2m high wooden acoustic fence along the boundary of Haling Way/Axil Integrated Services (Council Ref: CH/20/090).

This proposed solution to protect offsite personnel from a site fire is likely to be effective (based upon my limited experience of this equipment within industry) albeit the use of this equipment within a residential setting is thought to be unknown and therefore may require further assessment. However, the greater residual concern is the potential for a toxic gas release from the site. The proposed Heatshield fence is unlikely to provide much mitigation for this type of event.

Therefore, it was requested that consequence modelling is carried to assess the potential impact of a representative toxic gas release to people who live (or will live as some dwellings are currently unoccupied) in the adjacent offsite housing development.

### Site Review

The Cannock site was reviewed as per the site plan in appendix 1. A google earth image of the site is shown in appendix 2. An excerpt from the Linden Homes – Chenet Chase brochure is shown in appendix 3. A review was made with [REDACTED] – Transfer Station Supervisor.

### Basis of the consequence modelling carried out

Following discussions with [REDACTED], the consequence modelling has been based on a catastrophic release of an IBC of 40% Hydrofluoric Acid (HF). There are other events on the site which could lead to a release of toxic gas. This is considered to be a credible event and also representative.

Note: the prevailing wind is a south-westerly which would direct vapour towards the north and east site boundaries which are the sides where the residential development is located.

### Conclusions

The consequence modelling carried out (see appendix 4) indicates that the toxic gas release scenario could potentially result in significant offsite consequences involving multiple fatalities to people.

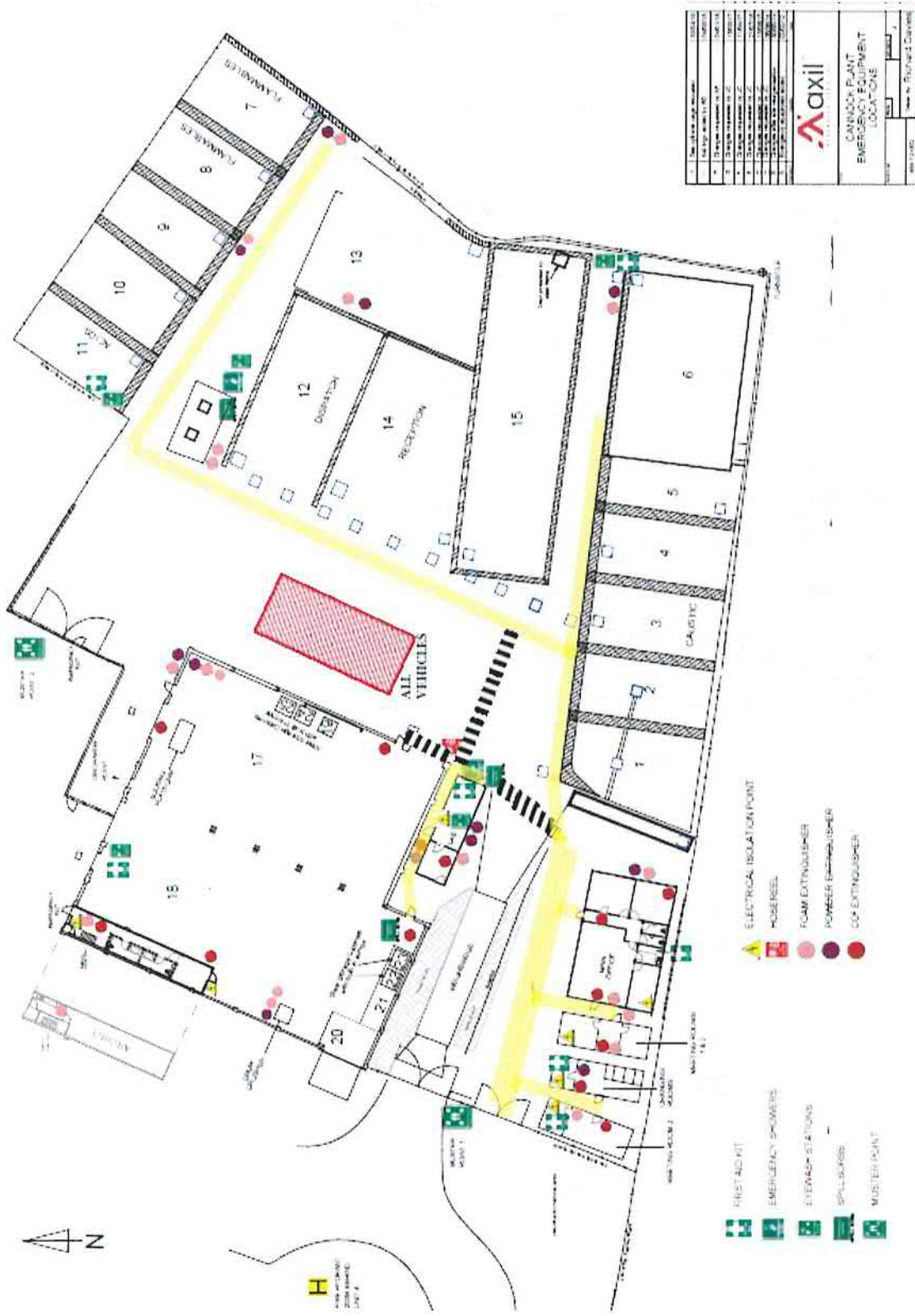
Weather Condition	Hazard Range	People Exposed <sup>1</sup>		Number of Fatalities	
		Working Day	Out of Hours	Working Day	Out of Hours
D5	SLOD & SLOD	<ul style="list-style-type: none"> <li>2 people within houses 47 and 48.</li> <li>2 people outside houses in front garden/driveway.</li> <li>6 people within apartment building.</li> <li>1 person on road leading to apartment building.</li> <li>1 person within apartment carpark.</li> </ul>	<ul style="list-style-type: none"> <li>6 people within houses 47 and 48.</li> <li>2 people outside houses 43, 44, 45, 46 and 49.</li> <li>18 people within apartment building.</li> <li>1 person on road leading to apartment building.</li> <li>1 person within apartment carpark.</li> </ul>	3*	7*
F2	SLOD & SLOD	<ul style="list-style-type: none"> <li>N/A (F2 only occurs at night)</li> </ul>	<ul style="list-style-type: none"> <li>1 person outside houses in front garden/driveway.</li> <li>9 people within apartment building.</li> <li>1 person on road leading to apartment building.</li> <li>1 person within apartment carpark.</li> </ul>	N/A	5*

<sup>1</sup>Worst case direction is toward the apartment buildings.

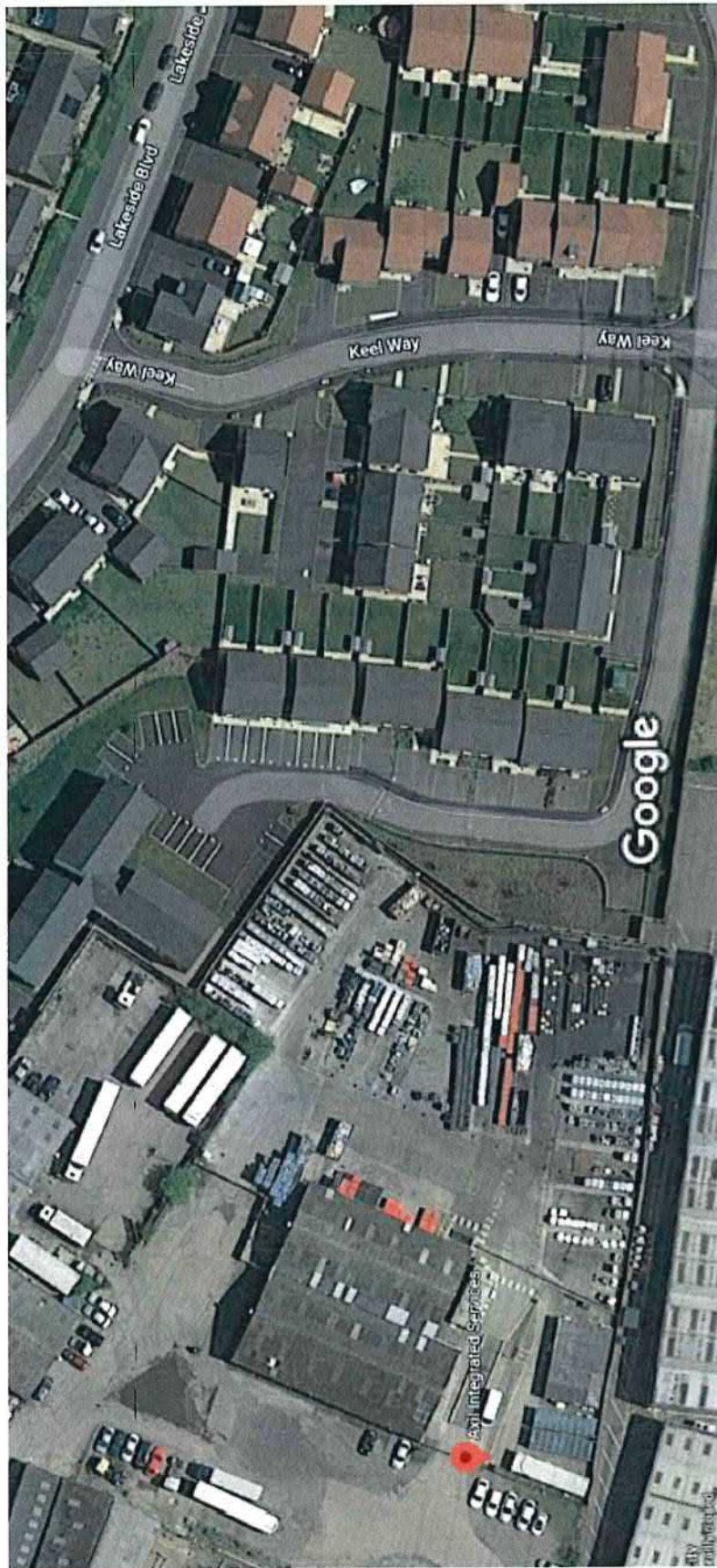
There are various toxic substances stored on the site and the toxic scenario chosen is only considered to be representative of an incident that is known on industrial sites to occur.

This report does not assess the likelihood of the toxic gas release scenarios. This is relevant when considering the risk (as risk is the product of consequence and likelihood).

Appendix 1 Axil Cannock site plan



Appendix 2 – Axil Cannock site – Google Earth image



Imagery ©2020 Getmapping plc, Infoterra Ltd & Bluesky, Maxar Technologies, Map data ©2020 20 m

Appendix 3 – Axil Cannock site – Plan of offsite development

Axil site – bay 11 where HF will be stored





Appendix 4: Consequence Modelling Results Report



Axil Cannock Toxic  
Effects Technical No

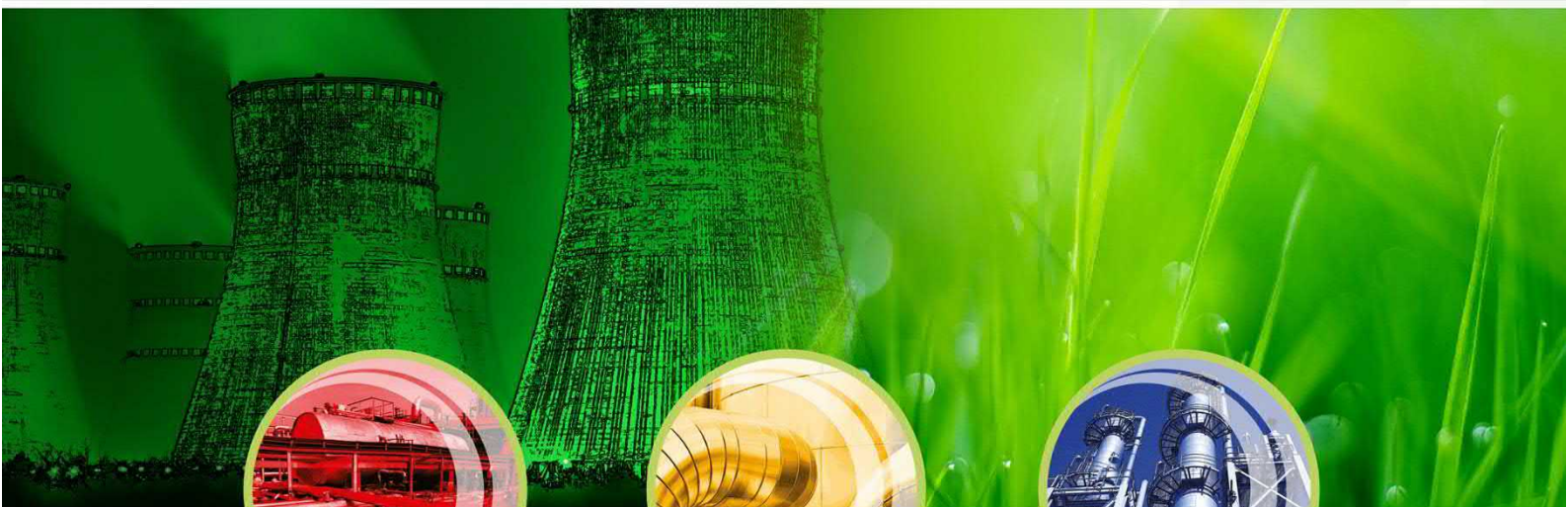




RISK & HAZARD MANAGEMENT

# Axil Cannock Modelling

Hudson Consultants Ltd



Safety Risk



Business Risk



Environment Risk



Version	Issue	Date	Comments	Author	Issuer
1	1	14/4/2020	Report issued	J Cowell	N Sothern

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# 1 Introduction

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Modelling has been carried out in Phast 8.22, the latest version, using the user defined leak model, for the following scenario:

- Hydrofluoric acid release from an IBC containing 1000 litres of hydrofluoric acid

This report shows the results of the modelling for this scenario. Section 2 presents the modelling inputs, the distance to concentration and lethality results for the hydrofluoric acid scenario modelled in Phast. It is assumed that the IBC is located at the site fence and the effects to offsite people are estimated. This assessment does not consider the effects to onsite personnel. Section 3 presents the graphs extracted from Phast.

