

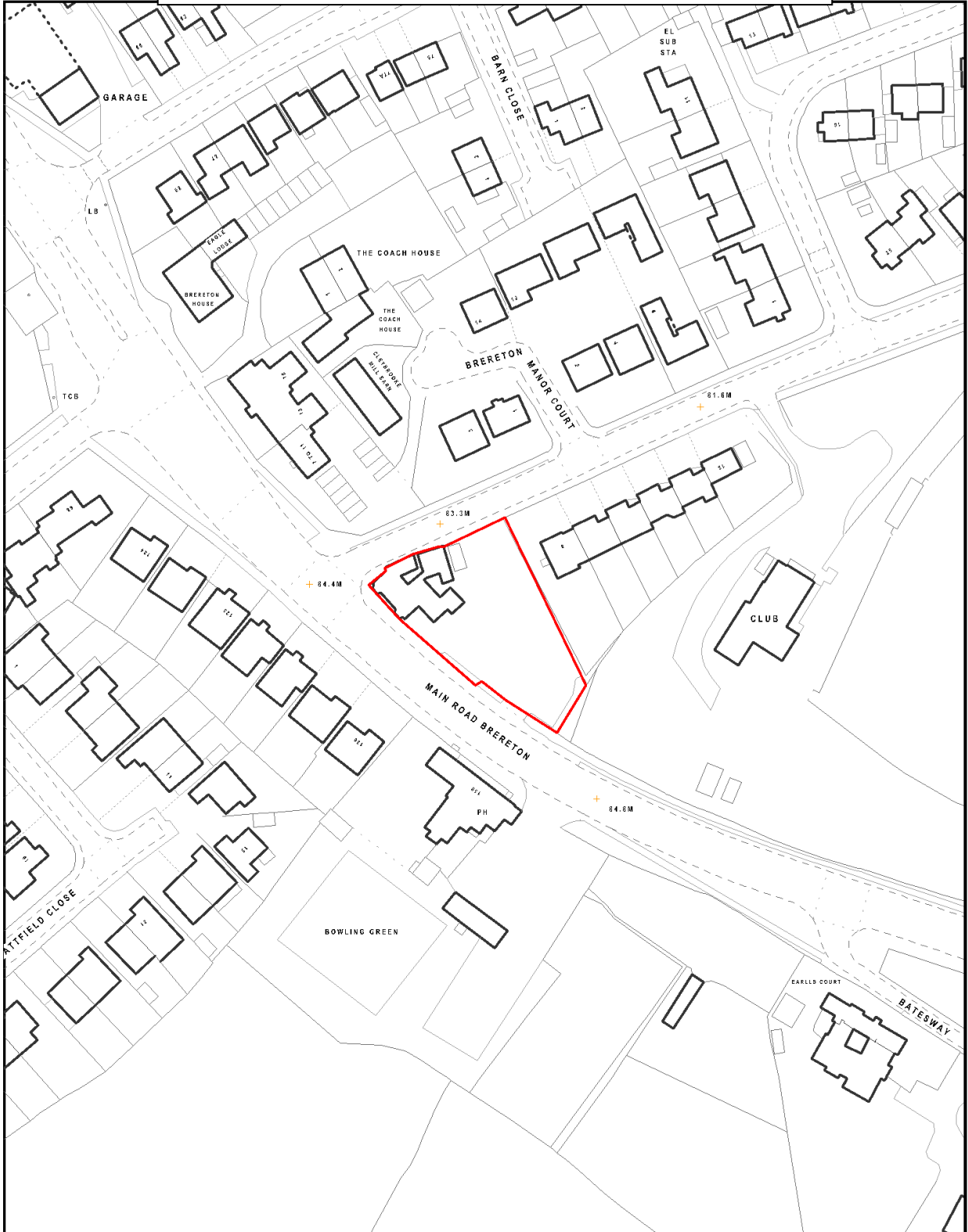


CH/17/237

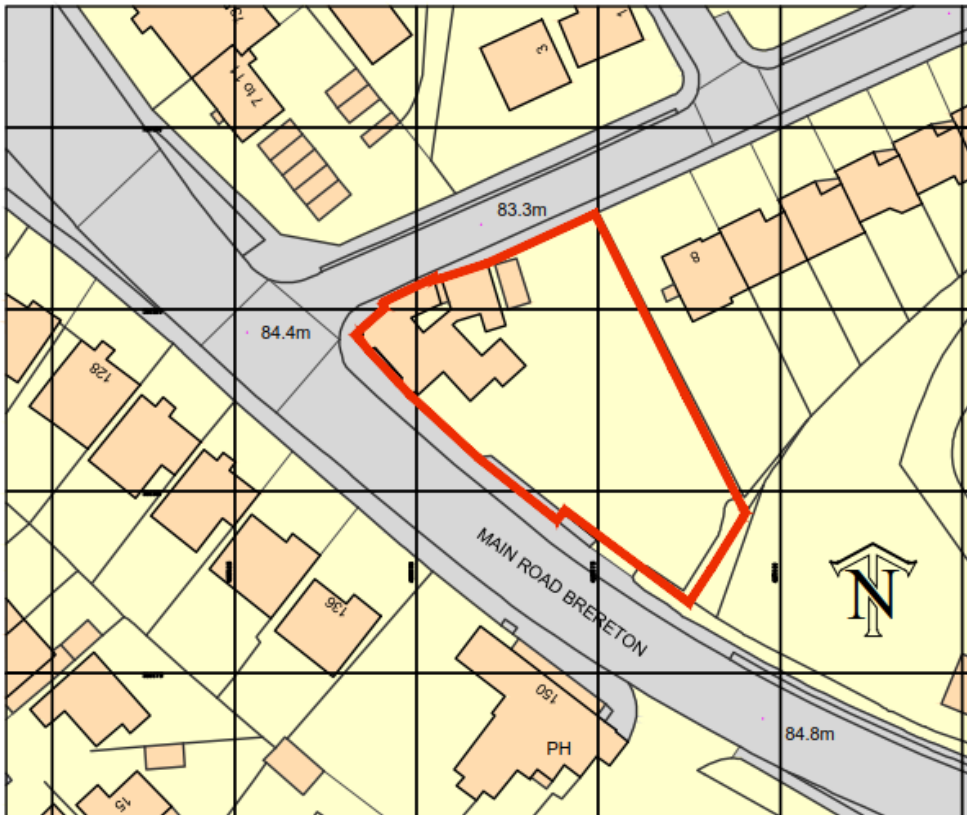
Land at the Academy Early Years Childcare (Former Talbot Public House),
Main Road Brereton, Rugeley, WS151EE

Demolition of existing public house and associated buildings and the erection
of a replacement office building with mixed D1/B1 use

ITEM NO. 6.1



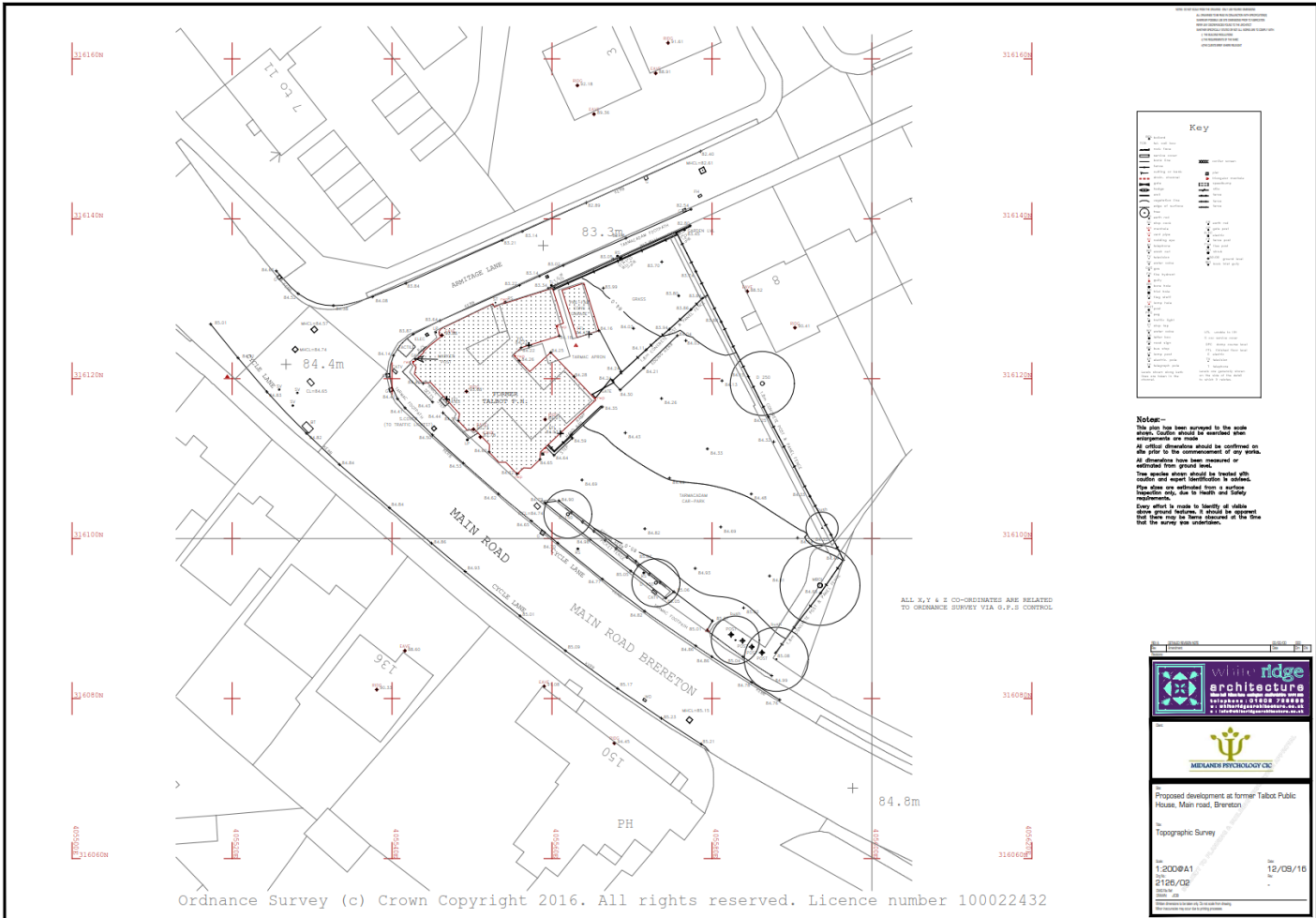
Location Plan



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Topographical Survey



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Site Plan



- LEGEND**
- INDICATES EXISTING TREES / SHRUBS TO BE RETAINED
 - INDICATES EXISTING TREES / SHRUBS TO BE REMOVED
 - PROPOSED INDICATIVE TREE PLANTING SUBJECT TO DETAILED LANDSCAPING DESIGN
 - INDICATES EXTENT OF EXISTING BUILDINGS TO BE DEMOLISHED
 - INDICATES ENTRANCE DOOR POSITIONS
 - INDICATES 1.1m HIGH BLACK POWDER COATED RAILINGS
 - INDICATES 1.8m HIGH CLOSE BOARDED FENCE

SHOWING SCHEDULE	
USES - B1 & D1	
LOADING CLASS BY AS A WORK CAR SCENARIO THE CALCULATION FOR PARKING IS AS FOLLOWS:	
1 SPACE PER 30M ² OF 4500M ² = 15 SPACES	
1 SPACE PER 30M ² FOR REMAINING 4500M ² = 15 SPACES	
TOTAL NUMBER OF SPACES REQUIRED = 30 SPACES	
TOTAL NUMBER ACHIEVED = 25 SPACES (inc. 4m² DISABLED SPACES)	

2016/17/18/19/20/21/22/23/24/25/26/27/28/29/30/31/32/33/34/35/36/37/38/39/40/41/42/43/44/45/46/47/48/49/50/51/52/53/54/55/56/57/58/59/60/61/62/63/64/65/66/67/68/69/70/71/72/73/74/75/76/77/78/79/80/81/82/83/84/85/86/87/88/89/90/91/92/93/94/95/96/97/98/99/100



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MELANIE PSYCHOLOGY CIC

Proposed development at former Tabbot Public House, Main Road, Brereton

Proposed Site Layout

Date: 1/25/16 Drawn by: 2126/CS Scale: 1:1000	Date: 01/08/16 Checked by: C
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This document may only be used for the project named.

Proposed Elevations

Proposed Elevations



FRONT ELEVATION



SIDE ELEVATION (FROM CAR PARK)



REAR ELEVATION



SIDE ELEVATION (ARMITAGE LANE)



SITE PLAN - 1:500

AMENDED PLANS
APPLICATION REF: CH/17/237
DATE: 17.11.17



Proposed development at former Talbot Public House, Main Road, Breerton.
Proposed Elevations
No: 1:1000A1 Date: 01/08/16
No: 2128/0202 No: 0

Former Talbot Public House, Main Road, Breerton

Proposed Elevational Models

Proposed Elevational Models

Note: Model is for illustrative purposes only, exact road levels may not be reflected



STREET SCENE FROM MAIN ROAD



SITE PLAN - 1:500



VIEW LOOKING NORTH-WEST FROM MAIN ROAD



VIEW LOOKING EAST ACROSS MAIN ROAD INTO ARMITAGE LANE



PART AERIAL VIEW LOOKING NORTH ACROSS MAIN ROAD

AMENDED PLANS
APPLICATION REF: 04/27/237
DATE: 17-11-17



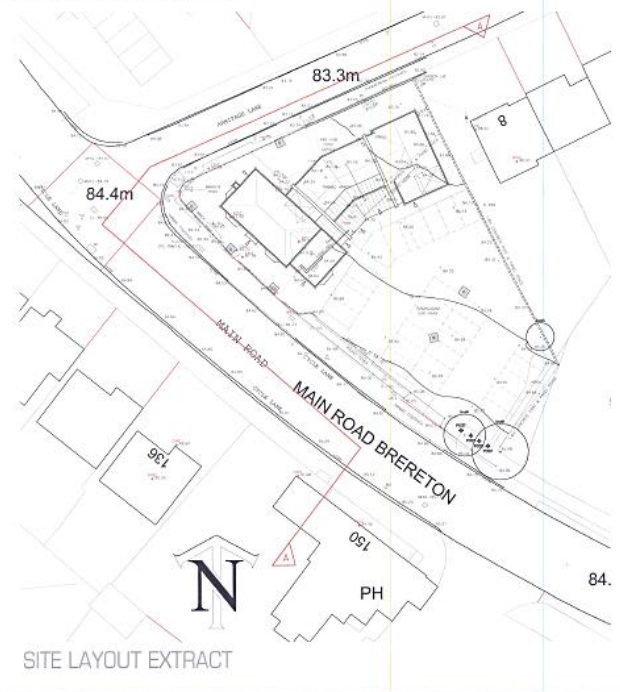
The Proposed development at former Talbot Public House, Main Road, Breerton.
The Proposed Elevational Models
Date: NTS:041 01/08/16
2/16/08/03
01/08/16
B
B
B

Former Talbot Public House, Main Road, Breerton

Proposed Sections



STAGGERED SITE SECTION A-A



SITE LAYOUT EXTRACT



OVERLAY OF EXISTING TALBOT ONTO PROPOSED ELEVATION
(CAMERA VIEW FROM MAIN ROAD)

AMENDED PLANS
APPLICATION REF: CH/21/237
DATE: 17.11.17

17 NOV 2017
REP NO

white ridge architecture
PLANNING DESIGNERS

Mickael Psychogge

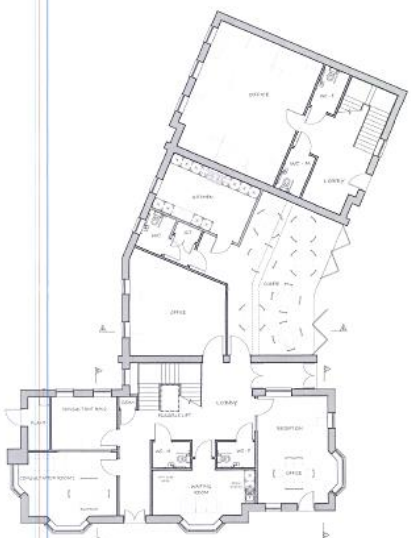
Proposed development at former Talbot Public House, Main Road, Brereton.

The Proposed Site Section & Amended Division

Scale: 1:250, 1:100 @ A1 Date: 10/10/16
Sheet No: 212603 Proposed Site Section B

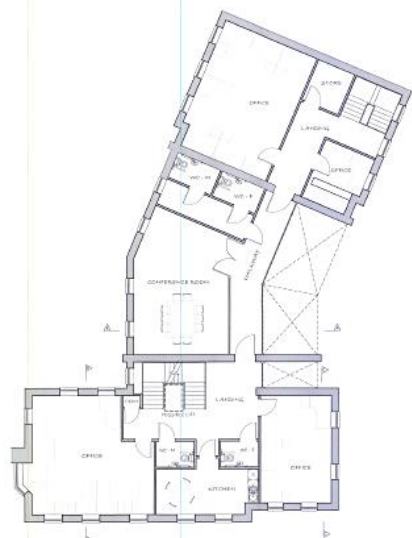
Proposed Floor Plans

Proposed Floor Plans



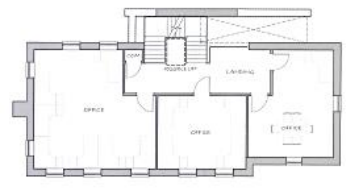
GROUND FLOOR LAYOUT

PROPOSED FLOOR AREA: 111.00 SQM
EXISTING FLOOR AREA: 111.00 SQM
TOTAL FLOOR AREA: 222.00 SQM
TOTAL FLOOR AREA: 222.00 SQM
TOTAL FLOOR AREA: 222.00 SQM



FIRST FLOOR LAYOUT

PROPOSED FLOOR AREA: 111.00 SQM
EXISTING FLOOR AREA: 111.00 SQM
TOTAL FLOOR AREA: 222.00 SQM
TOTAL FLOOR AREA: 222.00 SQM
TOTAL FLOOR AREA: 222.00 SQM



SECOND FLOOR LAYOUT

PROPOSED FLOOR AREA: 111.00 SQM
EXISTING FLOOR AREA: 111.00 SQM
TOTAL FLOOR AREA: 222.00 SQM
TOTAL FLOOR AREA: 222.00 SQM
TOTAL FLOOR AREA: 222.00 SQM



SITE PLAN - 1:500

AMENDED PLANS
APPLICATION REF- CH/17277
DATE: 17/11/17
11 NOV 2017



Proposed development at former Talbot Public House, Main Road, Breerton.
The Proposed Floor Plans
11009A1
21/08/2017
02/10/16

Former Talbot Public House, Main Road, Breerton

Application No: CH/17/237

Received: 12/06/17

Location: Land at the Former Academy Early Years Childcare / Former Talbot Inn, Main Road, Rugeley

Parish: Brereton and Ravenhill Ward

Ward: Brereton and Ravenhill Ward

Description: The full demolition of the existing former academy / public house and associated buildings and the erection of a replacement office building. The building was previously a day nursery so the class will remain as D1 with the additional use of B1.

Planning Committee Item

Recommendation: Approve subject to conditions

Proposed Planning Conditions

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

Conditions

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

Reason

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

2. The external materials to be used in the construction of the extension hereby approved shall be as set out below unless otherwise approved in writing by the Local Planning Authority.
 - a) Roof Tiles – Russell Cottage Red Plain Clay Tiles
 - b) Roof Hip Tiles – Bonnet Hip Tiles – Russell Cottage Red
 - c) Guttering – Brett Martin Cast Iron Style Rainwater Goods
 - d) Walls - Contrasting Brick to Quoins/ Heads – Staffordshire Smooth Red
 - e) Windows – White Painted Sash &
 - f) Forticrete ‘Bath’ Stone Cills
 - g) Main Brick – Weinerberger Olde Woodford Red Multi
 - h) Front Elevation Door – Timber – painted Disraeli Green
 - i) Front Elevation Door Surround – Timber moulded surround painted White
 - j) Iron Railings – Black wrought iron
 - k) Tree Guards 1.8 high– Wrought Iron - ULLSSP6A Ullswater vertical steel x 600 mm diameter
 - l) Tree Grille Support – Galvanised – cast iron
 - m) Rear Elevation Roof Tiles – Markey Rivendale Fibre Cement Slate

- n) Rear Glass Elevation Roof & Glass Part of Rear Elevation – Powder Coated Aluminium Frames RAL 7016 Anthracite
- o) 1.5 metre Bin Store Fencing – Hit and Miss Timber Fencing
- p) 1.8 metre High Close Board Fence to border No 8 Armitage Lane – Timber
- q) 1.1 metre – high railings powder coated black with top ball finials tree guards
- r) Block Paving – Charcon Infiltra Permeable Brindle Block laid in herringbone pattern
- s) Paving – Charcon Ecopave Grey Fleck
- t) Secondary Paving / Pathways – 450 x 450 Charcon Ecopave Grey Fleck

Reason

In the interests of visual amenity and to ensure compliance with Cannock Chase Local Plan Policy CP3 and the National Planning Policy Framework and in order to safeguard the setting of the nearby Listed Building and the appearance of the Brereton Conservation Area.

3. The existing hedgerow between the development site and the neighbouring property of No 8 Armitage Lane shall be retained at its current height. Should the hedgerow be removed it shall be replaced in the following planting season to a specification that shall be submitted in writing to and approved by the Local Planning Authority

Reason

To protect the amenity of the neighbouring property of No 8 Armitage Lane

4. Before the development is operational the existing post fence forming the common boundary between the development site and No 8 Armitage Lane shall be replaced with a 1.8 metre high close board fence along the boundary.

Reason

To protect the residential amenity of the neighbouring property of No 8 Armitage Lane in accordance with paragraph 17 of the NPPF.

5. The existing street tree planting located between Main Road and adjacent to the development's car parking space no P25 shall be retained.

Reason

To protect the design of the street scene and the residential amenity of Main Road, Brereton.

6. A proposed bin and recycle store of 2.5m x 4.629 shall be provided to accommodate two portable waste and recycling bins and shall be located adjacent to the development's car parking space P5 as detailed in Drawing No 2126 – Bin Store received on the 17/11/17.

Reason

To provide sufficient bin and recycling storage to serve the development and to be accessible by the waste and recycling collection organisations.

7. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 or any order that supersedes that order no

windows shall be inserted in the north east elevation of the development that faces the side elevation of neighbouring dwelling of No 8 Armitage Lane and the rear gardens of properties along Armitage Lane.

Reason

In order to protect the adjacent residential amenity and to ensure compliance with Local Plan Policy CP3 and the National Planning Policy Framework.

8. The use hereby permitted shall operate outside of the hours of 08:30 to 17:30 on Monday to Friday and 08:30 to 17:30 on Saturdays and at no time on Sundays, Public and Bank Holidays.

Reason

In order to protect the adjacent residential amenity and to ensure compliance with Local Plan Policy CP3 and the National Planning Policy Framework.

9. Before the commencement of the development the application is required to provide details of the surface water drainage scheme to be submitted and approved by the Local Planning Authority. The development shall not be brought into use until the works comprising the approved scheme have been implemented in full.

Reason

To ensure the development has an appropriate drainage strategy.

10. The development shall not be brought into use until a scheme for the landscaping of the site, including the treatments of both soft and hard landscaped areas has been submitted to and approved in writing by the Local Planning Authority. The works comprising the approved scheme shall be implemented within 12 months, or, the first planting season following commencement of the use, whichever is the sooner.

Reason

To ensure the development has an appropriate drainage strategy.

11. No flowering cherry trees shall be planted adjacent to the public highway.

Reason

To ensure highway safety, to prevent leaf litter and due to the root area they would take up.

12. Prior to the commencement of the development hereby permitted, a written scheme of archaeological investigation (“the Scheme”) shall be submitted for the written approval of the Local Planning Authority. The scheme shall provide details of the programme of archaeological works to be carried out within the site, including post-excavation reporting and appropriate publication. The scheme shall thereafter be implemented in full accordance with the approved details.”

Reason

In order to meet the requirements of para 141 of the National Planning Policy Framework.

13. Prior to the commencement of the development hereby permitted, a written specification of the methodology for a Level 2 building recording survey shall be submitted for the approval of the of the Local Planning Authority. The proposed methodology must meet the requirements of the English Heritage (now Historic England) volume entitled 'Understanding historic buildings: a guide to good recording practice' (2006) and should provide evidence of the original construction, layout and phasing along with any details of any surviving historic fixtures and fittings. The scheme shall thereafter be implemented in full accordance with the approved details.

Reason

In order to meet the requirements of para 141 of the National Planning Policy Framework.

14. The demolition hereby permitted shall not be undertaken before a contract for the carrying out of the works of redevelopment of the site in accordance with the planning permission has been made and written confirmation of this has been received by the Local Planning Authority.

Reason:

To safeguard the character and appearance of the Main Road, Brereton Conservation Area and the setting of the Listed Buildings.

15. No part of the development shall be commenced until details, including samples of all external materials, including landscape materials, have been submitted to and approved in writing by the Local Planning Authority. No materials shall be used other than those approved.

Reason:

To safeguard the character and appearance of the Main Road, Brereton Conservation Area and the setting of the Listed Buildings.

16. Prior to first occupation of the development, a workplace travel plan shall be submitted to and approved in writing by the local planning authority. As a minimum this shall include: -

- a) A named travel plan co-ordinator
- b) A baseline travel survey for existing pupils and staff i.e. prior to expansion
- c) Details of monitoring arrangements including timeframe
- d) Mode share targets
- e) Infrastructure (hard) measures to contribute towards travel plan targets

Reasons

To comply with paragraph 32 of the National Planning Policy Framework and in the interests of Highway Safety.

17. Prior to commencement of development including demolition, a Construction Site Management Plan for the development shall be submitted to and approved in writing by the local planning authority. The approved scheme shall thereafter be implemented prior to any works commencing on site.

Reason

To comply with paragraph 32 of the National Planning Policy Framework and in the interests of Highway Safety and Health and Safety.

18. Prior to commencement of development including demolition, a Construction Vehicle Management Plan including details of site compound, types of vehicles, provision for parking of vehicles for site operatives and visitors, loading and unloading of plant and materials, and storage of plant and materials used in constructing the development, shall be submitted to and approved in writing by the local planning authority. The approved scheme shall thereafter be implemented prior to any works commencing on site.
19. Prior to first occupation of the development the parking area indicated on drawing number 2126/02-01 Revision B, shall be provided and surfaced in a porous bound material with the individual parking bays clearly delineated, and thereafter retained for those purposes only for the life of the development.

