

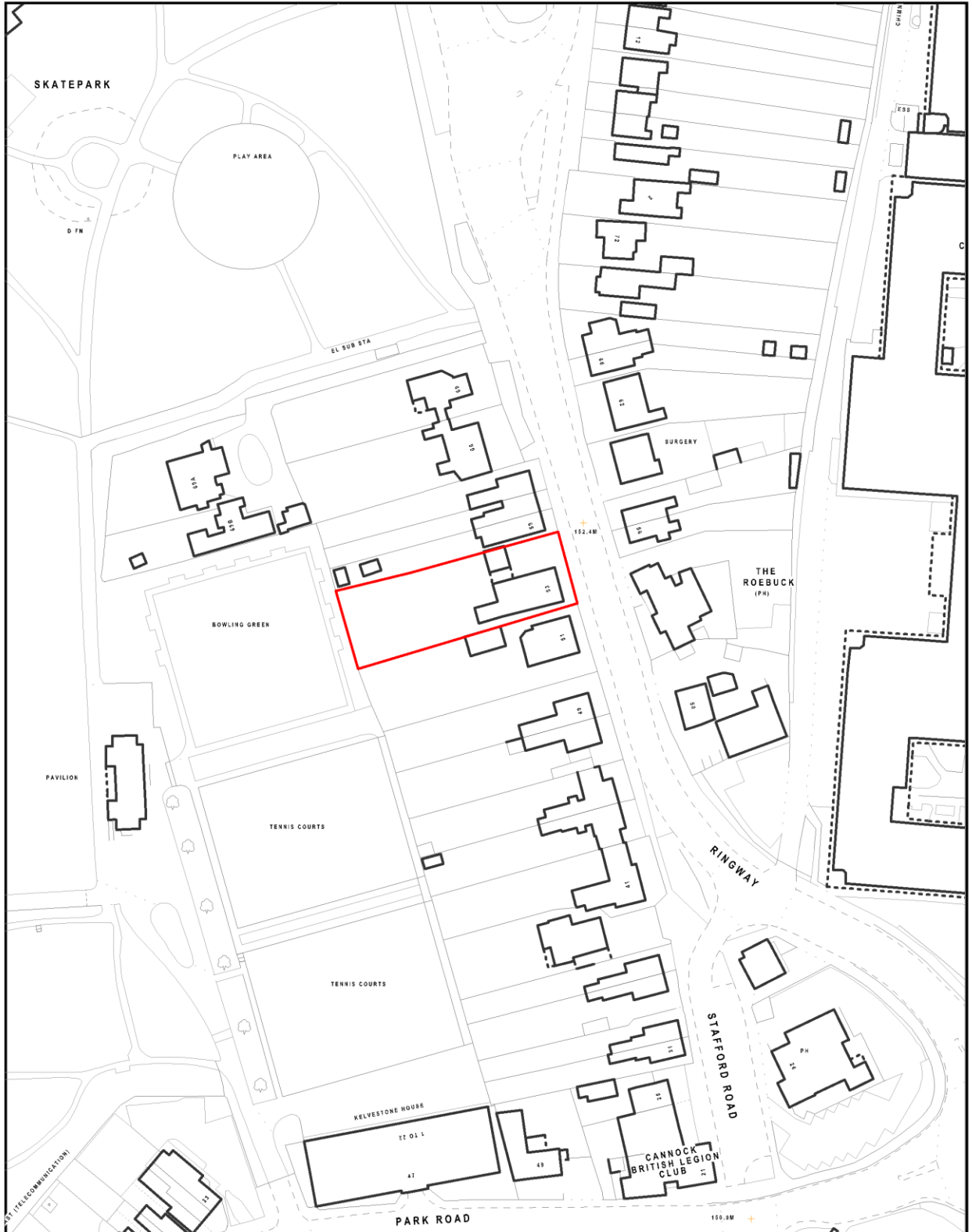


Application No: CH/19/143

Location: 53 Stafford Road, Cannock, WS11 4AF

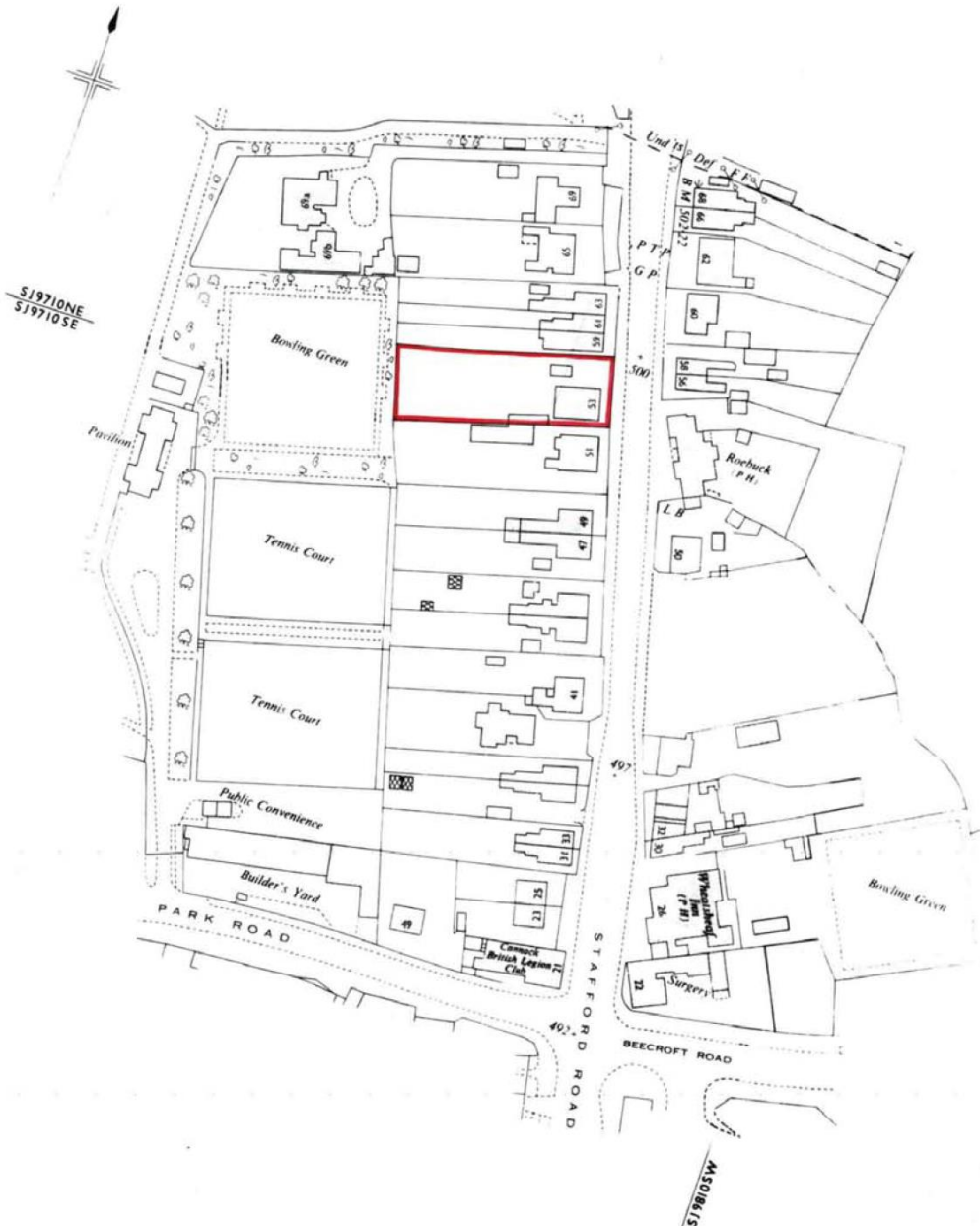
Proposal: Proposed change of use to a Childrens' Day Nursery

Item no. 6.



Location Plan

| | | | |
|-----------------------------------|------------------------|------------------------|-----------------|
| H.M. LAND REGISTRY | | TITLE NUMBER | |
| | | SF 188369 | |
| ORDNANCE SURVEY PLAN REFERENCE | SJ9710 | SECTION K | Scale 1:1250 |
| COUNTY STAFFORDSHIRE | DISTRICT CANNOCK CHASE | © Crown copyright 1977 | |