## 2 Phast Modelling

---

### 2.1.1 Hydrofluoric Acid Release

Phast modelling has been carried out to assess the impact of a release of hydrofluoric acid from a 1000 L IBC (either due to a forklift truck or dropped packaging).

#### *Modelling inputs*

The following sections detail the specific modelling inputs for each case. All other inputs are left as model defaults. A toxic averaging time of 600 seconds has been used. A building air change rate of 4 changes/hr has been used.

As Phast can model a release of hydrogen fluoride but not hydrofluoric acid, the modelling inputs have to be modified to account for only the hydrogen fluoride. The calculator that can be used in ALOHA (<http://www2.arnes.si/~gljsentvid10/evap.html>.) was used to calculate the release rate to be input into Phast, based on the concentration of the substance, wind speed, the temperature and the size of the pool from which the substance can be released.

The mass of hydrogen fluoride contained within the solution also has to be calculated. This is calculated using the formula:

$$C_m = \frac{C_p \times \rho}{M_r \times 1000}$$

Where:

$C_m$  = molar concentration (mol dm<sup>-3</sup>)

$C_p$  = percentage concentration by weight

$\rho$  = density of the solution in (g cm<sup>-3</sup>)

$M_r$  = relative molecular mass (g mol<sup>-1</sup>)

The table below details specific modelling inputs.

Table 1 HF Modelling Inputs

Input parameter		Units	Note
Representative material	Hydrogen Fluoride		
Concentration	40	% w/w	
Release Phase	Vapour	(liquid / vapour / 2-phase)	
Inventory for release	750	kg	This is based on a volume of 1 m <sup>3</sup> , the density of HF and its concentration in solution
Release rate	0.005 (D5) 0.002 (F2)	kg/s	Release rate of 88.5 kg/minute provided
Discharge velocity	5	m/s	
Final temperature	15	C	Temperature provided
Duration of discharge	2700 (D5) 3600 (F2)	s	This was calculated for each weather condition based on mass and release rate
Weather conditions	D5, F2		Representative of typical day and night time conditions
Containment	10 x10	m	Bunded area

### Concentrations of Interest

The concentrations of interest for this scenario are the SLOD (Significant Likelihood of Death) and SLOT (Specified Level of Toxicity) values for hydrogen fluoride, for 15 minute and 30 minute exposure times. These values are shown in the following table, determined using HSE values<sup>1</sup>.

Table 2 SLOD &amp; SLOT Values for 15/30 minutes

Exposure time	SLOD (ppm)	SLOT (ppm)
15 mins	1400	800
30 mins	700	400

The text colours of the values above indicate the colour of the contours shown on the 'side view' and 'cloud footprint' graphs shown in Section 3.

### Results

The distances to the concentrations of interest are displayed below.

Table 3 Distances to dangerous toxic loads

Weather Condition	Distance (m) to concentration of interest:			
	15 min SLOD - 1400 ppm	15 min SLOT - 800 ppm	30 min SLOD - 700 ppm	30 min SLOT - 400 ppm
D5	5.2	7.6	7.8	11
F2	4.1	4.7	4.8	5.3

**Table 4 Distances to Lethality Percent**

Weather Condition	Distance (m) to Lethality			
	Outdoor		Indoor	
	50%	1%	50%	1%
D5	10	14	9.8	13
F2	5.4	5.7	5.4	5.7

The following table details the approximate numbers of people exposed to each hazard and the resulting number of fatalities, identified using the maps displayed above. SLOD hazard ranges are assumed to result in 50% fatality for the population exposed, SLOT is assumed to result in 1% fatality. The numbers of fatalities are rounded up to the nearest whole number.

The SLOT figures present those who are within the SLOT footprint, but outside of the SLOD footprint.

In all cases the cloud footprints are narrow, and so the worst case direction has been chosen.

## People Exposed

It is assumed that the IBC is located at the site boundary at the closest point to offsite populations within the new Lindon Homes Chenet Chase housing development to the north and east of the site.

The following table presents the potential people exposed to releases at the site. All populations within 20 m of the site boundary are described. The houses (types and numbers) are as referred to in Appendix 1. The following table includes information on the assumptions made about the number of people present within each house or apartment.

Only offsite populations are considered in this assessment.

**Table 5 People Exposed Descriptions**

People Potentially Exposed	Description	Estimated Occupancy
The Penkridge Houses (semi-detached buildings 50, 49, 48 & 47)	2 homes per semi-detached building (8 homes in total). 2 bedrooms per home.	<p>Assumed each home has two adults and one child. During a working day, it is assumed that only 1 adult remains in their home. If the indoor lethality contour does not reach the building, but the outdoor lethality contour reaches the driveway, it is assumed that 0.25 people per house are affected.</p> <p><u>Per Home (Indoors)</u></p> <ul style="list-style-type: none"> <li>• 3 people outside working hours.</li> <li>• 1 person during working hours.</li> </ul> <p><u>Per Home (Outdoors if indoor lethality contour does not reach building)</u></p> <ul style="list-style-type: none"> <li>• 0.25 people outside working hours.</li> <li>• 0.25 people during working hours.</li> </ul>
The Littleworth Houses (Houses 46, 45, 44, 43, 42 & 41)	2 homes per semi-detached building (12 homes). 3 bedrooms per home	<p>Assumed that each home has two adults and two children. During a working day, it is assumed that only 1 adult remains in their home. If the indoor lethality contour does not reach the building, but the outdoor lethality contour reaches the driveway, it is assumed that 0.25 people per house are affected.</p> <p><u>Per Home (Indoors)</u></p> <ul style="list-style-type: none"> <li>• 4 people outside working hours.</li> <li>• 1 person during working hours.</li> </ul>

People Potentially Exposed	Description	Estimated Occupancy
		<p><u>Per Home (Outdoors if indoor lethality contour does not reach building)</u></p> <ul style="list-style-type: none"> <li>• 0.25 people outside working hours.</li> <li>• 0.25 people during working hours.</li> </ul>
Apartment Building	18 apartments within apartment buildings. 2 bedrooms per apartment.	<p>Assumed each apartment has two adults and one child. During a working day, it is assumed that only 1 adult remains in their home.</p> <p><u>Entire Apartment Building (Indoors)</u></p> <ul style="list-style-type: none"> <li>• 54 people outside working hours.</li> <li>• 18 people during working hours.</li> </ul> <p>Note: To estimate the people exposed, the fraction of the building covered by the release will be multiplied by the total occupancy of the building.</p>
Road Leading to Apartment Building	Road leading to apartment building's carpark.	<p>Assumed that, on average, one individual is outside at any one time (i.e. driving or walking).</p> <p><u>Entire Road (Outdoors)</u></p> <ul style="list-style-type: none"> <li>• 1 person outside working hours.</li> <li>• 1 person outside working hours.</li> </ul>
Apartment Building Carpark	Carpark for apartment building.	<p>Assumed that, on average, one individual is outside in the apartment carpark at any one time as they park their car or bicycle.</p> <p><u>Carpark (Outdoors)</u></p> <ul style="list-style-type: none"> <li>• 1 person outside working hours.</li> <li>• 1 person during working hours.</li> </ul>

Table 6 HF Release People Exposed &amp; Number of Fatalities

Weather Condition	Hazard Range	People Exposed <sup>1</sup>		Number of Fatalities	
		Working Day	Out of Hours	Working Day	Out of Hours
D5	SLOD & SLOT	<ul style="list-style-type: none"> <li>2 people within houses 47 and 48.</li> <li>2 people outside houses in front garden/driveway.</li> <li>6 people within apartment building.</li> <li>1 person on road leading to apartment building.</li> <li>1 person within apartment carpark.</li> </ul>	<ul style="list-style-type: none"> <li>6 people within houses 47 and 48.</li> <li>2 people outside houses 43, 44, 45, 46 and 49.</li> <li>18 people within apartment building.</li> <li>1 person on road leading to apartment building.</li> <li>1 person within apartment carpark.</li> </ul>	3*	7*
F2	SLOD & SLOT	<ul style="list-style-type: none"> <li>N/A (F2 only occurs at night)</li> </ul>	<ul style="list-style-type: none"> <li>1 person outside houses in front garden/driveway.</li> <li>9 people within apartment building.</li> <li>1 person on road leading to apartment building.</li> <li>1 person within apartment carpark.</li> </ul>	N/A	5*

\*Worst case direction is toward the apartment buildings.

<sup>1</sup> Area affected considers width of predicted clouds



### 3 Phast Graphs

The following section shows the 'side view', 'cloud footprint' and 'lethality' graphs for the Hydrofluoric Acid release scenario, for D5 and F2 weathers.

All footprint graphs are reported at a height of 1 m. Side view graphs display the release at the elevation height and are reported at an offset distance of 0 m. The lethality graphs are reported at a height of 1 m. Note: The scale of the graphs should be considered carefully, as Phast often produces graphs which make the cloud appear wider or higher than they are.

#### 3.1 Hydrofluoric Acid Release

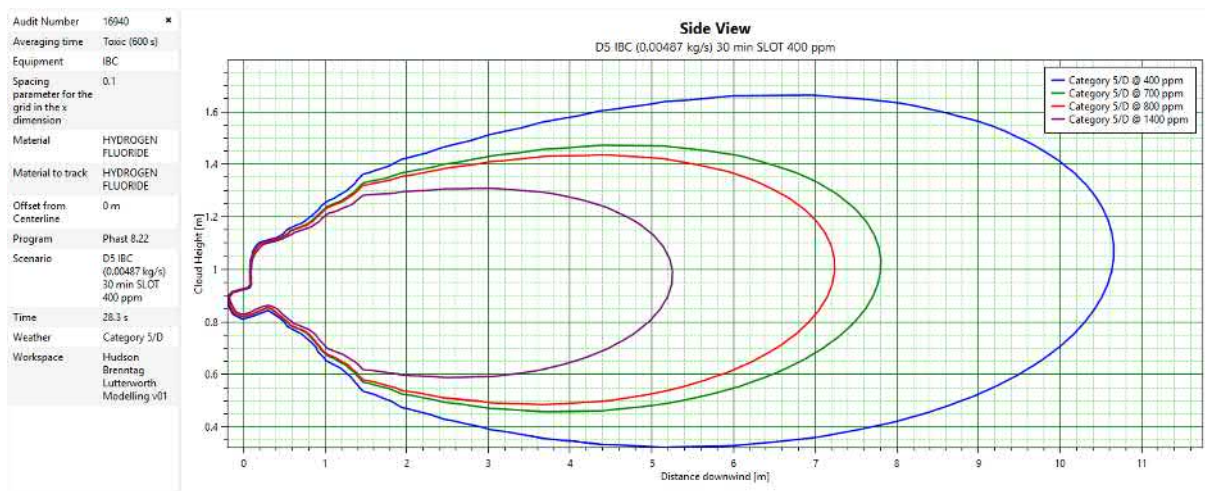


Figure 1 Side View (D5 Weather)