Reason

To comply with paragraph 32 of the National Planning Policy Framework and in the interests of Highway Safety.

20. Notwithstanding the details of the approved plans, prior to the development being brought into use, details for a minimum of four secure and covered cycle parking spaces within the site curtilage shall be submitted to and approved in writing by the Local Planning Authority and the works comprising the approved scheme implemented. The cycle parking facilities shall thereafter be retained for those purposes only, for the life of the development.

Reason

To comply with paragraph 32 of the National Planning Policy Framework and in the interests of Highway Safety.

21. Prior to first occupation of the development the existing western access and part of the eastern access from Main Road Brereton (A460), made redundant as a consequence of the proposed development, shall be permanently closed with the access / part of access crossing reinstated as footway with a full-height kerb.

Reason

To comply with paragraph 32 of the National Planning Policy Framework and in the interests of Highway Safety.

22. No development hereby approved shall take place, until a Demolition & Construction Method Statement has been submitted to, and approved in writing by, the Local Planning Authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall:
- i. specify the type and number of vehicles;
 - ii. provide for the parking of vehicles of site operatives and visitors;
 - iii. provide for the loading and unloading of plant and materials;
 - iv. provide for the storage of plant and materials used in constructing the development;
 - v. provide for wheel washing facilities;
 - vi. specify the intended hours of construction operations;
 - vii. measures to control the emission of dust and dirt during construction
 - viii. specify method of piling should piling be undertaken;
 - ix. specify method of bat protection;
 - x. specifically state that there will be no burning whatsoever carried out on site;
 - xi. specify that all construction waste shall be removed off site;

Reason

In order to comply with Para 32 of the National Planning Policy Framework.

23. The development, including demolition, shall take place in accordance with the Method of Working specification outlined in pages 42, 43 and 44 of the Bat and Bird survey for Midlands Psychology CIC Buildings, produced by S. Christopher and dated 31st May 2017, unless otherwise approved in writing by the Local Planning Authority

Reason

To ensure that any roosting bats are protected and that the species are conserved at a favourable conservation status within their natural range in accordance with Policy CP12 of the Cannock Chase Local Plan and the NPPF and the provisions of the Habitats Regulations 2010.

24. The development shall not be brought into use until a roof space roost for brown long eared bats, bat access slate and brick built bat box have been provided in accordance with the specifications shown in pages 38, 39 and 40 of the Bat and Bird survey for Midlands Psychology CIC Buildings, produced by S. Christopher and dated 31st May 2017.

Reason

To ensure that the species of bats present in the building are conserved at a favourable conservation status within their natural range in accordance with Policy CP12 of the Cannock Chase Local Plan and the NPPF and the provisions of the Habitats Regulations 2010.

24. No works shall be carried out in the bird breeding season (March- August) unless a survey of the building has confirmed that there are no breeding birds on the site and the results of the survey have been forwarded to the Local Planning Authority.

Reason

To ensure that breeding birds are not disturbed as a result of the works hereby approved in accordance with Policy CP12 of the Cannock Chase Local Plan and the NPPF and the provisions of the Habitats Regulations 2010.

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

Revised Planning Statement by Alliance Land & Planning rec'd on 29/11/17

Revised Heritage Statement by Philip E Heath rec'd on 29/11/17

Public Information Leaflet by White Ridge Architects rec'd on 29/11/17

Drawing No 16-107-03-RevA- Hard & Soft Landscape Detailed Landscape Proposals by BEA Landscape Design Ltd rec'd on 29/11/17

Drawing No 2126 – Bin Store – by White Ridge – rec'd on 17/11/17

Amended Drawing No 2126 –RevB - Materials Layout -by White Ridge – rec'd on 17/11/17

Amended Drawing No 2126/02-01-RevB-Proposed Floor Plans-By White Ridge – rec'd on 17/11/17

Amended Drawing No 2126-09–RevB- Proposed Site Section & Amended Elevation – By White Ridge – rec'd on 17/11/17

Amended Drawing No 2126-02-02-RevB–Proposed Elevations – By White Ridge- rec'd on 17/11/17

Amended Drawing No 2126/02/03-RevB – Proposed Elevational Models - By White Ridge-rec'd on 17/11/17

Reason

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

Informatives:

1. The 2007 Guidelines on Transport Assessment (Department for Transport, Communities and Local Government) state that “Any development that is likely to increase accidents or conflicts among motorised users and non-motorised users, particularly vulnerable road users such as children, disabled and elderly people” requires a travel plan to be produced. As Staffordshire County Council Highways believe that additional demand for car parking on nearby streets (including Armitage Lane and Main Road Brereton where there are on-road cycle routes) would be generated by this development, a travel plan would be required to increase travel by more sustainable modes of transport (requested condition number 1). There is potential for this with nearby bus and cycle routes. It is our understanding that the applicant will enter into a unilateral undertaking to produce and implement a workplace travel plan. In order to be effective travel plans need to be monitored by the local planning authority for which a source of funding will also be required.
2. In order to create the 1.8 metre wide footway indicated on drawing number 2126/02-01 Revision B, the applicant would need to contact the local highway authority to draw up a legal agreement for dedication of land as public highway.

EXTERNAL CONSULTATIONS

Rugeley Town Council

Rugeley Town Council uphold the objection put in by Brereton & Ravenhill Parish Council, that the development does not fit with the street scene and the building should be retained as a key feature in a conservation area.

Brereton & Ravenhill Parish Council - Objection.

Then parish council has submitted a 10 page letter with an attachment of a Building Appraisal, dated 5th January 2014, carried out on behalf of Eddie Ray Progressive Sports (franchise units operating throughout the U.K.) - written by Hough Chartered Building Surveyors, based in Market Street, Lichfield

[Note - Council Case Officer Notes

- It is noted that Appendix B - The Schedule of Defects is missing from the Building Appraisal Report - 5th January 2014.
- It is noted that Timothy Jones submitted the exact same documentation as Brereton Parish Council in the form of this objection letter and attached building appraisal dated Jan 2014.]

The Historic Nature of the Principal Building

The Talbot Inn is a longstanding and valued historic building. As your Council's Conservation Area Appraisal ("CAA") rightly states it is pre-1840, not as the Applicant's Heritage Statement and its Design and Access Statement wrongly claimed in the late 19th century. Indeed Mr Philip Heath's Heritage Statement now shows that it is mid 18th-century, *c* 1750. As such it is the third oldest building in the whole of the parish of Brereton and Ravenhill with only Brereton Hall and the converted barn to the rear of Brereton Hall being older.

The Talbot is known to have been an Inn since at least 1834 as Wm. White's Directory of 1834 (Armitage Parish) shows it occupied by Mary Wallace, victualler, and a Directory of 1851 shows Robert Lock was then the victualler.

Assessment of the Hall in Planning Documents

BRPC endorses the CAA's assessment of the existing building as making a positive contribution to the Conservation Area and draws attention to and agrees with the following comments in the appraisal:

"At the southern end of the Conservation Area the car parks of the Red Lion and Talbot Inn form a gentle transition from urban to rural land use, and the juxtaposition of village and countryside contributes to the character positively." [Page 7]

"The Talbot is almost certainly named after the Earls Talbot family, whose family crest includes a 'Talbot', a white hound. Although subject to 20th century alterations the

symmetrical two-storey frontage of the Inn retains its sturdy traditional appearance, with the remains of an old painted sign on the Armitage Lane façade, the lettering carefully emphasised with shadowing.” [Page 8]

The Talbot is locally listed in the Parish Plan, and also in the emerging NDP, as a building of importance.

The great harm that demolition would cause to the Brereton Conservation Area is confirmed by the Applicant’s own Heritage Statement paragraph 47: “Local Authorities are required to review conservation area boundaries from time to time, and it is likely that the present proposal would undermine the justification for keeping the boundary as it is at present.” In other words the impact of demolition would be so severe that the Conservation Area would have to be reduced in size if the Talbot were to be demolished.

The Applicant’s own Heritage Statement paragraph 45 rightly states: “It may be considered to contribute positively to the settings of the grade II* listed Brereton Hall and Grade II Brereton House, and to add to their own significance by preserving some idea of their historic contexts.” Its earlier (White Ridge) Heritage Statement acknowledged that this historic public house was “a welcoming presence at the entrance of Rugeley today”.

It follows for the applicant’s own case that a part of a Conservation Area that lies within the setting of two Listed Buildings (one grade II*) would be so badly affected that it would be removed from the Conservation Area.

Statutory Duties

Although very well known and clearly applicable on the applicant’s own case, well-known and judicially enforced duties in the Planning (Listed Buildings and Conservation Areas) Act 1990 have not been properly addressed by the applicant. The Court of Appeal judgment in East Northamptonshire District Council v Secretary of State for Communities and Local Government ([2014] EWCA Civ 137, [2015] 1 WLR 45) provides considerable assistance.

S66(1) of this Act states (omitting immaterial words), “In considering whether to grant planning permission... for development which affects a listed building or its setting, the local planning authority or, as the case may be, the Secretary of State shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.”

The applicant has rightly accepted that the setting of two listed buildings (the nearer grade II*) will be affected and, given its comments on reducing the extent of the Conservation Area, necessarily accepts that the effect will be adverse. It follows that there is a statutory duty on the LPA to have special regard to the desirability of preserving setting of each listed building.

S72(1) of the Act states, “(1) In the exercise, with respect to any buildings or other land in a conservation area, of any functions under or by virtue of any of the provisions mentioned in subsection (2), special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area.” The provisions to which section (2) refers, include the Planning Acts.

The Development Plan

The relevant part of the Development Plan is the Cannock Chase Local Plan - Local Plan (Part 1) 2014. The principal policy dealing with heritage is policy CP15, which provides:

“The District’s Historic Environment will be protected and enhanced via:

- the safeguarding of all historic... buildings, areas, ... their settings and their historic ... townscape context according to their national or local status from developments harmful to their significance in order to sustain character, local distinctiveness and sense of place...”

Policy CP3 is also relevant. Among other things this states:

“The following key requirements of high quality design will need to be addressed in development proposals: ... Conserve and enhance the local historic environment including reuse of buildings and sympathetic repair, using the historic environment as a stimulus to high quality design and enhancing local character and distinctiveness (see also Policy CP15) ...”

Figure 4.7 identifies Brereton as a “Focus for historic townscape conservation and enhancements”.

National Policy

National policy is clear. Extracts of para 128,129,130,131,132,133,134,135 of the National Planning Policy Framework are provided.

The Planning Practice Guidance provides further advice:

“Protecting and enhancing the historic environment is an important component of the National Planning Policy Framework’s drive to achieve sustainable development (as defined in paragraphs 6-10. The appropriate conservation of heritage assets forms one of the ‘Core Planning Principles’ (paragraph 17 bullet 10) that underpin the planning system. This is expanded upon principally in paragraphs 126-141 but policies giving effect to this objective appear elsewhere in the National Planning Policy Framework.” [Reference ID: 18a-001-20140306].

“...Any decisions relating to listed buildings and their settings and conservation areas must address the statutory considerations of the Planning (Listed Buildings and Conservation Areas) Act 1990 (see in particular sections 16, 66 and 72) as well as satisfying the relevant policies within the National Planning Policy Framework and the Local Plan.” [Reference ID: 18a-002-20140306]

“The conservation of heritage assets in a manner appropriate to their significance is a core planning principle. Heritage assets are an irreplaceable resource and effective conservation delivers wider social, cultural, economic and environmental benefits. Conservation is an active process of maintenance and managing change. It requires a flexible and thoughtful approach to get the best out of assets as diverse as listed buildings

in every day use to as yet undiscovered, undesignated buried remains of archaeological interest.

In the case of buildings, generally the risks of neglect and decay of heritage assets are best addressed through ensuring that they remain in active use that is consistent with their conservation. Ensuring such heritage assets remain used and valued is likely to require sympathetic changes to be made from time to time...

Where changes are proposed, the National Planning Policy Framework sets out a clear framework for... decision-taking to ensure that heritage assets are conserved, and where appropriate enhanced, in a manner that is consistent with their significance and thereby achieving sustainable development..." [Reference ID: 18a-003-20140306]

"A thorough assessment of the impact on setting needs to take into account, and be proportionate to, the significance of the heritage asset under consideration and the degree to which proposed changes enhance or detract from that significance and the ability to appreciate it.

Setting is the surroundings in which an asset is experienced, and may therefore be more extensive than its curtilage. All heritage assets have a setting, irrespective of the form in which they survive and whether they are designated or not.

The extent and importance of setting is often expressed by reference to visual considerations. Although views of or from an asset will play an important part, the way in which we experience an asset in its setting is also influenced... by our understanding of the historic relationship between places. For example, buildings that are in close proximity but are not visible from each other may have a historic or aesthetic connection that amplifies the experience of the significance of each.

The contribution that setting makes to the significance of the heritage asset does not depend on there being public rights or an ability to access or experience that setting. This will vary over time and according to circumstance.

When assessing any application for development which may affect the setting of a heritage asset, local planning authorities may need to consider the implications of cumulative change. They may also need to consider the fact that developments which materially detract from the asset's significance may also damage its economic viability now, or in the future, thereby threatening its ongoing conservation." [Reference ID: 18a-013-20140306]

"Disrepair and damage and their impact on viability can be a material consideration in deciding an application. However, where there is evidence of deliberate damage to or neglect of a heritage asset in the hope of making consent or permission easier to gain the local planning authority should disregard the deteriorated state of the asset (National Planning Policy Framework paragraph 130). Local planning authorities may need to consider exercising their repair and compulsory purchase powers to remedy deliberate neglect or damage." [Reference ID: 18a-014-20140306]

"Appropriate marketing is required to demonstrate the redundancy of a heritage asset in the circumstances set out in paragraph 133, bullet 2 of the National Planning Policy

Framework. The aim of such marketing is to reach all potential buyers who may be willing to find a use for the site that still provides for its conservation to some degree. If such a purchaser comes forward, there is no obligation to sell to them, but redundancy will not have been demonstrated. [Reference ID: 18a-016-20140306]

The Effect of Policy on this Application

There is clear development policy in favour of protecting, conserving and enhancing historic buildings and areas. Demolition of the Talbot, an historic building, with its adverse effect on the Brereton Conservation Area and the settings of both a Grade II* and a Grade II Listed Building would be contrary to Local Plan policies CP15 and CP3.

The LPA must identify the significance of the heritage assets affected by the proposal, namely the Talbot itself, the Brereton Conservation Area, the setting of Brereton Hall, a Grade II* Listed Building and the setting of Brereton House, a Grade II Listed Building. [NPPF §121]

This is a case where it is necessary to consider whether there is “evidence of deliberate neglect of or damage to a heritage asset”. No developer ever admits this and, whether it is or is not the case, all developers confidently assert that it has not occurred. Deliberate neglect or damage must therefore be assessed from the known facts and such an assessment should be made on the balance of probabilities (not the criminal burden of proof). In other words a decision-maker must ask what is the proper inference, on the balance of probabilities, from the facts. In this case:

- The applicant (unlike another prospective purchaser) purchased the proposed with no more detailed survey than that required by their mortgagee [stated by their representatives at BRPC’s meeting of 5th December 2017].
- In purchasing the property they paid a price that substantially outbid another prospective buyer (by about £70,000) and which reflective the site’s value for development, not for retaining the building – demolition must have been premeditated.
- The applicant’s representatives have claimed that, on visiting for a visual survey the property after purchase but before any structural survey “their worst fears were justified” [stated at BRPC’s meeting of 5th December 2017]. It follows from this statement alone that these fears must have predated this visual inspection and that, at the very least their purchase was reckless, placing at risk an historic building that another prospective purchaser had wished to buy and use without demolition.
- The applicant removed render that played a role in stabilising the building contrary to the express advice of your council and so placed the structure at risk and then left the unprotected exterior (including brickwork damaged by the removal of render) open to the elements. The Baynham Meikle report recognises that render enhances stability (paragraphs 3.3.2 and 3.3.3.). One of the representatives of the applicant at the Parish Council meeting of 5th December 2017, Ben, confirmed that the render was applied to add structural strength to the building. This would have been known when the render was removed.
- The applicant damaged the brickwork when they removed the render [Mr Heath’s Heritage Statement page 2, paragraph 2].
- The applicant left the water supply connected, contrary to normal and sensible practice, with the result that a flood occurred causing substantial damage to he

basement. The explanation that this was to prevent damage by cold is not tenable. As confirmed at BRPC's meeting of 5th December 2017 the flood occurred in September 2017, a month that was not cold and during which not a single frost occurred. This recent event has prevented a full assessment of the building.

- Harm has been caused by delay resulting from the failure to take, at the appropriate time, the elementary step of having a bat survey in a building known to contain a bat roost.

The proper inference from the totality of the above facts is that there was deliberate neglect of or damage to a heritage asset and that NPPF paragraph 130 applies.

Paragraph 132 applies in considering the impact on the significance of a designated heritage asset. As the applicant's Heritage Statement makes clear, the impact on the Brereton Conservation Area would be so great that its reduction would follow. In other words a designated heritage asset would not be conserved, but would be partly destroyed, clearly substantial harm. Such a reduction in the Conservation Area would leave the Red Lion detached from its main part and hence at risk. Development within the setting of two listed buildings of sufficient harm to cause the reduction in extent of a Conservation Area is clearly a substantial harm to those settings. In the case of substantial harm to Brereton Hall's setting that is something that the NPPF states "should be wholly exceptional".

With regard to the substantial harm to the designated heritage assets, there is no question of public benefits outweighing the harm so neither the first part of paragraph 133, nor paragraph 134 can apply. Indeed the applicant has expressly accepted that substantial harm will be caused to the Brereton Conservation Area and that paragraph 133 applies. There is no need for the proposed office building to be in this location and there are plenty of office buildings available in the districts of Cannock Chase, Lichfield and Stafford. The word "all" in NPPF paragraph 133 is clearly deliberate. There was another bidder for the land when it was sold who wished to use the building, not to demolish it, yet there has not been appropriate marketing of the building.

With regard to NPPF paragraph 135, the Talbot itself is clearly significant as the third oldest building in the parish, a key element in the gateway to Brereton (and the Rugeley/Brereton built-up area), a part of the historic village of Brereton that makes a positive contribution to the Conservation Area and a local historic building that, for good and proper reasons, is widely appreciated.

The Talbot was used as a pub, then as a pub and restaurant and finally as a nursery. All would have had to meet certain standards. In each case both the downstairs and the upstairs were used. Appropriate hygiene certificates were issued for the kitchen. BRPC members used the Talbot pub and the restaurant that came after it without there being any indication of problems. Staff who worked there have been full of praise for the building.

When the nursery was selling the building a previous purchaser had a Building Appraisal carried out by a chartered surveyor, Jim Hough MRICS. Ultimately the previous purchaser was outbid because the applicant bid at a price that reflected redevelopment while he was prepared to pay a price that reflected maintaining the building including underpinning. A copy of that appraisal is attached. It helpfully includes photographs showing the state of the Talbot in January 2014. Although these photographs were taken to show defects, when

compared with recent photographs, they make clear how much the Talbot has deteriorated in less than four years. This appraisal included the following:

“The premises inspected are considered to be in reasonable condition and consistent with their type and age of construction.” [Paragraph 4.1]

“In the event that underpinning and additional structural repairs are necessary, a budget cost of approx. £15,000 - £20,000.00 should be allocated for negotiation with the vendor.” [Paragraph 4.5].

Delay

The applicant has complained of delay. This arose from the need for a bat survey. The need for such surveys is very well known and the presence of a bat roost should have been obvious. The delay during which further deterioration has taken place were the foreseeable consequence of the applicant not having a survey that it should have known would be needed. The consequences of that delay to the building were also foreseeable, not least to a professionally advised applicant.

The Proposed Design

The proposed design is wholly out of place in the entrance to Brereton and to the Rugeley/Brereton built-up area. It would replace the “form a gentle transition from urban to rural land use” mentioned in the Conservation Area Appraisal with a bulky building of a type that one would expect in a northern industrial city, not in the village of Brereton. There is nothing at all about it that has the feel of an historic Staffordshire village. In plain English it is ugly and badly designed, the sort of building about which people in the future would, if it were to be permitted, ask, “why did they allow that?” The mass of the building is such that it would compete with both Brereton Hall and the Red Lion to the detriment of both. The large increase in bulk can, for example, be clearly seen in the Staggered Site section A-A in dwg 2126-09B where the outline of the existing building can be compared with the much larger proposed building.

The design is too tall. It would block afternoon sun, especially from 8 Armitage Lane.

The extensive aluminium-frame atrium is totally out of keeping with the Brereton Conservation Area and would cause further harm to it. It is the sort of structure that is found in a business park, not an historic Staffordshire village.

The “public consultation” was a 5-hour event during the August 2016 holiday period. The inadequacy of this and the fact that this prevented people on holiday attended the event was clearly pointed out. It is clear that some residents in the immediate vicinity in Armitage Lane knew nothing of this summer-holidays consultation.

There was no advance consultation with BRPC, with the Brereton and Ravenhill Heritage Committee or with the Brereton and Ravenhill Neighbourhood Plan Steering Committee.

Precedent

If the Talbot is lost because of neglect it will provide a model that other developers can follow to destroy historic buildings of value to local communities. Cannock Chase district would be seen as a location where historic buildings can be cleared and replaced with ubiquitous modern buildings that harm the appearance of our area.

Errors in the Documentation Submitted by the Applicant

The documentation submitted by the Applicant contains numerous errors. These show a sloppy and unprofessional approach to the site and throw doubt on the accuracy of other parts of their documentation, which BRPC is unable to check. With regard to the original Design and Access Statement, neither Brereton, nor Rugeley have public transport to and from Shrewsbury. Its final photograph in the DAS wrongly describes the neighbouring Grade II* Brereton Hall, Main Road as “Mews” at Brereton Manor Court. It wrongly claimed that the Talbot was late 19th century, something that taking the elementary step of checking either the Conservation Area Appraisal or the Parish Plan would have shown to be false. This error was repeated in the White Ridge Heritage Statement. Errors of this magnitude go to the credibility of the Applicant.

Alternative Uses and Marketing

Another prospective purchaser had been prepared to buy the property in 2014, but was outbid by the applicant’s willingness to pay a price that reflected, not meeting the cost of restoration, but demolition and redevelopment of the site. The site should be properly marketed. Such marketing should reflect the fact that the District Council (with the support of BRPC) has been prepared to allow changes of use that preserve historic buildings. For example your council has recently granted planning permission for conversion of the ‘Hope and Anchor’ in Redbrook Lane to housing without objection (once the proposal to demolish was removed) from BRPC. The same applied a few years earlier to the conversion of the ‘Britannia’ to the A1 Vets veterinary practice, School Mews, the former Methodist School and the former Antiques Centre.

Conclusions

BRPC strongly opposes demolition of the 18th-century parts of the Talbot, namely the approximately rectangular main building facing Main Road with its side to Armitage Lane; and the smaller rectangular detached building on Armitage Lane that was probably a stable and hayloft. BRPC considers that there is scope for compromise in respect of the Victorian and twentieth century additions, although the current application is so defective that it cannot be suitably amended. The objection is to the loss of eighteenth-century buildings of importance to both the local community and the district as a whole,

The proposed development would not be appropriate in the Conservation Area, in the settings of two listed buildings, or in one of the most important gateways both to Brereton and to the Rugeley/Brereton built-up area. The historic part of the Talbot should be fully refurbished to conservation standards.

BRPC asks the district council to consider placing a tree preservation order on the attractive mature sycamore.

Building Appraisal dated 5th January 2014 carried out on behalf of Eddie Ray Progressive Sports - written by Hough Chartered Building Surveyors, based in Market Street Lichfield.

Attached to the Brereton & Ravenhill Parish Council objection letter of the 14/12/17 is a Building Appraisal, dated 5th January 2014, carried out on behalf of Eddie Ray Progressive Sports (franchise units operating throughout the U.K.) - written by Hough Chartered Building Surveyors, based in Market Street Lichfield.

[The Council's Case Officer notes

1. *It is noted that Appendix B - The Schedule of Defects is missing from the Building Appraisal Report - 5th January 2014.*
2. *The report does not include an assessment of the presence of hazardous and deleterious materials e.g. asbestos*
3. *Does not include any inspections below ground level*
4. *Does not include electrical and gas testing*
5. *Does not include a specialist structural engineering assessment by a structural engineer in terms of a review of the structural movement identified in the main structure and a review of the alterations undertaken*
6. *No information on specialist timber treatment and preservation]*

Extracts of Section 4 and Section 5

Section 4 - Summary and Conclusion

- 4.1 We have undertaken a visual inspection in order to prepare a Building Appraisal including a Schedule of Defects with estimated/budget costs for any repairs considered necessary. The premises inspected are considered to be in reasonable condition and consistent with their type and age of construction. Significant alterations and modifications have been undertaken to the structure. These works should have complied with Building Regulations and you are therefore to obtain copies of the Completion Certificates for these structural works in order to confirm compliance. We cannot be held responsible for lack of compliance as this is beyond the remit of our survey.
- 4.2 The premises are in need of general repair and maintenance which is to include repairs to rainwater components and ongoing redecoration of previously painted surface finishes will be required. These works are to be included within an ongoing maintenance regime for the property.
- 4.3 There is evidence of water ingress as a result of failed roof coverings and flashings and repairs are required to these as necessary. We also identified damp ingress and deterioration to plastered surfaces as a result of salt spots and patches of moisture occurring due to airborne moisture attracted to these. Specialist remediation is therefore considered necessary and you are to obtain further advice from a competent dampproofing contractors as necessary. It is likely that the dense render applied to the external walls is trapping moisture within the fabric causing internal damp ingress.