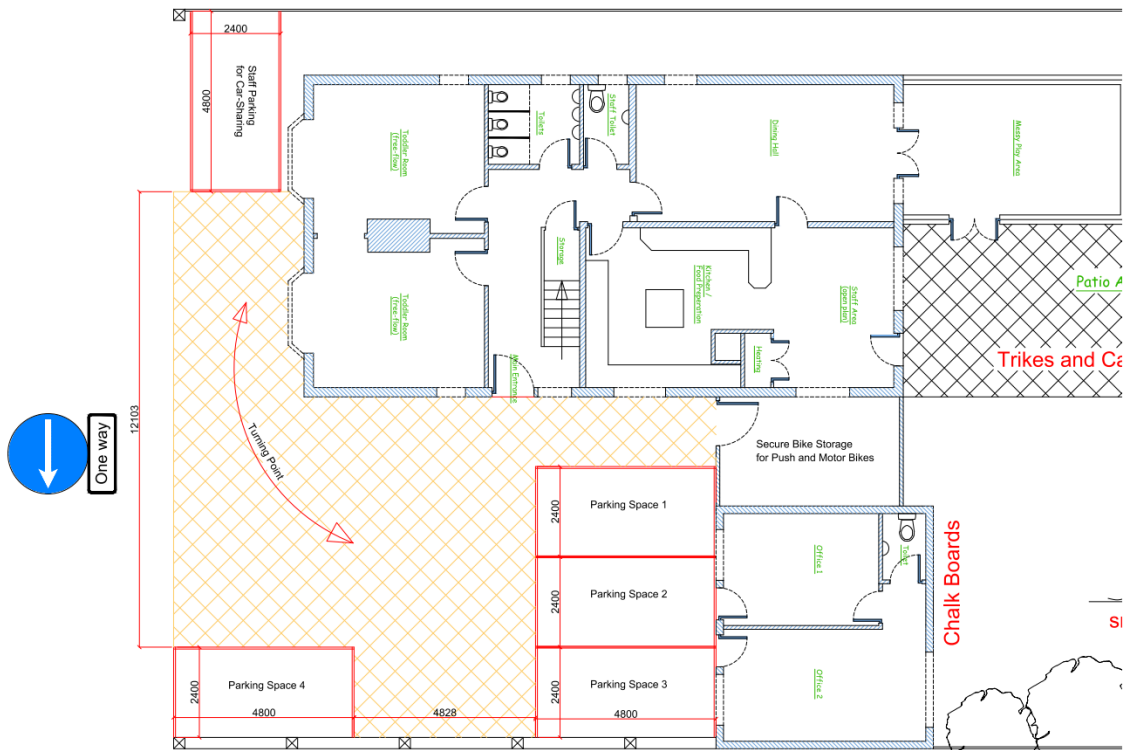


FILED PLAN
M L
11/82

Site Plan

Item no. 6.3

Proposed Layout



| Line | Description |
|------|--|
| --- | External Walls (Building) |
| ---- | Internal Walls (Building) |
| ---- | Internal Walls or Partition (Building) |
| ---- | Internal Walls (Proposed) |
| ---- | Columns & Beams |
| + | Columns |
| --- | Beam or Column Line |
| --- | Path Line |
| --- | Grid Line |
| --- | Handrail |
| --- | Roofing |
| --- | Boundary Line |

| Drawn By | Description | Date |
|-------------------|-------------|------|
| Sascha Westhoefer | | |

Date: 14 / 06 / 2019

Scale: NTS

Main Name & Address: 53 Stafford Road, Cannock, Staffordshire

SI

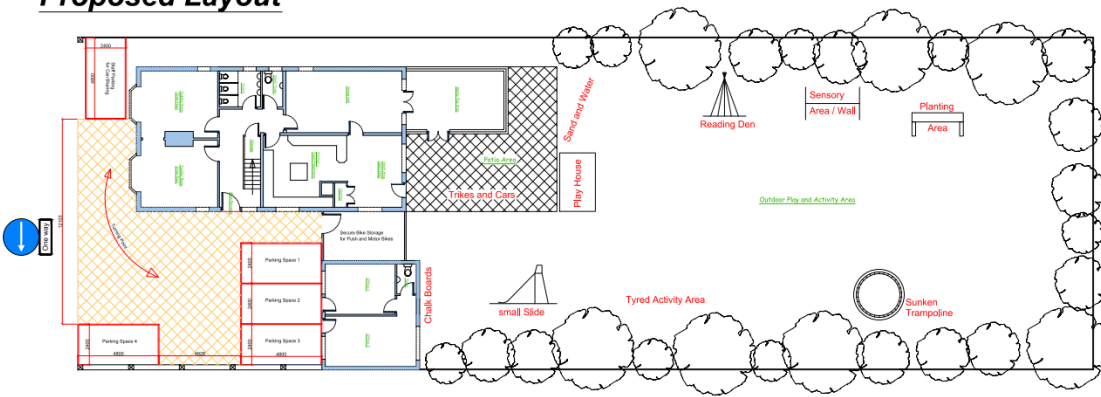
| Main Contractor/Client | Drawing Title |
|------------------------|--------------------------------|
| Mr & Mrs Westhoefer | Parking Layout Proposed Layout |

| Drawing Number | Revision |
|----------------|----------|
| 3550 | A |

Site Plan

Item no. 6.4

Proposed Layout



| | |
|-----|---------------------------------------|
| --- | External Wall (Existing) |
| --- | Shared Wall/End of Building |
| --- | Internal Wall or Partition (Existing) |
| --- | Internal Wall (Proposed) |
| --- | Column & Beamwork |
| + | Column |
| --- | Beam or Channel Line |
| --- | Foot Line |
| --- | Grid Line |
| --- | Handrail |
| --- | Stairing |
| --- | Demolition Line |

| Rev | Description | Date |
|-----|-------------|------|
|-----|-------------|------|

Drawn By: Sascha Westhoefer

Date: 14 / 06 / 2019

Scale: NTS

Plot Name & Address: 53 Stafford Road Cannock Staffordshire

Main Contractor/Client: Mr & Mrs Westhoefer

Drawing Title: Site Plan

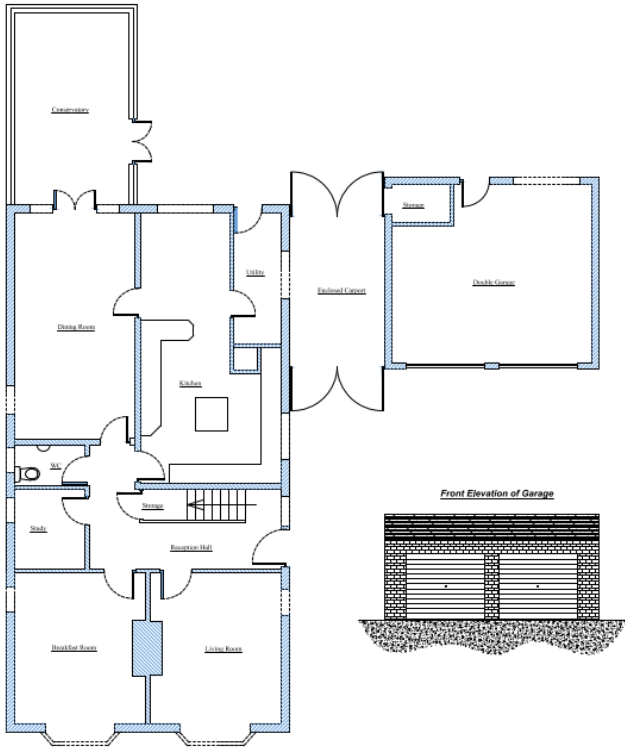
Proposed Layout

Drawing Number: 3550

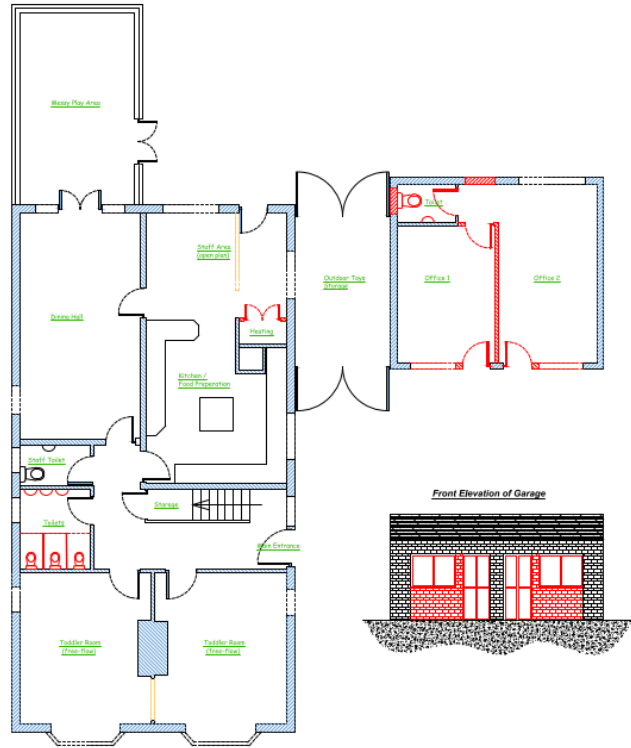
Revision: A

Ground Floor Plans

Existing Layout

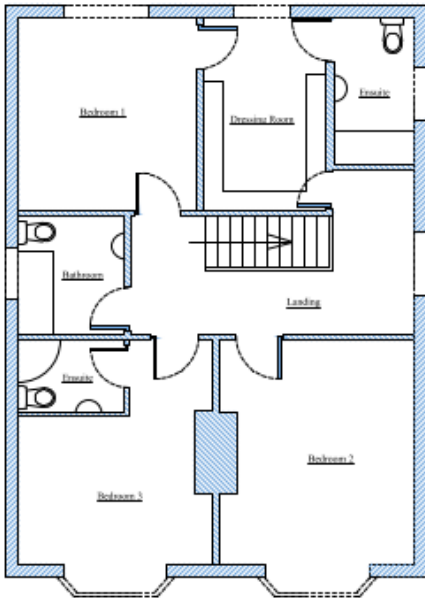


Proposed Layout

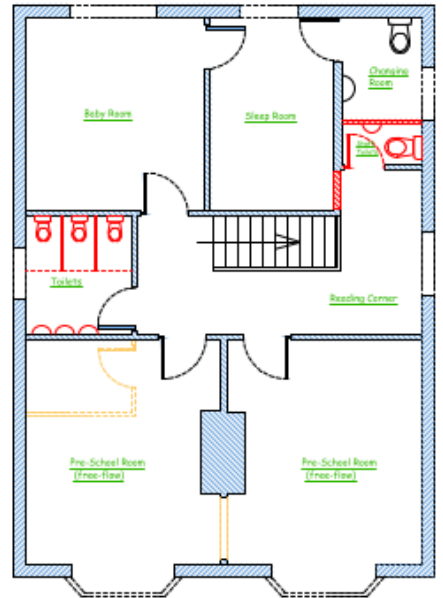


First Floor Plans

Existing Layout



Proposed Layout



| | |
|-------------------------|-----------------|
| Contact Officer: | Claire Faulkner |
| Telephone No: | 01543 464337 |

| | |
|------------------------|-----------|
| Application No: | CH/19/143 |
|------------------------|-----------|

| PLANNING CONTROL COMMITTEE 9 th October 2019 | |
|---|--|
| Received: | 09-Apr-2019 |
| Location: | 53 Stafford Road, Cannock, WS11 4AF |
| Parish: | Non Parish Area |
| Description: | Proposed change of use to a Childrens' Day Nursery |
| Application Type: | Full Planning Application |

At the meeting of Planning Control on 9th October 2019 Committee resolved that they were

“minded to approve the application, which was recommended for refusal, for a temporary 12 month period from the start of operation; however, in order that officers could prepare a list of appropriate conditions for submission to the next meeting, the application be deferred.”