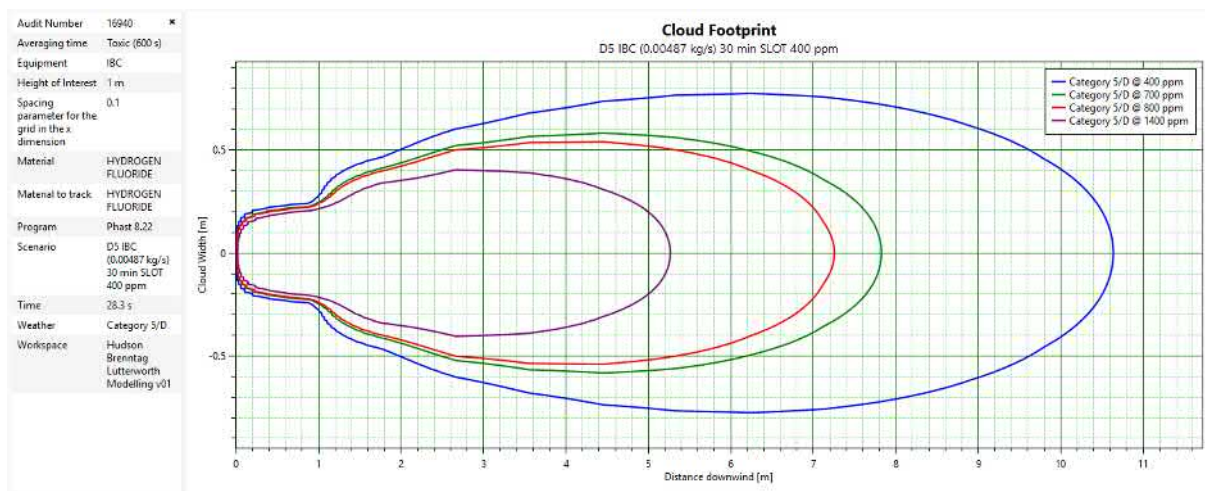


Figure 2 Cloud Footprint (D5 Weather)

Audit Number	16940
Averaging time	Toxic (600 s)
Equipment	IBC
Material	HYDROGEN FLUORIDE
Program	Phast 8.22
Scenario	D5 IBC (0.00487 kg/s) 30 min SLOT 400 ppm
Workspace	Hudson Brenntag Lutterworth Modelling v01

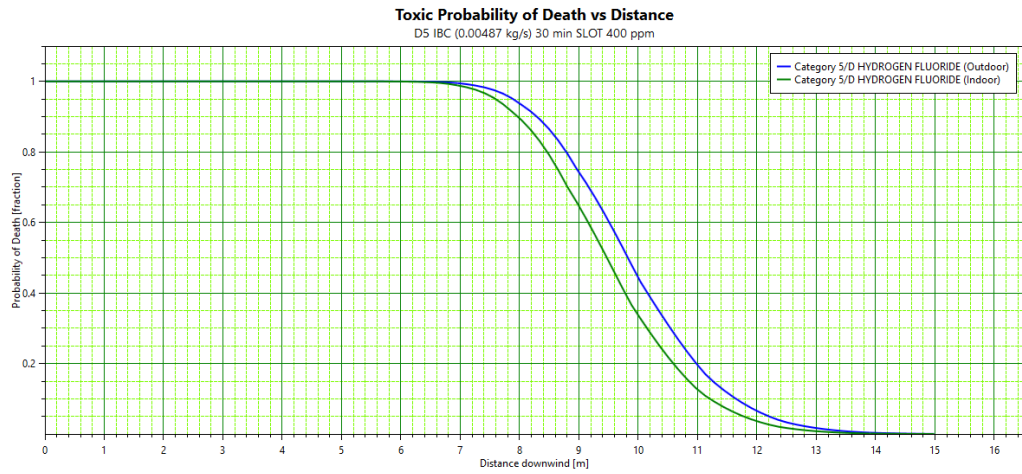


Figure 3 Lethality Graph (D5 Weather)

Audit Number	16940
Averaging time	Toxic (600 s)
Equipment	IBC
Spacing parameter for the grid in the x dimension	0.1
Material	HYDROGEN FLUORIDE
Material to track	HYDROGEN FLUORIDE
Offset from Centerline	0 m
Program	Phast 8.22
Scenario	F2 IBC (0.00239 kg/s) 30 min SLOT 400 ppm
Time	37.467 s
Weather	Category 2/F
Workspace	Hudson Brenntag Lutterworth Modelling v01



Figure 4 Side View (F2 Weather)

Audit Number	16940
Averaging time	Toxic (600 s)
Equipment	IBC
Height of Interest	1 m
Spacing parameter for the grid in the x dimension	0.1
Material	HYDROGEN FLUORIDE
Material to track	HYDROGEN FLUORIDE
Program	Phast 8.22
Scenario	F2 IBC (0.00239 kg/s) 30 min SLOT 400 ppm
Time	37.467 s
Weather	Category 2/F
Workspace	Hudson Brenntag Lutterworth Modelling v01

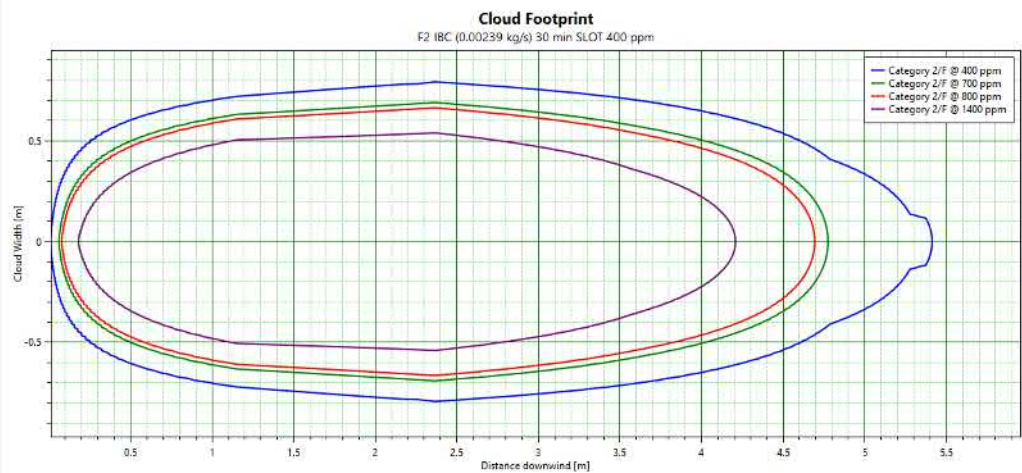


Figure 5 Cloud Footprint (F2 Weather)

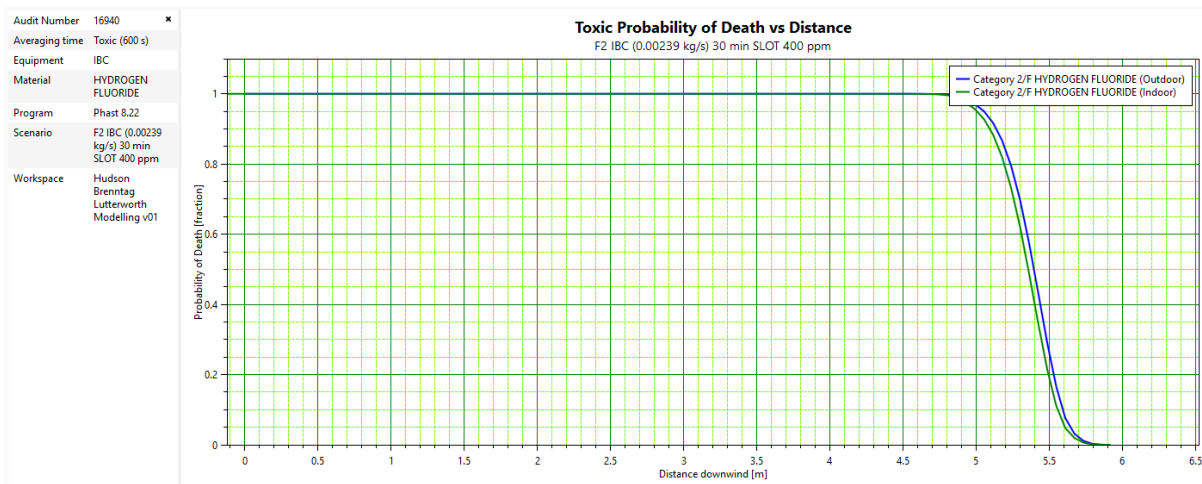


Figure 6 Lethality Graph (F2 Weather)

## 4 Appendix 1

---

A collection of 2, 3 & 4 bedroom homes close to the town of Cannock and the motorway network



Chenet Chase is perfectly situated for commuting and getting around, with easy access to the Midlands motorway network. Cannock station is only 1.5 miles away and Birmingham International Airport just 26 miles away.

The town has excellent shops and so much to do you'll be spoilt for choice. There are leisure centres, Cannock Park Golf Course, the Prince of Wales Theatre, a cinema and a museum all close by. For outdoor types there's everything from sailing to mountain

biking, and Cannock Chase has lovely walks and plenty to do for the whole family.

Parents will find a selection of fantastic schools within easy reach. Bridgetown Primary School is a short walk away, and Cheslyn Hay Sport and Community High School is less than a mile.

### Chenet Chase

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A collection of 2, 3 & 4 bedroom homes

**01543 331 769**

*All journey times and distances are approximate.*

# Development layout

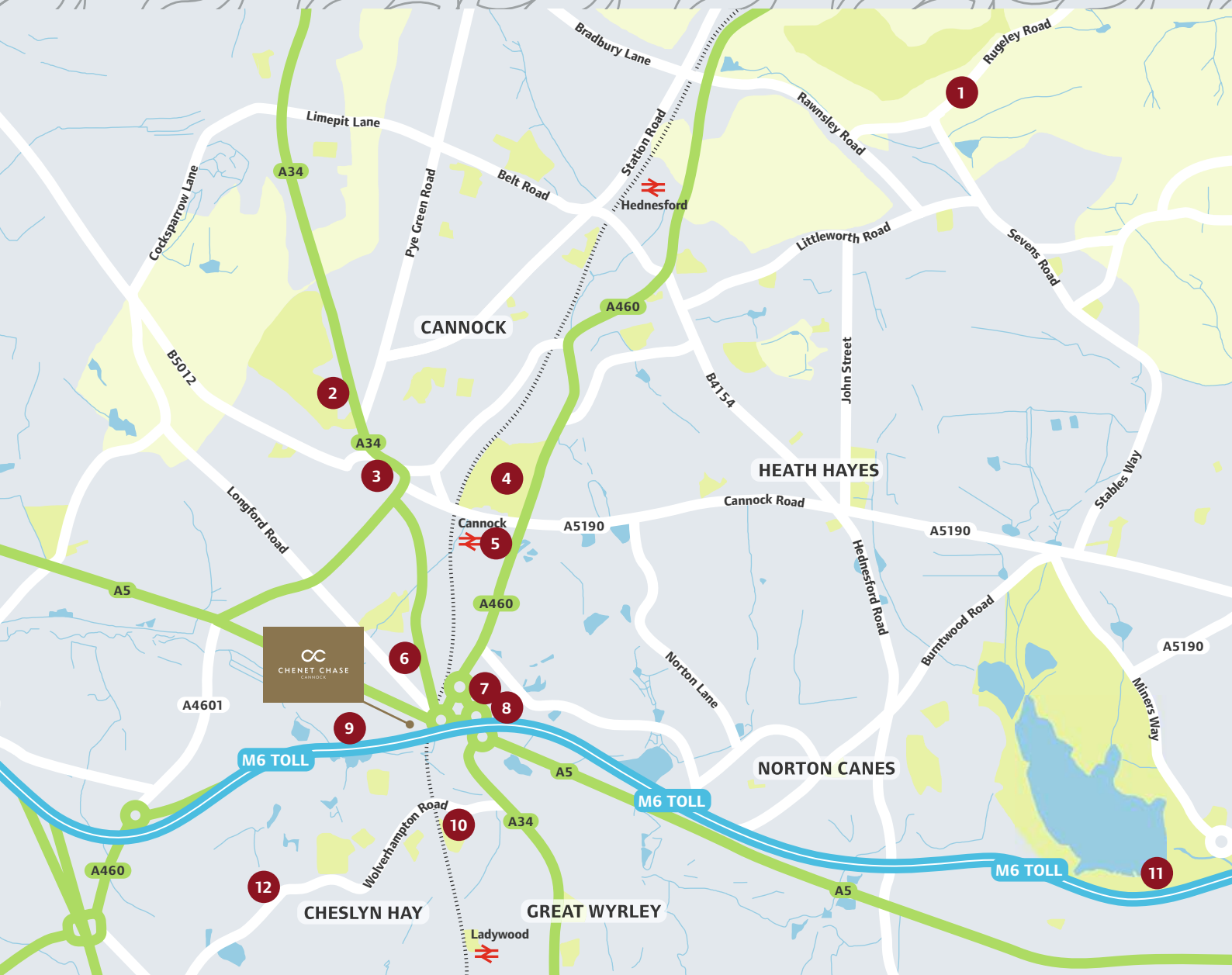


- |                                    |                                    |                                     |                                  |
|------------------------------------|------------------------------------|-------------------------------------|----------------------------------|
| ● The Coven<br>4 bedroom home      | ● The Brocton<br>3 bedroom home    | ● The Bradbury<br>4 bedroom home    | * Affordable Housing             |
| ● The Haywood<br>4 bedroom home    | ● The Cheslyn<br>3 bedroom home    | ● The Littleworth<br>3 bedroom home | SS Sub Station                   |
| ● The Wimblebury<br>4 bedroom home | ● The Huntington<br>3 bedroom home | ● The Penkridge<br>2 bedroom home   | BS Bin Store Area                |
| ● The Brindley<br>3 bedroom home   | ● The Fairoak<br>2 bedroom home    | ● Apartments                        | BC Bin Collection Area           |
|                                    |                                    |                                     | CS Cycle Store Area              |
|                                    |                                    |                                     | ▶ Garage Entrance                |
|                                    |                                    |                                     | v Visitors Parking Space         |
|                                    |                                    |                                     | — Overhead power lines           |
|                                    |                                    |                                     | - - - Extent of power line swing |



Not to scale. Trees and landscaping are indicative only and may alter during construction. The trees, shrubs and gardens shown are illustrative only. Finishes and materials may vary from those shown here. Please ask your Sales Executive for specific details.