- 4.4 Electrical and mechanical installations have not been tested as part of this inspection. We are unable to confirm the condition and integrity of these installations. Electrics and central heating systems appear to have been updated from time to time. It would be our recommendation that you appoint a specialist contractor to carry out a review of the electrical and mechanical installations and to carry out the requisite testing prior to exchange of Contracts as necessary.
- 4.5 The open plan layout throughout the ground floor accommodation has been created by introducing supporting beams. We cannot confirm the condition and integrity of the load bearing capacity of these components or the supporting walls which might have inadequate foundations. Structural movement is evident and without further monitoring (12-18 months), we cannot confirm whether this is progressive. We advise that a further investigation be undertaken to determine the 'as built' components. These are concealed and disruption and disturbance to plastered surfaces will be necessary. A budget cost of approx. £3,000.00 should be made for the investigations along with a Structural Engineer's Report being approx. £1,500.00. In the event that underpinning and additional structural repairs are necessary, a budget cost of approx. £15,000 - £20,000.00 should be allocated for negotiation with the vendor. The precise costs cannot be fully determined without the intrusive further investigations being made and a Schedule of Work/Specification being prepared and issued for competitive Tender. We cannot be held responsible in the event the budget costs indicated above are inadequate and further contingency should be considered for unforeseen problems.

Section 5.0 Further Investigations

- 5.1 Further investigations are required to confirm the presence of hazardous and deleterious materials, such as asbestos.
- 5.2 No inspections have been undertaken throughout the below ground level drainage systems and therefore no comment can be made upon the condition and integrity of these concealed components. It would therefore be prudent to undertake suitable CCTV surveys as necessary.
- 5.3 Investigation to confirm the condition and integrity of the electrical and mechanical installations, including electrical testing and gas testing.
- 5.4 Appointment of specialist Structural Engineer to carry out review as to cause of structural movement identified to the main structure and review of alterations undertaken.
- 5.5 Appointment of a specialist timber preservation contractor to carry out further review and provide recommendations for requisite treatment as necessary.

Brereton and Ravenhill Neighbourhood Development Plan Committee

Object to the proposals. The Talbot Inn is an important heritage asset to the community. The proposal to demolish the building and replace it with a development, which is not inkeeping with the area, will be a retrograde step. This is a prominent and important gateway into

Brereton and it is the view of the Neighbourhood Development Plan Committee that the application should be refused.

Brereton and Ravenhill Heritage Committee

Object. The Heritage Committee wish to strongly object to the proposals. The Talbot is a real heritage asset in the Conservation Area. The proposal to demolish this historic property and replace it with such a poorly designed building on what a key location at one of the main gateways into Brereton, is totally unacceptable. The new building has not been sympathetically designed and is not inkeeping with the other nearby properties including Brereton Hall, a Grade II Listed Building and the historic Red Lion Public House.

The Committee is also very concerned that the former Talbot has been allowed to deteriorate over the past two years. Members did find it incredible that, although vacant, the water was not turned off resulting in a flood from burst pipes [in September].

Historic Records Officer - Staffordshire County Council

No objection.

A review of the Staffordshire Historic Environment Record (HER) identifies the former Talbot Public House'...as a prominently situated two-storey inn of local brick, with pleasing symmetrical frontage which was probably extant by at least the late 18th or early 19th century. The rear extensions are attractive, with old painted inn sign on wall facing Armitage Lane.'

The building is identified to be of local significance, being included on a list of locally important buildings and structures for Brereton and Ravenhill. It is also has significance for the Brereton and Ravenhill Conservation Area, forming a gateway site at the southern tip of the built up area.

The building has, however, been much altered, with some unsympathetic modern window replacements and a modern brick porch added 1990s. A structural survey and assessment of the building undertaken in September 2017 also identified the building to be in a very poor state of repair and potentially structurally unsound and despite its prominent position, its significance as a building in its own right is more limited.

Taking into consideration the local significance of the building, previous alterations and additions, the current building condition and the nature of the proposed planning application it is advised that should planning permission be granted, a building recording survey be undertaken prior to and during any works associated with the stripping and demolition of the historic building.

This should equate to a Level 2 survey as identified in the English Heritage (now Historic England) volume entitled 'Understanding historic buildings: a guide to good recording practice' (2006) and should provide evidence of the original construction, layout and phasing along with details of any surviving historic fixtures and fittings etc.

This approach is supported by the National Planning Policy Framework (NPPF) para 141 which states that '...they [Local Planning Authorities] should also require developers to record and advance understanding of significance of any heritage asset to be lost (wholly or in part) in a manner proportionate to their importance and the impact, and to make this evidence (and any archive generated) publicly accessible.'

Such archaeological recording should be undertaken by a suitably experienced archaeologists working to the Chartered Institute of Archaeologists code of conduct and their 'Standards and guidance for the archaeological investigation and recording of standing buildings and structures' (2014). This work would most appropriately be secured via a condition being attached to any permission issued.

Landor Society

Further to previous responses to this planning application (16.11.16 and 26.06.17) the stance of The Landor Society remains unchanged. The Society strongly objects to the proposed demolition of the former Talbot Inn and to its replacement by the brick and glass office complex as per application CH/17/237.

The existing building is known to be the 3rd oldest in the Brereton and Ravenhill Parish dating from the mid 18th Century (Mr. Philip Heath's Heritage Statement). The Society endorses the Cannock Chase District Council's Conservation Area Appraisal in which the Talbot Inn is described as "contributing to the character of the area positively". The Talbot is listed as being a building of importance in the Brereton and Ravenhill Parish Plan. The applicant's own Heritage Statement states that its demolition would be so severe to the conservation area that it would be diminished" (para 47), whilst in para 45 the building is "considered to contribute positively to the setting of the listed buildings of Brereton Hall and Brereton House and to add to their own significance by preserving some idea of their historic context".

The demolition may well contravene the Planning (Listed Buildings and Conservation) Act 1990 with reference to S66(1), S72(1) and S72(2). Although neglect both past and recent has contributed to the sorry state the building now finds itself in no building should ever be regarded as being beyond repair and restoration, especially one with such a history attached to it.

Should the application for demolition be successful then attention must focus on the new build to replace it. The submitted design does not begin to come close to being in context with the surrounding historic buildings. Any new build should be sympathetic in design and material so as to enhance rather than overshadow the history around it. This site is at the very gateway to Brereton and Ravenhill and to Rugeley. The whole gateway would be ruined by the proposed new build and would have far reaching impact on the conservation area and adjacent historical buildings.

Staffordshire County Highways –

No objections subject to the provision of 5 planning conditions including a travel plan and provision for four secure cycle spaces.

Staffordshire County Council Ecology

No response at the time of writing this report.

Staffordshire Police

No objections and for the developers to consider the provisions of the Crime & Disorder Act 1998.

INTERNAL COMMENTS

Economic Development

From an Economic Development perspective the proposed development plans to create 15 full time jobs for which we would encourage the end user to recruit locally.

The property has been in decline and vacant for a number of years, and the proposal will make reuse of a brownfield site in an urban area, added to which the District has demand for this type of office accommodation and much needed floor space.

We would add that Cannock Chase District Council has undertaken an independent structural survey on the existing property, the current property has been found to be unsafe, beyond repair and financially unviable to maintain and repair. We therefore would welcome the redevelopment and regeneration of this brownfield site and this new investment into the area and therefore support this application.

Planning Policy

This application relates to the demolition of an existing building, formerly a Public House, and associated buildings and the erection of a replacement office building with mixed D1 / B1 use.

The site lies within a Conservation Area. The comments of the Conservation Officer will therefore be of great importance in assessing this application.

The site also lies within the Brereton and Ravenhill designated Neighbourhood Area although the Neighbourhood Plan is in early stages of preparation and has not yet reached any formal consultation stage.

For context, the site is bounded to the south east by the Green Belt although does not lie within it.

Permission was granted for the change of use of the building from a nursery (Class D1) to offices (B1a) in February 2015. Although never implemented the principle of the use has therefore been established and it is not considered therefore that a sequential test would be necessary under paragraph 24 of the National Planning Policy Framework. In relation to the Class D1 element of the proposals both the proposed clinic use and the former nursery fall within the same use class so again the principle of a D1 use in this location is already established although it appears the nursery has been vacant since 2014.

The key issue therefore from a policy perspective is whether it is appropriate to demolish and replace a building in a Conservation Area, and therefore the judgement of the Conservation Officer will be a major consideration in the acceptability of the proposal. In particular, Policies CP3 (Design) and CP15 (Historic Environment) of the adopted Local Plan Part 1 and the adopted Design SPD will need to carry significant weight in terms of the potential harm to the area and whether this could be outweighed by other considerations. These considerations would include policy CP5 which supports social inclusion and healthy living, and CP9 which supports a balanced economy, noting the uses of the site in supporting people with particular health needs, in being run as a social enterprise, and in bringing jobs to the local area. The views of the Economic Development Officers should also be sought and it would be pertinent to obtain a view from organisations with expertise in terms of health needs to assist in coming to a balanced view.

The proposal is not CIL liable nor would it be required to make contributions towards mitigation to Cannock Chase SAC.

Environmental Protection

No objections

Conservation Officer-

Relevant Statutory Duties and Planning Policy Context

The Planning (Listed Buildings and Conservation Areas) Act 1990 sets out the local planning authority's duties:

- S.66 in considering whether to grant planning permission for development which affects a Listed Building or its setting the local planning authority shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.
- S.69 the local planning authority shall from time to time determine which parts of their area are areas of special architectural or historic interest the character or appearance of which it is desirable to preserve or enhance, and shall designate these areas as Conservation Areas.
- S.72 the local planning authority has a duty to pay special attention to the desirability of preserving or enhancing the character or appearance of a conservation area. While the duty may only require that no harm should be caused, it nonetheless creates a special presumption and considerable weight and attention should be given to any harm found to arise regarding the character or appearance of the Conservation Area.

The NPPF 2012 advises on consideration of proposals affecting the historic environment, relevant extracts as follows:

para 131: in determining planning applications, local planning authorities should take account of the desirability of sustaining and enhancing the significance of Heritage Assets and putting them to viable uses consistent with their conservation; the positive contribution that conservation of Heritage Assets can make to sustainable communities including their economic viability; and the desirability of new development making a positive contribution to local character and distinctiveness.

para 132: when considering the impact of a proposed development on the significance of a Designated Heritage Asset, great weight should be given to the assets conservation. Significance can be harmed or lost through alteration or destruction of the Heritage Asset or development within its setting. As Heritage Assets are irreplaceable, any harm or loss should require clear and convincing justification.

para 133: where a proposal will lead to substantial harm to...significance of a Designated Heritage Asset, local planning authorities should refuse consent unless it can be demonstrated that the substantial harm... is necessary to achieve substantial public benefits that outweigh the harm... or all of the following apply:

- the nature of the heritage asset prevents all reasonable uses of the site and
- no viable use of the heritage asset itself can be found in the medium term through

- appropriate marketing that will enable its conservation and
- conservation by grant funding or some form of charitable or public ownership is demonstrably not possible and
- the harm or loss is outweighed by the benefit of bringing the site back into use.

para 134: where a development proposal will lead to less than substantial harm to the significance of a Designated Heritage Asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use.

para 135: the effect of an application on the significance of a non-Designated Heritage Asset should be taken into account in determining the application. In weighing applications that affect...non Designated Heritage Assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the Heritage Asset.

para 136: local planning authorities should not permit loss of the whole or part of a Heritage Asset without taking all reasonable steps to ensure the new development will proceed after the loss has occurred.

para 137: local planning authorities should look for opportunities for new development within Conservation Areas ...and within the setting of Heritage Assets to enhance or better reveal their significance. Proposals that preserve those elements of the setting that make a positive contribution to or better reveal the significance of the Asset should be treated favourably.

para 138: loss of a building... which makes a positive contribution to the significance of the Conservation Area... should be treated either as substantial harm under para 133 or less than substantial harm under para 134, as appropriate, taking into account the relative significance of the element affected and its contribution to the significance of the Conservation Area... as a whole.

para 141: local planning authorities should... require developers to record and advance understanding of the significance of any Heritage Assets to be lost, in a manner proportionate to their importance and the impact, and to make this evidence and any archive generated publicly accessible. However the ability to record evidence of our past should not be a factor in deciding whether such loss should be permitted.

Cannock District Council's Local Plan Part 1 - Adopted.

Local Plan Policy CP15 supports this approach by seeking to protect and enhance the District's historic environment via safeguarding...buildings, areas...their settings and their historic landscape and townscape context according to their national and local status from developments harmful to their significance in order to sustain character, local distinctiveness and sense of place. At the same time supporting...development proposals that are sensitive to and inspired by their context and add value to the existing historic environment, landscape and townscape character by virtue of their use, layout, scale, appearance, landscaping and materials to ensure that the historic environment acts as stimulus to high quality design, based upon guidance set out in the Design SPD; planning standards may be applied in a flexible manner to maintain continuity within historic townscapes. Opportunities for new development in Conservation Areas and within the setting of Heritage Assets to enhance or better reveal their significance will be considered. Also maintaining an appropriate balance between conservation, reuse, sympathetic adaptation and new development...in order to

promote the sustainable management of the historic environment...and promote the historic environment as a catalyst for the regeneration of the District. The conservation and enhancement of Heritage Assets will be supported through Conservation Appraisals and Management Plans...and through the development management process. The local decision making process will be based on an assessment of significance of Heritage Assets including their setting in relation to development proposals. New development making a positive contribution to the character and local distinctiveness of the historic environment will generally be supported, having regard to the Design SPD.

The adopted Main Road, Brereton Conservation Area Appraisal 2009 and Management Plan 2014 provides more local detail about the significance of the Area and the building and relevant policy guidance:

- Main Road, Brereton Conservation Area was designated in 2002 and comprises the core of the old village along Main Road, an interesting mix of grand houses, workers cottages and community buildings, standing against the green backdrop of Cannock Chase. Its history as a thriving village is still evident and its Listed Buildings are amongst the most distinctive in the District.
- The Talbot Inn is marked in the Conservation Area Appraisal 2009 as ‘an unlisted building of particular interest’. Its significance to the Conservation Area derives from its history (demonstrating how the community of Brereton grew and developed over time) and its architecture (though subject to 20thC alterations, the symmetrical two storey frontage of the former inn retains its sturdy traditional appearance), enclosing the streetscene and forming a gentle transition from countryside to town. It has played an important role in Brereton’s village life and still forms an attractive viewpoint at the end of a street frontage composed of two substantial Listed Buildings and their curtilages – the 17thC Grade II* Brereton Hall and the 18thC Grade II Brereton House.
- There is variety in the roofscape throughout the area with varied rooflines, gables and hips, and an assortment of chimneys. The main unifying feature of the Conservation Area is the local warm orange-red and dark red brick. Boundary treatment to frontages is important in providing a sense of enclosure with remnant brick and stone walls, piers and railings. Tree cover makes an important contribution to the appearance of the Conservation Area, giving a maturity and softness to the street scene with both visual and environmental value.
- There will be a general presumption in favour of preserving buildings and features identified as making a positive contribution to the special character and appearance of the Conservation Area.
- Future development should take account of the special interest of the area as set out in the Appraisal. New development will need to acknowledge the relationship of buildings to spaces and reflect existing architectural detailing including colour, texture and range of materials. It should also respect trees and hedging. Any opportunities allowing environmental improvements to the Main Road frontages would be welcomed. The inclusion of appropriate trees within new development will be required, especially larger, long lived and suitably sited species, eventually to replace the older trees.

- The Council will require proposals for new development and redevelopment to adhere to well established good urban design principle for scale, form, materials, layout, density, landscaping and boundary treatment with the use of contemporary design and materials or more traditional options as appropriate, to reinforce the existing strong frontage and layout of individually distinctive buildings onto Main Road in a well landscaped setting, reflect existing variety and enhance views through the Conservation Area, particularly landmark buildings.
- The existing mix of uses...will be maintained with any compatible additional uses considered
- The Council will seek developer contributions in conjunction with planning permissions in accordance with the Developer Contributions SPD 2015 and will consider using a proportion of them for public realm enhancements along Main Road.

Brereton and Ravenhill Parish Plan 2006 includes the former Talbot Inn on its 'Local List of buildings of particular value to the local community' (NB: this plan has no statutory weight however this List is intended to form the basis of the Council's forthcoming District-wide Local List).

Note about Heritage Assets: this term is defined in the NPPF and includes buildings and areas identified as having a degree of significance meriting consideration in planning decisions because of heritage interest. Heritage Assets include Designated Heritage Assets (eg Listed Buildings and Conservation Areas) and Non-Designated Assets (eg those identified by the local planning authority including through Local Listing). In this case, the relevant Designated Assets are the Main Road, Brereton Conservation Area and the Listed Buildings close to the site of the former Talbot Inn which forms part of their setting. The former Talbot Inn itself is a potential Non-Designated Heritage Asset but is not yet formally defined as such via the District Local List (procedure for this was adopted via Design SPD in 2016 and set up of Local List will be forthcoming in 2018).

Main Conservation Considerations:

1. Whether the loss of the existing building would preserve or enhance the character and appearance of the Main Road, Brereton Conservation Area and the setting of the nearby Listed Buildings
 - The former Inn is highlighted as an unlisted building of particular interest in the Conservation Area Appraisal, having historic value in the streetscene, demonstrating the development of the village over time, and visual value through its traditional appearance and contribution to enclosure of the streetscene at a gateway location. There is a general presumption in favour of preserving such buildings. It makes a positive contribution to the special character and appearance of the Conservation Area being integral to the character and appearance of the Conservation Area as a whole and therefore its loss would fail to preserve or enhance this character and appearance.
 - The former Inn is considered to contribute positively to the settings of both Listed Buildings by preserving some of their historic context and therefore its loss would adversely affect their setting.

2. Whether the loss of the building would result in harm to the significance of the Conservation Area and nearby Listed Buildings and whether this loss would be substantial or less than substantial
- The loss of the building is considered to amount to substantial harm to the significance of the Conservation Area, taking account of its contribution to the significance of the Conservation Area as a whole through its history, historic fabric (useful in understanding the building and a finite resource), character and appearance in this gateway location. Therefore the tests in NPPF para 133 need to be applied.
 - The loss of the building is considered to amount to less than substantial harm to the setting of the Listed Buildings, by virtue of loss of some of their historic context, but not substantial harm because a varied streetscene such as this is felt to be sufficiently flexible to permit additions of suitably designed new development or redevelopment which preserve the setting of the Listed Buildings. Therefore the tests in NPPF para 134 need to be applied.
3. Whether the proposed new building would preserve or enhance the character, appearance and significance of the Conservation Area and the setting of the nearby Listed Buildings
- In support of the application the applicant submitted a structural report about the existing building, concluding that it was not financially viable to renovate. In order to properly assess its findings the Council commissioned its own structural report. This reached the same conclusion, noting the following points:
 - The structure of the building, due to its age and lack of adequate maintenance over the years as well as inadequate structural repairs is very tired and is becoming unstable in parts and will require major replacements /repairs before it can be brought back to a stable condition and be given a long life to justify costs. The following more than likely will need to be reconstructed: roof structure and finishes, front and rear masonry walls internal and external at second floor level, front and internal walls at first floor, ground floor masonry internally and externally in parts especially around windows, side walls would require reinforced render to enhance stability, major repair and refurbishment of ground floor slab and basement.
 - The engineer considered that at present there is continuing movement of walls and floors due to lack of floor diaphragm action and no lateral stability as a result. He was concerned about the continuing movement of the internal brick walls at first floor level which according to the owner have deteriorated since last seen. He recommended the Project Structural Engineer recommends propping of the walls to arrest further movement as it will very soon become structurally unstable.
 - In the Engineers view, none of the defects can be attributed to the current owners neglect over a relatively short period.
 - As a result of this report a ‘propping plan’ was drawn up and has been implemented with the top of each wall tied together with timber bracing to secure the building whilst a decision is reached.

- Conservation philosophy says that Conservation Areas are not intended to prevent change but to ensure that it takes place in an appropriate way. Modern development is 'of its time' and reflects the fashion of its day but conversely copying historic architecture may not be the best solution; through careful design new buildings can respect the architectural character of an historic area and fine buildings of any type, style and age can enhance the visual environment and contribute to a sense of community. Size, scale, design, materials, boundary treatment and planting details are all important in creating an addition which complements and preferably enhances the Conservation Area.
- Since the original submission, and without prejudice to any decision on the demolition, the applicant has worked with officers in order to amend the design and siting of the proposed building so that it better reflects the role played by the former Talbot Inn in the appearance of the streetscene of the Conservation Area and the setting for two Listed Buildings. This has been achieved by reducing its height and bulk and moving it nearer to the road, and replicating design features from the former Inn to preserve the varied character of the area. Brereton's buildings, diverse in design and materials, form an attractive grouping creating a distinctive piece of local townscape, perhaps sufficiently varied to permit additions of suitably designed new development or redevelopment.
- In detail, the design of the new proposal has been amended as follows:
 - A reduction in overall height of the front building to c.1m above the height of the existing building (from road level the agent advises this will view as the same height) and a relative reduction in height of the attached buildings, dropping the roof and eaves lines to reduce its mass and bulk, all to better accord with surrounding buildings and preserve the character of the street scene.
 - The whole development moved nearer to Main Road by c.2m to retain enclosure of the street scene and improve the relationship with the nearest dwelling at 8 Armitage Road
 - Design amendments to reflect the bay windows and front door from the existing building frontage and to simplify the window pane design to better reflect the traditional appearance of the existing building and generally preserve the appearance of the street scene
 - Ensuring that the surroundings of the building make best use of hard and soft landscaping to help preserve or enhance the character and appearance of the Conservation Area and make a positive contribution to local character and distinctiveness.
- The proposal would have a varied roofline with design detailing reflecting the former Talbot Inn with hips and gables, chimneys, bay windows, and other traditional detailing. It would be constructed in brick and tile and boundary treatment would reflect the walls and railings bounding the adjacent listed building on the corner of Armitage Lane. Existing trees would be retained and supplemented with new planting along the road frontage to soften the appearance of the development and provide a long term visual and environmental benefit.

- Public consultation on these amended plans confirm concern still from some quarters at loss of the existing building; some support for redevelopment with new useful accommodation; and detailed comment on various features including the height (overpowering), the glazed atrium (out of character with the area and highly visible from the road) and the colour of the brickwork (at odds with its surroundings), the proposed development generally lacking the feel of an historic Staffordshire village.
- The concerns of the community are acknowledged and there are details of the proposal which could be considered at odds with the existing character and appearance of the Conservation Area; conversely they could be seen as adding to the variety of the Area.
- The proposal is considered generally compatible with its surroundings in terms of its overall size, scale and siting; there is potential for careful choice of building materials to further improve the scheme.

Conclusion:

It is accepted that a great deal of support and passion exists in the community for retention of the former Talbot Inn as a result of its contribution to the Conservation Area as a familiar feature of the streetscene. Loss of such a feature sets an undesirable precedent in this District but nevertheless requires proper consideration of relevant pro's and con's and particularly its present condition.

Loss of the existing building would in my opinion be classed as 'substantial harm' to the significance of the Conservation Area. In such circumstances consent should be refused unless the stated criteria are achieved - either substantial public benefits from the proposal which outweigh the loss, or all of the other criteria must be met. Loss of the existing building would in my opinion amount to 'less than substantial harm' to the setting of the Listed Buildings. This harm needs to be weighed against the public benefits of the proposal.

Conservation Area designation seeks to conserve features which contribute to the character of the area and at the same time does not prevent change, but seeks to ensure that changes are beneficial and positive and that the Area continues to evolve. The harm caused to the Conservation Area by loss of the former Inn, albeit harm to one part of the Conservation Area, still amounts to harm for the purposes of Sec 72. Any replacement building would therefore need to be of at least equal benefit to the character and appearance of the Conservation Area, and preferably a greater benefit, producing an enhancement.

Without prejudice to the decision, should the tests be met and the application be recommended for approval, the following conditions are requested:

- Prior to the commencement of (and during) the stripping out of the existing building a written scheme of investigation and recording equating to a Level 2 Survey (as defined in the English Heritage publication (now Historic England) 'Understanding Historic Buildings: a Guide to Good Recording Practice' 2006) shall be submitted for the written approval of the Local Planning Authority and thereafter be implemented in full in accordance with the approved details. The Scheme shall provide details of the programme of archaeological recording works to be carried out within the site, including reporting and appropriate publication. Reason: In the interests of advancing

understanding of the significance of the heritage asset in a manner proportionate to its importance and to make this evidence publicly accessible in accordance with the NPPF para 141.

- The demolition hereby permitted shall not be undertaken before a contract for the carrying out of the works of redevelopment of the site in accordance with the planning permission has been made and written confirmation of this has been received by the Local Planning Authority. Reason: To safeguard the character and appearance of the Main Road, Brereton Conservation Area and the setting of the Listed Buildings.
- No part of the development shall be commenced until details including samples of all external materials, including landscape materials, have been submitted to and approved in writing by the Local Planning Authority. No materials shall be used other than those approved. Reason: To safeguard the character and appearance of the Main Road, Brereton Conservation Area and the setting of the Listed Buildings.

Countryside, Landscaping and Trees

No objection. Will require further landscaping details.

Boundary Treatments:

- To settle the new building into the existing heritage fabric it would be better to replace all the boundary frontage with a low wall, blue brick coping and black vertical bar fencing as can be seen on the building on the opposite side of Armitage lane. This should include a evergreen hedge to the rear.
- Rear timber panel boundary fencing will need to be replaced once the levels have been adjusted for the no dig car park surface.

Car Parking Area

- Under normal circumstance the use of block paving and tarmac would be recommended. However in this instance and with historical consideration a more traditional approach would be advise. The use of a full tarmac car park with bays delineated with cobble edging or conservation kerbs flush with the tarmac surface would be preferred.
- The inclusion of a cobble / rumble access strip would add definition to the parking area.
- Relocation of the bin store is advised, it would be better if this was at the rear of the parking areas instead of the front where it will be highly visible and have a negative effect on the street scene.

Drainage & levels

- Surface water drainage plans are required.

- Existing and proposed level are still required, especially to show the junction of the no dig parking bays and the adjacent parking area.

Tree planting:

- The new centre tree on Main Road Brereton frontage will detract from the building frontage and screen the original main door. Recommend this tree is removed and the two remaining trees are used to frame the new building. Then a gate and footpath to front door can be created. These can be for aesthetics only and the gate need not work.
- Wouldn't recommend planting flower cherries trees so close to a public highway due to leaf litter, considering the amount of root area and location of the new building we consider a larger more striking tree to be suitable. Species such as 3 No. Quercus rubra with appropriate root guards would give more character and autumn colour to the street scene.
- Confirmation is required that the appropriate tree pits can be dug to 1.2m depth with the existing basement structure retained. The location of the existing cellars should be shown on the submitted landscape plans.
- The tree at the end of parking bay in the centre of the car park will in all likelihood over time be removed due to access issues or damage from passing cars. Recommend this tree is removed. By doing this the car parking space could be broken up in the middle and more room left for the remaining tree. Replacing this for a much bigger tree with rooting zone such as Platinus x hispanica will allow the tree to fully develop and in time become a focal point of the street scene and the site.

