

**Please ask for:** Mrs. W. Rowe

**Extension No:** 4584

**E-Mail:** [wendyrowe@cannockchasedc.gov.uk](mailto:wendyrowe@cannockchasedc.gov.uk)

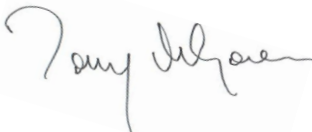
26 January 2021

Dear Councillor,

**PLANNING CONTROL COMMITTEE  
3:00 PM, WEDNESDAY 3 FEBRUARY, 2021  
MEETING TO BE HELD REMOTELY**

You are invited to attend this remote meeting for consideration of the matters itemised in the following Agenda. The meeting will commence at 3.00pm via Zoom. Details on how to access the meeting will be issued separately.

Yours sincerely,



**T. McGovern**  
**Managing Director**

To Councillors:-

Cartwright, Mrs. S.M. (Chairman)

Startin, P. (Vice-Chairman)

Allen, F.W.C.

Pearson, A.R.

Dudson, A.

Smith, C.D.

Fisher, P.A.

Stretton, Mrs. P.Z.

Fitzgerald, Mrs. A.A.

Thompson, Mrs. S.

Jones, Mrs. V.

Todd, Mrs. D.

Layton, A.

Witton, P.

Muckley, A.

## A G E N D A

### PART 1

**1. Apologies**

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

To declare any personal, pecuniary or disclosable pecuniary interests in accordance with the Code of Conduct and any possible contraventions under Section 106 of the Local Government Finance Act 1992.

**3. Disclosure of details of lobbying of Members**

**4. Minutes**

To approve the minutes of the meeting held on 27 January, 2021 (To follow)

**5. Members' Requests for Site Visits**

**6. Report of the Development Control Manager**

Members wishing to obtain information on applications for planning approval prior to the commencement of the meeting are asked to contact the Development Control Manager.

*Finding information about an application from the website*

- On the home page click on planning applications, listed under the 'Planning & Building' tab.
- This takes you to a page headed "view planning applications and make comments". Towards the bottom of this page click on the text "*View planning applications. By clicking on the link I agree to the terms, disclaimer and important notice above.*"
- The next page is headed "Web APAS Land & Property". Click on 'search for a planning application'.
- On the following page insert the reference number of the application you're interested in e.g. CH/11/0001 and then click search in the bottom left hand corner.
- This takes you to a screen with a basic description - click on the reference number.
- Halfway down the next page there are six text boxes - click on the third one - view documents.
- This takes you to a list of all documents associated with the application - click on the ones you wish to read and they will be displayed.

## PLANNING APPLICATIONS

Application Number	Application Location and Description	Item Number
1. CH/20/128	<i>23 Walsall Road, (Ex-Servicemen's Club car park), Cannock WS11 5BU</i> - Outline application some matters reserved, Erection of 12 apartments and associated works (Re-submission of CH/19/399)	6.1–6.37
2. CH/20/292	<i>Lea Hall Miners Welfare &amp; Social Club, Sandy Lane, Rugeley WS15 2LB</i> – Proposed development for Platform Housing Association on redundant tennis courts – 14 residential units	6.38–6.86
3. CH/20/363	<i>Unit 33 Martindale Trading Estate, Martindale, Hawks Green, Cannock WS11 7XN</i> – replace fencing with 5m concrete panels to act as an acoustic barrier between yard and residents to rear	6.87–6.105
4. CH/20/396	<i>412 Rawnsley Road, Cannock WS12 1RB</i> – Construction of two new 4 bedroom dwellings, re-submission of previous application on the side garden of 412 Rawnsley Road	6.106–6.138
5. CH/20/425	<i>Beau Desert Golf Club, Rugeley Road, Hazelslade, Cannock WS12 0PJ</i> – Erection of Halfway House Structure adjacent to 11 <sup>th</sup> green of golf course	6.139-6.155
6. CH/20/430	<i>1 Hodnet Place, Hawks Green, Cannock WS11 7YF</i> – Ground floor rear extension and new site boundary fence and walls	6.156-6.174