## Around the neighbourhood



- |  |   |  |   |
|--|---|--|---|
| <b>1</b> CANNOCK CHASE<br>WS12 0PJ           | <b>4</b> MILL GREEN & HAWKS<br>GREEN NATURE RESERVE | <b>7</b> ORBITAL RETAIL PARK<br>WS11 8XP     | <b>10</b> ST MARK'S CHURCH WS6 6LJ                                  |
| <b>2</b> CHASE LEISURE CENTRE<br>WS11 4AL    | <b>5</b> CANNOCK TRAIN<br>STATION WS11 8NQ          | <b>8</b> SAINSBURY'S SUPERMARKET<br>WS11 8XP | <b>11</b> CHASEWATER COUNTRY PARK<br>WS8 7NL                        |
| <b>3</b> CANNOCK SHOPPING<br>CENTRE WS11 1WS | <b>6</b> BRIDGETOWN PRIMARY<br>SCHOOL WS11 0AZ      | <b>9</b> SILVER BLADES ICE RINK<br>WS11 0XE  | <b>12</b> CHESLYN HAY SPORT AND<br>COMMUNITY HIGH SCHOOL<br>WS6 7JQ |

### Chenet Chase

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A collection of 2, 3 & 4 bedroom homes

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# Specification



	The Fairoak	The Brindley	The Huntington	The Cheslyn	The Brocton	The Coven	The Wimblebury	The Haywood
<b>Kitchen</b>								
Choice of door front from standard ranges	•	•	•	•	•	•	•	•
Soft close hinges to doors and drawers	•	•	•	•	•	•	•	•
Choice of 40mm worktops from standard ranges with matching upstand	•	•	•	•	•	•	•	•
1.5 stainless steel sink with chrome mixer tap	•	•	•	•	•	•	•	•
Built under single oven	•	•	•	•	•			
60cm gas hob	•	•	•	•	•			
60cm cooker hood extractor	•	•	•	•	•			
60cm stainless steel splashback	•	•	•	•	•			
Built under double oven						•	•	•
90cm gas hob						•	•	•
90cm cooker hood extractor						•	•	•
90cm glass splashback						•	•	•
Heat detector	•	•	•	•	•	•	•	•
<b>Living Room and Master Bedroom</b>								
BT, TV media plate	•	•	•	•	•	•	•	•
<b>Downstairs Cloakroom</b>								
White sanitaryware	•	•	•	•	•	•	•	•
Tiled splashback to basin with chrome trim	•	•	•	•	•	•	•	•
<b>Bathroom</b>								
White sanitaryware	•	•	•	•	•	•	•	•
Full height tiling to bath area with chrome trim	•	•	•	•	•	•	•	•
Half height to all appliance walls with chrome trim	•	•	•	•	•	•	•	•
Shaver socket	•	•	•	•	•	•	•	•
<b>Ensuites</b>								
White sanitaryware	•	•	•	•	•	•	•	•
Shower enclosure with full height tiling with chrome trim	•	•	•	•	•	•	•	•
Half height tiling to all appliance walls with chrome trim	•	•	•	•	•	•	•	•
Shaver socket	•	•	•	•	•	•	•	•
<b>Bedroom 2</b>								
TV socket	•	•	•	•	•	•	•	•
Telephone socket	•	•	•	•	•	•	•	•
<b>External</b>								
PIR lighting to front and rear	•	•	•	•	•	•	•	•
Turfed front and rear gardens	•	•	•	•	•	•	•	•
GRP garage doors were applicable			•	•	•	•	•	•
1800mm fencing to rear	•	•	•	•	•	•	•	•

## Peace of mind

Each home will be independently surveyed during construction by the NHBC, who will issue their 10 year warranty certificate on completion of the home.

## Chenet Chase

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Please refer to the Sales Executive for details. Specification may be amended at any time without notice. Computer generated image is for illustrative purposes only. XLWM324/August 2017.


  
**Linden**
  
HOMES

  
CHENET CHASE  
CANNOCK

## The Fair oak 2 bedroom home



### Chenet Chase

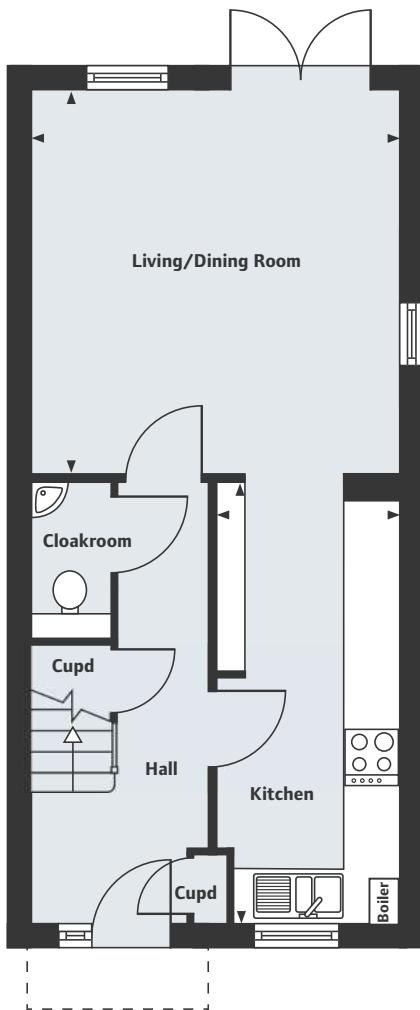
Lakeside Boulevard, Cannock WS11 0GU  
A collection of 2, 3 & 4 bedroom homes

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**Linden**  
HOMES

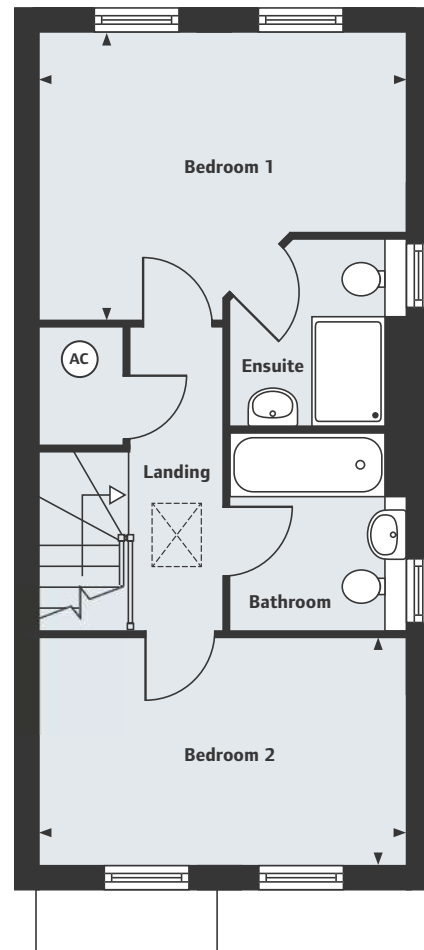
## The Fair oak

2 bedroom home



### GROUND FLOOR

Living/Dining Room	4.20m x 4.04m	13'9" x 13'3"
Kitchen	4.88m x 1.91m	16'0" x 6'3"



### FIRST FLOOR

Bedroom 1	4.04m x 3.15m	13'3" x 10'4"
Bedroom 2	4.04m x 2.90m	13'3" x 9'6"



Loft Hatch

### Chenet Chase

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A collection of 2, 3 & 4 bedroom homes

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**Linden**  
HOMES

  
CHENET CHASE  
CANNOCK

## The Brindley

3 bedroom home



### Chenet Chase

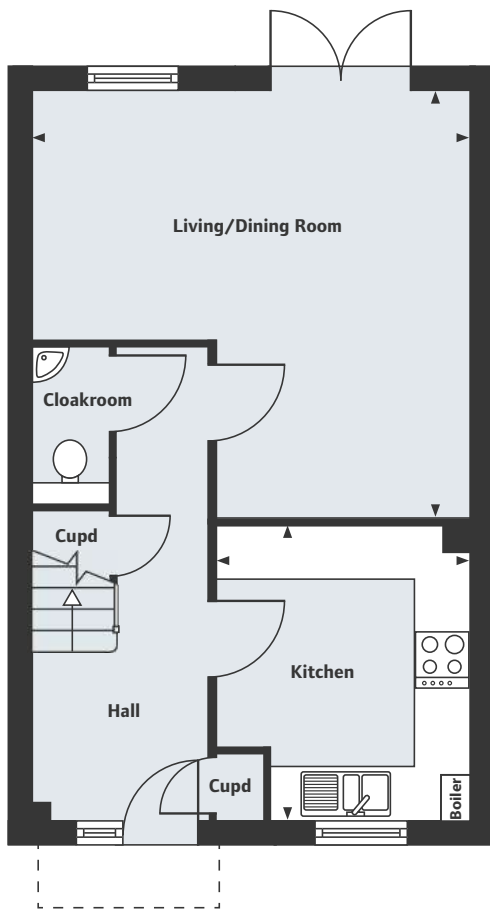
Lakeside Boulevard, Cannock WS11 0GU  
A collection of 2, 3 & 4 bedroom homes

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**Linden**  
HOMES

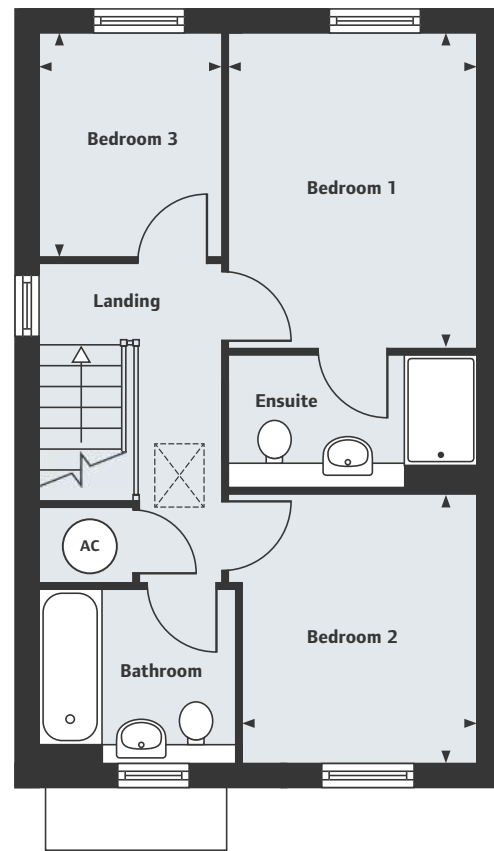
## The Brindley

3 bedroom home



### GROUND FLOOR

Living/Dining Room	4.83m x 4.71m	15'10" x 15'5"
Kitchen	3.25m x 2.76m	10'8" x 9'1"



### FIRST FLOOR

Bedroom 1	3.46m x 2.73m	11'4" x 8'11"
Bedroom 2	2.98m x 2.58m	9'9" x 8'6"
Bedroom 3	2.45m x 2.00m	8'0" x 6'7"



Loft Hatch

### Chenet Chase

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## The Huntington

3 bedroom home



### Chenet Chase

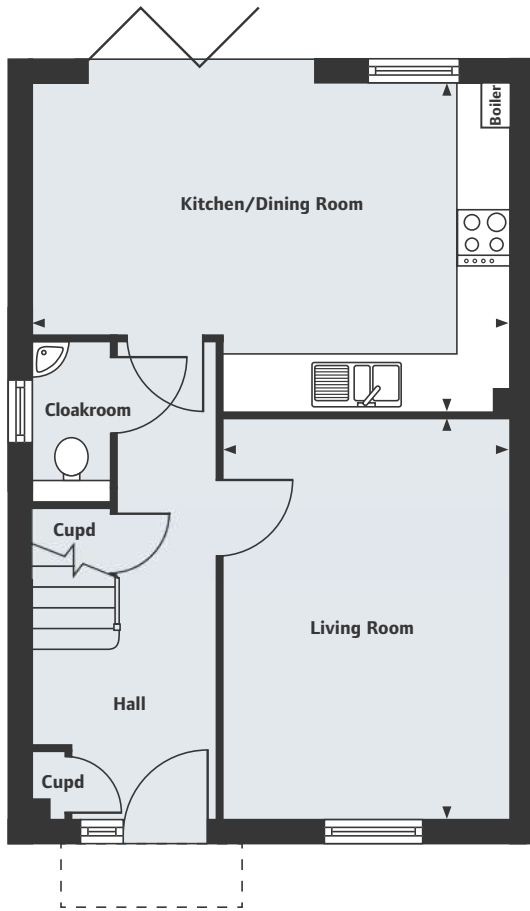
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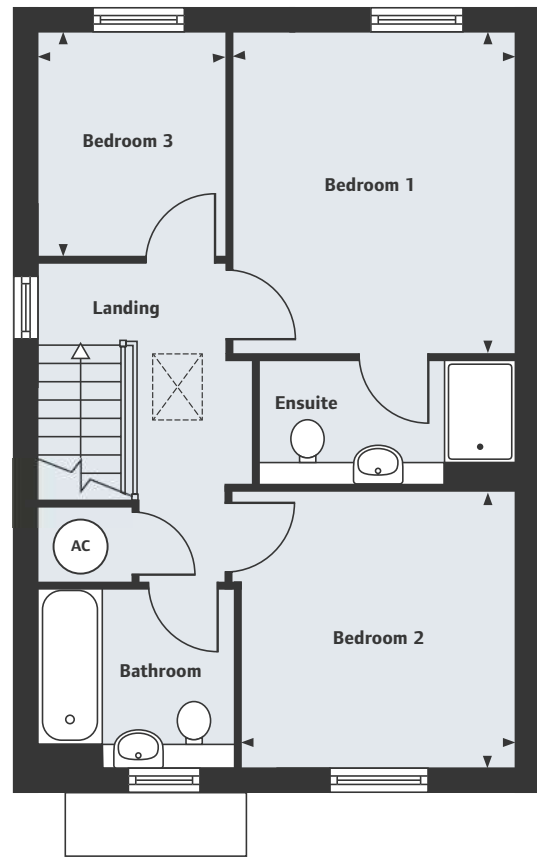
## The Huntington