Surfacing:

- There is a vast amount of paving to the Main Road frontage, this could be reduced to the three central sections, whilst replacing the rest for grass. This would help set the building into the street scene and give it more of a affluent domestic feel.

Summary

- No objection in principle to the development of the site.
- However revised and additional details required as noted above.

RESPONSE TO PUBLICITY

There were several stages of public consultation due to the submission of revised plans and additional information.

Site notice posted and adjacent occupiers notified with 19 letters of objection, 4 letters of support and 1 letter of comment. These letters of objection, comment and support are summarised below:

The objections are summarised as follows:

Summary of Letters of Objection

19 Letters of objection received as summarised below

To be noted : 1 x email dated 13/12/17 @ 12:40 from Timothy Jones which attaches an objection letter together with a report. It is noted that this letter and attached report is an exact duplicate of the objection letter and report submitted by Brereton and Ravenhill Parish Council as submitted on the 14/12/17 and therefore his comments are already reported under the Parish Council's objection and will not be restated.

Intentions of the Developers with the Property

- was allegedly purchased then found to be unfit for purpose.
- question how any mortgage lender would allow a potential client to purchase a property like the Talbot Inn, without a complete and thorough survey being completed. As this would mean that if a building was unfit for purpose or unsafe, they would actually have no facility in which to earn an income to pay their mortgage.
- Opinion of objector property was purchased with complete redevelopment in mind, with no thought for the local community and the historic value of this building to Brereton.
- Plenty of offices in Towers, Power Station Road.
- Concern of the number of buildings that are being lost to the community.

The Existing Building, Historic Context and the Conditions of the Existing Buildings

- Object to the demolition.
- The existing building should be restored to its former glory and the inside could accommodate their wishes.
- The Talbot Inn has always been a pleasant approach into the village of Brereton.
- The Talbot Inn adds to the conservation area and historic value, dating back to the mid 18th century.
- Is a very pleasing and historical sight.
- It has successfully stood in the same spot since 1750.
- Is aesthetically of architectural interest and historical importance to the village of Brereton.
- The building is known to date from at least 1834 as in William White's Directory of 1834 A Mary Wallace was listed as a victualler. However earlier maps (Earl Talbot's map of Brereton Manor 1975) indicates that a building has stood within the footprint of the Talbot Inn for much longer.
- Concern that the current property owners have vandalised the current property and concern how they have got away with it.
- In the Walsall Advertiser and Newspaper, Tuesday April 8th, 1890 it list the sale of the property indicating its own Brewhouse and stable. - extract of William White's Director of 1834 Included.
- The building is historic and part of Brereton's history, and cannot be replaced.
- We have a rich mining history in Brereton and this building is part of it.
- The condition of the brickwork at the side of the existing building appears to be in good condition.

- Concerns about the amount of rendering removed in the last year by the current owners and not replaced as the rendering offered protection to the brickwork/ building and as a result of the rendering being removed it has left it exposed.
- It appears from a meeting that the cellar got flooded in September. Surely if a building is not occupied it is advisable to turn off the water.
- Reference is made to Government Policy and extracts of the National Planning Policy Framework 2012, paragraphs 126,130-132 relation to Section 12 Conserving and enhancing the historic environment.
- In 2010 £180k was spent renovating the premises, the property was valued at 500k links attached to letter.

Design of the Proposed Building

- no need to have a 3 storey dominating the main road and overlooking every single surrounding building.
- completely inappropriate and not in-keeping with the other historical architectural features in the village not to mention the rustic aesthetic.
- the style is different to the historic building.
- considered to be a larger building and higher height.
- Even after the amendments the proposed new building is still far too tall and dominant for a conservation area.
- proposed red brick and huge glass aluminium atrium is not inkeeping with the other buildings and the Conservation Area.
- the proposed colour of the brick work chosen, the planned atrium facing the entrance to the village is totally inappropriate and would require considerable redesign to be acceptable.
- the design of the building is a ghastly colour.
- is a huge red pimple.
- If the new development goes ahead it needed to be fully rendered.
- Object to the extensive glazed atrium which is alien to the Conservation Area and will be highly visible from the road.
- the amendments have moved the proposals 1 metre near to the bungalows opposite on Main Road.
- State the compound for two large wheelie bins is being placed on the car park making it even smaller. Concern how the bin lorries and delivery vans will cope on a small car park on which both staff and visitors have parked with only one entrance/exit
- If Midlands Psychology should propose a more sympathetic design retaining the original Talbot Inn building.
- The proposals will block light to the properties located across the road on the other side of "Main Road"
- Concerns with car parking provision

Character of the Area

- The proposed building is completely out of character with the area and would dominate the entrance in the village.

- Would be an eyesore.

Footprint of the Proposed Building

- Overall footprint of the site is large, and the proposed new building is much larger than the current building.

Conservation Area/ Locally Listed Building

- The existing building is located within the Brereton Conservation Area.
- The Conservation Area was established for the protection of historic buildings.
- The existing building makes a positive contribution to the Conservation Area.
- The local people are proud of our heritage and we understand how important it is to keep the character of the area.
- A similar planning application to demolish the Britannia Inn was made in 2010 but was withdrawn after a campaign to save the 1930's pub amid concern by residents and Brereton & Ravenhill Parish Council (Express & Star Newspaper 15/03/100).

Brereton and Ravenhill Parish Council Meeting with Developers - date/ time

- whilst some concerns were addressed by the owners & developers, overall opinion that both parties were vague, disrespectful and flippant

Letters of Support:

There have been 4 letters of support and the comments in these letters are summarised below

The Current Building, the Principle of Development and the Proposals

- Wholeheartedly agree with the decision to demolish the building.
- The building has been an eyesore for many years and an eyesore due to its current state.
- The building is of no significant architectural character and it is not special or unique to need any sort of preservation.
- It would be clear to anyone that is beyond repair.
- From reading the planning application submission documents it is clear that the building is in a terrible state and that something needs to be done.
- The building has been left redundant for years, rotting away, desperate for a scheme like this to boost the area in appearance & hopefully benefit the local people with potential employment opportunities.
- Many attempts have been made at revamping it as a pub, restaurant, nursery but all have failed in recent year [sic] so new offices seems ideal to me, as office spaces/ attractive jobs are sparse around this area & this will provide people like myself an opportunity to work in a new luxury office space.
- A pragmatic approach is needed.

The Design of the Proposals

- Pleased with the proposed design of the new building.
- This seems to be an appropriate scheme which will make the area more attractive.

- The amended plans show the proposed new building now embodies many of the best exterior features of the former Talbot Inn including the ground floor bay windows, the central door and its surrounds, the paired upper windows with lintels, the attractive brickwork - a feature of the original building before the walls were ruined with cement rendering and paint.
- Also the overall height is now the same as the present building and the upper storey matches the 3 storey buildings nearby.
- The proposed landscaping and better views from Armitage Lane are an additional improvement.
- The proposal would provide a nicer looking approach to the area from the Lichfield direction making the area generally more attractive than it currently is.
- We welcome the facility and a modern building to move to Brereton into the 21st Century.

Economic Circumstances

- economic circumstances of ever closing public houses.
- this case is exceptional due to several structural problems which have made the building almost unsaleable to a builder or developer because of financial risk.
- Even if development is allowed on the car park the developer would want to build there first due to cash flow reasons.
- The proposal would benefit a number of local people through its services.
- The proposal would offer the possibility of employment opportunities for local people.

Letters of Comment:

1 Letter was received from the directly neighbouring property of No 8 Armitage Lane which is located directly adjacent to north east side of the site. Their comments are as follows:

- "Since the above application was first submitted, we have thought long and hard about the impact of such a development next to our property and naturally with some reservations. We have finally come to the conclusion that the proposed redevelopment should be allowed to go ahead. It would secure the long-term future of this site which has been extremely precarious for many years."

PLANNING HISTORY

- CH/16/413 - Demolition of existing public house and associated buildings and the erection of a replacement building for mixed D1/B1 use - withdrawn to enable a Phase 2 Bat Survey being required which could only be carried out between May & September.
- CH/14/0450 Change of Use from a nursery (D1) to office B1(a) - approved 04/02/15.
- CH/12/0391 Change of use from public house (A4) to day-care nursery (D1) with landscaping alterations. Approved 03/01/13.
- CH/11/0030 Retrospective change of use of the ground floor from B1 and B8 to a training

facility (D1). Approved 30/03/11.

- CH/09/0070 Single storey extensions to side and rear to extend dining area and food preparation area including single storey entrance lobby - approved 05/05/2009.
- CH/93/0518 2 x no existing fascia signs illuminated by 6 no. brass swan neck down lighters approved 09/11/93.
- CH/93/0517 Proposed entrance porch - approved on 17/11/93.
- CH/89/0666 2 x illuminated fascia signs and one illuminated post - approved 04/10/89.

1. SITE AND SURROUNDINGS

- 1.1 The application relates to a currently vacant building, which has been vacant for the last two years. The property from 2013 was previously a former D1/D2 Children's Nursery which moved due to its requirement for larger premises. Previous to 2013, the property was a public house known as the 'Talbot Inn'.
- 1.2 The building's current use is defined as a B1(a) Office use which was granted as a change of use from the previous D1 Nursery use which was approved in 2015 (Application Ref CH/14/0450).
- 1.3 The building had a variety of modern single storey extensions on the rear and side. There has also been the addition of some modern brick work and UPVC windows on the side and front elevations. It was observed on the site visits that large elements of the rendering have been removed on the front elevation around the front entrance door and bay window.
- 1.4 The existing building comprises of a one and two storey traditional design and it is located at the junction of Main Road and Armitage Lane and has a vehicular access off Main Road.
- 1.5 The property has a large car park which is located to the south side of the building and this is accessed off Main Road which is bordered by a variety of fencing of different styles.
- 1.6 The main building is identified as being of local significance and is included on a list of locally important buildings and structures for the Brereton and Ravenhill area. The Staffordshire County Council Historic Environment Record (HER) identifies the building '...as a prominently situated two-storey inn of local brick, with pleasing symmetrical frontage which was probably extant by at least the late 18th or early 19th century. The rear extensions are attractive, with old painted inn sign on wall facing Armitage Lane.'
- 1.7 The 2006 Brereton and Ravenhill Parish Plan included the former Talbot Inn on its 'Local List of buildings of particular value to the local community.'
- 1.8 The building is noted in the Council's Conservation Area Appraisal as being an unlisted building of particular interest.
- 1.9 The application site stands within the Main Road, Brereton Conservation Area and its main vehicular access is off Main Road. The adopted Main Road, Brereton Conservation Area Appraisal 2009 and Management Plan 2014 provide further detail about the Conservation Area, the building and the relevant policy guidance. The Talbot Inn is marked in the Conservation Area Appraisal 2009 as 'an unlisted building of particular interest'

1.10 The site is located in Brereton and is positioned at the southern tip of the built up area of Rugeley in a predominantly residential area adjacent to a sports field and open countryside on its south side. On the opposite side of Main Road there are residential bungalows and the Red Lion Public House, it is bordered by a sports field to the right and No 8 Armitage Lane to the rear/ side.

1.11 The site including the vacant property is privately owned by Midlands Psychology, who it is understood purchased it in 2015.

2.0 PROPOSAL

2.1 The proposal is for the demolition of the existing building and the creation of a new two storey building which would be a mixed B1/D1 use.

2.2 Midlands Psychology offers mental health and support services to local people. They are currently based in Stafford. One of the primary services that the company offer is assistance to adults with autism and support for their families. The aim of the proposal is to use it to provide a training facility for families as well as a chance to integrate people with disability back into society.

2.3 The proposals include the following:

- a) B1 element = 564 sqm and D1 element = 136 sqm.
- b) Total Office space inc reception, wc's= 436 sqm.
- c) Total Consultation Rooms = 31.86 sqm.
- d) Ground Floor Café space incl - kitchen which is available for use by the public = 66.91 sqm.
- e) Total Circulation space = 167.82 sqm.
- f) Total Storage Space = 10.81 sqm.
- g) Potential for an internal lift.
- h) Provision of 25 defined off street car parking spaces including 4 disabled spaces.
- i) Provision for 2 no Sheffield Cycle Stands.
- j) Provision on site for cycle storage.
- k) Provision for on site for a 4.6 x 2.5 bin/ recycling storage including border fencing.
- l) Provision of black cast iron railings.
- m) Landscaping proposals.
- n) Removal of the existing post fence to the common boundary of No 8 Armitage Road proposed to be replaced with a 1.8 metre high close board fence.
- o) Retention of the existing hedgerow between the proposal and No 8 Armitage Road.
- p) Provision of 15 full time staff.
- q) Proposed operating hours Monday to Saturday 8.30 am to 5.30pm and closed on Sundays.

3.0 PLANNING POLICY

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

- 3.2 The Development Plan currently comprises the Cannock Chase Local Plan (2014).
- 3.3 Other material considerations relevant to assessing current planning applications include the National Planning Policy Framework (NPPF) Planning Practice Guidance (PPG) and Supplementary Planning Guidance/Documents.

Cannock Chase Local Plan (2014)

- 3.4 The relevant local planning policy in relation to this proposal is

- Policy CP1 - Strategy - The Strategic Approach
- Policy CP3 - Chase Shaping – Design
- Policy CP5 - Social Inclusion and Healthy Communities
- Policy CP8 - Employment Land
- Policy CP9 – A Balanced Economy
- Policy CP15 – Historic Environment
- Policy CP16- Climate Change and Sustainable Resource Use

3.5 National Planning Policy Framework

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

- 3.7 The relevant sections of the NPPF related to this application are as follows:

- Paragraph 17 - Core Principles
- Paragraph 20 - Economic Growth
- Section 7 - Requiring Good Design
- Paragraph 56 - Importance of Design
- Paragraph 8 - Promoting Healthy Communities
- Section 11 - Conserving and Enhancing the Natural Environment
- Section 12 - Conserving and Enhancing the Historic Environment

3.27 Other Relevant Documents

- The Council's Parking Standards, Travel Plans & Developer Contributions for Sustainable Transport SPD.
- The Council's Design SPD.
- The adopted Main Road, Brereton Conservation Area Appraisal 2009 and Management Plan 2014.
- The Brereton and Ravenhill Parish Plan 2006.

4.0 DETERMINING ISSUES

- 4.1 The determining issues for this proposed development include: -

- i) Principle of development
- ii) Design and impact on heritage assets
- iii) Impact on neighbouring amenity
- iv) Impact on highway safety

- v) Impact on nature conservation interests
- vi) Provision of waste & recycling facilities
- vii) Public Benefits of the Proposal
- viii) Crime and the fear of crime
- ix) Other Material Considerations

4.2 Principle of Development

4.2.1 This application relates to the demolition of an existing building, formerly a Public House, and associated buildings and the erection of a replacement office building with mixed D1 / B1 use.

4.2.2 Policy CP1 of the Cannock Chase Local Plan states that "the focus of investment and regeneration will be in existing settlements" and "the urban areas will accommodate most of the District's...employment development". In addition to this and in respect to offices Policy CP8 states "The council will seek to retain and promote diversified 'B class' uses in existing and developing employment areas of the highest quality and to assist the overall diversification of the local economy (having had regard to Policy CP11 and the need for a sequential approach in relation to offices).

4.2.3 Brereton is considered in the Local Plan to constitute a 'Local Centre' and wherein it is the aim to protect and enhance the centre to provide small scale shops , services and community facilities for local residents. The policy goes on to state that 'new development within local centres should be designed to meet the needs of the local catchment and encourage sustainable travel behaviour.

4.2.4 In regard to national policy offices are considered in the NPPF to constitute main town centre uses and therefore are subject to a sequential test in favour of existing town centres. The requirements of the sequential tests are set out in paragraph 24 of the NPPF which states

"Local planning authorities should apply a sequential test to planning applications for main town centre uses that are not in an existing centre and are not in accordance with an up to date Local Plan. They should require applications for main town centre uses to be located within town centres, then in edge of centre locations and only if suitable sites are not available should out of centre sites be considered. When considering edge of centre and out of centre proposal, preference should be given to accessible sites that are well connected to the town centre. Applicants and local authorities should demonstrate flexibility on issues such as format and scale."

4.2.5 In response to the above it is noted that planning permission was granted for the change of use of the building from a nursery (Class D1) to offices (B1a) in February 2015. As such although the permission was never implemented the principle of B1 office use has been established and it is not considered therefore that a sequential test would be necessary under paragraph 24 of the National Planning Policy Framework. In relation to the Class D1 element of the proposals both the proposed clinic use and the former nursery fall within the same use class so again the principle of a D1 use in this location is already established although it appears the nursery has been vacant since 2014.

- 4.2.6 In addition to the above it is also noted that the proposal is somewhat small scale and although serving a wider catchment would also serve the needs of the local community of Brereton.
- 4.2.7 It is also noted that by virtue of its location on the main road through Brereton the proposal would constitute an accessible site that is well connected to the town centre of Rugeley. Furthermore as a D1/ B1 uses have already been accepted at this site it is considered that it is also acceptable in respect of its principle on the amenities of the surrounding land uses.
- 4.2.9 Given the above it is considered that the proposal, on balance, is acceptable at this location. However, proposals that are acceptable in principle are subject to other policy requirements and normal planning considerations. This report will now go on to consider those points of detail.

4.3 Impact on Designated and Undesignated Heritage Assets

- 4.3.1 The site lies within the Brereton Conservation Area and within the setting of Brereton Hall, a Grade II* Listed Building and the setting of Brereton House, a Grade II Listed Building. In addition the building in its own right has some architectural and historic interest, and although it is not in itself a designated heritage asset, is considered to constitute an undesignated heritage asset.
- 4.3.2 Given that the proposal affects a conservation area and the setting of a listed building it engages the statutory duties set out in paragraphs S66(1) and S72 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990.
- 4.3.3 S66(1) of the Act states “In considering whether to grant planning permission... for development which affects a listed building or its setting, the local planning authority or, as the case may be, the Secretary of State shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.”
- 4.3.4 S72(1) of the Act states, “(1) In the exercise, with respect to any buildings or other land in a conservation area, of any functions under or by virtue of any of the provisions mentioned in subsection (2), special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area.”
- 4.3.5 In addition to the above the proposal is subject to Policy CP15 and the relevant paragraphs of Section 12 of the NPPF which are set out in the Conservation Officers comments (see above).
- 4.3.6 Having had regard to the above, to the representations received and the response of the conservation officer it is considered that the main conservation issues in respect to the determination of the application are as follows:

- 1) Whether the loss of the existing building would preserve or enhance the character and appearance of the Conservation Area and the setting of the nearby Listed Buildings.
- 2) Whether the loss of the building would result in harm to the significance of the Conservation Area and nearby Listed Buildings and whether this loss would be substantial or less than substantial.
- 3) Whether the proposed new building would preserve or enhance the character, appearance and significance of the Conservation Area and the setting of the nearby Listed Buildings.

Impact on the Character and Appearance of the Conservation Area and the Setting of the nearby Listed Buildings

- 4.3.7 In respect to the first issue it is noted that the former Inn is highlighted as an unlisted building of particular interest in the Conservation Area Appraisal, having historic value in the streetscene, demonstrating the development of the village over time, and visual value through its traditional appearance and contribution to enclosure of the streetscene at a gateway location. As such it is considered that the building makes a positive contribution to the settings of both Listed Buildings by preserving some of their historic context and therefore its loss would adversely affect their setting.

Impact on the Significance of the Conservation Area and Nearby Listed Buildings and Whether this Loss Would be Substantial or Less than Substantial

- 4.3.8 In respect to the second issue it is considered that the loss of the building would amount to substantial harm to the significance of the Conservation Area, taking account of its contribution to the significance of the Conservation Area as a whole through its history, historic fabric (useful in understanding the building and a finite resource), character and appearance in this gateway location. As such the tests in para 133 of the NPPF are engaged and need to be applied.
- 4.3.9 In addition the above it is considered that the loss of the building is considered to amount to less than substantial harm to the setting of the Listed Buildings, by virtue of loss of some of their historic context, but not substantial harm because a varied streetscene such as this is felt to be sufficiently flexible to permit additions of suitably designed new development or redevelopment which preserve the setting of the Listed Buildings. In this respect it is considered that the test set out in paragraph 134 of the NPPF are engaged and would need to be applied.
- 4.3.10 Although the conservation officer has advised that both the tests in paragraph 133 and 134 have been engaged it is noted that the test in paragraph 133 is the more rigorous. As such should a proposal meet the test set out in paragraph 133 it will meet the less stringent test in paragraph 134.

Whether the Proposed New Building would Preserve or Enhance the Character, Appearance and Significance of the Conservation Area and the Setting of the Nearby Listed Buildings.

- 4.3.11 In respect to whether the proposed new building would preserve or enhance the character, appearance and significance of the Conservation Area and the setting of the nearby Listed Buildings the comments of the conservation officer are noted and accepted. It is in particular noted that since the original submission, and without prejudice to any decision on the demolition, the applicant has worked with officers in order to amend the design and siting of the proposed building so that it better reflects the role played by the former Talbot Inn in the appearance of the streetscene of the Conservation Area and the setting for two Listed Buildings. This has been achieved by reducing its height and bulk and moving it nearer to the road, and replicating design features from the former Inn to preserve the varied character of the area.
- 4.3.12 In summary, the design of the new proposal has been amended as follows:
- A reduction in overall height of the front building to c.1m above the height of the existing building (from road level the agent advises this will view as the same height) and a relative reduction in height of the attached buildings, dropping the roof and eaves lines to reduce its mass and bulk, all to better accord with surrounding buildings and preserve the character of the street scene.
 - The whole development moved nearer to Main Road by c.2m to retain enclosure of the street scene and improve the relationship with the nearest dwelling at 8 Armitage Road
 - Design amendments to reflect the bay windows and front door from the existing building frontage and to simplify the window pane design to better reflect the traditional appearance of the existing building and generally preserve the appearance of the street scene
 - Ensuring that the surroundings of the building make best use of hard and soft landscaping to help preserve or enhance the character and appearance of the Conservation Area and make a positive contribution to local character and distinctiveness.
- 4.3.13 The proposal would have a varied roofline with design detailing reflecting the former Talbot Inn with hips and gables, chimneys, bay windows, and other traditional detailing. It would be constructed in brick and tile and boundary treatment would reflect the walls and railings bounding the adjacent listed building on the corner of Armitage Lane. Existing trees would be retained and supplemented with new planting along the road frontage to soften the appearance of the development and to provide a long term visual and environmental benefit.
- 4.3.14 Although concern has been expressed regarding the glass atrium to the rear it is noted that it is not the intention of conservation philosophy to ensure that each development in the historic environment is in the form of a pastiche that entirely reflects the architectural detailing of its setting. Conservation philosophy acknowledges that the architecture at each point in time reflects the technology and fashions of that time and therefore accepts that, at least in principle, good contemporary design can be accommodated and can even enhance the historic environment. It is considered that

the proposed building brings together inspiration of the existing historic environment with modern architectural design.

4.3.14 The proposal is therefore considered acceptable in respect to its relationship with its surroundings in terms of its overall size, scale and siting. Furthermore, the building materials can be adequately controlled through a condition. As such, in itself it is considered that the proposed new building would, at the least, preserve the character, appearance and significance of the Brereton Conservation Area and the setting of the two adjacent listed buildings.

4.3.15 Nevertheless it has to be concluded that the proposed demolition of the existing building would create substantial harm to designated heritage assets and that the test set out in paragraph 134 is engaged.

4.3.11 In respect to the above paragraph 134 of the NPPF states: -

Where a proposed development will lead to substantial harm to or total loss of significance of a designated heritage asset, local planning authorities should refuse consent, unless it can be demonstrated that the substantial harm or loss is necessary to achieve substantial public benefits that outweigh that harm or loss, or [officers emphasis] all of the following apply:

- the nature of the heritage asset prevents all reasonable uses of the site; and
- no viable use of the heritage asset itself can be found in the medium term through appropriate marketing that will enable its conservation; and
- conservation by grant-funding or some form of charitable or public ownership is demonstrably not possible; and
- the harm or loss is outweighed by the benefit of bringing the site back into use.

Whether the Nature of the Heritage Asset Prevents all Reasonable Uses of Site

4.3.12 In looking at this test it is important to define the words used in the test in their normal everyday meaning. In this respect the "nature" of an entity is defined as its basic or inherent features, character, or qualities. It is therefore inherent in the term that it includes the state or condition of an entity and not just the type of entity concerned.

4.3.13 Having had regard to the above it is noted that in support of the application the applicant has submitted a structural report about the existing building, concluding that it was not financially viable to renovate. In order to properly assess its findings the Council commissioned its own structural report. This reached the same conclusion and noted the following points:

- The structure of the building, due to its age and lack of adequate maintenance over the years as well as inadequate structural repairs is very tired and is becoming unstable in parts and will require major replacements /repairs before

it can be brought back to a stable condition and be given a long life to justify costs.

- The following more than likely will need to be reconstructed: roof structure and finishes, front and rear masonry walls internal and external at second floor level, front and internal walls at first floor, ground floor masonry internally and externally in parts especially around windows, side walls would require reinforced render to enhance stability, major repair and refurbishment of ground floor slab and basement.
- The engineer considered that at present there is continuing movement of walls and floors due to lack of floor diaphragm action and no lateral stability as a result. He was concerned about the continuing movement of the internal brick walls at first floor level which according to the owner have deteriorated since last seen. He recommended the Project Structural Engineer recommends propping of the walls to arrest further movement as it will very soon become structurally unstable.
- In the Engineers view, none of the defects can be attributed to the current owners neglect over a relatively short period.

4.3.14 The above conclusions are accepted. It is clear that any reuse of the building would require substantial reconstruction of the building down to almost the ground floor. Therefore it is considered that such would be the scale of the demolition and reconstruction required to rectify the structural defects that any resulting building would be a new building in its own right. It would in effect be a copy of the original and have little or no historic value in its own right.