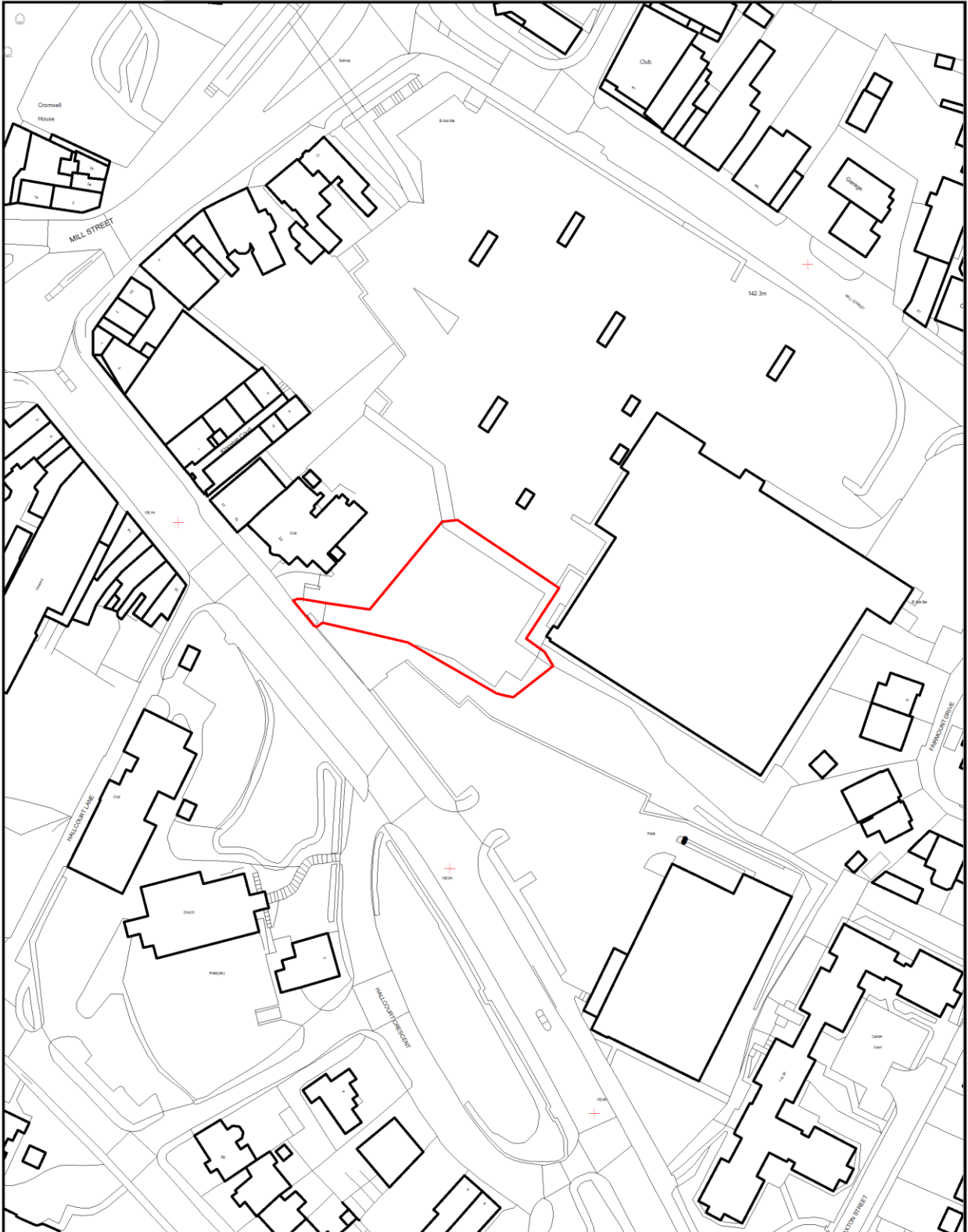


**Application No:** CH/20/128

**Location:** 23 Walsall Road, (Ex-Servicemens Club Car Park)  
Cannock, WS11 5BU

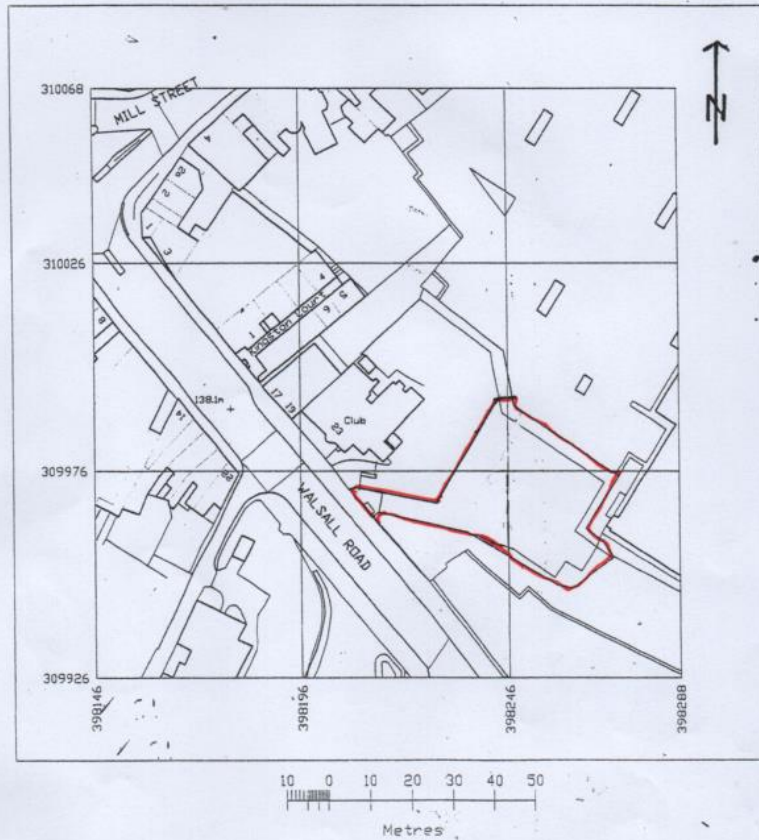
**Proposal:** Outline application some matters reserved. Erection of 12 apartments & associated works. (Re-submission of CH/19/399.)