3 bedroom home



### GROUND FLOOR

Living Room	4.33m x 3.18m	14'2" x 10'5"
Kitchen/Dining Room	5.28m x 3.59m	17'4" x 11'9"



### FIRST FLOOR

Bedroom 1	3.44m x 3.13m	11'3" x 10'3"
Bedroom 2	3.03m x 3.00m	9'11" x 9'10"
Bedroom 3	2.45m x 2.05m	8'0" x 6'9"



Loft Hatch

### Chenet Chase

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## The Brocton 3 bedroom home



### Chenet Chase

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A collection of 2, 3 & 4 bedroom homes

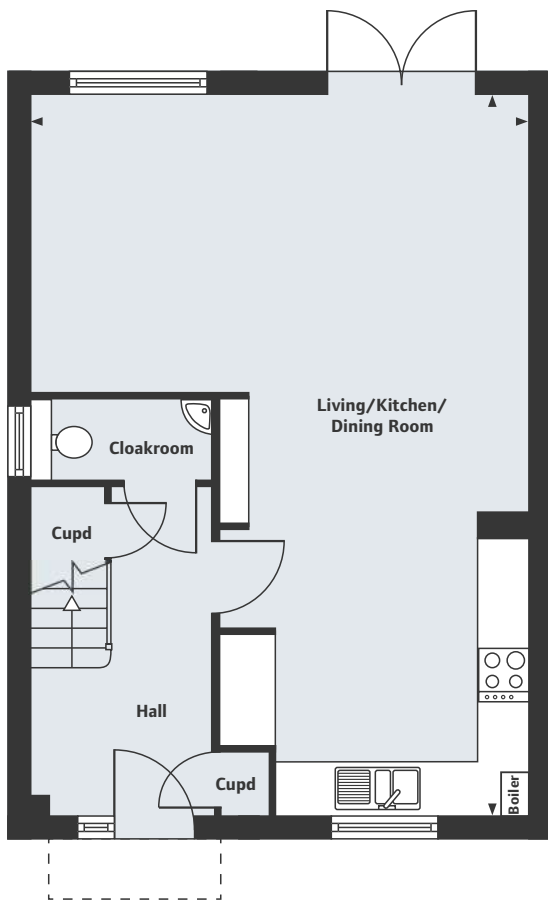
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**Linden**  
HOMES



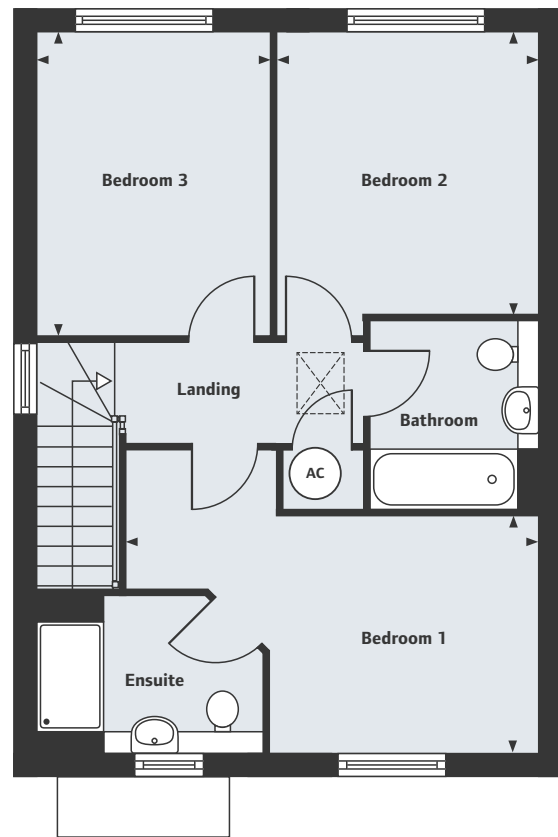
## The Brocton

3 bedroom home



### GROUND FLOOR

Living/Kitchen/Dining Room  
8.29m x 5.77m      27'2" x 18'11"



### FIRST FLOOR

Bedroom 1	4.70m x 2.71m	15'5" x 8'11"
Bedroom 2	3.24m x 3.00m	10'8" x 9'10"
Bedroom 3	3.47m x 2.67m	11'5" x 8'9"



Loft Hatch

### Chenet Chase

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## The Cheslyn

3 bedroom home



### Chenet Chase

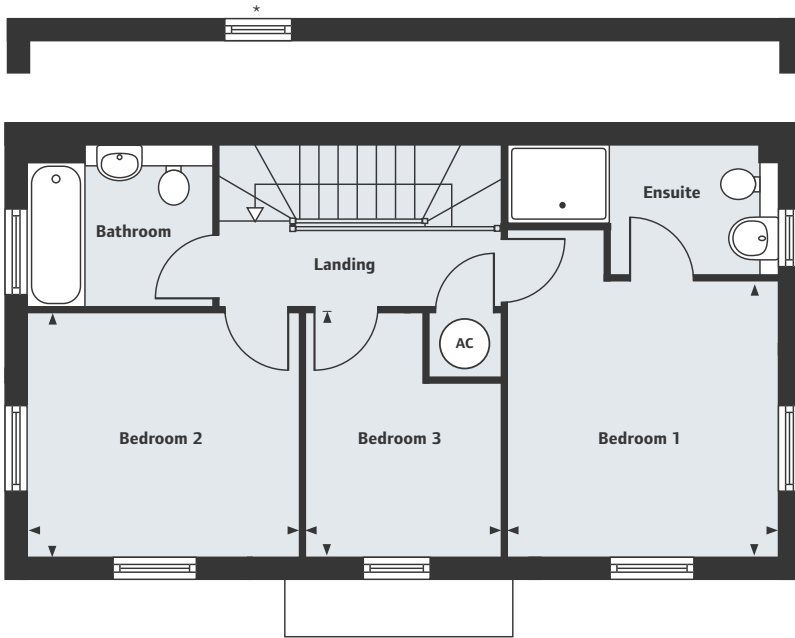
Lakeside Boulevard, Cannock WS11 0GU  
A collection of 2, 3 & 4 bedroom homes

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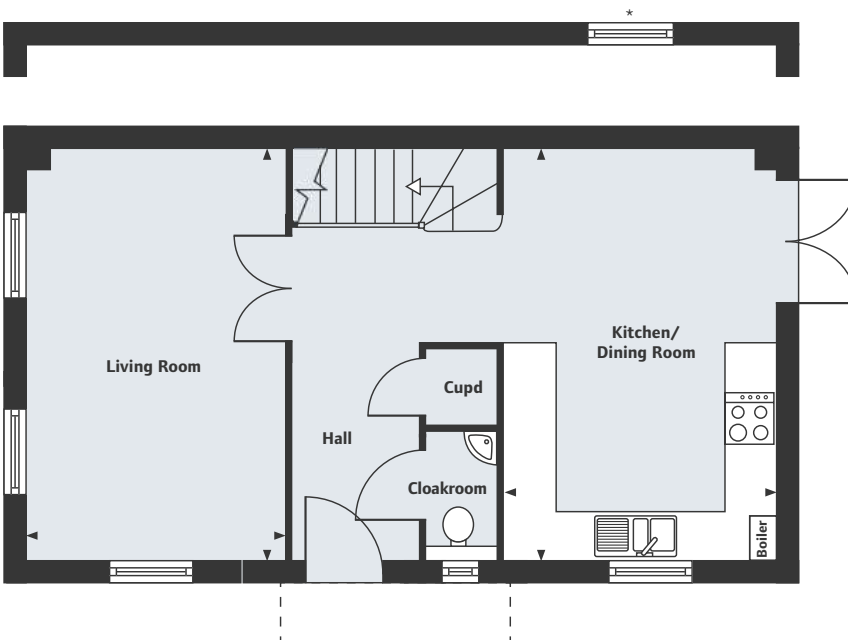
## The Cheslyn

3 bedroom home



### FIRST FLOOR

Bedroom 1	3.31m x 3.29m	10'10" x 10'10"
Bedroom 2	3.27m x 2.89m	10'9" x 9'6"
Bedroom 3	2.89m x 2.19m	9'6" x 7'2"



### GROUND FLOOR

Living Room	4.92m x 3.07m	16'2" x 10'1"
Kitchen/Dining Room	4.92m x 3.30m	16'2" x 10'10"

\*Window to plot 91 only.

### Chenet Chase

Lakeside Boulevard, Cannock WS11 0GU  
A collection of 2, 3 & 4 bedroom homes

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**Linden**  
HOMES

  
CHENET CHASE  
CANNOCK

## The Wimblebury

4 bedroom home



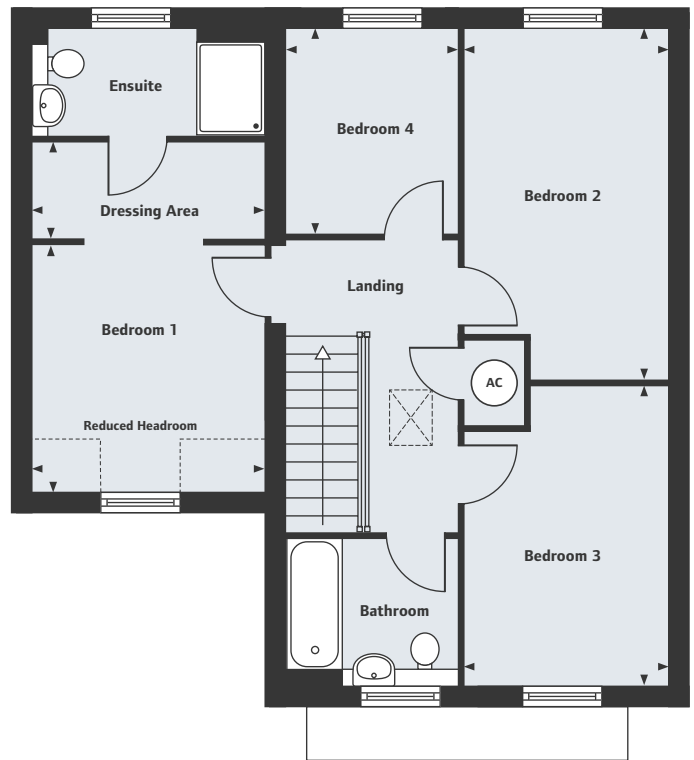
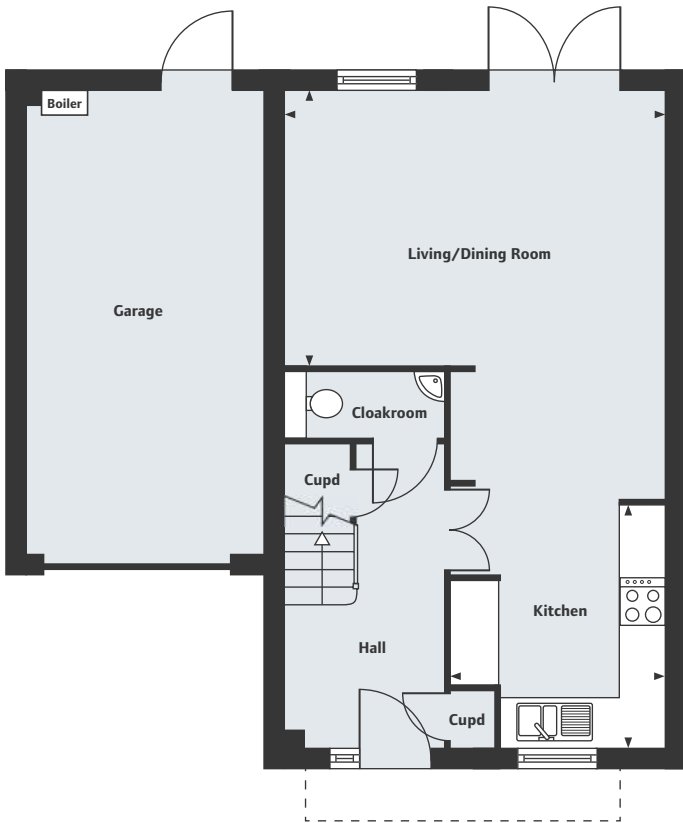
### Chenet Chase