4.3.15 It is also clear from the structural report that the building is in such a poor structural state that there is continuing movement in walls such that it requires propping to prevent collapse. As such the condition of the building is such that it would prevent all reasonable uses of even the outside areas due to potential threats to health and safety without more than substantial work to remedy the structural defects.

4.3.16 It must also be noted that the above structural defects are what are currently known about the building. Once partial demolition commences other defects may become apparent and cause the building to react in unpredictable ways which could cause further harm to the historic fabric, (as recently experienced with the footbridge at Hagley during its reconstruction) or further intervention.

4.3.17 It is therefore concluded that the nature, and in particular the structural condition, of the heritage asset prevents all reasonable uses of the site.

Whether any Viable Use of the Heritage Asset itself can be found in the Medium Term Through Appropriate Marketing that will Enable its Conservation

4.3.17 Given the above it considered that the works that would be required to reuse the building would be so extensive that no use of the asset could be found, viable or otherwise, that would enable the conservation of the building as all uses of the building would require substantial demolition and reconstruction that would effectively result in a new building

Conservation by Grant-Funding or Some Form of Charitable or Public Ownership is Demonstrably not Possible

- 4.3.18 Although the applicant has not sought options for grant-funding or public ownership the same underlying principle that whatever reuse is sought in an attempt to "conserve " the building is taken, it would need to rectify the structural defects such that it would result in more than substantial demolition and reconstruction that it would result in effectively a new building. This would not result in the existing building being conserved but again replaced by a modern replica.

Whether the Harm or Loss is Outweighed by the Benefit of Bringing the Site Back into Use

- 4.3.19 In its current state the building presents a somewhat dilapidated state. There is no reasonable prospect of a use, viable or otherwise, coming forward that would not require less than substantial demolition and reconstruction of the building to such an extent that it would form a new building.
- 4.3.20 Given that the building is so unstable the longevity of the bats roosts that it has is limited as it is clear that the building either has to be more than substantially reconstructed or it will continue to decline to the point that it will collapse. The proposed scheme would provide a mechanism in which purpose built bat roosts would be provided thus ensuring the long term support for pipistrelle and brown long-eared bats. This adds significant weight in favour of the proposal.
- 4.3.21 The redevelopment of the would also bring economic benefits, in the short term in construction jobs and in the longer term by the jobs that the applicant would bring.
- 4.3.22 The new building has been designed to ensure that it take sits inspiration from they architectural features of the existing building and the surrounding conservation area such that it would at least preserve the character and appearance of the conservation area.
- 4.3.23 Taking all the above into account it is considered that the loss of the building and the contribution it makes to the setting of the adjacent listed buildings and the character, appearance and significance of the conservation area is outweighed by the benefits of bringing the site back into use
- 4.3.24 It is therefore considered that having taken policies CP3 and CP15 of the Cannock Chase Local Plan, Section 12 of the NPPF, the provisions of sections 66 and 72 of the 1990 Planning (Listed buildings and Conservation Areas) Act, local representations, comments of the conservation officer and all other material considerations into account the proposal is, on balance, acceptable.

4.4 Impact on Neighbouring Amenity

- 4.4.1 A core planning principle is that planning should always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings and this has been accommodated within Policy CP3 of the Local Plan and supported by the guidance as outlined in the Design SPD.

- 4.4.2 The application site is surrounded by residential uses to the north, east and west. A public house is sited to the south. The public house to the south and the residential dwellings to the north and west are all separated from the application site by highways.. As such, it is considered that the change of use from the currently approved B1 office use to a mixed use of B1 and D1 would have no material adverse impact on the local area. It is also noted that the property previous to 2015 had an approved D1 use when it was approved planning permission for a children's nursery.
- 4.4.3 The proposed opening hours of this health facility would be from Monday to Saturday from 8.30 am to 5.30 pm and it would be closed on a Sunday. The Environmental Health Officer has been consulted and has no objections to the proposal. Therefore the proposed opening hours are deemed to be acceptable and a planning condition has been recommended in order to control these opening hours.
- 4.4.4 The proposed building would be located over 27 metres away from the bungalows that are located on the opposite side of Main Road. This would exceed the normal minimum distance of 21m for a front to front relationship for two storey properties and hence is considered acceptable.
- 4.4.5 The nearest adjacent property to the proposed development is the residential property of No. 8 Armitage Lane which fronts onto Armitage Lane and which presents a side elevation towards the application site. The proposal would present a blank side elevation at a distance of 6.3 metres away from No.8 Armitage Lane. Furthermore, although this would project in front of the building line of No 8 it would not intercept a line drawn at 45 degrees from the windows in the front elevation of No 8. As such it is concluded that the proposal would not result in any significant amount of overlooking or overshadowing to No8.
- 4.4.6 The proposals include the provision of a 1.8 metre high close board boundary fence to replace the existing post fence as well as seeking to retain the existing hedgerow between the development site and the neighbouring property of No 8 Armitage Lane.
- 4.4.7 It is noted that that the directly adjacent residents of No.8 Armitage Lane have not objected to the proposals and they have written in a letter of comment stating
- "Since the above application was first submitted, we have thought long and hard about the impact of such a development next to our property and naturally with some reservations. We have finally come to the conclusion that the proposed redevelopment should be allowed to go ahead. It would secure the long-term future of this site which has been extremely precarious for many years."
- 4.4.8 The Council's Environmental Protection Team have been consulted on the proposals and have no objections subject to the provision of a planning condition for the provision of a site construction management plan. In the event that the proposal does proceed to demolition work this work must be undertaken in line with the current Building Act requirements and in accordance with the BS 6187:2011 Code of Practice for full and partial demolition.

4.4.9 Having had regard to the above it is considered that, subject to the above condition, a good standard of residential amenity would be maintained for both future occupiers and existing residents of the surrounding dwellings in accordance with Policy CP3 of the Cannock Chase Local Plan and the NPPF.

4.5 Impact on Highway Safety

4.5.1 Paragraph 32 of the NPPF states that Plans and decisions should take account of whether; -

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

safe and suitable access to the site can be achieved for all people; and improvements can be undertaken within the transport network that cost effectively limit the significant impacts of the development. Development should only be prevented or refused on transport grounds, where the residual cumulative impacts of development are severe.

4.5.2 The existing site has a main vehicular access off Main Road. The site is located on the main signalised junction of Main Road and Armitage Lane.

4.5.3 The proposals seek to maintain the existing vehicular access off the existing street known as 'Main Road' and to provide 25 car parking spaces of which 4 would be designated as disabled car parking spaces which would be located close to the rear entrance of the building and 2 Sheffield Cycle Stands to provide cycle parking within the site.

4.5.4 It is also noted that the site is located 50 metres away from the nearest bus stop that is located on Coalpit Lane. This bus stop links to local bus services which serve the local area including Rugeley (and hence Rugeley Train Station at a distance of 1.7miles), Cannock, Lichfield and Stafford.

4.5.5 Staffordshire County Council Highways Department were consulted on the proposals and have no objections subject to the provision of a number of planning conditions including for the provision of 4 bicycle stands rather than two, formalising the main access point and closing the other one and providing a travel plan.

4.5.6 In conclusion it is considered that, subject to the attached conditions, the proposal would not have a detrimental impact on the safety and capacity of the local highway network and therefore the residual cumulative impacts of the development would not be severe. As such it is considered that the proposals meet the requirements of the NPPF and Policy CP3 of the Cannock Chase Local Plan (Part 1).

4.6 Impact on Nature Conservation Interest

4.6.1 The proposal entails the demolition of a traditional building that is in a poor state of repair, which has not been occupied for some time and which is located at the

interface with the surrounding countryside and the settlement. As such there is the potential for bats to be occupying the building.

- 4.6.2 Paragraph 118 of the NPPF states: when determining planning applications, local planning authorities should, amongst other things (not relevant to the determination of this application)

"aim to conserve and enhance biodiversity by applying the following principles:

if significant harm 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"

- 4.6.4 In order to inform the application the applicant has submitted a Bat and Bird Survey, dated 31 May 2017. This reports that surveys found that the building is being used as a day roost by a single Brown Long-eared Bat and single Common Pipistrelle.

- 4.6.5 All species of native British bat are protected under the 1981 Wildlife and Countryside Act (as amended) and the Habitats Regulations 2010. The applicant would therefore be required to obtain a license to undertake the development proposed and the local planning authority as a competent authority has duty in the exercise of its powers to have a regard to the provisions of the Habitats Regulations.

- 4.6.6 The Habitat Regulations allow for derogation from the provisions of the EU Council Directive 92/43/EEC of 21 May 1992 on the grounds of reasons

"to preserve public health and safety or other imperative reasons of overriding public interest including those of a social or economic nature and beneficial consequences of primary importance for the environment."

provided that

"there is no satisfactory alternative"

and the development

"will not be detrimental to the maintenance of the populations of the species concerned at a favourable conservation status in their natural range.

- 4.6.7 Given that the proposal is required to bring a building that is beyond reasonable repair without more than substantial demolition, that it would allow the site to be brought back into an economic reuse that would be sympathetic to heritage interests that the building is currently unsafe and will continue to deteriorate and pose a continued threat to public safety it is concluded that there are imperative reasons of overriding public interest that warrant derogation.

4.6.8 Given the state of the building and the mitigation proposed it is considered that there would be no satisfactory alternative as to do nothing would fail to secure the opportunity to provide bat roosts that would be available in the long term.

4.6.9 In respect to the issue of mitigation it is noted that the Bat Mitigation Guidelines (page 39) states that mitigation and compensation for small numbers of bats of a common species should be

"provision of new roost facilities where possible. Need not be exactly like-for-like, but should be suitable, based on species' requirements. Minimal constraints or monitoring requirements".

4.6.10 It is noted that the application proposes the inclusion for a roof space bat roost in respect of Brown Long-eared Bats and a wall mounted bat box for Pipistrelle Bats. This is considered acceptable and can be secured by condition. Subject to this it is considered that the development would not be detrimental to the maintenance of the populations of the species concerned at a favourable conservation status in their natural range

4.6.11 Therefore subject to the attached conditions in respect of method of demolition, provision of compensatory roosts and mitigation for nesting birds it is considered that the proposal would be acceptable in respect of Policy CP12 of the Local Plan and paragraph 118 of the NPPF.

4.7 Provision of Waste & Recycling Facilities

4.7.1 The site makes adequate provision for waste and recycling facilities on site.

4.8 Crime and the Fear of Crime

4.8.1 All too often vacant buildings can be and are subject to a range of criminal and anti-social behaviour and hence can generate crime and engender a fear of crime.

4.8.2 Staffordshire Police Service has been consulted on the proposals and they have no objections.

4.8.3 It is therefore considered that these proposals would increase the physical and natural protection of the site and therefore it is considered that the proposals, in this respect, meet the requirements of the NPPF and Policy CP3 of the Cannock Chase Local Plan (Part 1).

4.9 Landscaping

4.9.1 The proposals involve the provision of a range of hard and soft landscaping as part of this scheme including the planting of 2 new trees on the frontage, the provision of a hedge bordering the remainder of the frontage which would be set behind the proposed iron railings.

4.9.2 The Council's Landscape Team have been consulted on the proposals and they have no objections to the proposals in principle. It is considered that the remainder of the landscape elements can be dealt via the provision of a planning condition.

4.9.3 Therefore it is considered that the proposals meet the requirements of the NPPF and Policy CP3 of the Cannock Chase Local Plan (Part 1).

4.10 Brereton and Ravenhill Neighbourhood Plan

4.10.1 The application site lies within the designated Brereton and Ravenhill Neighbourhood Area and Brereton and Ravenhill Paris Council is preparing a Neighbourhood Plan. Given that this is still an early stage in the process it is considered that its provision carry little in the determination of this application.

5.0 HUMAN RIGHTS ACT

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

6.0 CONCLUSION

6.1 The proposals will redevelopment a vacant brownfield site and bring it back into a positive use which will create a local public health facility which will provide a range of specialist services and will provide 15 full time jobs within the District.

6.2 The proposed B1/D1 mixed use is considered acceptable in this area and it replicates the previously approved uses on the site with the property currently having an approved B1 office use and previous to that having an approved D1 use.

6.3 It is considered that this proposal, subject to the attached conditions, would, on balance, be acceptable in respect of its impacts on designated heritage assets and protected species.

6.4 The proposals would provide sufficient off street car parking provision including disabled provision together with provision of secure cycle parking. The proposals are in a sustainable location being in the middle of an established urban and residential area within walking distance of local bus services and with accessibility to the local Rugeley Train Station.

6.5 It is considered that the proposals would improve the security of this site and the wider neighbouring amenity by securing this site with a new development and natural surveillance as a result of the development.

6.6 Therefore it is considered that having had regard to the national and local policy requirements of the NPPF and the Cannock Chase Local Plan Part 1 Policies CP3, CP12, CP15 and CP16, the Council's Design Supplementary Planning Document and

the Council's Parking Standards, Travel Plans & Developer Contributions for Sustainable Transport SPD, the proposal, on balance, is acceptable.

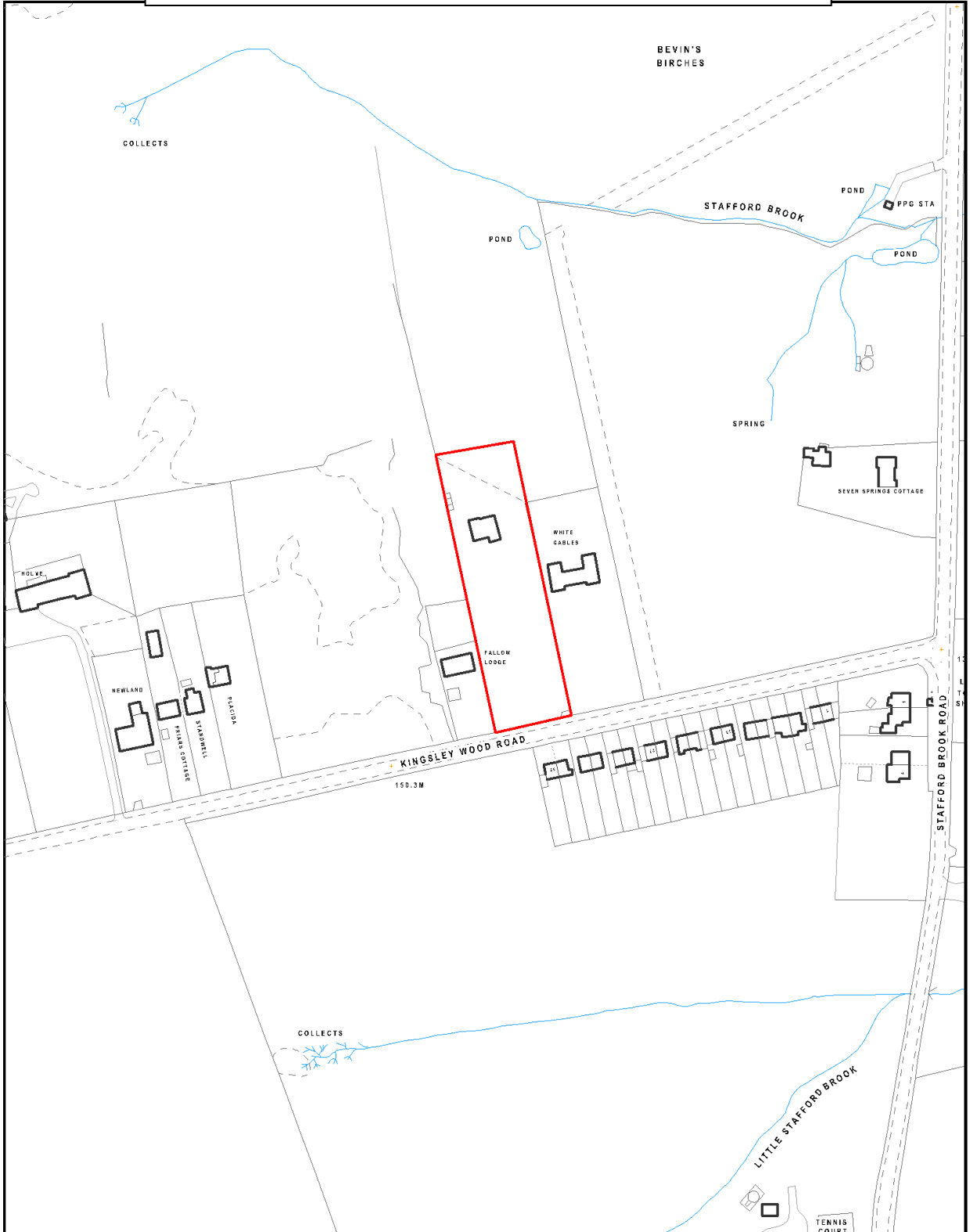


CH/17/419

Oakenway, Kingsley Wood Road, Cannock, WS15 2UG

Residential development:- Demolition of existing bungalow, garage and outbuilding and erection of 1No. house (resubmission of approved application CH/16/275)

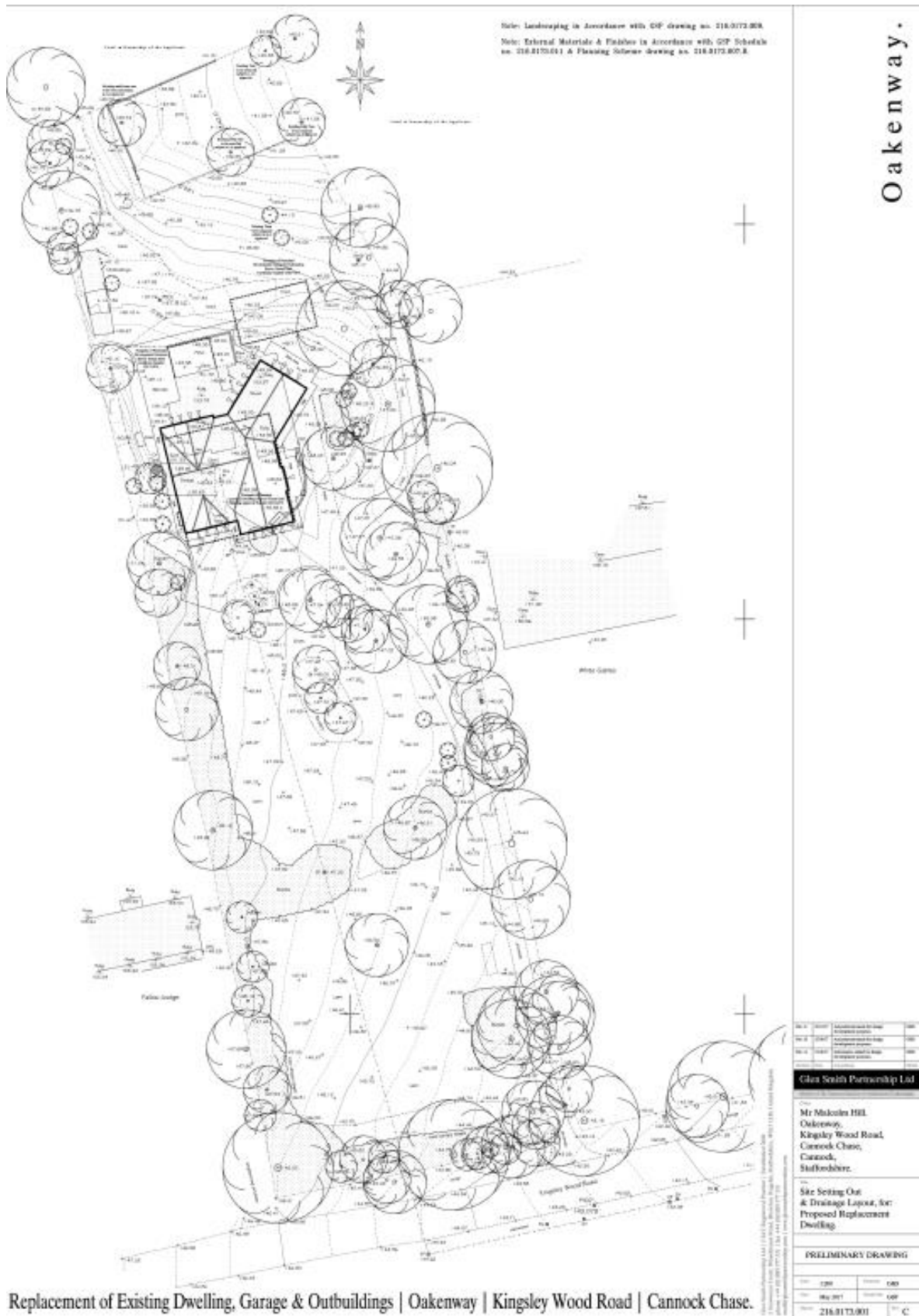
ITEM NO. 6.58



Location Plan



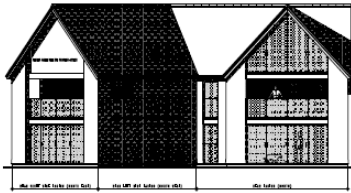
Site Plan



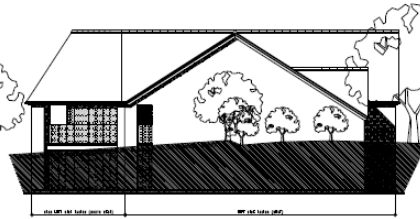
Proposed Plans

Replacement of Existing Dwelling, Garage & Outbuildings | Kingsley Wood Road | Cannock Chase.

Oakenway.



Rear (North Facing) Elevation.



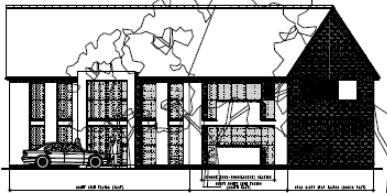
Left Side (West Facing) Elevation.



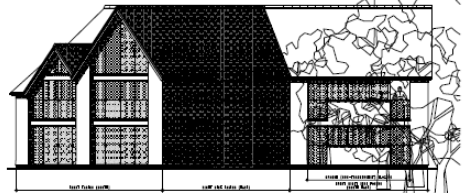
Left Side (North West Facing) Elevation.



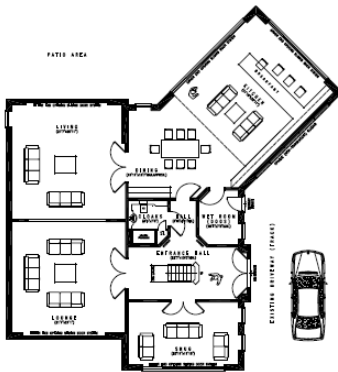
Front (South Facing) Elevation.



Right Side (East Facing) Elevation.



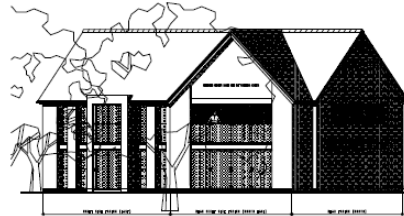
Front Right Side (South East Facing) Elevation.



Ground Floor Plan.



First Floor Plan.



Rear (North East Facing) Elevation.

Rev	1	Approved for Planning	01/08/2017
Rev	2	Approved for Building	01/08/2017
Rev	3	Approved for Construction	01/08/2017
Glen Smith Partnership Ltd			
Mr Malcolm Hill, Kingsley Wood Road, Cannock Chase, Cannock, Staffordshire.			
This Planning Scheme, for: Proposed Replacement Dwelling.			
PRELIMINARY DRAWING			
Drawn	AI @ 1:100	Checked	GHS
Date	Aug 2017	Checked	OSP
Drawn	216.0173.007	Checked	B

Glen Smith Partnership Ltd | 12277 Kingsley Wood Road | Cannock Chase | Staffordshire | ST10 2JL | 01892 511111 | www.glen-smith.com

Application No: CH/17/419

Received: 07-Nov-2017

Location: Oakenway, Kingsley Wood Road, Cannock,

Parish: Brindley Heath

Ward: Etching Hill and The Heath Ward

Description: Residential development:- Demolition of existing bungalow, garage and outbuilding and erection of 1No. house (resubmission of approved application CH/16/275)

Application Type: Full Planning Application

RECOMMENDATION

Approve Subject to a Section 106 agreement to remove permitted development rights and to the attached Conditions

1. B2 Standard Time Limit
2. D2 Materials to be Specified
3. E1 Tree & Hedge Retention
4. A dedicated bat loft suitable for use by brown long-eared bats shall be provided within the roof void of the replacement dwelling. The location and dimensions of the loft shall be as shown on the approved drawing 216.0173.007.C. Thereafter the bat loft and access points shall be retained for the life of the development.

Reason

To comply with the requirements of Cannock Chase Local Plan policy CP12.

5. Construction Hours
6. Within 1 month of the occupation of the dwelling hereby approved, the existing buildings indicated on approved drawing 216.0173.001.D shall be demolished and the land made good where applicable.

Reason

In the interests of proper planning.

7. Approved Plans

Note to Applicant

The County Councils Definitive Map of Public Rights of Way shows Brindley Heath 17 footpath along Kingsley Wood Road. The attention of the applicant shall be drawn to the existence of this route and to the requirement that any planning permission given does not construe the right to divert, extinguish or obstruct any part of the public footpath. It will therefore be necessary for the applicant to contact the Rights of Way Team for Staffordshire County Council prior to any development works on the site.

The demolition works should be subject to the usual controls and undertaken with regard

to BS 6187:2011 Code of Practice for full and partial demolition and carried out in line with the particular wildlife constraints specified within the application.

EXTERNAL CONSULTATION

Brindley Heath Parish Council

The existing property has been extensively extended in recent years by approx. 50% and whilst this new development may comply with the existing footprint of the house, garage and outbuilding, it now exceeds approved volumes.

Stafford County Highways

No objection subject to conditions.

AONB Unit

Although not necessarily a material planning consideration, there is concern that the complex series of applications is confusing for those wishing to comment. This proposal is for a contemporary design building. There is concern that this proposal is pushing at the margins of the need to protect the landscape and scenic beauty of the AONB. We note the proposed new dwelling would extend to 414m² compared with 340m² for the approved dwelling, an increase of 74m² or 22% and that a striking contemporary design has been adopted. There is concern that it is proposed to remove several trees on the site, which adjoins the SAC and that in the future garages and outbuildings will be sought.

If the proposal is allowed conditions should be applied which remove permitted development rights, materials and landscaping to secure an approach which has the minimum visual impact on the surroundings.

INTERNAL COMMENTS

Landscape

No response to date.

Environmental Health

No objection subject to condition.