Item no. 6.1



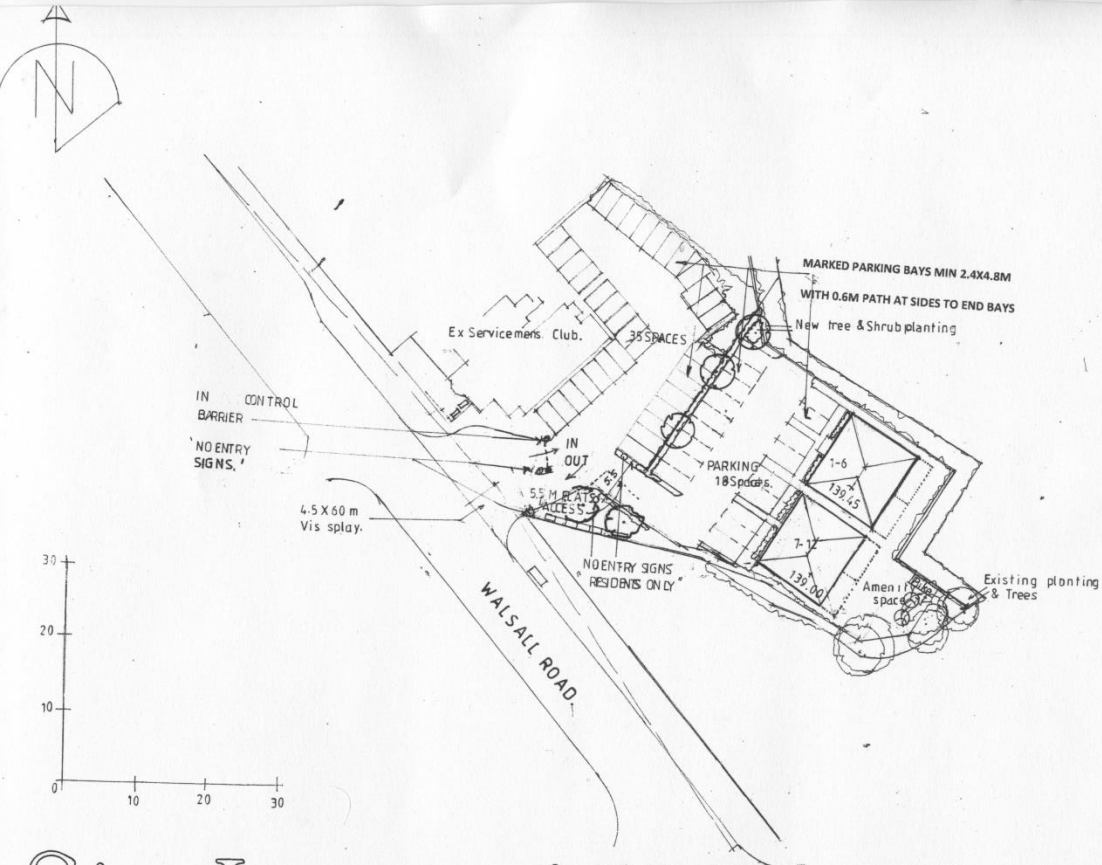
# Location Plan

The Plan Referred to:- scale 1:1250



Land adjacent to Cannock Ex-Servicemens Club  
21-23 Walsall Road, Cannock WS11 0HG

# Site Plan



Site Layout 1:500.

Steven J. Dunn & Associates Ltd.  
SURVEYING ARCHITECTURAL & PLANNING

Professional Statutory Limit  
Chartered  
No. 0189008, 0189009  
No. 017182 (ISSUED)

Job  
Walsall Road Site  
Carnock  
The  
SITE LAYOUT

Scale: 1:100  
Date: 09/19

Drawn:	SJO	CNT	SLT	Rev
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© The drawing and its contents are the property of Steven J. Dunn & Associates Ltd. and may not be reproduced without the written permission of the firm.