Officers having reviewed the situation recommend that should planning permission be granted the following conditions be attached: -

1. Within one month of the date of the use commencing the Local Planning Authority shall be notified of the date that the use commenced on. This permission shall expire on the date 12 months after the commencement of the use. On this date the use shall be discontinued and all materials, equipment and waste associated with the use shall be removed.

Reason

In order to enable the impact of the development on highway safety and capacity in the surrounding area to be fully assessed and reviewed.

2. The unit as shown edged red on the site plan shall be occupied as a children's nursery falling within Class D1 of the Town and Country Planning (Use Classes) Order 2015, or any order revoking and re-enacting that Order with or without modification, and for no other purpose.

Reason

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

3. A maximum of 37 children shall occupy the premises at any one time.

Reason

In the interests ensuring that there is adequate parking for the proposed use, in accordance with Local Plan Policy CP3 and the Council's Parking Standards SPD.

4. The premises shall not be open for business outside the hours of 07:00 hrs to 18:30 hrs Monday to Friday and at no time on Saturdays, Sundays, Bank and Public Holidays.

Reason

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

5. No trees or hedges shown on Dwg No.3550 A Site Plan / Existing & Proposed Layout Plan, shall be cut down, topped, lopped, uprooted or removed without the prior written permission of the Local Planning Authority nor shall they be wilfully damaged or destroyed.

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

Reason

The existing vegetation screens the site and would assist in alleviating any potential disturbances to neighbouring occupiers. In accordance with Local Plan Policies CP3, CP14, CP12 and the NPPF.

6. Prior to the commencement of the use, the parking spaces as identified on Dwg.No. 3550 A Parking Layout / Proposed Layout Plan shall be clearly delineated and thereafter retained for customer parking only for the life of the development.

Reason

In the interests of Highway safety in accordance with paragraph 109 of the NPPF.

7. The development shall be carried out in accordance with the approved Travel Plan and in particular the following elements:

- All vehicles leaving the site shall do so in a forward gear;
- All vehicles leaving the site shall turn left onto Stafford Road; and
- A walking bus shall be implemented during busy periods of the day with participants wearing high visibility vests.

Reason

To comply with the objectives and policies contained within the NPPF and in the interests of highway safety.

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

3550 Rev. 0 Ground Floor Layout
3550 Rev A Parking Layout / Proposed Layout
3550 Rev 0 First Floor Layout
3550 Rev A Site Plan Existing and Proposed Layout (excluding the parking)
Travel Plan

Reason

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

The officer report presented to Planning Committee on 9th October 2019 is attached at Appendix 1.

Copy of Report Presented to Planning Committee on 9th October

| | |
|-------------------------|-----------------|
| Contact Officer: | Claire Faulkner |
| Telephone No: | 01543 464337 |

Appendix 1:

| PLANNING CONTROL COMMITTEE 9 th October 2019 | |
|---|--|
| Application No: | CH/19/143 |
| Received: | 09-Apr-2019 |
| Location: | 53 Stafford Road, Cannock, WS11 4AF |
| Parish: | Non Parish Area |
| Description: | Proposed change of use to a Childrens' Day Nursery |
| Application Type: | Full Planning Application |

RECOMMENDATION:

Refuse for the following reason: -

The proposed development fails to make adequate provision for the parking of vehicles within the site curtilage resulting in an increase in the likelihood of highway danger due to the likelihood of vehicles being parked on the public highway. The proposal would therefore be to the significant detriment of highway safety and contrary to Paragraph 109 of the National Planning Policy Framework and Policy CP10 of the Cannock Chase Local Plan.

Reason(s) for Recommendation:

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

| |
|------------|
| Framework. |
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|----------------------------|
| Notes to Developer: |
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|-------------|
| None |
|-------------|

Consultations and Publicity

External Consultations

Travel Management and Safety

Objection

The proposed development fails to make adequate provision for the parking of vehicles within the site curtilage resulting in an increase in the likelihood of highway danger due to the likelihood of vehicles being parked on the public highway.

It is noted that the applicant wishes to change the use of an existing residential dwelling which sits outside of the designated Town Centre Boundary (as shown within Cannock Chase District Council's current Local Plan) into a children's day nursery. The dwelling is currently accessed off a busy A Class road which links Cannock to Stafford.

Cannock Chase District Council's current parking standards currently state that 1no. parking space should be provided per employee plus 1no. space for every 6no. children attending. The latest Parking Layout plan (Drawing No. 3550, Revision A) shows 1no. parking space for staff members and 4no. parking spaces for parents. Whilst the parking spaces shown are geometrically correct, the space shown between the rear of Parking Space 3 and the front of Parking Space 4 of just 4.8m is inadequate for a vehicle to manoeuvre into or out of Parking Space 3 should Parking Space 4 be occupied.

The Highway Authority acknowledges the submission of a Travel Plan for the site however the proposed alternative off-site parking areas are not within the red edge of the planning application or under the control of the applicant. Any of the proposed off-site parking sites could be withdrawn/removed at any time and are unlikely to be attractive to parents dropping off or collecting children from the nursery.

Given the sites location, the Highway Authority remains concerned that the site does not benefit from sufficient on-site parking and therefore parents who arrive by car on their way to/ from work and find that they could not park within the site curtilage are likely to park outside on the adopted highway rather than use one of the identified public or private car parks which are some distance away and not under the control of the applicant.

The A34 road which fronts the property is an A Class road which is heavily congested in peak periods and has double yellow lines on both sides of the road for a significant length in order to prevent on- highway parking, reduce the likelihood of accidents and to keep traffic moving.

Internal Consultations

Development Plans and Policy Unit

The site is in the Cannock urban area on a main road just outside Cannock Town Centre and is not protected for a specific use on the Local Plan (Part 1) Policies Map. The area contains a mix of residential, leisure and some commercial uses.

The Cannock Chase Local Plan (part 1) 2014 policy CP1 supports sustainable development. It is noted that there will be a loss of 1 residential unit, but also a gain in service provision for the local community.

Policy CP3 advocates appropriate design and cohesion with adjacent uses in new development, including the protection of amenity.

The Cannock Chase Council Parking Standards, Travel Plans & Contributions for Sustainable Transport SPD sets out the advised parking requirements.

Environmental Health

The hours of operation should be conditioned to 7am to 6:30pm weekdays only. The maximum number of children should also be conditioned to 40.

The outdoor area is very well screened and this will assist in alleviating any potential disturbances. Existing trees / shrubs etc should be retained.

Response to Publicity

Adjacent occupiers notified and site notice displayed with 1 letter of representation received. The comments raised are summarised below:-

- Stafford Road is a very busy road and it cannot afford to have cars illegally parked on the pathway at any time.
- Stafford Road is also a blue light emergency route, and having numerous schools in the vicinity we (No51) have problems with pedestrians / school children / parents with pushchairs / children on bikes and scooters on the pathway outside the dwellings. This has recently worsened with expensive hospital parking for staff and visitors who park at the leisure centre and walk in.
- The traffic on this road between 8am – 9am and 3pm – 4pm is a nightmare and this is likely to be the busiest times of day for the nursery too.
- There is not sufficient room within the site for 11 vehicles which would lead to cars parking on the highway.

Relevant Planning History

None relevant.

1 Site and Surroundings

- 1.1 The application site relates to an existing building currently used as a dwelling fronting Stafford Road, Cannock.
- 1.2 The application building is a prominent double fronted dwelling set back from the highway behind a short frontage bound by a low wall with pillars. The whole frontage comprises of hardstanding and leads to an attached double garage and link at the side.
- 1.3 The property benefits from a generous rear garden bound by mature landscaping. The property benefits from a conservatory to the rear and raised patio area.
- 1.4 The application site is bound on two sides by residential dwellings and sits opposite the former Roebuck public house. The rear of the application site gives way to the public tennis courts located within Cannock Park.
- 1.5 The application site is located approximately 70m from Cannock Town Centre. The surrounding area is predominantly residential comprising of typically 2 storey dwellings of varying designs, styles and types. There are several larger buildings located within close proximity to the application site;

these being, the Cannock Leisure Centre, Cannock Chase Hospital, and Cardinal Griffin Catholic School. These buildings are all larger than surrounding buildings and incorporate various design features, materials and finishes including flat roof, grey cladding, white render and corrugated sheet roofing.