Lakeside Boulevard, Cannock WS11 0GU  
A collection of 2, 3 & 4 bedroom homes

**01543 331 769**

  
**Linden**  
HOMES

**The Wimblebury**  
4 bedroom home



**GROUND FLOOR**

Living/Dining Room	4.92m x 4.56m	16'2" x 15'0"
Kitchen	3.13m x 2.78m	10'3" x 9'1"

**FIRST FLOOR**

Bedroom 1	3.25m x 3.00m	10'8" x 9'10"
Dressing Area	3.00m x 1.20m	9'10" x 3'11"
Bedroom 2	4.58m x 2.66m	15'0" x 8'9"
Bedroom 3	3.84m x 2.66m	12'7" x 8'9"
Bedroom 4	2.64m x 2.15m	8'8" x 7'1"



**Chenet Chase**  
Lakeside Boulevard, Cannock WS11 0GU  
A collection of 2, 3 & 4 bedroom homes

**01543 331 769**

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CHENET CHASE  
CANNOCK

## The Haywood

4 bedroom home



### Chenet Chase

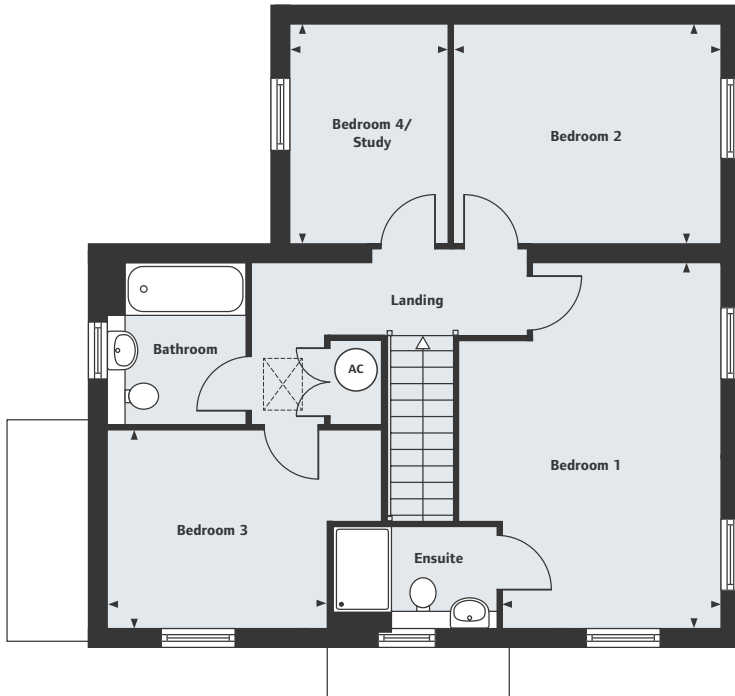
Lakeside Boulevard, Cannock WS11 0GU  
A collection of 2, 3 & 4 bedroom homes

**01543 331 769**

  
**Linden**  
HOMES

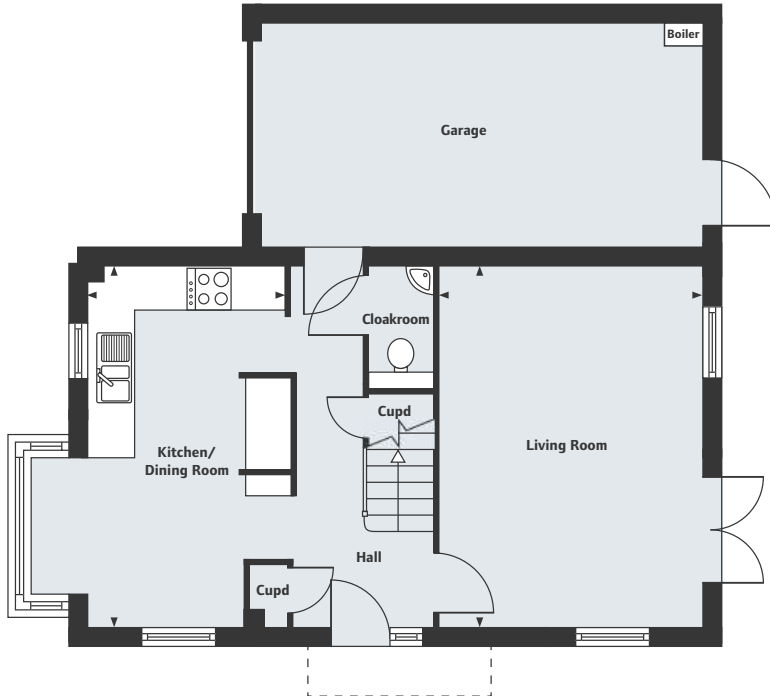
## The Haywood

4 bedroom home



### FIRST FLOOR

Bedroom 1	5.03m x 3.22m	16'6" x 10'7"
Bedroom 2	3.68m x 3.00m	12'1" x 9'10"
Bedroom 3	2.83m x 2.78m	9'3" x 9'1"
Bedroom 4/Study	3.00m x 2.26m	9'10" x 7'5"



### GROUND FLOOR

Living Room	5.03m x 3.55m	16'6" x 11'8"
Kitchen/Dining Room	5.03m x 2.73m	16'6" x 8'11"



Loft Hatch

### Chenet Chase

Lakeside Boulevard, Cannock WS11 0GU  
A collection of 2, 3 & 4 bedroom homes

**01543 331 769**

Please note, floor plans and dimensions are taken from architectural drawings and are for guidance only. Dimensions stated are within a tolerance of plus or minus 50mm. Overall dimensions are usually stated and there may be projections into these. With our continual improvement policy we constantly review our designs and specification to ensure we deliver the best product to our customers. Computer generated images not to scale. Finishes and materials may vary and landscaping is illustrative only. Kitchen layouts are indicative only and may change. To confirm specific details on our homes please ask your Sales Executive. XLWM87/January 2017.



**Linden**  
HOMES

  
CHENET CHASE  
CANNOCK

## The Coven

4 bedroom home



### Chenet Chase

Lakeside Boulevard, Cannock WS11 0GU  
A collection of 2, 3 & 4 bedroom homes

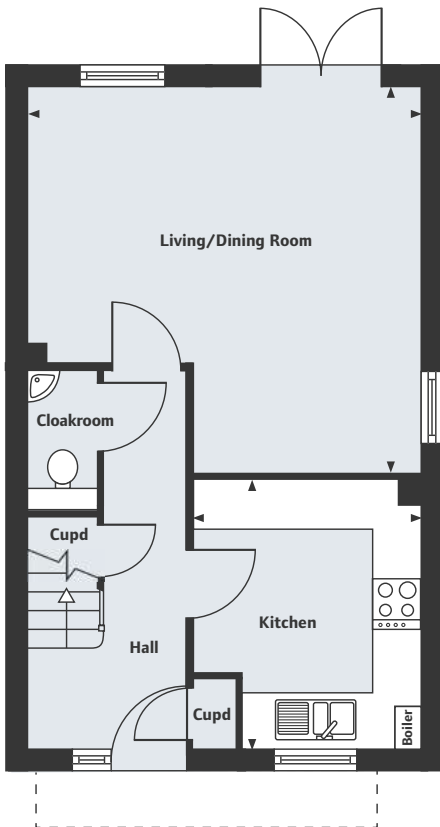
**01543 331 769**

  
**Linden**  
HOMES



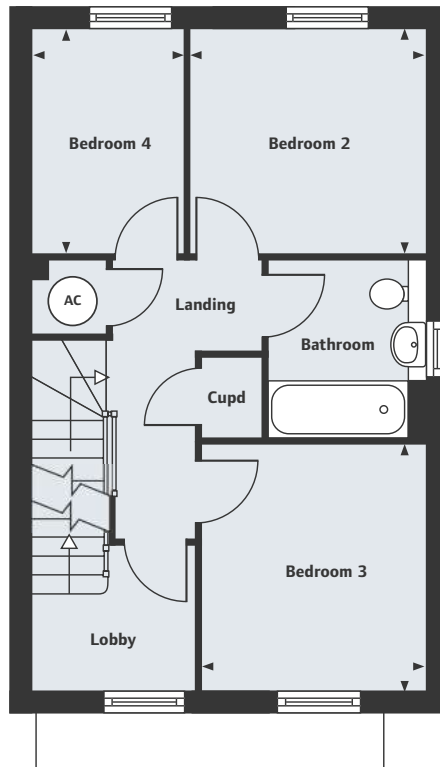
## The Coven

4 bedroom home



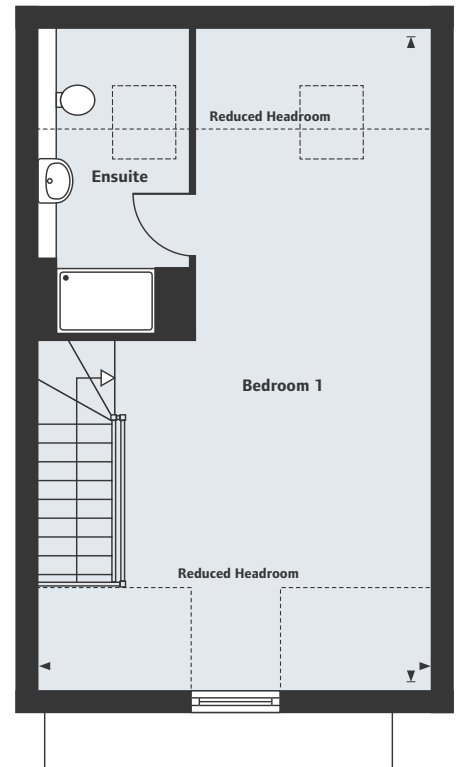
### GROUND FLOOR

Living/Dining Room	4.83m x 4.71m	15'10" x 15'5"
Kitchen	3.26m x 2.78m	10'8" x 9'1"



### FIRST FLOOR

Bedroom 2	2.86m x 2.73m	9'5" x 8'11"
Bedroom 3	3.00m x 2.74m	9'10" x 9'0"
Bedroom 4	2.75m x 1.87m	9'0" x 6'2"



### SECOND FLOOR

Bedroom 1	8.07m x 4.83m	26'6" x 15'10"
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### Chenet Chase

Lakeside Boulevard, Cannock WS11 0GU  
A collection of 2, 3 & 4 bedroom homes

**01543 331 769**

Please note, floor plans and dimensions are taken from architectural drawings and are for guidance only. Dimensions stated are within a tolerance of plus or minus 50mm. Overall dimensions are usually stated and there may be projections into these. With our continual improvement policy we constantly review our designs and specification to ensure we deliver the best product to our customers. Computer generated image not to scale. Finishes and materials may vary and landscaping is illustrative only. Kitchen layouts are indicative only and may change. To confirm specific details on our homes please ask your Sales Executive. XLWM281/April 2017.