The Contractor is to check and verify all building and site dimensions, levels and ground levels prior to construction parties before work starts. All work undertaken prior to official statutory approval being granted, are at the risk of the Contractor/Client.

This drawing must be read with and checked against any drawings or other specifications drawings provided.

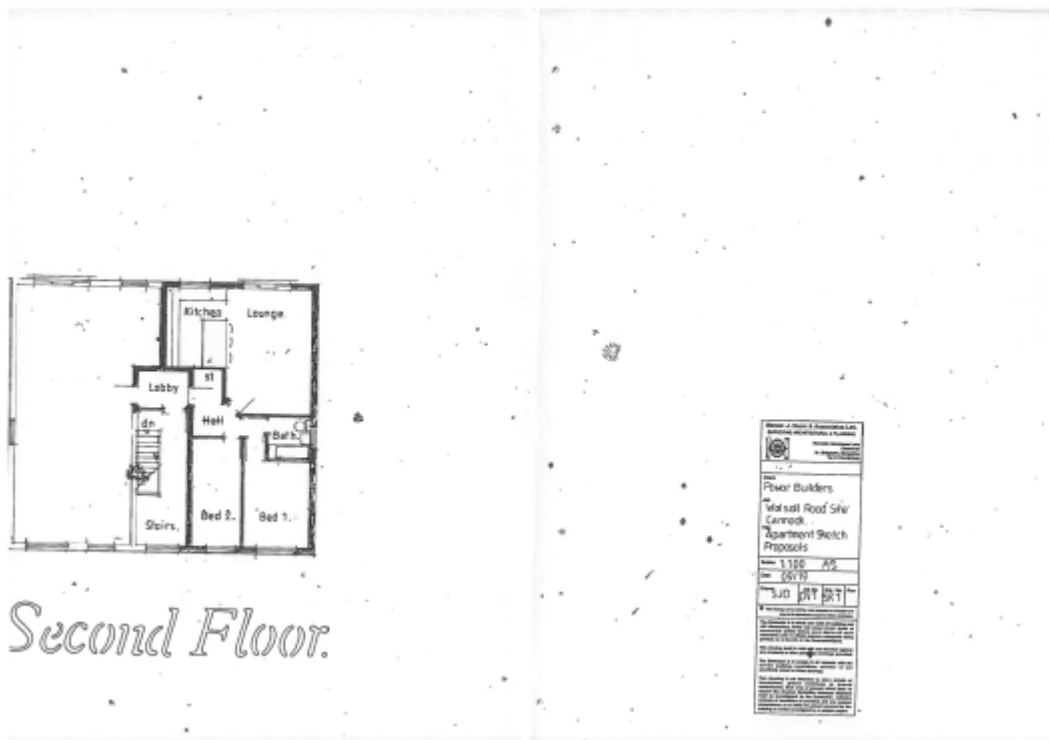
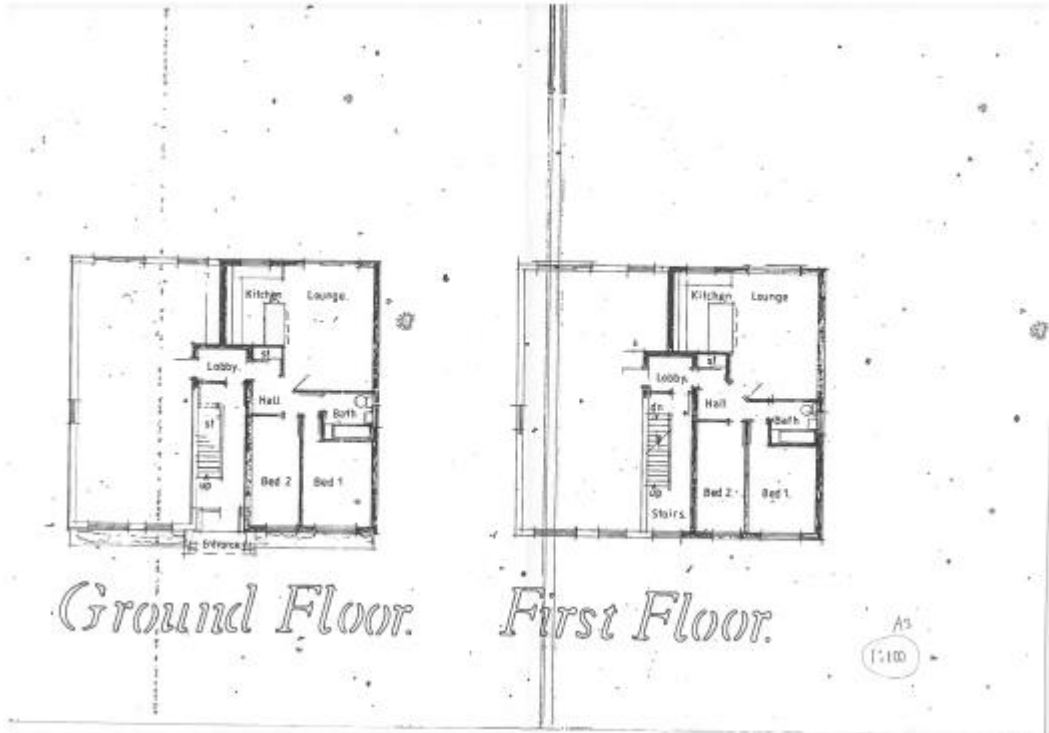
The Contractor is to comply in all respects with the current building regulations, whether or not specifically stated on these drawings.