- 1.6 The application site lies within a Mineral Safeguarding Area and is considered to be low risk boundary by the Coal Authority.

2 Proposal

- 2.1 The applicant is seeking consent for the proposed change of use of a residential property to a Childrens' Day Nursery.
- 2.2 The proposal would not require any significant alterations to the external appearance of the building in order to facilitate the proposed nursery.
- 2.3 The applicant indicates 5 vehicle parking spaces; four spaces would be provided for dropping off and collecting the children and a further space provided for staff. A secure bike store is also provided to encourage cycling to work.
- 2.4 The applicant confirms that the staff would comprise of 11 members; four of which are family members with a further 5 persons employed on a full time or part time basis and a further two being students from Cannock College.
- 2.5 The proposed hours of operation would be from 07:00am to 18:30pm on weekdays. The proposed nursery would not be open during the evenings or at any time on weekends.
- 2.6 The applicant has confirmed that the drop-off and collection of the children would be staggered throughout the day as people no longer work the typical 9am – 5pm shifts. The nursery could accommodate up to 40 children at any one time.

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).

- CP1 - Strategy – the Strategic Approach
- CP2 - Developer contributions for Infrastructure
- CP3 - Chase Shaping – Design

3.3 The relevant policies within there Minerals Plan include:

Policy 3.2 Mineral Safeguarding

3.5 National Planning Policy Framework

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

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

3.8 Relevant paragraphs within the NPPF include paragraphs: -

| | |
|---------------------|--|
| 8: | Three dimensions of Sustainable Development |
| 11-14: | The Presumption in favour of Sustainable Development |
| 47-50: | Determining Applications |
| 124, 127, 128, 130: | Achieving Well-Designed Places |
| 212, 213 | Implementation |
| 170 | Conserving and Enhancing the Natural Environment |
| 180 | Ground Conditions and Pollution |

3.9 Other relevant documents include: -

Design Supplementary Planning Document, April 2016.

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

4.1 The determining issues for the proposed development include:-

- i) Principle of development
- ii) Design and impact on the character and form of the area
- iii) Impact on residential amenity.
- iv) Impact on highway safety.
- v) Impact on nature conservation
- vi) Drainage and flood risk
- vii) Mineral safeguarding
- viii) Ground conditions and contamination

4.2 Principle of the Development

4.2.1 Both the NPPF and Cannock Chase Local Plan 2014 Policy CP1 advocate a presumption in favour of sustainable development unless material considerations indicate otherwise. The NPPF makes no specific mention to creches nor does the Local Plan. Furthermore, there are no specific locational requirements for nurseries. In general they are located near to the users of the facility and in sustainable locations.

4.2.2 In this instance the application site is sited in a mixed used area comprising of residential properties, leisure uses and some commercial uses. The application site is located approx..70m from the Town centre boundary. The application site is located within the main urban area of Cannock and is not subject to any planning allocation or designation that would preclude the proposed use. As such, there are no policies that would restrict the use as a matter of principle.

4.2.3 As such, the proposal may be considered to be acceptable in principle. However, proposals that are considered acceptable in principle are 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 in so much as these issues relate to scale and means of access and impact on neighbouring amenity.

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

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

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

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

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

Planning policies and decisions should ensure that developments:

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

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

4.3.5 In this respect, the application site is bound on three sides by mature tree planting. These trees are sited to the rear. There is no indication that these trees would be removed to facilitate the childrens day nursery.

4.3.6 The change of use of the site would not involve any significant external alterations, with the garden area to the rear retained for safe play and parking proposed on the existing hardstanding to the front of the site. The applicant has indicated that the front boundary wall would be removed to provide an appropriate sized parking space.

4.3.7 Given the above, it is considered that the proposed use would have no significant impact on the character of the area and would therefore comply with Policy CP3 of the Local Plan and paragraph 127 of the NPPF.

4.4. Impact on Residential Amenity

4.4.1 Policy CP3 of the Local Plan states that the following key requirements of high quality design will need to be addressed in development proposals and goes on to include [amongst other things] the protection of the "amenity enjoyed by existing properties".

4.4.2 Paragraph 127(f) of the NPPF states that planning policies and decisions should ensure that developments [amongst other things] create places with a high standard of amenity for existing and future users. Paragraph 180 of the NPPF states that planning decisions should ensure that new development is appropriate for its location taking into account the likely effects of pollution on health, living conditions and the natural environment as well as the potential sensitivity of the site or the wider area to impacts that could arise from the development. In doing so (amongst others) (a) mitigate and reduce to a minimum potential adverse impacts resulting from noise from new development and avoid noise giving rise to significant adverse impacts on health and the quality of life.

4.4.3 Although the Design SPD sets out guidance in respect to space about dwellings it does not contain guidance in respect to space about other uses. Of particular significance in this respect is the relationship between the application site and the residential properties to the sides. Environmental Health Officers were consulted on the application and raised no objections to the proposal in terms of noise nuisance, subject to conditions.

4.4.4 It is noted that the hours of operation for the proposed nursery would be between 07:00hrs to 18:30hrs when some degree of noise is considered acceptable. Also, the existing mature boundary planting would assist in alleviating any potential disturbances.

4.4.5 Given the above, it is concluded that the proposed layout of the site, the existing boundary landscaping and the proposed hours of operation would ensure there would be no significant detrimental impact to the occupiers of the adjacent dwellings. As such it is concluded that the proposal would protect the "amenity enjoyed by existing properties" and would maintain a high standard of amenity for existing and future users and therefore comply with Policy CP3 of the Local Plan and paragraphs 127(f) and 180 of the NPPF.

4.5 Impact on Highway Safety

- 4.5.1 Paragraph 109 of NPPF states that development should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe. The Cannock Chase Local Development Framework Parking Standards, Travel Plans and Developer Contributions for Sustainable Transport Supplementary Planning Document also states its objectives (amongst others) to reduce traffic congestion in urban areas.
- 4.5.2 In this instance, the Highway Authority was consulted on the application and raised concern regarding the impact on highway safety due to the inadequate parking provision within the site curtilage resulting in an increase in the likelihood of highway danger due to the likelihood of vehicles being parked on the public highway.
- 4.5.3 The Highway Authority note that the applicant wishes to change the use of an existing residential dwelling which sits outside of the designated Town Centre Boundary (as shown within Cannock Chase District Council's current Local Plan) into a children's day nursery. The dwelling is currently accessed off a busy A Class road which links Cannock to Stafford.
- 4.5.4 Cannock Chase District Council's current parking standards state that 1no. parking space should be provided per employee plus 1no. space for every 6no. children attending. The latest Parking Layout plan (Drawing No. 3550, Revision A) shows 1no. parking space for staff members and 4no. parking spaces for parents. Whilst the parking spaces shown are geometrically correct, the space shown between the rear of Parking Space 3 and the front of Parking Space 4 of just 4.8m is inadequate for a vehicle to manoeuvre into or out of Parking Space 3 should Parking Space 4 be occupied. With a maximum of 40 children potentially attending the site at any one time and upto 11 members of staff would require parking provision for 18 spaces. The current proposal shows a shortfall of 15 spaces given one of the proposed parking spaces would not be accessible if the other spaces are in use.
- 4.5.5 The Highway Authority acknowledges the submission of a Travel Plan for the site however the proposed alternative off-site parking areas are not within the red edge of the planning application or under the control of the applicant. Any of the proposed off-site parking sites could be withdrawn or removed at any time and are unlikely to be attractive to parents dropping off or collecting children from the nursery.
- 4.5.6 Given the sites location, the Highway Authority remains concerned that the site does not benefit from sufficient on-site parking and therefore parents who

arrive by car on their way to/ from work and find that they could not park within the site curtilage are likely to park outside on the adopted highway rather than use one of the identified public or private car parks which are some distance away and not under the control of the applicant.

4.5.7 The A34 road which fronts the property is an A Class road which is heavily congested in peak periods and has double yellow lines on both sides of the road for a significant length in order to prevent on- highway parking, reduce the likelihood of accidents and to keep traffic moving.

4.5.8 As such, the proposal fails to make adequate provision for the parking of vehicles within the site curtilage resulting in an increase in the likelihood of highway danger due to the likelihood of vehicles being parked on the public highway contrary to Cannock Chase Local Development Framework Parking Standards, Travel Plans and Developer Contributions for Sustainable Transport and Paragraph 109 of the NPPF.

4.6 Impacts of Cannock Chase Special Area of Conservation

4.6.1 Under Policy CP13 development will not be permitted where it would be likely to lead directly or indirectly to an adverse effect upon the integrity of the European Site network and the effects cannot be mitigated. Given the size and nature of the proposal and its location in respect to Cannock Chase SAC, and the connectivity of the wider highway network it is considered that the proposal would have no significant impacts, directly or indirectly on any SAC.

4.7 Drainage and Flood Risk

4.7.1 The site is located in Flood Zone 1 on the Environment Agency's Flood Zone Maps, and therefore is in the zone of least risk from flooding.

4.7.2 In this respect it is noted that paragraph 155 of the NPPF states 'inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk (whether existing or future)' adding 'where development is necessary in such areas, the development should be made safe for its lifetime without increasing flood risk elsewhere'.