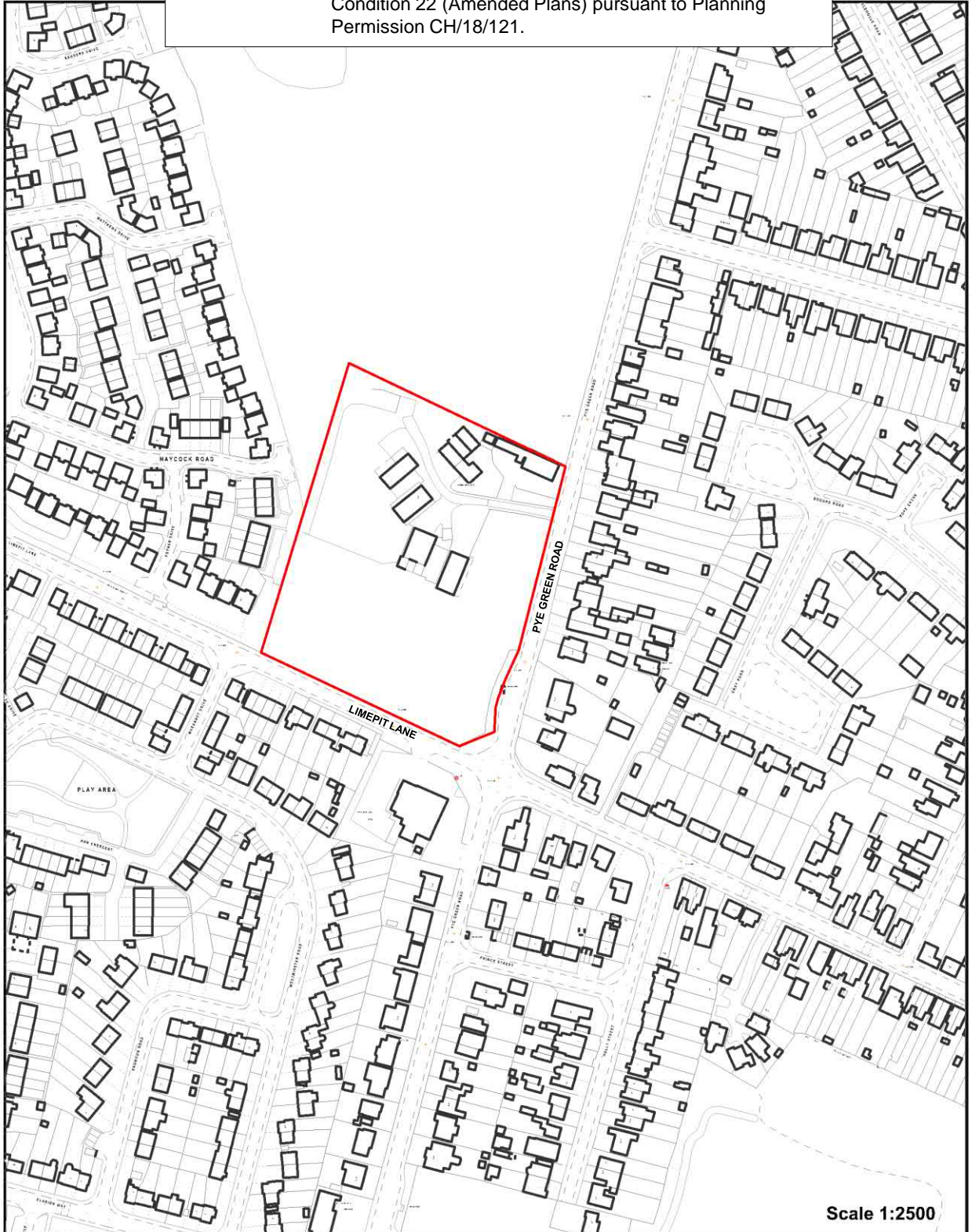
**Application No:** CH/20/063

ENCLOSURE 6.74

**Location:** Common Farm De Lux And Land, 427, Pye Green Road, Cannock, WS12 4HS



**Proposal:** Application Under Section 73 of the 1990 Town & Country Planning Act to develop land without complying with Condition 10 (service strip/pavements) and variation of Condition 22 (Amended Plans) pursuant to Planning Permission CH/18/121.



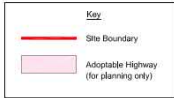
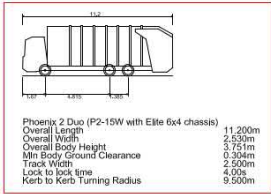
Scale 1:2500

# Layout Plan

ENCLOSURE 6.75



- Notes:**
1. Layout is based on drawing Q104 Tower Surveys drawing R1-151B9-101+102 and JMA Architects drawing 212D-06.
  2. This drawing must be read in conjunction with all relevant GCA and ACP/Arts drawings along with specifications for the project.
  3. All works shall be undertaken in accordance with the Building Regulations and current good building practice.
  4. Do not scale this drawing. All details and dimensions are to be checked by the Contractor prior to commencement of construction. Any discrepancies must be reported to GCA.
  5. All dimensions are in millimetres unless otherwise noted.



Rev	Date	Details	Rev by	Approved
1	05/12/18			
2	05/12/18			
3	05/12/18			

**GCA** GCA (UK) L.L. BABINGTON LODGE  
120 GREEN LANE, DERBY DE1 1RY  
TEL: 01332 262411 FAX: 01332 298855  
E-MAIL: derby@gca-engineering.com

**CONSULTING CIVIL, STRUCTURAL, HIGHWAY & TRANSPORTATION ENGINEERS**  
OFFICES AT DERBY, LEICESTER, STAFFORD & WARWICK

Client: **Marshall Bell Ltd.**

Project: **Common Farm, Hoddeston**

Title: **Vehicle Tracking**

Draw No: **7458-16** Scale: **1:250 @ A1**

Preliminary  Detailed  Tender  Construction  As Built

Contact Officer:	Richard Sunter
Telephone No:	01543 464481

<b>Application No:</b>	CH/20/063
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PLANNING CONTRL COMMITTEE	
<b>Received:</b>	19-Feb-2020
<b>Location:</b>	Common Farm De Lux And Land, 427, Pye Green Road, Cannock, WS12 4HS
<b>Parish:</b>	Hednesford
<b>Description:</b>	Application Under Section 73 of the 1990 Town & Country Planning Act to develop land without complying with Condition 10 (service strip/ pavements) and variation of Condition 22 (Amended Plans) pusuant to Planning Permission CH/18/121.
<b>Application Type:</b>	Discharge of Conditions

RECOMMENDATION:	
Approve subject to conditions and Section 106 agreement	

<b>Reason(s) for Recommendation:</b>	
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.	

<b>Conditions (and Reasons for Conditions):</b>	
<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 &amp; Country Planning Act 1990.</p> <p>2. The development hereby approved shall be carried out in full accordance with the</p>	

'Demolition and Construction Phase Method Statement and Management Plan for a Residential Development at Common Fam, Pye Green Road, Cannock, WS12 4HS prepared by Marshall Bell Ltd.

Reason

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

3. The development hereby approved shall not be occupied until the drainage works shown in the following drawings has been implemented in full: -

7458-GCA-00-XX-DR-C-2041 Drainage Layout  
 7458-GCA-00-XX-DR-C-2042 Drainage Details (1 of 2)  
 7458-GCA-00-XX-DR-C-2042 Drainage Details (2 of 2)

Thereafter, the drainage works shall be retained and maintained for the lifetime of the development in accordance with the detail shown in: -

Drainage and Suds Maintenance Plan Ref 1/7458, July 2019

Reason

To reduce the risk of surface water flooding to the development and properties downstream for the lifetime of the development.

4. No dwelling hereby approved shall be occupied until it has been fitted with an electric vehicle charging point in accordance with Drawing 2129-06 Revision H. The electric vehicle charging point shall thereafter be retained for the lifetime of the development unless otherwise approved in writing by the Local Planning Authority.

Reason

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

5. If during development contamination not previously suspected or identified is found to be present at the site then no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until the developer has submitted a remediation strategy to the Local Planning Authority detailing how this unsuspected contamination shall be dealt with and obtained written approval from the Local Planning Authority. The remediation strategy shall be implemented as approved.

Reason

Whilst the information reviewed to date suggests that there may not be significant contamination on site with the potential to impact controlled waters receptors, the sensitivity of controlled waters receptors at this location will require any contamination identified to be appropriately dealt with. Therefore, this condition is recommended to deal with any unsuspected soil-contamination encountered during development. This is recommended in order-to protect-controlled waters receptors, namely underlying groundwater in the Principle Aquifer.

6. Any top soil that is imported onto site for use in gardens/ landscaped areas shall be subject to chemical validation and verification to ensure that it complies with the specification given in Section 9.1.2 of the Phase II site investigation report.

## 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.

7. Apart from the existing farmhouse, demolition of all other buildings on the application site including the removal of asbestos, shall be carried out in accordance with the recommendations contained within Section 5 of the submitted Pre-Demolition Asbestos Survey by Intelligent Building Works Ltd. and dated 22nd August 2017. Such asbestos removal shall be completed by licensed asbestos contractors in accordance with BS 6187:2011 Code of Practice for full and partial demolition.

Demolition of the existing farmhouse shall not commence until a full asbestos survey has been submitted to and approved in writing by the Local Planning Authority. Any works for the removal of asbestos which may be identified in that survey shall be completed by licensed asbestos contractors in accordance with BS 6187:2011 Code of Practice for full and partial demolition.

## 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.

- 8 The dwellings at Plots 12, 13, 14, 15 and 37 shall not be occupied until the works comprising the approved boundary treatment scheme as shown on Drawing 2129-06 Revision H have been completed in full.

## Reason

In the interests of protecting the amenity of the locality and crime prevention in accordance with Policy CP3 of the Cannock Chase Local Plan.

8. No dwelling shall be occupied until the waste bin collection point serving that dwelling has been fitted with a 900mm high loop top fencing around three sides of its perimeter.

## Reason

In the interests of protecting the amenity of the locality and to ensure appropriate facilities for recycling and waste collection are provided in accordance with Policies CP3 and CP16(1)(e) of the Cannock Chase Local Plan.

9. No dwelling at Plots 41-50 shall be occupied until a 2m wide porous paved area has been constructed within the confines of the private access road serving those plots.

## Reason

In the interests of crime prevention in accordance with paragraph 127(f) of the NPPF.

10. Any dwelling shown to be host to a bird box shall be completed in accordance with the approved scheme as shown on Drawing 2129-06 Revision H. Thereafter the bird boxes shall be retained and maintained for their intended purpose 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 in accordance with Policy CP12 of the Local Plan and paragraphs 170 and 175 of the NPPF.

11. The development hereby permitted shall not be brought into use until the visibility splays shown on Drawing No. 7458-16 have been provided. The visibility splay shall thereafter be kept free of all obstructions to visibility over a height of 600 mm above the adjacent carriageway level.

Reason

In order to comply with Paragraph 109 of the National Planning Policy Framework.

12. The development hereby permitted shall not be brought into use until the accesses, parking and turning areas have been provided in accordance with Drawing No. 7458-16 and shall thereafter be retained for the lifetime of the development.

Reason

In order to comply with Paragraph 109 of the National Planning Policy Framework.

13. Prior to first use of the development a system of surface water drainage shall be installed on the site to prevent surface water discharging on to the public highway. The system shall then be maintained in an operational manner thereafter.

Reason

In order to comply with Paragraph 109 of the National Planning Policy Framework

14. The external materials to be used in the dwellings hereby approved shall be: -

Kimbolton Red Multi bricks  
Lindum Cottage Red Multi bricks  
Village Harvest Multi bricks  
Russell Grampian Slate Grey roof Tiles  
Russell Grampian –Cottage Red

,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.

15. Before the development hereby approved, including any demolition and/ or site clearance works, is commenced or any equipment, machinery or material is brought onto site the scheme for the protection of hedgerows, as shown on Drawing 2129-06 Revision H. shall be provided and , or retrained in accordance with the British Standard 5837: 2012. Thereafter it shall be retained for the duration of construction (including any demolition and/or site clearance works), unless otherwise agreed in writing by the Local Planning Authority. No fires, excavation, change in levels, storage of materials, vehicles or plant, cement or cement mixing, discharge of liquids, site facilities or passage of

vehicles, plant or pedestrians, shall be allowed to take place within the protected areas. The approved scheme shall be kept in place until all parts of the development have been completed, and all equipment, machinery and surplus materials have been removed from the site.

**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 National Planning Policy Framework.

16. The approved landscape works shown in drawing 2019Common2d and 2019Common 1f shall be carried out in the first planting and seeding season following the occupation of any buildings or the completion of the development whichever is the sooner.

**Reason**

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

17. 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.

18. The site landscape, following completion of establishment, shall be managed in accordance with the approved Landscape Management Plan for The Farm, dated November 2019 and received on 9<sup>th</sup> November 2019 unless otherwise agreed in writing by the Local Planning Authority.

**Reason**

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

19. All close boarded wooden fencing delineating the rear gardens of all plots except –plots 41- 50 shall be 2.0m in height and shall be installed/ erected at each plot before the dwelling at that plot is brought into use.

**Reason**

In the interests of crime prevention and the fear of crime in accordance with Paragraph 127 (f) of the National Planning Policy Framework.

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

Drawing 2129-06 Revision H Site Layout  
 Drawing 2129-07 House Types A-D  
 Drawing 2129-08 House Types E-G  
 Drawing 2129-09 Street Scene Elevation  
 Drawing 2129-10 Block Plan/ Location Plan



Drawing 7458-12 Rev P0 Refuse Vehicle Tracking  
 Drawing 7458-14 Permeable and impermeable Site Areas, received 12/11/2018  
 Marshall Bell (June 2017) Phase I Site Appraisal  
 Marshall Bell (July 2017) Phase II Site Appraisal  
 7458-GCA-00-XX-DR-C-2041 Drainage Layout  
 7458-GCA-00-XX-DR-C-2042 Drainage Details (1 of 2)  
 7458-GCA-00-XX-DR-C-2042 Drainage Details (2 of 2)  
 GCA (Jan 2017) Flood Risk and Drainage Strategy  
 Drawing 2019Common2d  
 Drawing 2019Common 1f  
 Drawing No. 7458-16  
 Stefan Bodnar (June 2017) Dawn/Dusk Emergent Bat Survey  
 Stefan Bodnar (March 2017) Phase 1 Preliminary Ecological Appraisal  
 Patrick Parsons (21 November 2017) Final Gas Risk Assessment  
 JMA (March 2018) Design and Access Statement  
 IBW (Aug 2017) Pre-Demolition Asbestos Survey  
 All Seasons Tree Services, Pre-Development Tree Survey BS5837:2012  
 Micro-drainage Calculations, prepared by GCA (UK) Ltd received 12/11/2018  
 Refuse Vehicle Tracking  
 Materials Schedule  
 Materials Proposal Common Farm  
 Traffic Flow Data  
 Viability Assessment

Reason

For the avoidance of doubt as to what hereby is permitted.