This drawing is not intended to show details of foundations, ground conditions or ground movements. Each area of ground level shall be supported the structure (including adjacent) proposed shall be investigated by the contractor, suitable methods of foundation be provided, and any necessary reinforcement or to retain the ground proposed for the building be further investigated by a suitable expert.

# Proposed Elevations



# Proposed Floor Plans





**Contact Officer:** Claire Faulkner

**Telephone No:** 01543 464337

**Planning Control Committee**

**3<sup>rd</sup> February 2021**

**Application No:** CH/20/128

**Received:** 30-Mar-2020

**Location:** 23 Walsall Road, (Ex-Servicemens Club Car Park) Cannock,  
WS11 5BU

**Parish:** Non Parish Area

**Ward:** Cannock

**Description:** Outline application some matters reserved. Erection of 12  
apartments & associated works.(Re-submission of  
CH/19/399.)

**Application Type:** Outline Planning Major

**Recommendations:** Approve subject to conditions

**Reason(s) for Recommendation:**

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

**Conditions (and Reasons for Conditions):**

1. In the case of any reserved matters, application for approval must be made not later than the expiration of three years beginning with the date on which this permission is granted ; and

The development to which this permission relates must be begun not later than the expiration of two years from the final approval of the reserved matters or, in the case of approval on different dates, the final approval of the last such matters to be approved.

**Reason**

To comply with the requirements of Section 92 of the Town & Country Planning Act 1990.

2. No part of the development hereby permitted shall be commenced until approval of the details of landscaping ('the reserved matters') has been obtained from the Local Planning Authority.

Reason

The permission is in principle only and does not authorise development to commence until all 'the reserved matters' have been approved. To ensure compliance with the requirements of Section 92 of the Town & Country Planning Act 1990.