4.7.3 Given that the site is located within Flood Zone 1 and introduces no additional hardstanding to the site, it is considered that the proposal would be acceptable in respect of drainage and flood risk in accordance with paragraph 155 of the NPPF.

4.8 Mineral Safeguarding

4.8.1 The site falls within a Mineral Safeguarding Area (MSAs) for Brick Clay. Paragraph 206, of the National Planning Policy Framework (NPPF) and Policy

3 of the Minerals Local Plan for Staffordshire (2015 – 2030), both aim to protect mineral resources from sterilisation by other forms of development.

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

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

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

4.8.3 The site is located within the site of a restaurant within an urban area of Cannock. As such the proposal would not prejudice the aims of the minerals plan to safe guard minerals.

4.9 Ground Conditions and Contamination

4.9.1 The site is located in a general area in which Coal Authority consider to be a development low risk area. As such, the Coal Authority does not require consultation on the application.

5 Human Rights Act 1998 and Equalities Act 2010

Human Rights Act 1998

5.1 The proposals set out in this report are considered to be compatible with the Human Rights Act 1998. The recommendation to 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 proposed development fails to make adequate provision for the parking of vehicles within the site curtilage resulting in an increase in the likelihood of highway danger due to the likelihood of vehicles being parked on the public highway. As such, the proposal is contrary to highway safety and the objectives and policies contained within Paragraph 109 of the NPPF, Policy CP10 of the Cannock Chase Local Plan and Cannock Chase Local Development Framework Parking Standards, Travel Plans and Developer Contributions for Sustainable Transport SPD.
- 6.2 It is therefore recommended that the application be refused.

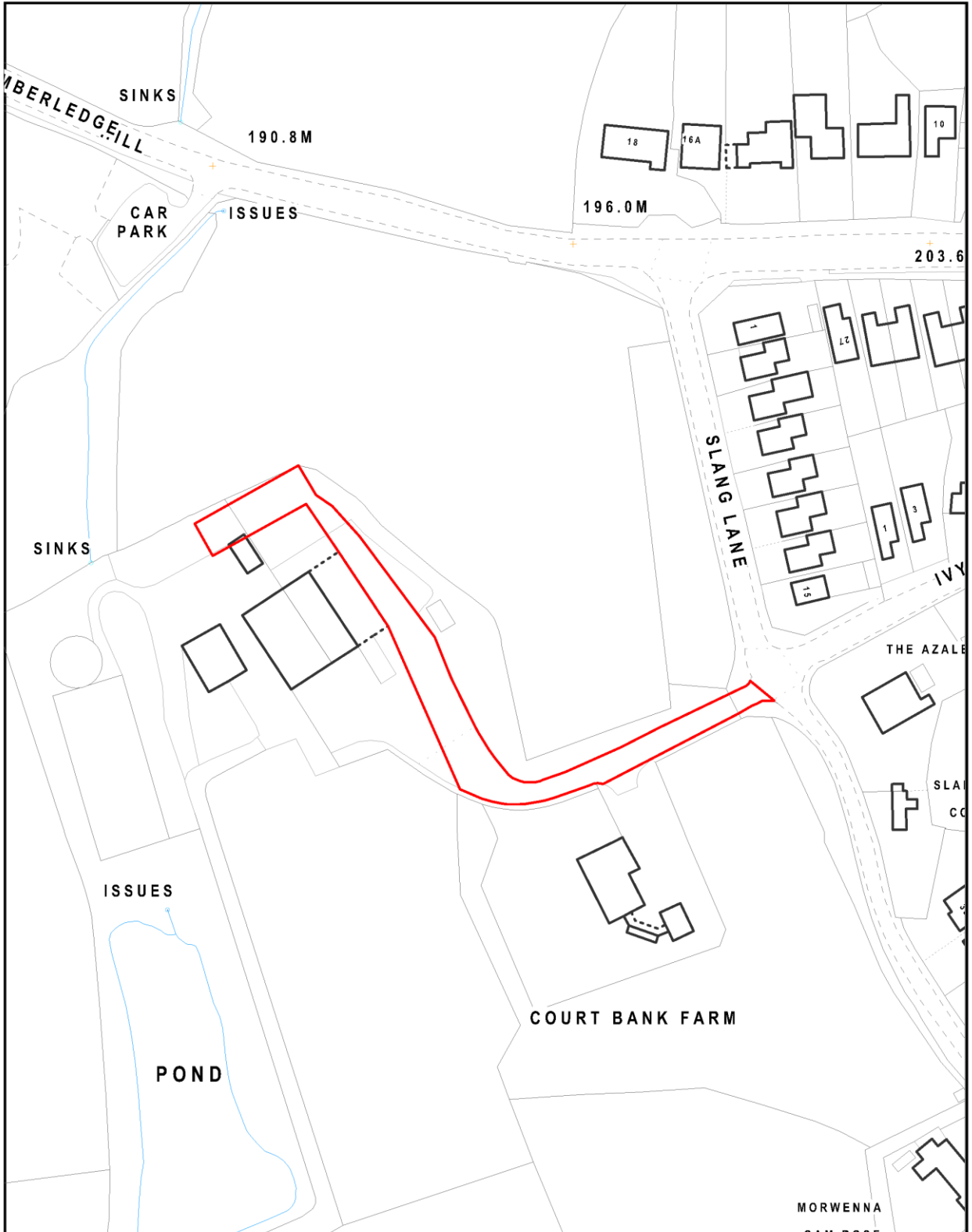


Application No: CH/19/154

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

Proposal: Proposed erection of a storage building (390sq m) for the equestrian enterprise

Item no. 6.23



Plan Showing Extent of Equestrian Use



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REVISIONS

| No. | Date | Description | Ver. |
|-----|------|-------------|------|
| | | | |




Chartered Surveyors & Planning Consultants
 Oak House, Kingswood Business Park,
 Holyhead Road, Wolverhampton,
 WV7 3AU

JOB TITLE
 COURT BANK FARM
 CANNOCK WOOD,
 WS15 4RY

CLIENT
 MR & MRS NEWTON

DRAWN RLH **DATE** OCT 18
VERIFIED AA **SCALE** 1:1250

DRAWING TITLE
 LOCATION PLAN SHOWING
 THE SUBJECT AREA TO
 EQUESTRIAN USE

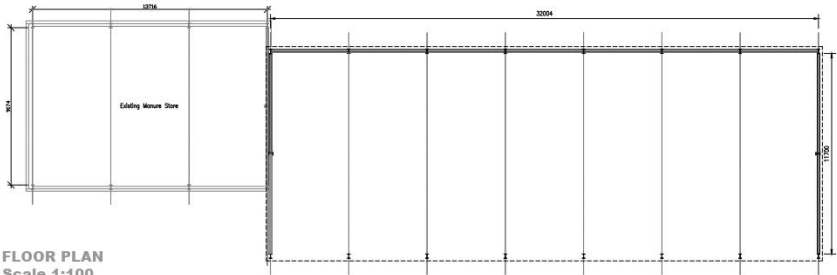
FILE REF. **DRAWING NO.**
 NEWTON-18-1

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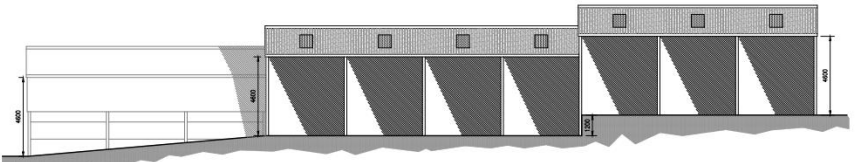
ORIGINAL PAPER SIZE A3

Floor Plan and Elevations

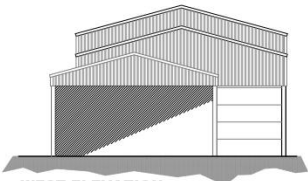
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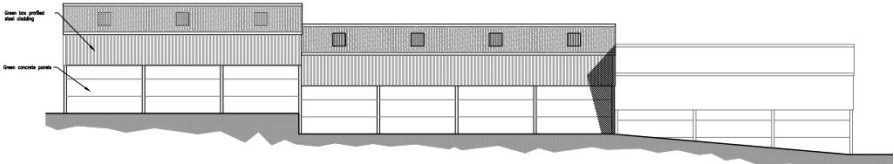
FLOOR PLAN
 Scale 1:100



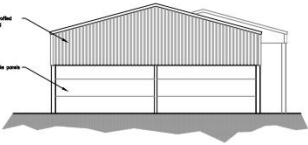
SOUTH ELEVATION
 Scale 1:100



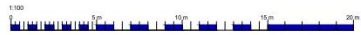
WEST ELEVATION
 Scale 1:100



NORTH ELEVATION
 Scale 1:100



EAST ELEVATION
 Scale 1:100



MATERIAL SCHEDULE

Walls - Green concrete panels with green box profile sheeting above
 Roof - Grey reinforced fibre cement roof sheeting
 Rain water goods - UPVC

| | | | | |
|----|----------|--|----|----|
| C | 17.04.19 | Concrete panels sheeting to submit set | AW | AW |
| S | 18.07.19 | Proposed Storage Building West 1 (See South Elevation) | DL | AW |
| A | 24.04.19 | Submit to Planning Department | DL | AW |
| AW | 2019 | Approved | DL | AW |