#### **Notes to Developer:**

The developer's attention is drawn to the following notes: -

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>

Staffordshire Police has made detailed recommendations in respect to reducing crime and the developer's attention is drawn to the comments of the Police in their response dated 6 April 2018.

#### **Consultations and Publicity**

## **External Consultations**

### Hednesford Town Council

No comments received.

### Travel Management and Safety

There are no objections on Highway grounds to the proposed development subject to the following conditions being included on any approval:-

This is a Section 73 application of the 1990 Town & Country Planning Act to not comply with Condition 10 (service strips/pavements) and to vary Condition 22 (amended plans) pursuant to granted planning permission CH/18/121.

The original (granted) planning application proposed 52no. residential dwellings including access, landscaping, public open space, and the demolition of existing buildings, at Common Farm which was situated at the junction of Pye Green Road and Limepit Lane in Hednesford, Cannock.

The scheme proposed two cul-de-sac access roads into the site, one from Pye Green Road in the west and the other from Limepit Lane in the south. Residential dwellings would be located along those roads with parking provided to the front and garden areas to the rear.

On the 24th December 2018, the Highway Authority formally replied to Cannock Chase District Council conditionally approving the application and requested 2no. planning conditions should the local planning authority approve the application.

It was noted that the application was formally approved on the 26th June 2019 with 24no. planning conditions. Condition 10 stated:

"The service strips/ pavements along the estate roads shall be constructed to the same height as the road surface."

This condition was not requested by the Highway Authority and would not have been acceptable with regards to formally adopting the internal roads which would have meant they would have needed to remain private and be managed by a maintenance management company.

The current application proposes to remove the need for pavements (footways) to be constructed to the same height as the road surface.

There are no objections on Highway grounds to the proposed development subject to the following conditions being included on any approval:-

1. The development hereby permitted shall not be brought into use until the accesses, parking and turning areas have been provided in accordance with Drawing No. 7458-16 and shall thereafter be retained for the lifetime of the development.
2. The development hereby permitted shall not be brought into use until the visibility splays shown on Drawing No. 7458-16 have been provided. The visibility splay shall thereafter be kept free of all obstructions to visibility over a height of 600 mm above the adjacent carriageway level.

### **Internal Consultations**

#### Waste and Engineering Services

No comments received.

### **Response to Publicity**

The application was advertised by neighbour letter. No letters of representations have been received.

### **Relevant Planning History**

Relevant planning history to the site is as follows: -

#### The Current Application Site

- CH/07/0859: - Retrospective change of use of existing land and buildings for use as a cattery. Erection of additional pen for 24 cats, 1 transfer unit, 1 isolation unit and 6 car parking space. Approved.
- CH/08/0332: - Certificate of Lawfulness for parking of heavy goods vehicles. Approved.
- CH/08/0218: - Change of use of land for the storage of up to 100 caravans. Refused.
- CH/08/0344: - Change of use of land for the storage of up to 50 caravans (Resubmission of planning application CH/08/0218). Granted for a limited period. Permission extended under applications CH/11/0169 and CH/13/0172.
- CH/13/0024: - Renewal of planning permission CH/07/0859. Change of use of existing land and buildings for use as a cattery. Approved.

- CH/15/0007: - Variation of condition 1 of planning consent CH/13/0024 to allow continued use of existing land and buildings for use as a cattery. Approved.
- CH/18/121: - Residential development comprising 52 no. dwellings including access, landscaping, public open space, and demolition of all existing buildings. Approved 2019.
- CH/18/121/ A: Discharge of conditions 3 (drainage), 4 (charging points), 8 (boundary walls), 12 (bird boxes), 16 (hedge protection) 19 (landscaping and maintenance) Pursuant to CH/18/121. Discharged.
- CH/18/121/B: Discharge of conditions 9 and 11 (Bin Storage and change of materials to drive to rear of Nos 41-50. Not discharged.

#### The Wider Land West of Pye Green Road Site

- CH/11/0395: - Mixed use development involving - erection of up to 700 dwellings; local centre consisting of retail / commercial (A1, A2, A3, A4, A5), and use class D1; a primary school; formal and informal open space, equipped play areas and allotments; new highway Infrastructure onto Pye Green Road and Limepit Lane; and associated engineering, ground modelling works and drainage infrastructure (Outline including access). Approved in 2014 subject to a Section 106 agreement.

This application excluded the land which is the subject of the current application. However, the application sought and obtained permission for several items of infrastructure that were intended to serve the whole are covered by the Development Brief including the land at Common Farm, which is the subject of this current application. As such the Section 106 agreement from planning permission CH/11/0395 contained clauses which apply to the current application, contained within Schedule 7 and concerning claw back provisions.

- CH/14/0184: - Residential Development- Erection of 119 dwellings with access off Pye Green Road; including play area, landscaping and other associated works. Approved. This permission was in relation to the site which is now known as 'Bilberry Chase'. Approved

- CH/15/0113: - Residential development: Erection of 219 dwellings (Reserved matters: Appearance, landscaping, layout and scale (in respect of planning permission CH/11/0395). Approved. This permission was in relation to the site which is now known as 'The Limes'.
- CH/17/262: - Application for reserved matters approval for outline planning permission CH/11/0395 to provide an area of suitable accessible natural green space (SANGS) to include a network of pedestrian/cycle links, a neighbourhood equipped area for play (NEAP), a multi-use games area (MUGA), a flood attenuation pond in addition to significant woodland and natural planting. Approved.
- CH/18/080: - Reserved Matters application for phases 2 and 3 comprising 481 dwellings with associated access (appearance, landscaping, layout and scale for approval) pursuant to outline planning permission CH/11/0395. Approved.

## **1 Site and Surroundings**

- 1.1 The application is a rectangular plot of land north west of the junction of Pye Green Road and Limepit Lane. It comprises some 1.8ha of land which is currently being built-out under planning permission CH/18/121.
- 1.2 The topography of the site is such that there is small shallow valley that runs approximately south east–north west running away from the Junction of Pye Green Road and Limepit Lane.
- 1.3 The site located within a predominantly residential area of Hednesford with dwellings opposite the site across both Pye Green Road and Limepit Lane. However, on the junction of the two roads stands the Jubilee Public House.
- 1.4 Pye Green Road benefits from a bus service connecting this part of Hednesford to Cannock town centre and also benefits from a range of shops, particularly at the junction of it with Clarion Way, opposite of which is the Stadium Park.
- 1.5 The site is part of a wider site allocated as a Strategic site for an urban extension for 750 dwellings within the Cannock Chase Local Plan. This urban extension makes provision for a new local service centre, a new school, allotments and large areas of public open space.

- 1.6 The site is located within Flood Zone 1 on the Environment Agency's flood risk maps and so is at least risk of flooding.

## **2 Proposal**

- 2.1 The Applicant is seeking consent for Application Under Section 73 of the 1990 Town & Country Planning Act to develop land without complying with Condition 10 (service strip/ pavements) and variation of Condition 22 (Amended Plans) pursuant to Planning Permission CH/18/121.
- 2.2 The current application proposes to remove the need for the pavements (footways) to be constructed to the same height as the road surface to enable the highway authority to adopt the roads.

## **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), The Hednesford Neighbourhood Plan 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

### Hednesford Neighbourhood Plan

Policy ROW1: - Rights of Way

Policy H1: - Support for the Provision of Bungalows in Residential Developments

3.4 There are/ are no applicable policies within the Minerals Plan.

3.5 National Planning Policy Framework

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

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

3.8 Relevant paragraphs within the NPPF include paragraphs: -

8:	Three dimensions of Sustainable Development.
11-14:	The Presumption in favour of Sustainable Development.
47-50:	Determining Applications.
59, 64:	Delivering a Sufficient Supply of Homes.
91, 92, 94, 96, 97, 97 -98	Promoting Healthy and Safe Communities Open Space and Recreation
108, 109, 110:	Promoting Sustainable Travel
117, 118:	Making Effective Use of Land
124, 127, 128, 130:	Achieving Well-Designed Places
148, 150, 155, 163, 165:	Climate Change and Flood Risk
170, 175	Biodiversity
178, 179, 180	Ground Condition and Pollution
212, 213	Implementation.

3.9 Other relevant documents include: -

Design Supplementary Planning Document, April 2016.

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

Hednesford Neighbourhood Plan 2017-2028.

**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 principle of the development was firmly established under planning permission CH/18/121 and cannot be revisited under this application. Therefore the determining issues for the proposal are whether the proposed variations to the relevant condition would be acceptable in respect of its impact on highway safety.
- 4.5 It is also necessary to determine whether there have been any material changes in circumstances that would warrant amendment of the schedule of conditions previously approved.



#### 4.6. Impact on Highway Safety

4.6.1 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.

4.6.2 The proposed change has come about due to the Highway Authority raising issues during the adoption process for the highways within the development in respect to the requirements of condition 10, which was recommended by the Waste and Collection Service. The condition was originally applied at the request of the waste and recycling officer in order to accommodate bin lorries but is not considered acceptable by the highway authority.

4.6.3 Staffordshire County Highways Authority has raised no objections to the variation of condition. As such the comments of Highway Authority are accepted and it is considered that the tests set out in paragraph 109 of the NPPF are therefore met and the proposal outlined in the Section 73 application would not result in an unacceptable impact on highway safety.

#### 4.7 Whether any Material Changes in Circumstances Have Taken Place That Would Warrant Amendment of the Schedule of Conditions Previously Approved.

4.7.1 The granting of a permission under Section 73 results in the granting of a brand new planning permission which sits side by side with the original consent. As such, it is essential that a full schedule of conditions and appropriate obligations should accompany any consent given.

4.7.2 It is also important to revisit the wording of the conditions attached to the original consent to determine whether they adequately reflect the position at the point the new consent is granted. For example it may be the case that some of the conditions attached to the original planning permission may be partly, or wholly, discharged. If they have been wholly discharged then there is no need to attach them to any new planning permission granted under Section 73. If the condition has been partly discharged (for example a scheme has been submitted and approved but not implemented), then the relevant condition would need to be amended to reflect this situation.

4.7.3 Since approval of planning permission CH/18/121 approval has been granted under discharge of condition application CH/18/121/A for schemes submitted in respect to the discharge of conditions 3 (drainage), 4 (charging points), 8 (boundary walls), 12 (bird boxes), 16 (hedge protection) 19 (landscaping and maintenance) which have been approved.

- 4.7.4 In addition an application an application, reference CH/18/121/B for the discharge of conditions 9 and 11 in respect to bin collection points and a change of materials to the drive to rear of Nos 41-50.
- 4.7.5 The scheme for bin collection points includes the provision of 900mm high loop top fencing around the communal collection area. This would enable containment of stored bins whilst they are awaiting collection without creating a substantial wall/ fence or other structure that would be evident all of the time. It is therefore recommended that condition 9 is changed accordingly to reflect this.
- 4.7.6 respect to the proposed scheme submitted in respect of a change of materials to the drive to rear of Nos 41-50 the Highway Authority has recommended refusal stating

“This refusal relates to the discharge of Condition 11 of granted planning permission CH/18/121 which requires provision of either a rumble strip or change of material at the entrance to the private access road serving Plots 41-50.

Drawing No. 2129-06, Revision J which accompanies the application indicates a change of surfacing material on the proposed public footpath. The public footpath which is to be put forward for adoption by Staffordshire County Council (as Highway Authority) cannot be amended as shown as the proposal does not form part of the Highway Authorities standard materials.

The applicant is recommended to put the proposed feature behind the adopted footway.”

- 4.7.7 As such it is recommended that condition 11 be amended to reflect the advice of the Highway Authority
- 4.7.7 The above changes need to be reflected in the schedule of conditions attached to this report. Subject to the above changes it is considered that the proposal is acceptable.

## **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 The Applicant is seeking consent under Section 73 of the Town and Country Planning Act to develop land without complying with Condition 10 (service strip/pavements) and variation of Condition 22 (Amended Plans) pursuant to Planning Permission CH/18/121 in order to remove the need for pavements (footways) to be constructed to the same height as the road surface.
- 6.2 The application has been submitted so that the applicant can secure adoption of the roads within the development by the highway authority.
- 6.3 The impacts of the proposal on highway safety are considered acceptable and the schedule of conditions has been revised to reflect the current position in respect to previously approved schemes.
- 6.4 The schedule of recommended conditions has been updated to reflect any material changes that have taken place in respect to the proposal since the original permission was granted.
- 6.5 The proposal is therefore considered acceptable subject to the amended schedule of conditions and an amendment to the section 106 agreement.