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

The scheme shall be implemented in accordance with the approved details before the development is first brought into use.

Reason

To ensure that the development is provided with a satisfactory means of drainage as well as to reduce the risk of creating or exacerbating a flooding problem and to minimise the risk of pollution.

4. The development hereby approved shall not be commenced until:
  - i) A Phase 1 Contamination Report (desktop study) has been prepared and submitted to the Planning Authority for approval. This shall document the previous history of the site and surroundings, identifying the potential sources of contamination and the impacts on land and/or controlled waters relevant to the site. A Conceptual Site Model shall be produced for the site which shall identify all plausible pollutant linkages.
  - ii) Where the phase 1 report has identified potential contamination, an intrusive site investigation shall be carried out to establish the full extent, depth and cross-section, nature and composition of the contamination. Ground gas, water and chemical analysis, identified as being appropriate by the desktop study, shall be carried out in accordance with current guidance using UKAS/MCERTS accredited methods. The details of this investigation (including all technical data) shall be submitted to the Planning Authority, as a phase 2 report, for approval prior to any site demolition, remediation or construction works.
  - iii) In those cases where the phase 2 report has confirmed the presence of

contamination, a Remediation Method Statement shall be submitted to this Department (for approval prior to works) detailing the exact manner in which mitigation works are to be carried out. The Statement shall also include details of validation testing that will be carried out once works have been completed.

- iv) If during remediation works, any contamination is identified that has not been considered within the Remediation Method Statement, then additional remediation proposals for this material shall be submitted to this Department for written approval. Any approved proposals shall thereafter, form part of the Remediation Method Statement.
- v) The development shall not be occupied until a validation/ phase 3 report has been submitted to and approved in writing by the Local Planning Authority. A Validation Report shall confirm that all remedial works have been completed and validated in accordance with the approved Remediation Method Statemen.

#### Reason

In order to enable the development to proceed in a safe environment and to protect the health and safety of its occupiers and to ensure compliance with Local Plan Policy CP3 and the NPPF.

5. The development hereby approved shall not be commenced until:

- i) A comprehensive noise assessment (with reference to current and appropriate standards) has been undertaken to determine the level of noise likely to be experienced by proposed residential properties. This assessment shall be submitted to the Local Planning Authority for approval prior to works commencing.
- ii) If the assessment concludes that mitigation works are required to protect the amenities of future occupants, then a scheme of mitigation shall be submitted to the Local Planning Authority for approval. This shall demonstrate (with accompanying calculations) how the mitigation scheme provides sufficient protection to the proposed development.
- iii) Mitigation works shall be fully implemented in accordance with the agreed scheme, prior to occupation of the proposed development.

#### Reason

In order to enable the development to proceed in a safe environment and to protect the health and safety of its occupiers and to ensure compliance with Local Plan Policy CP3 and the NPPF.

6. No part of the development hereby approved shall be undertaken above ground level until details of the materials to be used for the external surfaces have been submitted to and approved by the Local Planning Authority.

Reason

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

7. No dwelling hereby approved shall be occupied until a scheme for the fitting of that dwelling with electric charging points for electric vehicles has been submitted to and approved in writing by the Local Planning Authority and the works comprising the approved scheme have been completed. The works shall thereafter be retained for the lifetime of the development unless otherwise approved in writing by the Local Planning authority.

Reason

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

8. The development hereby approved shall not be completed above ground floor level until a scheme for the provision of swift nest boxes has been submitted to and approved in writing by the Local Planning Authority. The buildings shall thereafter be completed in accordance with the approved scheme.

Reason

In the interests of enhancing swift breeding habitat in accordance with Policy CP12 of the Local Plan and paragraphs 170, 175, 177, 179 of the NPPF.

9. The development hereby permitted shall not be brought into use until the access, parking and turning areas have been provided in accordance with the submitted 'Site Layout' Drawing No. SL1 Rev D and shall thereafter be retained for the lifetime of the development.