Planning Policy

The application relates to a resubmission on a site within the Cannock Chase Area of Outstanding Natural Beauty (AONB) and the Green Belt. It is partially covered by TPO woodland, designated SSSI and the Cannock Chase SAC.

The National Planning Policy Framework 2012 (NPPF) para 89 states that a local planning authority should regard the construction of new buildings as inappropriate in the Green Belt in order to preserve openness and prevent conflict with the purposes of including the land within it; exceptions include replacement of a building providing it is in the same use and not materially larger than the one it replaces. Para 88 advises that when considering any application the local planning authority should ensure substantial

weight is given to any harm to the Green Belt. Para 115 states that great weight should be given to conserving the landscape and scenic beauty in the AONB and para 118 that the local planning authority should aim to conserve and enhance biodiversity. Local Plan Policy CP14 indicates that landscape character will be considered in all proposals to protect and conserve rural openness and locally distinctive qualities and maximise opportunities for strengthening landscape features. Development proposals including for appropriate development in the Green Belt must be sensitive to distinctive landscape character and ensure they do not have an adverse impact on their setting through design, layout or intensity. Development proposals for replacement of existing buildings within the Green Belt will be expected to demonstrate sympathy with their location through size, appearance and landscape mitigation. The ground floor of any replacement building should not normally exceed that of the original property by more than 50%. Local Plan policy CP13 seeks to protect Cannock Chase SAC and states that 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. Policy CP3 in the Local Plan requires high quality design and integration with the existing environment including existing trees and landscape features, employing measures to enhance biodiversity.

The Council's Design SPD 2016 provides design guidance relating to development in the Green Belt and AONB: key local pressures are for hard surfacing, lighting and suburban kerbs to be kept to a minimum in rural areas and to maintain and enhance existing hedgerows. Siting and screening of new buildings should minimise prominence in the public view with native planting used where possible. Fencing should be minimal and of a traditional type to retain rural character.

In conclusion the proposed use is the same use as existing – one dwelling - so in order to be considered an exception to Green Belt policy the key issue is whether the currently proposed dwelling is materially larger than the one it replaces. Allowing that the garage and outbuilding may be included in the size of the existing dwelling, the overall existing footprint is 234m² (using the applicant's figures). The applicant has, since the previous approval for the replacement dwelling, sought Lawful Development Certificates for both a rear extension and a detached outbuilding at the existing property, in total providing an extra 77m², making a grand total of 311m². It should be noted that all these options relate to single storey buildings with consequent low visual impact.

The footprint of the approved dwelling under CH/16/275 is c180m². The height of the existing dwelling is 6.56m, and the height of the approved 9.6m. The front elevation of the existing building is 14.5m wide and the approved 13.9m wide. The volume of the existing is c.1109 m³ and the approved c1179 m³.

The current application seeks consent for a redevelopment of different design/footprint, partially standing closer to existing trees. The proposed design is more contemporary with c49m² additional footprint making a total of 230m². Whilst this is no more than the existing footprint there is likely to be even greater perception of its being materially larger due to its 2 storey projection at one rear corner and the applicant's use of potential

permitted development rights attaching to the existing dwelling to justify nominal compliance with Green Belt policy sets an undesirable precedent. The siting of the proposed dwelling closely amongst existing trees (some of which appear to be covered by TPO) has potential to create a landscape impact in the AONB, taking account of practical space needed around the building for construction, scaffolding and materials storage.

Planning Policy advice is that the current proposal has even greater potential than before to be considered material larger than the existing dwelling with a potentially larger landscape impact on surrounding trees; substantial weight should be given to any harm to the Green Belt and great weight to conserving the landscape of the AONB in decision making. Should approval be recommended, removal of permitted development rights and details of material storage and parking for construction traffic should be conditioned, the latter to avoid vehicle parking on grass verges in Kingsley Wood Road causing damage to their appearance and soft construction.

There is an existing bungalow, garage and outbuilding, all of which are proposed for demolition and replacement with a 2 storey house in a similar position within the site. Since the previous approval Lawful Development Certificates have been granted for a proposed extension to the existing bungalow and for a detached outbuilding at the rear. The site stands between other residential plots. It is currently well screened from the road frontage by trees and other planting and the existing gateway is of unobtrusive and rural appearance in the streetscene.

Council's Ecologist

The applicant has submitted a drawing in respect to the proposed bat loft. Steve Barnes, the Council's Ecologist, was consulted on the drawing and has confirmed that he is satisfied the proposed bat loft is appropriate for the species of bat in this location.

RESPONSE TO PUBLICITY

Adjacent occupiers notified and a site notice posted with no letters of objection received.

RELEVANT PLANNING HISTORY

CH/16/275: - Replacement of existing dwelling, garage and outbuildings with a two storey dwelling. Approved (not implemented but conditions discharged).

CH/17/076: - Lawful Development Certificate for a single storey extension to the rear. Approved (not implemented).

CH/17/077: - Lawful Development Certificate for a out-building. Approved (not implemented).

1.0 SITE AND SURROUNDINGS

1.1 The application site comprises a detached single storey dwelling and outbuildings known as Oakenway, Kingsley Wood Road.

- 1.2 The detached dwelling is situated on a large plot, measuring some 0.53 hectares. To the rear of the site is an open field which is also within the ownership of the applicant which is a further hectare (approx.).
- 1.3 There is an existing bungalow, garage and outbuilding, all of which are sited in an elevated position within the site being accessed to the front via steps up to an elevated patio. The existing dwelling is set deep into the plot (approx.92m) and is screened from the adjacent highway by mature landscaping that runs along the front and side boundaries as well as on an adhoc basis within the wider site.
- 1.4 The dwelling consists of a single storey house, which has been empty for some time and is in a state of dis-repair. Access into the site is via a track off Kingsley Wood Road.
- 1.5 The site is flanked by Fallow Lodge to the west and White Gables to the east. The topography of the site is undulating with the western boundary being 4m (approx.) higher than the eastern boundary. A gentle slope runs up from the south to the north (approx. 3m) but given the 100m+ depth of the site this is slight. The application site gives way to a wooded area to the rear.
- 1.6 The site is within the Green Belt and Area of Outstanding Natural Beauty and is within close proximity to SSSI.

2. PROPOSAL

- 2.1. The application is for the demolition of the existing house, detached garage and outbuildings and for the erection of a detached four bedroom dwelling to be constructed.
- 2.2 The combined footprint of the building and outbuildings to be removed is 234m², the proposed new dwelling would have a footprint measuring 230m².
- 2.3 The replacement dwelling is two storeys with a contemporary render and glazed appearance under a pitched roof. The design incorporates 2 first floor balconies into the design.
- 2.4 The building would be of a regular shape with a projecting gable to the rear corner. The front elevation (facing Kingsley Wood Road) would have a width of 13.8m and a depth of 13.8m. The proposed dwelling would be constructed to an overall height of 9.86m incorporating a steep 47.5° pitch.
- 2.5 The proposed new dwelling would be set some 82m into the site with the existing access to be retained. The new dwelling would be positioned some 5.8m from the western boundary and 14m from the eastern boundary.

2.6 The landscape proposal reflects the scheme submitted as part of the discharge of conditions for CH/16/275. The applicant would not introduce any new landscaping to the site but would retain, maintain and protect the existing landscaping to ensure adequate privacy is retained. However, the applicant does seek to remove 4 trees to the rear of the site. However, this is not as a consequence of the proposed replacement dwelling to allow for a new sustainable storm and foul irrigation water drainage system. A full tree survey and topographical report has been prepared as part of the application.

2.7 The proposal incorporates bat roosting within the proposed roof area to enhance biodiversity and to provide for an adequate long term habitat.

3 Applicants Supporting Statement

3.1 The extent of the existing built development comprises of : -

- a) Existing single storey dwelling (elevated bungalow)
- b) Detached outbuilding
- c) Detached Garage
- d) Detached Coal Bunker

Extent of permitted development (Certificate of Lawful Development):-

- e) Rear Extension. Not yet built (CH/17/076)
- f) Approved Garage / Workshop. Not yet built (CH/17/077).

Development e & f would not be built if planning approval should be forthcoming in respect of the current application.

3.2. The existing detached outbuilding (b) already encroaches into the existing root protection zones. Should planning permission be forthcoming, this out building would be removed carefully to ensure the roots are retained.

3.3 The approved garage / workshop (f) would encroach into the tree root area of T24:B3 (Birch). Should approval be granted this building would not be constructed.

3.4 The dwelling already approved (CH/16/275) is within close proximity to Tree T30:B1 (Scots Pine) The current proposal would be set further back away from T30:B1. In addition the eaves of the current proposal would be lower than that of the already approved replacement dwelling, further reducing the impact.

3.5 No part of the current proposals fall within any tree root protection zone. With the front set back and overall width marginally less than that already approved the

- impact on the trees would be reduced. The rear projection would remain clear of the tree root protection area of T24:B3.
- 3.6 The trees to be removed comprise of two fruit trees, and two saplings not identified within the tree report (4 total). This is to allow for a new sustainable storm and foul irrigation water drainage works.
- 3.7 Two further trees identified within the tree report as being removed (Hazel Coppice) are multi stemmed and aesthetically unattractive and of low quality. However, the applicant has stated that these trees would be retained if necessary.

4 PLANNING POLICY

- 4.1 Section 38 of the Planning and Compulsory Purchase Act 2004 requires planning applications to be determined in accordance with the provisions of the Development Plan, unless material considerations indicate otherwise.
- 4.2 The Development Plan currently comprises the Cannock Chase Local Plan (2014).
- 4.3 Other material considerations relevant to assessing current planning applications include the National Planning Policy Framework (NPPF) and Supplementary Planning Guidance/Documents.
- 3.4 Cannock Chase Local Plan (2014):
- CP1 - Strategy – the Strategic Approach
 - CP2 - Developer contributions for Infrastructure
 - CP3 - Chase Shaping – Design
 - CP6 - Housing Land
 - CP7 - Housing Choice
 - CP13 - Cannock Chase Special Area of Conservation (SAC)
 - CP14- Landscape Character and Cannock Chase Area of Outstanding Natural Beauty (AONB)

3.5 National Planning Policy Framework

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

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

- 7, 11-14, 17, 49, 50, 56, 57, 58, 60, 61, 64, 79, 80, 81, 87, 88 & 115

3.9 Other Relevant Documents

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

4 DETERMINING ISSUES

4.1 The determining issues for the application are;

- Principle of the development in the Green Belt;
- Impact on the character and form of the area and AONB
- Impact upon residential amenity,
- Impact on highway safety,
- Impact upon the Special Area of Conservation,
- Affordable housing.
- Weighing Exercise to Determine Whether Very Special Circumstances Exist

4.2 Principle of the Development

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

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

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 to be considered against the NPPF and Local Plan Policy CP14. Local Plan Policy CP14 relates to landscape character and AONB rather than to whether a proposal constitutes appropriate or inappropriate development.

4.2.4 Whether a proposal constitutes inappropriate development is set out in Paragraphs 89 and 90 of the NPPF. Paragraph 89 relates to new buildings.

4.2.5 The NPPF, paragraph 89, states "A local planning authority should regard the construction of new buildings as inappropriate in Green Belt. Exceptions to this includes, amongst other things: -

"the replacement of a building, provided the building is in the same use and not materially larger than the one it replaces"

and

"limited infilling or the partial or complete redevelopment of previously developed sites (brownfield land), whether redundant or in continuing use (excluding temporary buildings), which would not have a greater impact on the openness of the Green Belt and the purpose of including land within it than the existing development."

4.2.6 As such the proposal could be considered as not inappropriate provided it meets one of the above exceptions. However, in this case it is clear that the replacement building would be materially larger than the one it replaces; having a footprint of 246m² compared to 234.2m² (approx. 4.8%) and a volume of 1590m³ compared to 1119.42m³ (approx. 30%) and as such would have a materially greater impact on openness of the Green Belt and therefore the proposal constitutes inappropriate development in the Green Belt.

4.2.7 Paragraph 87 of the NPPF makes it clear that "inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances". Furthermore paragraph 88 states when "considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Bel" adding "Very special circumstances will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations". The test of whether very special circumstances therefore requires an assessment of all potential harms and benefits of the proposal. This report will therefore now go on to consider other material considerations to establish the weight to be attributed to the various factors and then will conclude

with the weighing exercise to determine whether very special circumstances exist.

4.3 Design and impact on the Character and Form of the Area and AONB

4.3.1 The site is located within the Cannock Chase Area of Outstanding Natural Beauty. Paragraph 115 of the NPPF sets out that great weight should be given to conserving the landscape and scenic beauty of an AONB. This is continued in Local Plan Policy CP14 which states:

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

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

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

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

4.3.5 Given the above it is noted that the proposed dwelling would be materially larger than the existing dwelling and together with its contemporary design it could potentially have an adverse impact on the character and form of the AONB. However, there are various considerations which weigh in favour of the proposal.

4.3.6 In the first instance is the presence of the consented scheme in extant planning permission CH/16/275 for a two -storey dwelling, which is of similar size, scale and mass as to the proposed dwelling. As such the Council has already accepted that a building of this size, scale and mass is appropriate at this location.

Furthermore, the extant consent, which has had also had its conditions discharged also forms a fall-back position and hence constitutes a material consideration of substantial weight.

- 4.37 In addition to the above it is noted that the dwelling is situated 82 metres back from Kingsley Wood Road and is screened from various viewpoints along the road by a combination of trees and mature landscaping both immediately outside of the site and within its garden. Furthermore, from Kingsley Wood Road any view of the dwelling would be fleeting, seasonal and viewed within the context of the other dwellings within the immediate streetscape, which are all individually designed with little in the way of unifying characteristics. As such the proposal would not be particularly visible within the immediate vicinity or from the wider area and as such any potential impact on the AONB from the public realm would be negligible .
- 4.3.6 Turning now to the architectural merits of the proposal and whether they are acceptable at this location it is noted that the existing building is not of a particular vernacular or traditional design and that it is finished in a render which is not a traditional finish in the area and which contrasts sharply with the more natural colours found in the surrounding woodland. Notwithstanding this materials can be conditioned if the application is approved.
- 4.3.7 The fact that the proposal would introduce a new and contemporary dwelling does not in itself mean that a proposal is automatically harmful. Indeed although paragraph 61 of the NPPF states that planning decisions should 'address the connections between people and places and the integration of new development into the natural, built and historic environment', paragraph 60 makes it clear that planning decisions 'should not attempt to impose architectural styles or particular tastes and they should not stifle innovation, originality or initiative through unsubstantiated requirements to conform to certain development forms or styles' adding ' it is, however proper to promote or reinforce local distinctiveness.
- 4.3.8 In respect to the use of render in this location, it is noted that whilst planning permission is required for the rendering of properties sited within an AONB, this does not mean the use of render is unacceptable in principle in all AONBs. The LPA has to determine whether or not the use of render would be harmful within its context to the character of the AONB.
- 4.3.9 In respect to the Cannock Chase AONB, it is noted that unlike many other AONBs and National Parks there are few buildings within the Cannock Chase AONB and that the character of the built environment contributes little towards the overall character of the AONB as a whole. Most buildings within the AONB date from the early to mid C20th and possibly later and hence are of standard designs which are commonly found throughout the West Midlands region. In addition to this many of the buildings within the AONB are rendered. Examples include many of the larger detached dwellings within Kingsley Wood Road, Pye

Green Water Towner, the terrace of dwellings along Slitting Mill Road and several detached properties along Penkrige Bank Road and most recently at Fallow Park. As such, it could be argued that the rendered properties within the limits of the AONB provide an extensive component of the built environment within the AONB. Conversely it would be difficult to demonstrate that the use of render would be out of character with the built component of the AONB when much of that component is comprised of rendered properties. In addition given that the site is well screened and that the proposed dwelling would be set back it is considered that the use of render would in any case have a significant impact on the character of the AONB.

- 4.3.10 In addition to the above it is considered that the proposed style of the building, with a projecting rear wing, would create a visually interesting building in comparison to the previously approved monolithic building with a crown (flat) roof.
- 4.3.11 Taking all of the above into account, it is considered that although the proposal would be higher and the mass greater than the existing building, the impact arising from these factors would not be significant due to the surrounding screening and immediate context. Therefore, having had regard to Policies CP3 and CP14 of the Local Plan and the appropriate sections of the NPPF it is considered that the proposal would be acceptable in respect to its impact on the character and form of the area and that of the Cannock Chase AONB.

4.4 Impact upon Residential Amenity

- 4.4.1 A core planning principle is that planning should always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings and this has been accommodated within Policy CP3 of the Local Plan and supported by the guidance as outlined in the Design SPD.
- 4.4.2 In this respect it is noted that the dwelling is situated approximately 15m from the nearest neighbouring property which is far in excess of the separation distances set out in the Design SPD. The boundaries of the application site are bound in mature landscaping which ensures the privacy to the occupants of the site and the adjacent dwellings.
- 4.4.3 Therefore the proposed redeveloped dwelling by virtue of its distance from the nearest dwelling would not result in any significant impact, by virtue of overlooking, loss of light or loss of outlook, on the residential amenities of the occupiers of the nearest properties.

4.5 Access and Parking

4.5.1 Whilst there are no specific details relating to the access and parking and turning provision within the site, the access existing with some degree of parking provision already in place (albeit informal). The proposal being a replacement dwelling would not increase the need for further parking to serve the dwelling and as such would have no significant detrimental impact on highway safety.

4.5.2 It is therefore considered that the proposal would not be detrimental to highway safety and would accord with paragraph 32 of the NPPF.

4.6 Landscaping

4.6.1 The trees within the residential curtilage of the site are not protected by Tree Protection Orders (TPOs). The applicant has submitted a tree survey with the application. The Tree Survey indicates the line of protective fencing required to protect the existing trees within the site which whilst the Tree Survey identifies a number of trees as being Class U or C (poor quality) the applicant seeks to retain all trees within the residential curtilage of the site. The proposed trees to be removed (4 in total) are sited on land to the rear of the residential curtilage on land within the applicants ownership. It should be noted that the siting of the proposed dwelling is 1.8m back from the siting of the dwelling approved under CH/16/0275 and thus further back from the existing trees.

4.6.2 There is no significant landscaping proposed. The access will be retained as existing as too will the driveway along the east of the site (albeit topped with gravel). The boundaries of the site are delineated with landscaping and there are various trees and shrubbery throughout the site. The garden as existing for the original dwelling will be retained as such and is therefore adequate for the replacement dwelling.

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

4.7.1 The Council has a duty as a responsible authority under the Conservation of Habitats and Species Regulations 2010 (Habitat Regulations) to ensure that the decisions it makes on planning applications do not result in adverse effects on the integrity of the Cannock Chase Special Area of Conservation (SAC), which has internationally protected status under the Regulations for its unique heathland habitat. The financial requirement for SAC Mitigation will be included in the calculation for the Community Infrastructure Levy. As this dwelling is a self build it would not be CIL liable. Further, as there is no increase in dwellings the proposal would not be SAC liable either.

4.8 Affordable Housing

4.8.1 Local Plan Policy CP7 requires financial contributions for affordable housing on sites of between 1 and 14 dwellings. However, in light of government

guidance the Council is not pursuing S106 Contributions including affordable housing for proposed development of 10 or less dwellings.

4.9 Applicants Very Special Circumstances

4.9.1 As stated above inappropriate development in the Green Belt should only be allowed where very 'special circumstances' have been demonstrated. The term 'very special circumstances' is not defined in planning policy but it is clear from paragraph that "very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations.' In addition it should be noted that very special circumstances do not have to be rare or unusual in character and can constitute a range of considerations which cumulatively may outweigh the harm to the Green Belt and any other harm. One such material consideration which is capable of constituting very special circumstances is whether there is a "fall-back" position. Fall-back positions normally consist of an existing permission granted either by the local planning authority or by virtue of the permitted development order (i.e permitted development) which if implemented would result in greater harm to the Green Belt and other interests than that arising from the proposal.

4.9.2 In this instance, it has been demonstrated that the fall-back position of utilising permitted development rights (CH/17/077 & CH/17/076) together with the previous planning permission (CH/16/275) which would have a far greater impact on openness of the Green Belt and therefore constitute very special circumstances.

4.9.3 However, in order for a fall-back position to be given significant weight there should be a reasonable prospect that the fall-back position would be implemented. Courts have established that the discharge of planning conditions would demonstrate a clear intention to implement the existing permission. In this instance, the fundamental conditions of the extant permission have previously been discharged. It is considered that these considerations carry equal weight in the determination of this current application.

4.9.4 As such it is considered that very special circumstances exist and that the proposal is acceptable at this Green Belt location.

4.10 Weighing Exercise to Determine Whether Very Special Circumstances Exist

4.10.1 The main considerations in respect to whether very special circumstances exist are

- (i) The impact on the Green Belt arising from the implementation of the fall-back position in respect to the consented scheme; together with
- (ii) The impact on the Green Belt arising from the implementation of permitted development rights that the property enjoys both in terms of the extensions to the dwelling and in respect to outbuildings.

Both these elements constitute a fall-back position which is a material consideration in the determination of the application.

- 4.10.2 The exercise of the above elements could potentially give rise to built form of 1495m³. This would be 101.92m³(6%) greater than the proposed dwelling (excluding balconies) for which consent is sought. The erection of additional out buildings / extensions under permitted development (CH/17/076 & CH/17/077) together with the approved dwelling (CH/16/275) would further add to the impact on the Green Belt with several outbuildings scattering the site as oppose to a single structure. As such implementation of the fall-back position would clearly have a greater impact on the openness and purposes of including land within the Green Belt.
- 4.10.3 The applicant has stated that should planning permission not be granted then he would have no alternative but to go ahead with the alternative scheme under his permitted development rights and previous permission. Officers consider that not only does this fall-back position exist but there is also a reasonable prospect of the fall back position being implemented.
- 4.10.4 In addition to the above, it is accepted by Officers that the harm to the Green Belt including the harm by reason of inappropriateness, and harm to the openness of the Green Belt would be significantly greater under the alternative scheme. As such, it is concluded that, in the absence of any other demonstrable harm to other acknowledged interests, the harm to the Green Belt is clearly outweighed by other considerations such that Very Special Circumstances exist that would justify approval.

5.0 HUMAN RIGHTS ACT

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

6 CONCLUSION

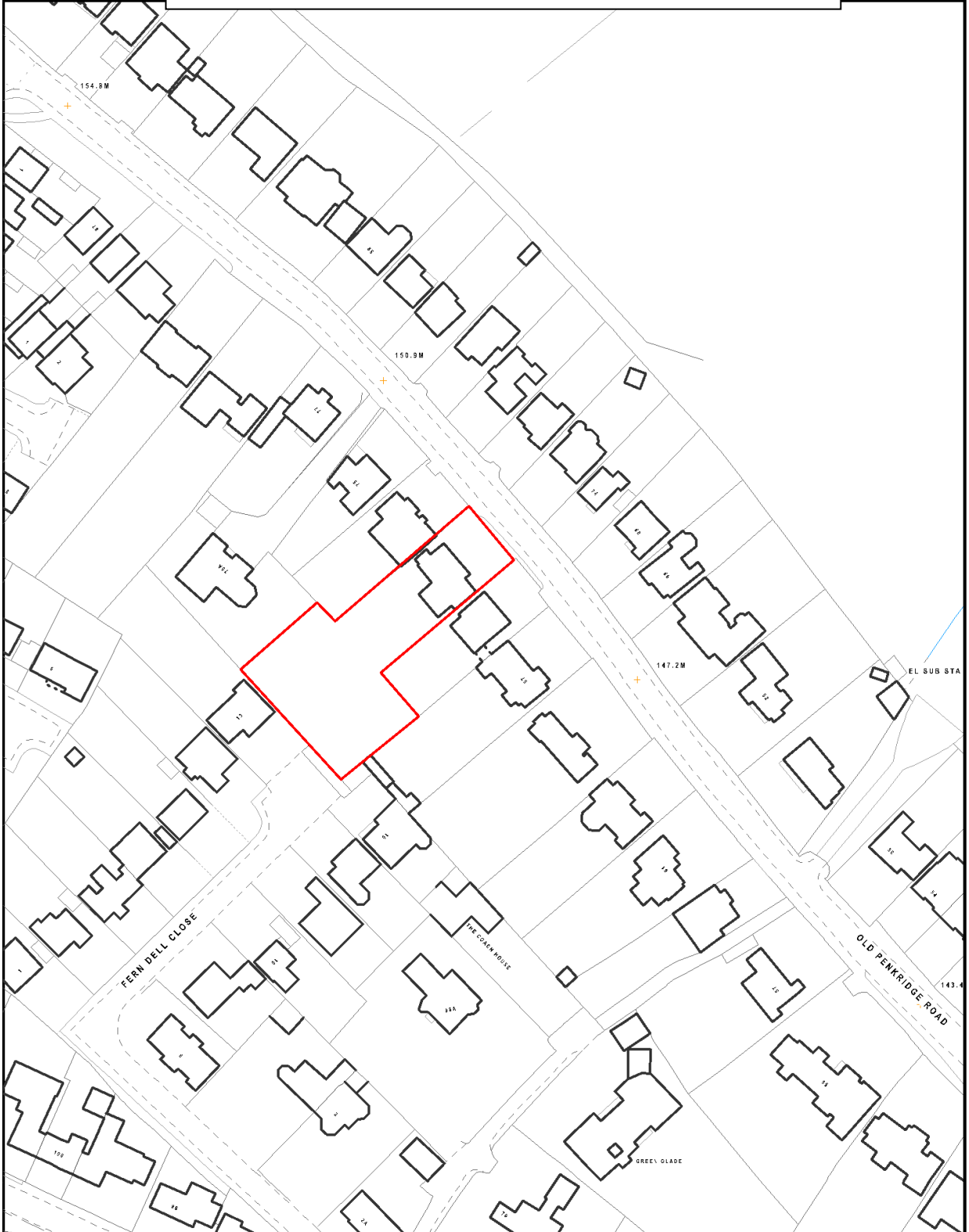
- 6.1 The proposal constitutes inappropriate development within the Green Belt and therefore should be refused unless very special circumstances exist.
- 6.2 For the reasons set out above it is accepted that very special circumstances exist that justify approval of the proposal in this Green Belt location.
- 6.3 The proposal is considered acceptable in respect to acknowledged interests.