Mr and Mrs Newton
 Court Bank Farm, Cannock Wood,
 WS15 4RY

Proposed Storage Building
 Proposed Plan and Elevations

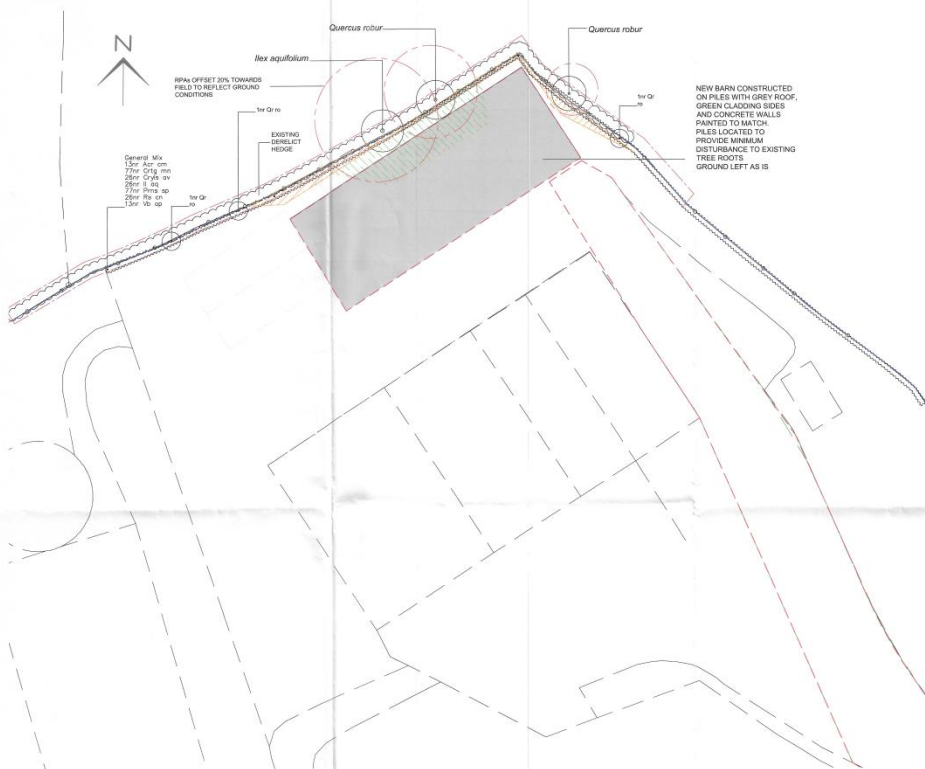
AW SHOWN 04/1 April '19 DL AW
 AW 2
 AW/ROLVES/NEWTON 200-02 B

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PLANNING ISSUE

Tree Protection and Planting Plan



TREE PROTECTION TO BS5637 (2012)

- PROTECTIVE FENCING
- CONSTRUCTION EXCLUSION ZONE
- RPA
- GROUND PROTECTION

NOTE: PLANT NO QUERCUS ROBUR IN THESE LOCATIONS UNLESS OTHERWISE AUTHORISED IN WRITING BY THE LOCAL PLANNING AUTHORITY

TREE PROTECTION DETAIL

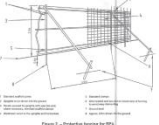
All trees retained on site shall be protected by means of a ground protection method (as indicated on this or other related documents) of the assessment as detailed by section 6.4 of BS5637.

Barriers shall be checked prior to commencement of any construction work and prior to any demolition works including removal of any temporary structures. Once installed, the area enclosed by fencing or other barriers shall be regarded as a restricted access zone.

Fencing and barriers shall not be removed or altered without prior consultation with the project arboriculturist.

All weather screens shall be attached to the protective fencing to indicate that construction activities are not permitted within the tree protection zone. The zone within the protective barrier shall be marked as a construction exclusion zone throughout the duration of the construction phase of the proposed development.

Any trees that are to be retained on site at the completion of the project shall be subject to the retention of protective barriers. Particular attention shall be given by site contractors to ensure storage or disturbance to adjacent structures.



DETAIL ONE
PROTECTIVE FENCING TO BE INSTALLED PRIOR TO COMMENCEMENT OF WORK AND MAINTAINED THROUGHOUT CONSTRUCTION PHASE

DETAIL TWO
ALL WEATHER SCREENING TO BE AFFIXED TO FENCING AND MAINTAINED THROUGHOUT CONSTRUCTION PHASE

Temporary Track

- 1. 100mm x 50mm x 10mm
- 2. 100mm x 50mm x 10mm
- 3. 100mm x 50mm x 10mm
- 4. 100mm x 50mm x 10mm

KEY

- DEVELOPMENT BOUNDARY
- PROPERTY BOUNDARY
- RETAINED TREES
- EXISTING HEDGE
- EXISTING FENCE
- NEW BUILDING
- NEW TREE
- NEW HEDGE

| Rev | Date | Revision Made | Drawn | Checked | Approved |
|-----|----------|--|-------|---------|----------|
| B | 26/08/19 | Added 3 new trees + footprint moved RB | DJ | DJ | DJ |

Client: Mr Andrew Newton

Project: Court Bank Farm Cannock Wood

AMENDED PLANS
APPLICATION REF: CH19/154
DATE: 27.09.19

Title: Tree Protection and Planting Plan

| Drawn | Checked | Approved |
|-------|---------|----------|
| RB | DJ | DJ |

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

Drawing Status: ISSUED
Drawing Number: 427.1
Rev: B

DJOGS
Landscape Architecture and Ecology Services
Danielle Jaynes MA LMI
info@djogs.co.uk
01922 442665
07812640015

Full Planting Schedule

| Shrub | | | | | | | | | |
|----------------------|-------|-----------|------------------|------|------|------|-------|-----|--|
| Name | Age | Height | Form | Bkvs | Root | Ctrr | Ctra | Qty | |
| Caragana arvensis | 1/1 | 60-80cm | Bushy | | BR | | 0.450 | 26 | |
| Ilex aquifolium | 1/1 | 60-80cm | | 2 | BR | | 0.450 | 26 | |
| Rosa canina | 1/1 | 60-80cm | | | BR | | 0.450 | 26 | |
| Viburnum opulus | 1/1 | 50-60cm | | 3 | BR | | 0.450 | 13 | |
| Tree | | | | | | | | | |
| Name | Age | Height | Form | Bkvs | Root | Ctrr | Ctra | Qty | |
| Acer campestre | 0/1/1 | 60-80cm | Whip/feather | | BR | | 0.450 | 13 | |
| Cotoneaster monogyna | 1/1 | 60-80cm | Whip/feather | | BR | | 0.450 | 77 | |
| Quercus robur | | 450-600cm | Standard (heavy) | | BR | | | 3 | |

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| | |
|-------------------------|--------------|
| Contact Officer: | Audrey Lewis |
| Telephone No: | 01543 464528 |

| | |
|------------------------|-----------|
| Application No: | CH/19/154 |
|------------------------|-----------|

| PLANNING CONTROL COMMITTEE | |
|-------------------------------------|---|
| 30th October 2019 | |
| Received: | 25-Apr-2019 |
| Location: | Court Bank Farm, Slang Lane, Cannock Wood, Cannock, WS15 4RY |
| Parish: | Cannock Wood |
| Description: | Proposed erection of a storage building (390sq m) for the equestrian enterprise |
| Application Type: | Full Planning Application |

Following compilation of the attached report (Appendix 1) and the subsequent Committee meeting held on 21 August 2019, it was resolved by Members to defer the decision making process to enable officers to discuss the design of the proposal.

Following a meeting with the applicant, alternative materials and designs were discussed including the cladding of the building in timber, and, or, the provision of a green roof. The applicant, having considered the potential design solutions has commented that:

- Timber cladding would require too much maintenance and would appear at odds and out of keeping with the existing buildings on the site.
- A green roof would require more substantial footings depth that would impact upon trees and vegetation around the periphery of the site.

The applicant has therefore provided amended plans which indicate the following:

- Green concrete panels to the lower sections of the building, green box profiled steel cladding to the upper sections of the building and a grey roof; and a
- Landscaping plan to include tree protection and planting plan.

The applicant has also alluded to various other buildings in the area which have used materials that are similar to the ones proposed.

Officers are of the opinion that, on balance, the proposal is acceptable in respect to its design.

Appendix 1:
Copy of Officer Report Presented to Planning Control Committee
On
21st August 2019

| PLANNING CONTROL COMMITTEE | |
|-----------------------------------|---|
| 21 August 2019 | |
| Application No: | CH/19/154 |
| Received: | 25-Apr-2019 |
| Location: | Court Bank Farm, Slang Lane, Cannock Wood, Cannock, WS15 4RY |
| Parish: | Cannock Wood |
| Description: | Proposed erection of a storage building (390sq m) for the equestrian enterprise |
| Application Type: | Full Planning Application |

| |
|------------------------|
| RECOMMENDATION: |
|------------------------|

| |
|-----------------------------------|
| Refuse for the following reason:- |
|-----------------------------------|

| |
|--------------------------------------|
| Reason(s) for Recommendation: |
|--------------------------------------|

The site is in the West Midlands Green Belt wherein there is a presumption against inappropriate development. Inappropriate development is by definition harmful to the Green Belt and should only be allowed where very special circumstances have been demonstrated to exist. Very special circumstances can only exist where the harm to the Green Belt and any other harm is clearly outweighed by other considerations.

The proposed development by virtue of its siting and design comprises an inappropriate building incompatible with the landscape qualities of Cannock Chase Area of Outstanding Natural Beauty, and therefore contrary to Policy CP14 of the Local Plan.