REASONS

In the interests of highway safety, to comply with paragraph 109 of the NPPF and the Cannock Chase

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

Site Layout' Drawing No. SL1 Rev D

Location Plan

Proposed Elevations  
Proposed Floor Plans  
Heritage Statement  
Design & Access Statement

Reason

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

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

#### Staffordshire Police recommendations:-

1. The layout appears very straight forward with each block having a single communal entrance. This should be well lit. An effective access control system will be required to restrict access to each apartment block to residents only. This would be a critical element in creating a safe and secure environment for residents and reducing opportunities for offending. A visitor door entry system located at the communal entrance and linked to the individual apartments could enable audio and/or visual communication between visitors and residents, and remote release from each apartment could admit bona fide visitors. Conventional tradespersons buttons can be subject to misuse/undermine security and are best avoided.
2. A workable solution would need to be found for routine postal receipt. Through-the-wall delivery at each communal entrance into robust individual mail boxes with key operated retrieval by residents would be one convenient option. Alternatively, Royal Mail workers could have time-limited fob/code access into each block. Obviously mail could be received through individual flat entrance doors or a bank of robust individual lockable mail boxes, robust enough and designed to prevent theft of mail, fraud etc (ideally to the security standard TS009) could be positioned within each lobby.
3. The communal entrance doorsets would need to provide a robust barrier to unauthorised entry. Similarly, individual apartment entrance doorsets would need to provide the residents with the same level of attack-resistance as if they were front doors situated on a street. They should also include a door viewer and door chain. To this end, third party certified doorsets accredited by a recognised UKAS accreditation body to a relevant manual attack-resistant security standard should be installed for relevant communal and apartment entrance doors. Such doorsets are widely available. Information on the relevant standards for both communal and apartment entrance doorsets can be found in the Secured by Design Homes 2019 design guide (or latest iteration) available online, which provides a host of other useful information.

The applicant's attention is also directed to the 2019 publication entitled, 'A Guide for Selecting Flat Entrance Doorsets – A publication for housing associations, landlords, building owners and local authorities in England'. This is jointly produced by the police's Secured by Design, the Fire Industry Association and the Door Hardware Federation and discusses the need for flat entrance doorsets to have relevant dual third party certification for both fire and security.

4. Ground floor windows should also be certified to the manual attack-resistant standards contained within the above Homes 2019 guidance document. Consideration should be given to the use of laminated glazing within these windows certified to BS EN356:2000 at an appropriate Resistance Class. Discussion should be undertaken with the fabricator/glazier.
5. For security purposes, access to the rear of the apartments should be restricted to residents only by appropriate fencing (if necessary) and lockable gating. It is unclear whether this will be the case.
6. The applicant may wish to give consideration to installing a small scale CCTV surveillance system for this development to provide a deterrent to offending, offer reassurance to residents and capture excellent quality images to further an investigation should the need arise. Staffordshire Police would draw the applicant's attention to an excellent guidance document that should inform any decision making around the installation of a CCTV system. The Surveillance Camera Commissioner Buyers Toolkit is a comprehensive easy-to-follow guide for non-experts thinking about buying a CCTV system and want to ensure they avoid common mistakes and buy an effective system that does what they want it to do. It is full of advice and tips on how to get the best out of any prospective supplier. It also covers relevant standards and current legislation.

#### Coal Authority

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

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

#### Severn Trent Water

Severn Trent Water advise that there is a public sewer located within this site. Public sewers have statutory protection and may not be built close to, directly over or be diverted without consent. You are advised to contact Severn Trent Water to discuss the proposals. Severn Trent will seek to assist in obtaining a solution which protects both the public sewer and the building. Please note, when submitting a Building Regulations application, the building control officer is

required to check the sewer maps supplied by Severn Trent and advise them of any proposals located over or within 3 meters of a public sewer. Under the provisions of Building Regulations 2000 Part H4, Severn Trent can direct the building control officer to refuse building regulations approval.

Please note that there is no guarantee that you will be able to build over or close to any Severn Trent sewers, and where diversion is required there is no guarantee that you will be able to undertake those works on a self-lay basis. Every approach to build near to or divert our assets has to be assessed on its own merit and the decision of what is or isn't permissible is taken based on the risk to the asset and the wider catchment it serves. It is vital therefore that you contact us at the earliest opportunity to discuss the implications of our assets crossing your site. Failure to do so could significantly affect the costs and timescales of your project if it transpires diversionary works need to be carried out by Severn Trent.

#### Staffordshire Fire Service

Appropriate supplies of water for fire fighting and vehicle access should be provided at the site, as indicated in Approved Document B Volume 1 requirement B5, section 11. I would remind you that the roads and drives upon which appliances would have to travel in order to proceed to within 45 metres of any point within the property, should be capable of withstanding the weight of a Staffordshire firefighting appliance (G.V.W. of 17800 Kg).