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



CH/17/234
71, Old Penkridge Road, Cannock, WS111HY
Residential Development:- 2No. Detached dwellings (outline only including access and layout)

ITEM NO. 6.78



Site Plan



NOTES:
 The copyright of this drawing is vested in the Architect and must not be copied or reproduced without consent.
 All Contractors must visit the site and be responsible for taking and checking dimensions relative to their work. Sutton and Wilkinson Chartered Architects to be advised of any variation between drawing and site conditions.
 DO NOT SCALE OFF THIS DRAWING. IF IN DOUBT ASK



KEY
 Plot 1 - 3 Bed Bungalow (106m²)
 Plot 2 - 3 Bed Bungalow (106m²)

NO.	CHECKED	BY	DATE
1	Site visit/Book Terms to Client's Solicitors & to be followed	SC	08.11.17
2	Final approval/area checked	SC	28.01.17
3	Site visit/Book Terms to Client's Solicitors & to be followed	SC	28.01.17

PROJECT:
 Proposed Residential Development at:
 Land near of 71 Old Penkridge Road,
 Cannock,
 Staffordshire

CLIENT:
 Mr & Mrs J P Salmon

TITLE:
 Proposed Site Plan
 2 no. 3 Bed Bungalows

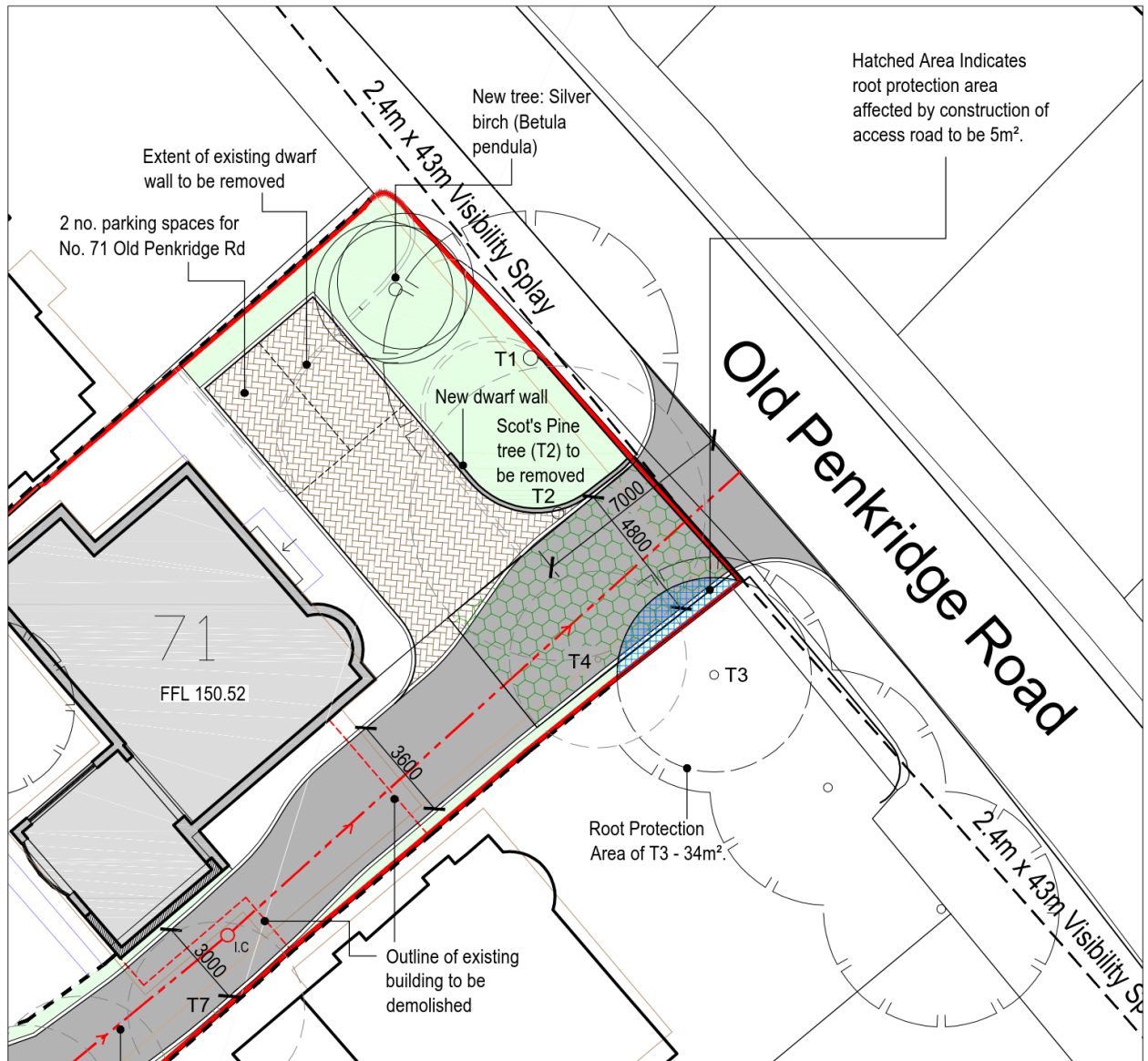
SUTTON AND WILKINSON
 CHARTERED ARCHITECTS

Victoria House, 13 New Penkridge Road,
 Cannock, Staffs, WS11 19P

Telephone: 01542 484421
 Facsimile: 01542 482810
 e-mail: info@suttonandwilkinson.co.uk

SCALE	DRAWN	CHECKED	DATE	BY
1:200 / 1:1250	SC	SC	Sept 17	AZ
DATE PLOTTED				
2411-06				C

Access Details



PROJECT:
Proposed Residential Development at:
Land rear of 71 Old Penkridge Road,
Cannock,
Staffordshire

TITLE:
Access Road

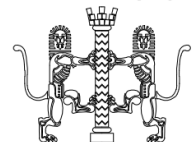
CLIENT:
Mr & Mrs J P Salmon

SUTTON AND WILKINSON

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SCALE 1:200	DRAWN SC	DATE Nov '17	SIZE A4
DRAWING NUMBER 2411 - 07			REVISION

Application No: CH/17/234

Received: 01-Jun-2017

Location: 71, Old Penkridge Road, Cannock,

Parish: Non Parish Area

Ward: Cannock West Ward

Description: Residential Development:- 2No. Detached dwellings (outline only including access and layout)

Application Type: Outline Planning Application

RECOMMENDATION Approve Subject to Conditions

Reason for Grant of Permission

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

1. A1 Time Limit - Outline Permission
2. A2 General Outline Condition
3. A7 Single Storey Dwelling
4. C16 Parking Spaces at Dwellings
5. D1 Materials - Details Required
6. Details Required for Finished Floor Levels
7. E1 Tree & Hedge Retention
8. E12 Landscape Implementation
9. E2 Tree & Hedge Protection Details
10. E3 Tree & Hedge Protection Implementation
11. H16 Private Garage
12. I2 Removal of Permitted Development Rights
13. Construction Vehicle Management Plan
14. Access
15. Parking
16. Surface Water Drainage
17. Approved Plans

EXTERNAL CONSULTATION

Staffordshire County Highways

No objection subject to conditions.

Severn Trent

No objections.

INTERNAL COMMENTSEnvironmental Health

No objection subject to conditions.

Landscape and Trees

No response to amended plans. Previous response as follows: - objection due to impact on street scene / loss of frontage trees.

Housing Strategy

No affordable housing contribution required.

Waste & Engineering Services

No objection

RESPONSE TO PUBLICITY

Adjacent occupiers notified and a site notice posted with nine letters of representation received. The concerns raised are summarised below:

- The removal of the Scots Pine (T2) should be prevented as this is characteristic to the neighbourhood,
- The proposal is over development of a backland area with a significant and detrimental impact on local amenities,
- The proposal is garden grabbing and would have a significant negative impact on the neighbours,
- The proposed bungalows would be elevated in relation to No.69, which would give views to the rear,
- People standing on the proposed driveway would have direct views over the garden and into the main house at No.69,
- Noise and pollution will be increased,
- The view from No.69 would be comprised, current view is trees and wildlife which would be lost,
- The removal of trees along the boarder with No.69 and the elevated driveway would destroy the natural environment and may cause future problems with underlying roots and root damage,
- Could the applicant return to the previous proposal for two storey dwellings,
- Fire safety given the application appears to not meet the minimum standards as stipulated in current Staffordshire Guidance,
- The proposed back gardens look too small,
- The dwellings are out of keeping with the surrounding dwellings which are large houses in mature large gardens,
- Two vehicles to the existing dwelling is not enough and the loss of the garage is out of character within the street,
- The loss of the trees would be detrimental to the wider street scene,

PLANNING HISTORY

There is no relevant planning history to this site.

1. SITE AND SURROUNDINGS

- 1.1 The application site comprises the rear garden of 71 Old Penkrige Road.
- 1.2 The application site lies along Old Penkrige Road within a row of large, mainly detached dwellings of differing form and appearance, occupying wide and deep plots. The deep plots allow the dwellings to be set back from the highway which creates an attractive spacious residential frontage.
- 1.3 The existing dwelling is set within a generous curtilage to the front of the plot and comprises of a generous 'T' shaped rear garden which is generally wider and deeper than surrounding plots. The width of the rear garden initially comprises a rectangle of approx. 17.5m and a depth 44m before the site opens up further to the rear boundary to a width of 38m and a further depth of 25m.
- 1.4 There are a number of trees on and around the site that contribute to a verdant environment. However, none of the trees are protected by a Tree Preservation Order.
- 1.5 The topography of the application site is reasonably flat however, the adjacent dwelling (No.69 is sited on lower ground. The application site backs onto Ferndell Close to the rear.
- 1.6 There is a single storey dwelling to the north of the site, accessed via a private drive off Old Penkrige Road that was granted approval in 1980's.

2.0 PROPOSAL

- 2.1 The planning application seeks outline approval of the construction of 2 single storey dwellings and associated parking and amenity (including access and layout). The scale, appearance and landscaping have been reserved and are not for consideration under this application.
- 2.2 The proposed access would be from Old Penkrige Road and would provide access for the existing dwelling (No.71) and the proposed dwellings to the rear. The existing access into No.71 would be stopped up and landscaped. The proposed access would include the demolition of the existing side garage and would continue along the shared boundary with No. 69 Old Penkrige Road and would terminate in the parking areas for the proposed dwellings.

- 2.3 The layout of the proposed development would provide two single storey dwellings with garages to the side. The proposed dwellings would be sited to the centre of the site and orientated to face the rear garden of No.71.
- 2.4 The scale, appearance and landscaping have been reserved and would be subject of a second application (Reserved Matters) subject to this application being approved.
- 2.5 Whilst a number of trees are proposed to be removed, the majority along the shared boundary with No.69, the remaining trees within the site would be retained.

3.0 PLANNING POLICY

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

- CP1 - Strategy – the Strategic Approach
- CP2 - Developer contributions for Infrastructure
- CP3 - Chase Shaping – Design
- CP6 - Housing Land
- CP7 - Housing Choice
- CP13 - Cannock Chase Special Area of Conservation (SAC)
- CP14- Landscape Character and Cannock Chase Area of Outstanding Natural Beauty (AONB)

3.6 National Planning Policy Framework

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

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

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

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

3.10 Other Relevant Documents

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

4. DETERMINING ISSUES

4.1 The determining issues for the application are:-

- Principle of development
- Design
- Access and parking
- Impact upon neighbouring dwellings
- Landscaping
- Affordable housing provision
- Impact upon the Cannock Chase Special Area of Conservation
- Whether any adverse impact of granting planning permission would be significantly and demonstrably outweighed by the benefits, when assessed against the policies in the framework, taken as whole.

4.2. Principle of Development

4.2.1 The proposal is for residential development to the rear of the existing building within the predominantly residential area of Old Penkridge Road which is located within the main urban area of Cannock. Both the NPPF and Cannock Chase Local Plan Policy CP1 advocate a presumption in favour of sustainable development unless material considerations indicate otherwise. Furthermore, Local Plan Policy CP6 seeks to support the creation of new homes within existing urban areas.

4.2.3 The site is a 'windfall site' having not been previously identified within the Strategic Housing Land Availability Assessment (SHLAA) as a potential housing site. Although the Local Plan has a housing policy it is silent in respect of its approach to windfall sites on both greenfield and previously developed land. As such in accordance with Policy CP1 of the Local Plan the proposal falls to be considered within the presumption in favour of sustainable development, outlined in paragraph 14 of the NPPF. This states that where the development

plan is absent, silent or relevant policies are out of date, granting permission unless:

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

4.2.4 The specific policies referred to in Paragraph 14 are identified in footnote 9 and include, for example, those policies relating to sites protected under the Birds and Habitats Directives and/or designated as Sites of Special Scientific Interest; land designated as Green Belt, Local Green Space, an Area of Outstanding Natural Beauty, Heritage Coast or within a National Park (or the Broads Authority); designated heritage assets; and locations at risk of flooding or coastal erosion. It is noted that the site does not fall within any of the categories outlined in footnote 9 and therefore there are no specific policies within the NPPF which indicate that the development should be restricted.

4.2.6 Local Plan (Part 1) Policy CP1 identifies that the urban areas of the District, including Cannock, will be the focus for the majority of new residential development. It also identifies that a 'positive approach that reflects the presumption in favour of sustainable development' will be taken when considering development proposals. The site is not located within either Flood Zone 2 or 3. The site is not designated as a statutory or non- statutory site for nature conservation nor is it located within a Conservation Area (CA).

4.2.7 In respect to the principle of the proposal it is noted that the site is within the curtilage of a residential use and is located within the Old Penkridge Road area which is approximately 1km from the town centre of Cannock, close to the local primary school and served by bus routes giving access by public transport. As such the site has good access by public transport, walking and cycling to a range of goods and services to serve the day to day needs of the occupiers of the proposed development. As such the proposal is considered to be acceptable in principle.

4.2.8 However, although a proposal may be considered to be acceptable in principle it is still required to meet the provisions within the development plan in respect to matters of detail. The next part of this report will go to consider the proposal in this respect.

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

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

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

4.3.2 The application site is garden land associated with an existing dwelling. Whilst the NPPF does not consider garden land as previously developed land it suggests that Local Planning Authorities should have local planning policies to "resist inappropriate development of residential gardens, for example where development would cause harm to the local area". In this instance the Design SPD sets out criteria in relation to mature suburbs, which seeks to protect and enhance the green and open character of such areas.

4.3.3 The site is located within the South and West Cannock Character Area, the character of which is described in Appendix A of the Design SPD. Key Local Design Principles [amongst others] are that development should

- Safeguard/ enhance 'leafy character' of Old Penkridge Road area with density of development, green views over and between buildings and householder permitted development rights controlled as appropriate. Promote retention and use of front garden boundary hedging to reinforce 'leafy' feel.

4.3.4 Specific Design Guidance for the 'Mature Suburb' of Old Penkridge Road is provided on pages 79 -80 of the Design SPD. Particular Key Features of the character of this area are that: -

- They usually consist of substantial houses and bungalows on large plots within well established gardens along roads leading to the open countryside of the Chase or Shoal Hill.
- The spacious nature and lower density of these areas has led to pressure for intensification of development, particularly on the larger plots with impacts on/ loss of mature trees and shading effects on the new development itself. Whilst such development can have benefits by increasing housing stock and making efficient use of land, it can also affect local character, amenity and privacy unless development is designed to be sympathetic to the main features which makes these areas unique.

4.3.5 Therefore in respect to design and the impact on the character of the area it is noted that two main issues emerge. Firstly, is the impact of the proposal on tree and hedge cover within the garden and secondly the design, appearance and impact of the proposed buildings on the grain of the built environment.

- 4.3.6 The proposal would be constructed to the rear of a two storey dwelling and access provided to the side. The proposed scheme would retain the appearance of the main house and the majority of existing mature landscape within the grounds. However, it would result in the loss of some vegetation including a mature Scots Pine at the site entrance. The applicant has submitted a Tree Survey Report with which to inform the submission. This outlines that the quality of trees is categorised as follows: -A (high quality and value), B (moderate quality and value), C (low quality and value) and U which are considered as unsuitable for retention.
- 4.3.7 The report goes on to state that the scheme would involve the loss of trees T2 , T4 and T5 (three trees of C1, 1 of U and 1 of B1 Quality, Trees 8-12 (trees of C1 quality) trees 15-16, 17 and 21 (4 trees of U quality and 2 of C1 quality). The only tree of B quality to be removed would be Tree T2 (described as an early mature scots pine which is constrained by the parking areas and which has an uneven main stem and a lean). This will need to be removed to enable the access drive to be created. A new replacement frontage tree (silver birch) is proposed as mitigation replacement for the loss of the Scots Pine (T2) from the frontage.
- 4.3.8 In respect to impacts of tree T3 (an early mature Scots Pine off- site at No 69) the report states there is a boundary retaining wall approximately 600 high, the ground to be removed to accommodate the proposed driveway is therefore mainly above the tree. As such the proposal would not affect its roots.
- 4.3.9 Having had regard to the above it is considered that the proposal would have a slight impact on the tree cover of the wider area, some of which would be mitigated in the longer term when the replacement silver birch matures.
- 4.3.10 In respect to the proposed dwellings, they would sit next to the existing and varied houses against which context they would be viewed. As such any harm to the form and character of the area through loss of semi-natural vegetation would be slight when viewed within this context. Furthermore, it is considered that the proposed dwellings would be a bespoke and traditional design and would sit comfortably within its semi-rural setting.
- 4.3.11 Taking all of the above into account, and having had regard to Policies CP3 of the Local Plan and the appropriate sections of the NPPF it is considered that the proposal would be, as far as is practicable, well-related to existing buildings and their surroundings in terms of layout, density, access, scale appearance, landscaping and materials; and successfully integrate with existing trees and hedges. However, some small residual harm would be caused and this would need to be weighed against the benefits of the proposal.

4.4 Impact on Residential Amenity

- 4.4.1 A core planning principle is that planning should always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings and this has been accommodated within Policy CP3 of the Local Plan and supported by the guidance as outlined in the Design SPD.
- 4.4.2 In this respect it is noted that the scale is not for consideration however, the layout of the proposal can be considered at this time. The proposed single storey dwellings would be located at least 26m from the principle rear elevations of the existing properties fronting Old Penkridge Road (Nos 69-73). This is well in excess of the distance of 21.3 m set out in the Council's Design Guide for main to main relationships of two storey dwellings.
- 4.4.3 A separation distance of 11m would be retained between the proposed dwelling and the side elevation of No.13 Ferndell Close which is considered acceptable for this type of relationship.
- 4.4.4 The separation distances proposed would therefore comply with the requirements in the Design SPD which would ensure that the new development would not result in a significant overbearing impact and which would protect the privacy and outlook of adjacent occupiers.
- 4.4.5 Therefore it is concluded that the proposal by virtue of the distance from the nearest dwellings, the proposal would result in a good standard of residential amenity for all existing and future occupiers.
- 4.5 Impact on Highway Safety and Capacity
- 4.5.1 Paragraph 32 of the NPPF states that "development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe".
- 4.5.2 In respect of this outline application the means of access is proposed for consideration. The existing access would be stopped up and landscaped to avoid a proliferation of access points from Old Penkridge Road. The County Highway Authority has raised no objections to the proposal in this respect.
- 4.5.3 The proposed access drive would allow vehicles to pass and would terminate in the parking area for the proposed dwellings. There is sufficient room within the application site for four vehicles (2 per dwelling), which would be required as a consequence of the proposed development. Furthermore, four spaces would be retained to the front of the existing dwelling.

4.54 Given the above it is concluded that the residual cumulative impacts of the development would not be severe and the proposal is acceptable in respect of highway safety and capacity

4.6 Landscaping

4.6.1 In respect of this outline application Landscaping is a reserved matter. However, it is noted that whilst a number of trees (13) are proposed for removal, these trees are not protected and could be removed by the applicant at any time. Furthermore, the trees range in quality from C1 – U. A replacement tree is proposed to the front to mitigate the loss of the Scots Pine. There is adequate room within the site to plant new trees and hedgerows along the boundaries of the site.

4.6.2 The Landscape Officer raised concern regarding the trees along the south west boundary of the site. However, these trees have since been ‘pollarded’ to a height of 3m to encourage the return to a healthy managed hedge.

4.6.3 Regarding T3 (third party tree), this will have tree protection measures. Notwithstanding this, the tree itself is sited on lower ground than the application site and separated by a wall / fence and the existing hardstanding (in part). However, a condition has been recommended for all works within the Root Protection Area for this tree to be hand dig only.

4.7 Impact on Nature Conservation Interests

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

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

4.7.3 Under Policy CP13 development will not be permitted where it would be likely to lead directly or indirectly to an adverse effect upon the integrity of the European Site network and the effects cannot be mitigated. Furthermore, in order to retain the integrity of the Cannock Chase Special Area of Conservation (SAC) all development within Cannock Chase District that leads to a net increase in dwellings will be required to mitigate adverse impacts. The proposal would lead to a net increase in dwellings and therefore is required to mitigate its adverse impact on the SAC. Such mitigation would be in the form of a contribution towards the cost of works on the SAC and this is provided through CIL. The proposal would be CIL liable.

4.7.4 Given the above it is considered that the proposal, subject to the CIL payment, would not have a significant adverse impact on nature conservation interests

either on, or off, the site. In this respect the proposal would not be contrary to Policies CP3, CP12 and CP13 of the Local Plan and the NPPF.

4.8 Affordable Housing and other Developer Contributions

4.8.1 Under Policy CP2 the proposal would be required to provide a contribution towards affordable housing. However, given the order of the Court of Appeal, dated 13 May 2016, which give legal effect to the policy set out in the Written Ministerial Statement of 28 November 2014, and the subsequent revision of the PPG it is considered on balance that the proposal is acceptable without a contribution towards affordable housing.

4.9 Drainage and Flood Risk.

4.9.1 The site is located in Flood Zone 1 which is at least threat from flooding. Although the applicant has not indicated the means of drainage it is noted that the site immediately abuts a main road and is on the edge of a predominantly built up area. As such it is in close proximity to drainage infrastructure that serves the surrounding area. Therefore, it is considered that options for draining the site are availability and that this can be adequately controlled by condition.

4.10 Sustainable Resource Use

4.10.1 The requirements of Policy CP16(3)(a) in respect of the above have now been incorporated into the building regulations. As such, on balance, it is considered that the fact that the proposal would need to meet building control regulations means that the proposal would be in accordance with Policy CP16 without needing to submit a sustainability appraisal at this stage. Furthermore, issues such as sustainable transport have been addressed above where it was found that the site has good access to public transport and is conveniently placed to be accessible by foot and cycle to a wide range of facilities to serve day to day needs.

4.11. Objections Raised not Already Covered Above

4.11.1 In respect to the assertion that noise and pollution will be increased it is noted that there is the potential for disturbance due to engine noise, fumes, manoeuvres into and out of the proposed parking area and general human activity associated with parking areas. Whilst there is already a driveway and garage to the side of the host dwelling, as a consequence of the proposal it will be extended further into the plot where vehicle manoeuvring does not currently exist. Notwithstanding this, the two dwellings proposed would retain existing boundary treatments and any additional noise and pollution would be domestic in nature and would not significantly prejudice the peace and enjoyment of the rear gardens for existing occupiers.

- 4.11.2 In respect to the loss of view from No.69 it is noted that the loss of a private view across third party land. is not a material planning consideration.
- 4.11.3 In respect to the question as to whether the applicant could return to the previous proposal for two storey dwellings it is noted that this application has to be determined on its own merits. Any other scheme that the applicant may subsequently submit would in turn be considered on its own merits.
- 4.11.4 In respect to fire safety given the application appears to not meet the minimum standards as stipulated in current Staffordshire Guidance it is noted that fire safety is covered by Building Regulations. Notwithstanding this, the access within Manual for Streets states an access requires 3.7m from operating space for a fire engine however, it does continue that this distance can be reduced to 2.75m providing a pumping appliance can get to within 45m of dwelling entrance. Building Regulations may require the applicant (subject to permission being granted) to install a pump within the application site.
- 4.11.5 In respect to the assertion that the proposed back gardens "look too small" it is noted that the proposed garden sizes are 152m² and 170m² and therefore are over and above the requirement of the Design SPD which seeks 65m² of garden space per three bedroom dwelling.
- 4.12 Whether any Adverse Impact of Granting Planning Permission would be Significantly and Demonstrably Outweighed by the Benefits, when Assessed Against the Policies in the Framework, Taken as Whole.
- 4.12.1 Although the Council has a five year supply of housing land it is noted that such a supply is not a ceiling and it is the Government's firm intention to significantly boost the supply of housing. With this in mind it is noted that the granting of the permission would make a contribution towards the objectively assessed housing needs of the District. In addition it would have economic benefits in respect to the construction of the property and the occupiers who would make some contribution into the local economy. Finally, the proposal would have an environmental benefit of making efficient use of land within a sustainable location and in creating several thermally efficient new dwellings which would be required to meet building standards.
- 4.12.2 Conversely when looking at potential harm it is considered that, subject to the attached conditions, the only significant and demonstrable harm would be the slight harm to the character of the area by virtue of the removal of the Scots Pine to the front. It is considered that this in [part ion the medium to long term would be compensated by the replacement planting proposed. As such the harm would be outweighed by the positive benefits of the proposal as outlined above.

4.12.3 As such it is considered that the slight adverse impact of granting planning permission would be significantly and demonstrably outweighed by the benefits, when assessed against the policies in the Framework, taken as whole. As such the proposal benefits from the presumption in favour of sustainable development and should, subject to the attached conditions, be approved.

5.0 HUMAN RIGHTS ACT

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

6.0 CONCLUSION

6.1 Residential development on this unallocated greenfield site within a sustainable location in a predominantly residential area within the urban area of Cannock is considered acceptable under current local and national policy.