In accordance with paragraph 144 of the NPPF substantial weight should be afforded to the harm to the Green Belt. Furthermore in the absence of any other consideration put forward by the applicant it is considered that the very special circumstances have not been demonstrated to exist to support approval of the proposal and the application should be refused.

Conditions (and Reasons for Conditions):

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

Notes to Developer:

N/A

Consultations and Publicity**External Consultations**Cannock Chase AONB UnitProposed site and development

The site lies within the AONB, within the landscape character type Settled Plateau Farmlands, as described in the Review of Cannock Chase AONB Landscape Character Framework, characterised by rolling farmland, with medium sized hedged fields, with clustered settlement. Horse pasturing is common in the area. The site is overlooked by residential properties on higher ground on the east side of Slang Lane and by farmsteads to the north of the site. There is informal access vial Nun's Well Car Park (CCDC) onto land to the west of the site.

The proposal is for an extension 32m x 12.2m x 4.6m to eaves, stepped to respond to existing ground levels. The building would be located to the north of stabling blocks, directly adjacent to a hedge field boundary with hedgerow trees. Construction is proposed of concrete panel walls with green steel box profile sheeting above to match the adjoining building- The application does not refer to tree removal, however, it does appear that much of the former hedgerow along the site boundary has been removed leaving only trees with higher level canopies, and development would be directly alongside the site boundary, potentially leading to further tree loss. As a result of vegetation removal, on the site boundary existing development on the site is not well screened from the surroundings and the proposed development would be visible from receptors (at properties and road users) on Slang Lane, Cumberledge Hill, Nun's Well open space and properties to the north of the site.

AONB Issues-

The main issue for the AONB are:

- The impact of the proposed development on the landscape and scenic beauty of the AONB
- Potential impact due to removal of trees

The recently published Cannock Chase AONB Management Plan 2019—2024, sets out in Policy LCP1 that “Development proposals within the AONB should be of high quality design and environmental standards, respecting local distinctiveness, be complementary in form and scale with their surroundings, should take opportunities to enhance their setting and minimise their carbon footprint and negative impacts on the local environment.”

The proposed building would potentially result in over—development of the site; it would be visually intrusive and have a detrimental effect on the character of this part of the AONB; hence the objection.

If the local authority considers the principle of an additional storage building could be acceptable, I recommend the footprint and the height of the proposed building should be reduced, so that any extension appears subservient to existing development—Proposed rooflines should be lower than those of existing buildings to the south, to minimise visual intrusion and detrimental landscape impacts. Elevations that indicate both existing and proposed buildings would assist in making an informed judgement on the application. For the proposals to be acceptable I advise it will also be essential for the application to demonstrate that mitigation measures will be put in place to minimise landscape and visual impact. To ensure there are no long—term detrimental effects on landscape character and visual mitigation is achieved, a Tree survey and Tree protection plan are recommended to secure tree retention, along with landscape proposals that reinstate the boundary hedgerow with appropriate native planting.

County Highways

No objections

Cannock Wood Parish Council

The Council has no objections to the plan but would hope that the District will ensure that the development is an abutment and not an extension and also request that screening is put in place to improve the street view and block the lights to residents.

Cadent

Thank you for your recent letter dated, indicating that application for planning permission has been made for the above development.

Although Cadent Gas does have a pipeline in the vicinity, the proposed development is outside the criteria requiring National Grid to carry out any improvements.

Internal Consultations

Planning Policy Officer

The location lies within the Cannock Chase Area of Outstanding Natural Beauty (AONB) and the Green Belt just outside of the Cannock Wood Settlement Boundary. The proposed building would be sited adjacent to an existing set of farm buildings. Nearby tree coverage provides limited screening of the site to protect some of the existing views of the landscape, especially from the west.

The National Planning Policy Framework (NPPF) 2019 states that development proposals that accord with the development plan should be approved without delay. Where there are no relevant development plan policies, or the policies which are most important for determining the application are out of date, planning permission should be granted, unless policies in the Framework that protect areas or assets of particular importance (e.g. Green Belt, AONB, habitats sites) provide a clear reason for refusal, or any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole. Paragraphs 133 – 147 in the NPPF set out the purpose of the Green Belt and what types of development are appropriate within it, Policy CP1 in the Cannock Chase Local Plan – Local Plan (Part 1) 2014 supports this stance.

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

The Design SPD (Supplementary Planning Document)(p63-66, April 2016) contains design guidance on Equestrian Development. It notes that key design principles should include care with siting and design.

Environmental Health

No adverse comments are offered from Environmental Protection regarding this matter in principle. If there any any proposals to install any additional external lighting in conjunction with this development then the scheme should be designed to ensure that there is no overspill or glare off site to the detriment of other properties within the vicinity.

Response to Publicity

The application has been advertised by site notice and neighbour letter. Two local Councillors have called the application in for a site visit and for consideration by Committee. Nine letters of representation have been received from local residents on the following grounds:

- The site is already overdevelopment of the Green Belt and the AONB.
- The proposed building is more than double the size of the building, it purports to be an extension to. It is an abutment, not an extension – has this been to gain an easier path through the planning process?
- The planning application states the building will not be seen from any public road, footpath, or bridleway, or other public land. This is incorrect – please see photographic evidence, which demonstrates the changes in the site and increased impact on the streetscene dated from 2012 onwards to current date.
- The proposal is too big, sited in an inappropriate location and will compound the negative effect on the surroundings already caused by this facility.
- The application should be refused on the grounds:
 - It is an abutment, not an extension.
 - Massing
 - Excessive footprint
 - Excessive height
 - Overdevelopment of the site
 - Inappropriate development of AONB and greenfield land
 - Negative impact on streetscene.
- Further loss of visual amenity to residents living in the AONB.
- Further development will make the site look like an industrial estate. The building materials proposed are wholly industrial in nature and no attempt has been made to use vernacular design or materials and no attempt at screening.
- The application gives rise to doubt as whether the ultimate use of the proposed structure will be used to expand the business then requiring further on site storage and so on, expanding the industrialisation across further the valley.
- Two years ago what was supposed to be the final building for waste from the stables was granted planning permission, as the site was well screened and would not affect the streetscene. (Please refer to the enclosed photographs that demonstrate this is not the case).
- Residents are now faced with a building 18 ft high and 18 ft by 20 ft floor area in full view from Slang Lane and Cumberledge Hill.
- The planning support statement says that the building is to be used for the storage of hay produced at the farm. It is difficult to see where this hay is being grown.

- Planning application CH/15/0025 was for a building which included storage of hay and bedding materials.
- As soon as planning permission was granted previously, the hedges and trees were torn out by the landowner and floodlights were installed creating a distraction to motorists at night. Planning permission was not obtained for the lighting.
- Park Gate stables are now erecting floodlights which shine directly on the back of houses in Cumberledge Hill. As some of the light travels through branches, this creates a flashing effect on the bedroom windows of the affected houses.
- The mature trees on the northern boundary will be affected by the proposed building.
- Concern in relation to the SHLAA allocation for future potential mixed use and the landowner's future intentions for the site and possible impacts on the AONB with regard to residential/expanded business uses.
- If there is a small area of B1(c) activities are being undertaken on the site, then the classification should be limited to that area and not the entire site. Conditions should be imposed to prevent further 'creep' of this designation across the site and to control further developments if the business varies.
- The developments at the site has driven out wildlife and ruined the area.
- Increase in traffic and noise of machinery.

Relevant Planning History

1. CH/01/0781 Change of use from existing agricultural storage building - Full - Approval with conditions - 20/2/2002.
2. CH/13/0354 Retention of stable block. Full - Approval with conditions 29/11/2013.
3. CH/15/0025 Demolition of existing buildings and construction of larger replacement equestrian building for stabling (12 horses) and storage of hay and bedding materials, creation of midden and alterations to site levels. (Amended proposal). Full - Approval with conditions - 22/04/2015
4. CH/15/0225 Erection of a roof over manure store - Full - Approval with conditions - 16/09/2015.
5. CH/15/0322 Proposed installation of two ponds and erection of boathouse within existing lake. Full - Approval with conditions 30/09/2015.

6. CH/15/0322/A Discharge of Conditions 2 (Materials) & 3 (Pond Detail) for Approved Planning Application Discharge of conditions - Full Approval 03/02/2016.
7. CH/17/025 Extension of existing ménage. Full - Approval with conditions - 24/03/2017.

1 Site and Surroundings

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

2 Proposal

- 2.1 The applicant seeks consent for the proposed erection of a storage building (390sq m) for the equestrian enterprise. The building would measure 32m long x 11.7m wide and would be a maximum height of 6.3m (4.6m to eaves). It would be located adjacent to the existing manure store measuring 13.7m long x 9.2m wide and of similar height. Due to the differing ground levels the combined length of the resultant 45.7m long building would be stepped in 3 sections. The building would be located adjacent to the northern edge of land within ownership of the applicant.
- 2.2 The materials of the building would comprise concrete panels with green box profile sheeting above. The roof would comprise grey reinforced fibre cement roof sheeting with UPVC rain water goods.
- 2.3 The purpose of the building is to provide a dry storage area for cover for hay and bedding that is currently stored and bagged outside in open storage area, which is located adjacent to the manure store.
- 2.4 The application is accompanied with supporting information and a supporting statement. The statement explains that the large amounts of hay and bedding could not be kept in the stable block because of insufficient room and the Fire Service advise it would be a significant fire risk. In addition, to enabling hay and bedding to be covered and bagging taking place under cover the building would also provide additional space for a second farrier and relocated washdown area, which is currently situated in the Midden.
- 2.5 The supporting statement makes a case that paragraph 145 (b) of the NPPF allows provision of appropriate facilities in connection with outdoor recreation, provided that the facilities preserve the openness of the Green Belt. It states that the building footprint would be less than 1% associated with a major equestrian business extending to 117 acres is a facility which preserves the openness of the Green Belt. It compares the proposed building to those of an agricultural business, which allows permitted development buildings that could be built up to an area of 465 sq m every 2 years.

3 Planning Policy

- 3.1 Section 38 of the Planning and Compulsory Purchase Act 2004 requires planning applications to be determined in accordance with the provisions of the Development Plan, unless material considerations indicate otherwise.
- 3.2 The Development Plan currently comprises the Cannock Chase Local Plan (2014) and the Minerals Local Plan for Staffordshire (2015 – 2030). Relevant policies within the Local Plan include: -

CP1 - Strategy – the Strategic Approach
 CP3 - Chase Shaping – Design
 CP14-Landscape Character and Cannock Chase Area of Outstanding Natural Beauty.

3.3 National Planning Policy Framework

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

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

3.6 Relevant paragraphs within the NPPF include paragraphs: -

| | |
|---------------------|--|
| 8: | Three dimensions of Sustainable Development |
| 11-14: | The Presumption in favour of Sustainable Development |
| 47-50: | Determining Applications |
| 124, 127, 128, 130: | Achieving Well-Designed Places |
| 143-145 | Protecting Green Belt |
| 172 | Conserving and Enhancing the Natural Environment |
| 212, 213 | Implementation |

3.7 Other relevant documents include: -

Design Supplementary Planning Document, April 2016.

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

Manual for Streets.

Cannock Chase AONB Management Plan 2019-24.

4 Determining Issues

4.1 The determining issues for the proposed development include:-

- i) Principle of development
- ii) Design and impact on the character and form of the area, including the AONB and Green Belt.

- iii) Impact on residential amenity.
- iv) Impact on highway safety.

4.2 Principle of the Development

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

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

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

If the proposal constitutes inappropriate development then it should not be allowed unless the applicant has demonstrated that 'very special circumstances' exist which would justify approval.

If the proposal is determined to constitute appropriate development then it should be approved unless it results in significant harm to acknowledged interests.

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

4.2.4 Whether a proposal constitutes inappropriate development is set out in Paragraph 145 of the NPPF. Paragraph 145 relates to new buildings.

4.2.5 The NPPF, paragraph 145 states "A local planning authority should regard the construction of new buildings as inappropriate in Green Belt. Exceptions to this include, amongst other things: -

“(b) the provision of appropriate facilities (in connection with the existing use of land) for outdoor recreation [amongst others], as long as

the facilities preserve the openness of the Green Belt and do not conflict with the purposes of including land within it;

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

4.2.6 Firstly, the planning statement points out that the proposal is a new building, rather than an extension and therefore ‘consideration under paragraph 145(c) is not relevant.’ However, if it were to be considered as an extension, the proposal would fail to comply with the NPPF, as it would form a much larger extension than the existing building to be extended and therefore would form a disproportionate addition.

4.2.7 As such, the proposal should be considered under the relevant paragraph 145(b) of the NPPF, provided that ‘*the facilities preserve the openness of the Green Belt and do not conflict with the purposes of including land within it.*’

4.2.8 In this respect, it is noted that the building would be some 32m in length abutting an existing building of similar height of 6.3m, resulting in a combined building length of 45.7m. Furthermore this increase in scale and mass would be readily seen from views along Slang Lane, Nun’s Well and Cumberledge Hill, due to lack of landscape screening and differing ground levels.

4.2.9 Given the above the proposal would constitute inappropriate development , which is harmful, by definition, to the Green Belt, and which should not be approved unless very special circumstances exist to justify approval of the approval.

4.2.10 The applicant has not provided sufficient justification of the need for a building of this size, or considerations that would constitute very special circumstances in support of the application. Therefore the proposal is contrary to Paragraph 144 of the NPPF and should be refused on these grounds.

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

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.

Local Plan Policy CP14 relates to landscape character and the AONB.

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 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 the Design SPD sets out clear expectations and guidance in respect to equestrian facilities.

4.3.6 Finally, paragraph 172 gives great weight to AONB, in terms of conserving and enhancing the natural environment.

4.3.7 In this regard, the AONB Unit has been consulted on the proposals. They object and have stated:

‘The proposed building would potentially result in over-development of the site; it would be visually intrusive and have a detrimental effect on the character of this part of the AONB; hence the objection.’

- 4.3.6 There have been a number of objections from local residents, who object to the proposal's potential impact upon the visual amenity of the AONB.
- 4.3.7 The scale and mass of the proposed building design, combined with the proposed materials comprising concrete and metal sheets would appear industrial in design, particularly as it would form one of several existing buildings, which comprise similar materials within the equestrian compound. When viewed together, they would give the overall appearance of a group of industrial units. The proposal would be sited at the edge of the applicant's land, where hedges have been removed, making it clearly visible from views along Slang Lane, Nun's Well and Cumberledge Hill, due to this lack of landscape screening and differing ground levels. It is therefore considered that the proposed building of industrial design and proportions would have a detrimental impact upon the open greenfield nature and character of the AONB.
- 4.3.7 Therefore, having had regard to Policy CP3 and CP14 of the Local Plan and the above mentioned paragraphs of the NPPF it is considered that the proposal would not be acceptable in respect to its impact on the character and form of the Green Belt and AONB area.

4.4 Impact on Residential Amenity

- 4.4.1 Policy CP3 of the Local Plan states that the following key requirements of high quality design will need to be addressed in development proposals and goes on to include [amongst other things] the protection of the "amenity enjoyed by existing properties". This is supported by the guidance as outlined in Appendix B of the Design SPD which sets out guidance in respect to space about dwellings and garden sizes.
- 4.4.2 Paragraph 127(f) of the NPPF states that planning policies and decisions should ensure that developments [amongst other things] create places with a high standard of amenity for existing and future users.
- 4.4.3 There have been objections received from the neighbouring residents in relation to loss of amenity on the grounds of loss of open greenfield outlook, increased noise from machinery/vehicles and light pollution.
- 4.4.4 The Environmental Protection Officer has no objections to the proposal, however, states that if there are any proposals to install any additional external lighting in conjunction with this development, then the scheme should be designed to ensure that there is no overspill or glare off site to the detriment of other properties within the vicinity.

- 4.4.5 As stated previously within the report, it is considered that the proposal would cause detriment to the visual amenity of the AONB and openness of the Green Belt area and consequently to the outlook of the surrounding residents.
- 4.4.6 Noise from cars and machinery would be intermittent and unwittingly caused by visitors and employees using the site. However, as the bedding and hay is already stored out in the open in the area proposed to be covered by the building, it is considered that the proposed containment of the materials would reduce noise caused by the forklifts, other machinery and equipment from transferring to the surrounding dwellings.
- 4.4.7 No lighting is proposed by the submitted scheme, however, it could be conditioned to prevent glare, if permission is granted for the development. Existing light spillage into the windows of surrounding dwellings can be reported to the Council's Environmental Protection Team to control light pollution.
- 4.4.8 As such, the proposal would comply with Policy CP3 of the Cannock Chase Local Plan.

4.5 Impact on Highway Safety

- 4.5.1 Paragraph 109 of NPPF states that development should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.
- 4.5.2 There has been an objection raised on increased traffic, however, the County Highways Officer has no objection to the proposal.
- 4.5.3 The application site is located some distance from the public highway. The existing access arrangements to the site would not be altered and the existing parking area within the application site would not be reduced in area or affected by the proposal.
- 4.5.4 It is therefore considered that the proposal would not have a detrimental impact upon highway or pedestrian safety.

4.6 Other Issues Raised by Objectors

- 4.6.1 With regard to the issue raised relating to impact upon wildlife, the site is not known to support any protected species and the proposal relates to an

existing hardsurfaced area. Furthermore, no lighting is proposed by the scheme. It is therefore considered that the proposal would not cause significant impact upon habitat, nor wildlife.

- 4.6.2 Loss of trees and hedges – Hedges have been removed bordering the site. The application states that there would be no loss of trees, or hedges affected by the proposal. However, there are trees outside the application site's periphery, which would be likely to be affected by the foundations of the proposed building. As this report recommends refusal, the applicant has not been requested to provide further information to investigate this issue further. Should Committee Members be minded to approve the proposal, a tree survey and consultation with the Council's Arboriculturist would be required before a final decision is made.

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 site is in the West Midlands Green Belt wherein there is a presumption against inappropriate development. Inappropriate development is by definition harmful to the Green Belt and should only be allowed where very special circumstances have been demonstrated to exist. Very special circumstances can only exist where the harm to the Green Belt and any other harm is clearly outweighed by other considerations.
- 6.2 The proposed development by virtue of its siting and design comprises an inappropriate building incompatible with the landscape qualities of Cannock Chase Area of Outstanding Natural Beauty, and therefore contrary to Policy CP14 of the Local Plan.
- 6.3 In accordance with paragraph 144 of the NPPF substantial weight should be afforded to the harm to the Green Belt. Furthermore in the absence of any other consideration put forward by the applicant it is considered that the very special circumstances have not been demonstrated to exist to support approval of the proposal and the application should be refused.