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

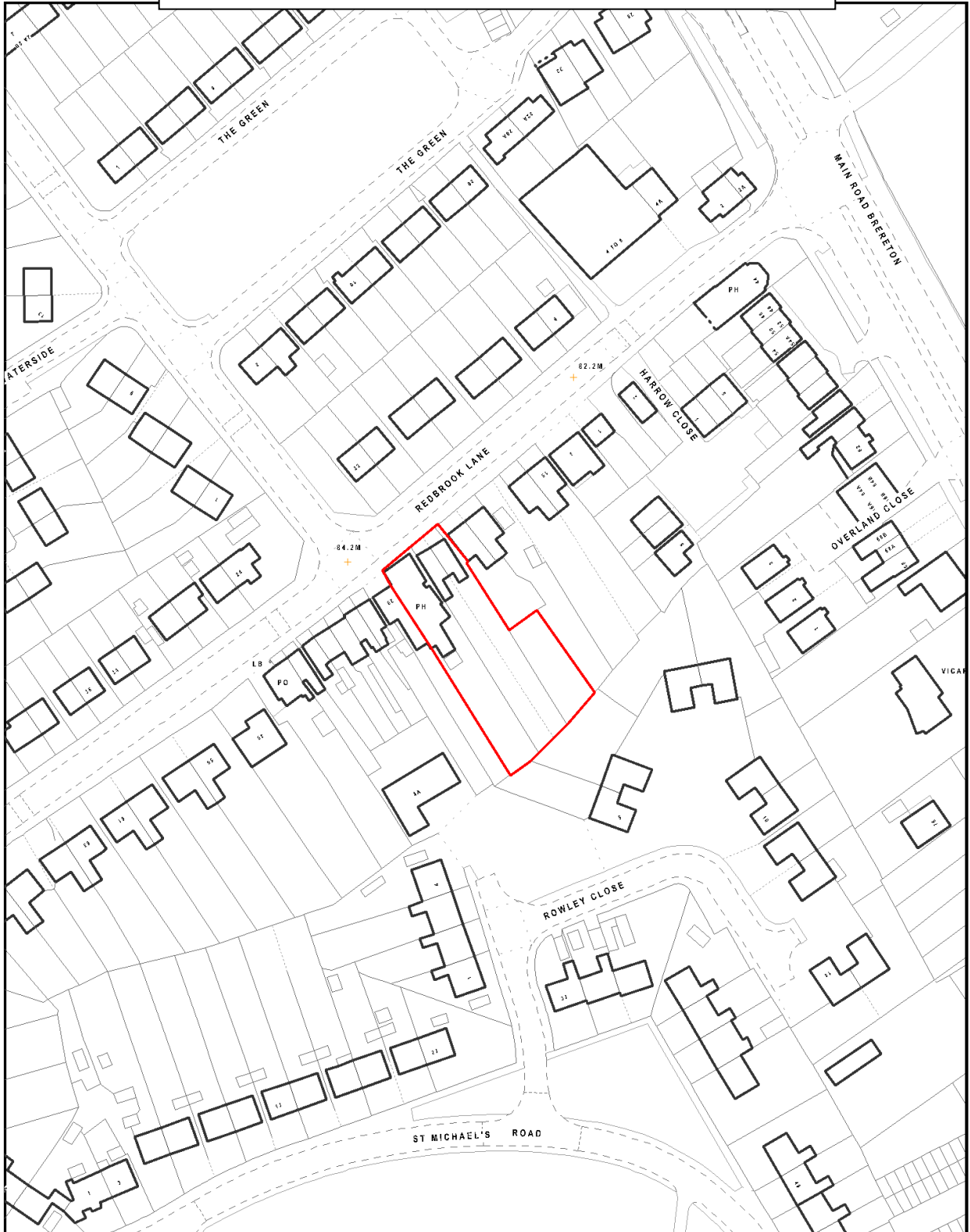


CH/17/429

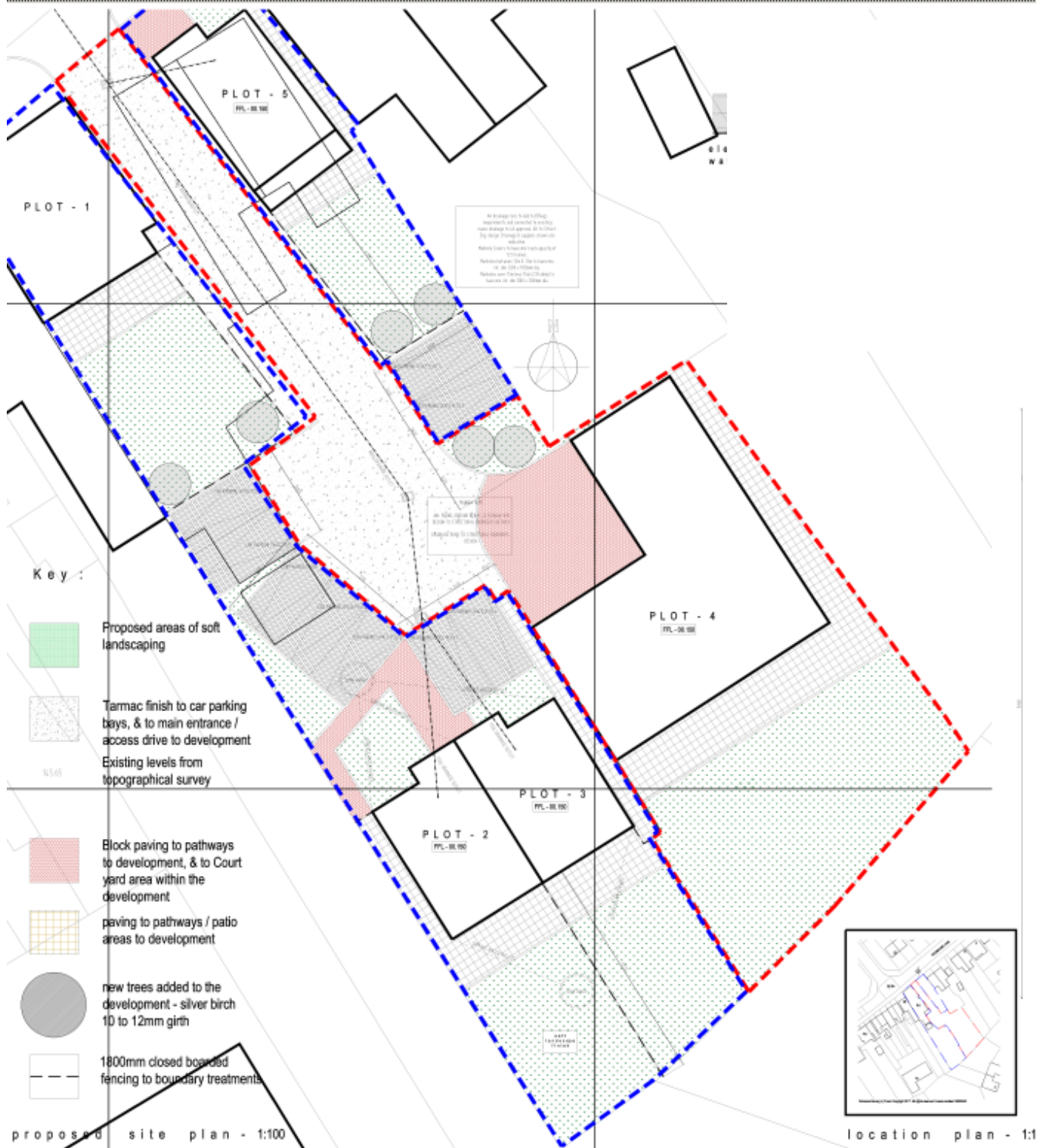
Land to the rear of the Hope & Anchor Public House, 27, Redbrook Lane, Rugeley, WS151AB

Residential development:- Erection of 3 bedroom bungalow

ITEM NO. 6.94

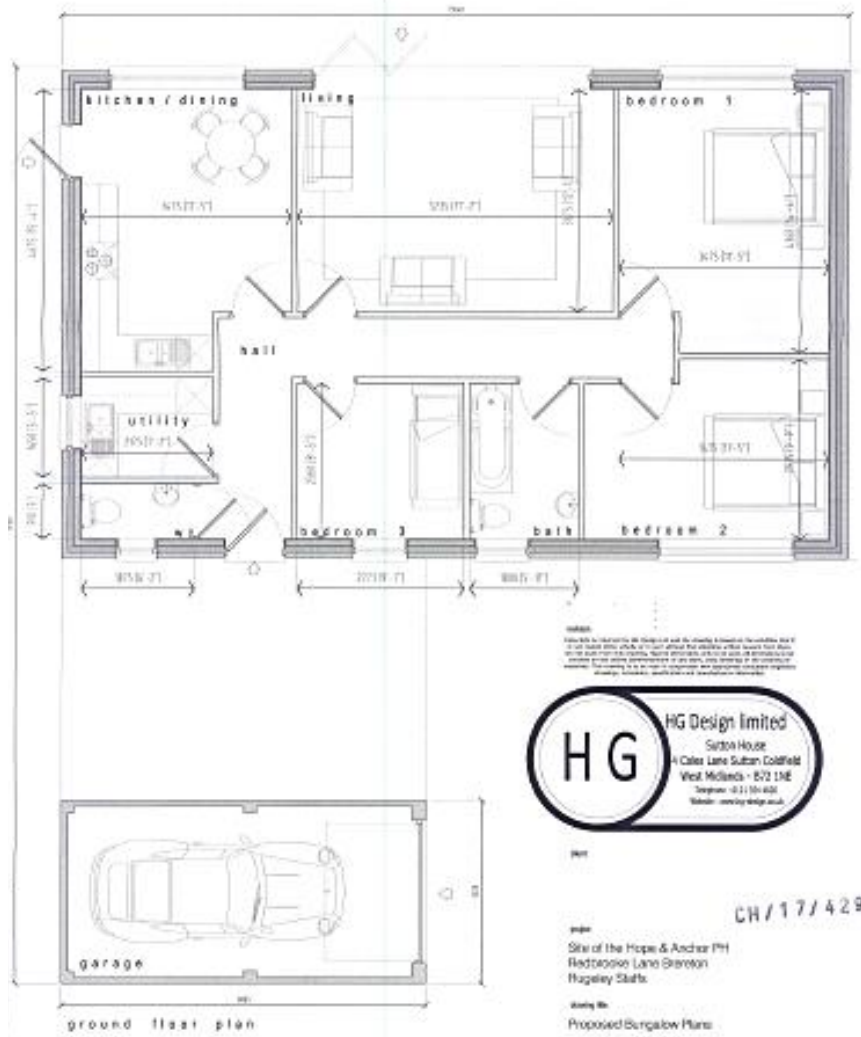
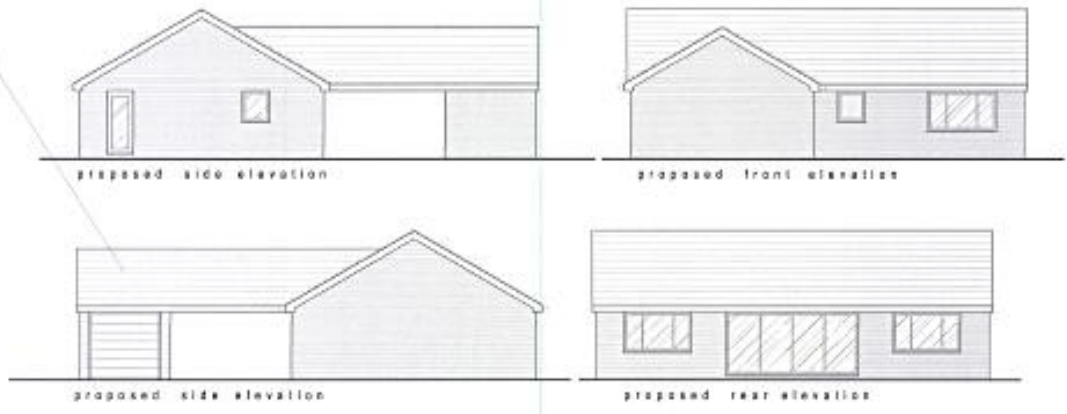


Proposed Site Plan



Proposed Elevations

FINISHES:
 ROOF: KEYS AND BERRIES
 WALLS: EXTERIOR: WHITE
 INTERIOR: WHITE
 FLOORS: KEYS AND BERRIES
 CEILING: KEYS AND BERRIES
 DOORS: KEYS AND BERRIES
 WINDOWS: KEYS AND BERRIES
 ELEVATION A
 WALL ELEVATIONS 1:100



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CH/17/429

Site of the Hope & Anchor PH
 Redroope Lane Streton
 Hazeley Staffs

Proposed Burglar Plans

Application No: CH/17/429

Received: 01-Dec-2017

Location: Land to the rear of the Hope & Anchor Public House, 27, Redbrook Lane, Rugeley,

Parish: Brereton and Ravenhill

Ward: Brereton and Ravenhill Ward

Description: Residential development:- Erection of 3 bedroom bungalow

Application Type: Full Planning Application

RECOMMENDATION Approve Subject to Conditions

Reason for Grant of Permission

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

1. B2 Standard Time Limit
2. C16 Parking Spaces at Dwellings
3. D2 Materials to be Specified
4. E12 Landscape Implementation
5. H16 Private Garage
6. Drainage
7. Access
8. Approved Plans

EXTERNAL CONSULTATIONS

Brereton and Ravenhill Parish Council

Objection, concern the development, which appears to be immediately adjacent to the boundary of neighbouring land, which would result in an adverse impact for existing residents in Redbrook Lane.

Staffordshire County Council (Highways)

No objection subject to conditions.

INTERNAL COMMENTS

Planning Policy

The site is adjacent to Brereton Local Centre within the urban area and is not protected for a specific use on the Local Plan (Part 1) Policies Map. The pub and part of the former car park already have planning permission for residential dwellings and the area is largely

residential. The Cannock Chase SHLAA 2017 identifies the site as reference R141 with development potential within 5 years. The application site lies within the designated Brereton and Ravenhill Neighbourhood Area (see also Policy CP4 of the Local Plan), and Brereton and Ravenhill Parish Council is preparing a Neighbourhood Plan. This is still an early stage in the process and thus would carry little material weight.

If it is a market housing residential development scheme the proposal is CIL liable. Given that a net increase in dwellings is proposed the development also needs to mitigate its impacts upon the Cannock Chase SAC (Local Plan Part 1 Policy CP13). Should the development be liable to pay CIL charges then this will satisfy the mitigation requirements, as per Local Plan Part 1 Policy CP13, the Developer Contributions SPD (2015) and the Council's Guidance to Mitigate Impacts upon Cannock Chase SAC (2017). However, should full exemption from CIL be sought then a Unilateral Undertaking would be required to address impacts upon the Cannock Chase SAC in accordance with the Councils policy/guidance. Any site specific requirements may be addressed via a Section 106/278 if required, in accordance with the Developer Contributions and Housing Choices SPD (2015) and the Council's most up to CIL Regulation 123 list.

Environmental Protections

No adverse comments subject to conditions.

Housing Strategy

No affordable housing contribution required.

Trees, Landscape and Countryside

Objection due to lack of detailed information and requiring tree planting.

RESPONSE TO PUBLICITY

A site notice was erected and adjacent occupiers were notified by neighbour letter. No letters of representation have been received.

PLANNING HISTORY

CH/16/094 Proposed conversion of the public house and the erection of 4no. dwellings. Approved.

1. SITE AND SURROUNDINGS

- 1.1. The application site relates to a plot of land partially to the rear of 21 Redbrook Lane and a new dwelling currently under construction on the wider site.
- 1.2. The wider site lies within the settlement boundary of Brereton and comprises of a former public house and associated parking and garden areas. The pub has been converted to residential accommodation with three additional dwellings within the

ground are currently under construction pursuant to planning permission CH/16/094.

- 1.3. The application site is located in a residential location with the exception of the mini supermarket that adjoins the western elevation of the former public house.

2. PROPOSAL

- 2.1. There is an extant permission which is currently under construction for the redevelopment of the site which included 4 x new build, two storey dwellings. The current proposal seeks to replace the detached dwelling of the previously approved scheme (plot 4) with a single storey dwelling and garage. In order to achieve this the applicant has secured additional land (approx.8m wide x 26m deep) to the rear east of the wider site (CH/16/094).
- 2.2. The proposed new dwelling would have of a footprint of approx. 197.2m² (including the garage and covered car port) and would be 5m in height (2.5m to the eaves).
- 2.3. The proposed dwelling would benefit from a rear garden of approx. 192m² and would be set behind a short frontage.
- 2.4. The proposal also includes a paved driveway with a single garage and car port providing parking for 4 vehicles in total within the curtilage of plot 4.

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.
- 4.2. The Development Plan currently comprises the Cannock Chase Local Plan (2014).
- 4.3. Other material considerations relevant to assessing current planning applications include the National Planning Policy Framework (NPPF) and Supplementary Planning Guidance/Documents.
- 3.4. Cannock Chase Local Plan (2014):
 - CP1 - Strategy – the Strategic Approach
 - CP2 - Developer contributions for Infrastructure
 - CP3 - Chase Shaping – Design
 - CP6 - Housing Land
 - CP7 - Housing Choice
 - CP13 - Cannock Chase Special Area of Conservation (SAC)

3.5 National Planning Policy Framework

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

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

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

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

3.9 Other Relevant Documents

- Design Supplementary Planning Document, April 2016.
- Cannock Chase Local Development Framework Parking Standards, Travel Plans and Developer Contributions for Sustainable Transport
- Brereton and Ravenhill Parish Council is preparing a Neighbourhood Plan

4. DETERMINING ISSUES

4.1. The determining issues for the application are:-

- Principle of development
- Design and layout and impact on the character of the area
- Access and parking
- Impact upon residential amenity
- Landscaping
- Affordable housing provision
- Impact upon the Cannock Chase Special Area of Conservation
- Whether any adverse impact of granting planning permission would be significantly and demonstrably outweighed by the benefits, when assessed against the policies in the framework, taken as whole.

4.2. Principle of Development

4.2.1 The proposal is essentially for housing development within an urban area. Paragraph 49 of the NPPF states that housing applications should be considered in the context of the presumption in favour of sustainable development. Although the Local Plan has a housing policy it is silent in respect of its approach to windfall sites on both greenfield and previously developed land. As such in

accordance with Policy CP1 of the Local Plan the proposal falls to be considered within the presumption in favour of sustainable development, outlined in paragraph 14 of the NPPF. This states that where the development plan is absent, silent or relevant policies are out of date, granting permission unless:

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

4.2.4 The specific policies referred to in Paragraph 14 are identified in footnote 9 and include, for example, those policies relating to sites protected under the Birds and Habitats Directives and/or designated as Sites of Special Scientific Interest; land designated as Green Belt, Local Green Space, an Area of Outstanding Natural Beauty, Heritage Coast or within a National Park (or the Broads Authority); designated heritage assets; and locations at risk of flooding or coastal erosion. It is noted that the site does not fall within any of the categories outlined in footnote 9 and therefore there are no specific policies within the NPPF which indicate that the development should be restricted.

4.2.5 In respect to the above it is noted that the site is located within the urban area of Brereton-Rugeley. It is identified within the Strategic Housing Land Availability Assessment (SHLAA) as a potential housing site. The site consists of part brownfield land and partial garden land and is located within a sustainable location in close proximity to residential properties, services, facilitates and close to public transport. As such the principle of the development of this site for residential use is appropriate to meet local housing needs.

4.2.6 In addition to the above the principle of residential development on a large part of the current site was firmly established under planning permission CH/16/094.

4.2.7 As such the proposal is considered to be acceptable in principle.

4.2.8 However, although a proposal may be considered to be acceptable in principle it is still required to meet the provisions within the development plan in respect to matters of detail. The next part of this report will go on to consider the proposal in this respect.

4.3 Design and Layout and Impact on the Character 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, that developments should be: -

- (i) well-related to existing buildings and their surroundings in terms of layout, density, access, scale appearance, landscaping and materials; and

- (ii) successfully integrate with existing trees; hedges and landscape features of amenity value and employ measures to enhance biodiversity and green the built environment with new planting designed to reinforce local distinctiveness.
- 4.3.2 The application site is located within an area that is characterised by predominantly residential development and buildings that are typically two storeys. The general layout of the area is of frontage properties that follow the main highway, with the occasional back land development. As such, the layout of the proposed development is logical. Furthermore, the proposed bungalow replaces a previously approved two storey dwelling albeit not directly to the rear of No.21.
- 4.3.3 The appearance of the proposed dwelling would be similar to other new development found within the wider area. The dwellings would be of a traditional construction being brick and tile to further reinforce the character and local distinctiveness of the surrounding area.
- 4.3.4 In respect to the comments of the landscape officer it is noted that although trees may have existed in and around the site they are no longer in existence and therefore there is nothing of significance that now requires protection. In respect top proposed landscaping the applicant has provided a drawing showing the planting of several silver birch trees which area appropriate for gardens and has indicated which areas are to be hard surfaced (with block paving and paving to pathways and patio areas) with the remaining areas put to lawn
- 4.3.4 Overall the design of the proposal is considered acceptable and in accordance with Local Plan Policy CP3 and the NPPF.
- 4.4. Access and Parking and Impact on Highway Safety
- 4.4.1 Paragraph 32 of the NPPF states that "development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe".
- 4.4.2 The proposed dwelling would have access to Redbrook Lane via the shared driveway through the centre of the wider site. Which provides access for plots 2 & 3 as well as parking for plots 1 & 5. Staffordshire County Highways has no objection to the proposal in terms of highway safety.
- 4.4.3 The SPD: Parking Standards, Travel Plans and Developer Contributions for Sustainable Transport, states that two spaces per 3 bedroom dwelling are required. This is provided for within the garage, car port and a further 2 spaces provided to on the driveway for the proposed dwelling. As such, the parking provision for the proposed plot exceeds the requirement.

4.5 Impact upon Residential Amenity

- 4.5.1 A core planning principle is that planning should always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings and this has been accommodated within Policy CP3 of the Local Plan and supported by the guidance as outlined in the Design SPD.
- 4.5.2 The nearest neighbouring properties to the application site are those within Redbrook Lane which adjoin the north and east boundaries and the dwellings to the rear in Rowley Close.
- 4.5.3 The Design SPD requires all new two storey development to achieve a separation distance of 21.3m between facing principle windows unless there is an intervening boundary treatment i.e. a fence. In this instance a separation distance of 15.5m would be retained between the blank side elevation of the proposed dwelling and the rear elevation of No. 19 Redbrook Lane. This relationship is considered satisfactory given that rear of No19 would be looking upon a single storey blank elevation.
- 4.5.4 The properties to the south within Rowley Close side onto the application site at an angle, being 13m at the nearest point to the common boundary. The rear garden of the proposed dwelling would be a minimum of 10m (giving an overall separation distance of 23m) and together with the single storey design of the dwelling would ensure the continued protection of the private amenity and outlook of adjoining neighbours.
- 4.5.6 Overall, the proposed development has been designed to comply with the Council's Design SPD which sets out the required standards in order to protect the amenity of existing occupiers. Therefore, the proposal complies with the Design SPD, Local Plan Policies and the NPPF.
- 4.5.7 Therefore the proposed redeveloped dwelling by virtue of its distance from the existing dwellings would not result in any significant impact, by virtue of overlooking, loss of light or loss of outlook, on the residential amenities of the occupiers of the nearest properties and therefore accords with Local Plan Policy CP3 and the Design SPD.

4.6 Landscaping

- 4.6.1 The site related to land to the rear of a public house and No.21 Redbrook Lane. There was no landscaping of any significance within the site (a tree was removed to the rear of No.2. However, this did not form part of the street scene nor did it have a Tree Preservation Order preventing its removal). Notwithstanding this, 2 Silver Birch Trees adjacent the entrance to the bungalow are proposed which would mitigate against the loss of the previous tree.

4.6.2 Landscape Officers have objected to the application due to lack of detail including hard works (fences and surfacing) and soft planting (trees and shrubs). However, the plan clearly indicates the style and height of fencing, tree planting and patio area / pathways for the proposed dwelling. The rear amenity space would be paved and grassed to owner's specification which is typical of private rear gardens. Overall the proposed landscaping will make the most of the planting opportunities on the site and improve the overall green appearance of the site from the streetscene.

4.7 Impact on Nature Conservation Interests

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

4.7.2 Under Policy CP13 development will not be permitted where it would be likely to lead directly or indirectly to an adverse effect upon the integrity of the European Site network and the effects cannot be mitigated. Furthermore, in order to retain the integrity of the Cannock Chase Special Area of Conservation (SAC) all development within Cannock Chase District that leads to a net increase in dwellings will be required to mitigate adverse impacts. The proposal would lead to a net increase in dwellings and therefore is required to mitigate its adverse impact on the SAC. Such mitigation would be in the form of a contribution towards the cost of works on the SAC and this is provided through CIL. The proposal would be CIL liable.

4.7.3 Given the above it is considered that the proposal, subject to the CIL payment, would not have a significant adverse impact on nature conservation interests either on, or off, the site. In this respect the proposal would not be contrary to Policies CP3, CP12 and CP13 of the Local Plan and the NPPF.

4.8 Affordable Housing and other Developer Contributions

4.8.1 Under Policy CP2 the proposal would be required to provide a contribution towards affordable housing. However, given the order of the Court of Appeal, dated 13 May 2016, which give legal effect to the policy set out in the Written Ministerial Statement of 28 November 2014, and the subsequent revision of the PPG it is considered on balance that the proposal is acceptable without a contribution towards affordable housing.

4.9 Brereton and Ravenhill Neighbourhood Plan

4.9.1 The application site lies within the designated Brereton and Ravenhill Neighbourhood Area (see also Policy CP4 of the Local Plan), and Brereton and

Ravenhill Parish Council is preparing a Neighbourhood Plan. Given that this is still an early stage in the process it is considered that its provision carry little weight and cannot therefore alter the conclusion reached in the above assessment.

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

4.10.1 Although the Council has a five year supply of housing land it is noted that such a supply is not a ceiling and it is the Government's firm intention to significantly boost the supply of housing. With this in mind it is noted that the granting of the permission would make a limited but positive contribution towards the objectively assessed housing needs of the District. In addition it would have economic benefits in respect to the construction of the property and the occupiers who would make some contribution into the local economy. Finally, the proposal would have an environmental benefit of making efficient use of land within a sustainable location and in creating several thermally efficient new dwellings which would be required to meet building standards.

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

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

5.0 HUMAN RIGHTS ACT

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

6.0 CONCLUSION

6.1 Residential development on this unallocated brownfield / greenfield site within a sustainable location in a predominantly residential area within the urban area of Brereton is considered acceptable under current local and national policy.

6.2 It is concluded that any adverse impact of granting planning permission would not significantly and demonstrably outweigh the benefits, when assessed against the

policies in the Framework, taken as whole. As such the proposal benefits from the presumption favour of sustainable development and should, subject to the attached conditions.