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

In the interest of preventing deaths and injuries from fires within domestic dwellings Staffordshire Fire and Rescue Service strongly recommend the provision of a sprinkler system to a relevant standard. Early consultation with the Fire Service when designing buildings which incorporate sprinklers may have a significant impact on reducing fire deaths and injuries in domestic premises and financial implications for all stakeholders.

Further information can be found at [www.bafsa.org.uk](http://www.bafsa.org.uk) - the website of the British Automatic Fire Sprinklers Association Ltd.

#### Update

This application was brought before planning committee on 30<sup>th</sup> September 2020 at which time Members resolved to approve the proposal subject to a financial contribution for the off-site provision of affordable housing.

Further to planning committee on 30<sup>th</sup> September 2020 the applicant has asserted that the proposal would not be viable with the affordable housing requirement. The applicant submitted a viability assessment with which to demonstrate the impact of the

affordable housing provision on the proposed scheme. The issues surrounding viability are set out in section 4.14 of this report.

The following report has been revised accordingly.

## **Consultations and Publicity**

### **External Consultations**

#### Fire Safety NSDG Group Manager

Appropriate supplies of water for fire fighting and vehicle access should be provided at the site, as indicated in Approved Document B Volume 1 requirement B5, section 11.1 would remind you that the roads and drives upon which appliances would have to travel in order to proceed to within 45 metres of any point within the property, should be capable of withstanding the weight of a Staffordshire firefighting appliance (G.V.W. of 17800 Kg).

I wish to draw to your attention Staffordshire Fire and Rescue Service's stance regarding sprinklers. In the interest of preventing deaths and injuries from fires within domestic dwellings Staffordshire Fire and Rescue Service strongly recommend the provision of a sprinkler system to a relevant standard. Early consultation with the Fire Service when designing buildings which incorporate sprinklers may have a significant impact on reducing fire deaths and injuries in domestic premises and financial implications for all stakeholders.

Further information can be found at [www.bafsa.org.uk](http://www.bafsa.org.uk) - the website of the British Automatic Fire Sprinklers Association Ltd.

#### County Flood Risk Management (SUDS)

Thank you for your consultation with regard to the above application.

As this application refers to a non-major development, we are non-statutory consultees. Therefore, we have no comments to add. Thank you for your email. As the ground floor area of the residential development does not exceed 1000m<sup>2</sup>, and our records show the site to be at low risk of flooding we have no comments to make.

#### School Organisation, Staffordshire County Council

Thank you for your e-mail dated 6 May 2020 informing us of Planning Application No: CH/20/128, 23 Walsall Road, Cannock, 12 x 2-bed apartments (re-submission of CH/19/399).

The School Organisation Team can confirm that the planning application CH/20/128 would not result in an education contribution and is therefore acceptable from an education perspective.



We have assessed the breakdown provided and assuming that the development to be constructed consists of solely one or two bedroomed apartments, we would not currently make a request for education infrastructure.

The response is based on the information contained within the re-submitted planning application and should the number and/ or mix of dwellings change we would wish to be consulted so that a revised contribution can be calculated. We reserve the right to amend our comments should a planning application be submitted for this site that includes an alternative dwelling breakdown.

#### South Staffordshire Water Plc

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

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

#### Travel Management and Safety

There are no objections on Highway grounds to the proposed development subject to condition.

A site visit was carried out on 20/11/2019 for the previous application (CH/19/399).

Personal Injury Collisions; Current records show that there were no Personal Injury Collisions on Cannock Road within 43 metres either side of the property accesses for the previous five years.

The applicant has submitted a revised parking and access plan which addresses my previous concerns relating to the conflict of drivers leaving and entering both the new development and the existing club.

#### Crime Prevention Officer

The following comments should be considered in the light of the following:

- The National Planning Policy Framework states “Planning policies and decisions should ensure that developments ... create places that are safe ... and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience”;
- National Planning Practice Guidance which states that “Designing out crime and designing in community safety should be central to the planning and delivery of new development”;
- The statutory obligation placed on local authorities to do all they can to prevent crime and disorder in accordance with Section 17 of the Crime and Disorder Act 1998;

- The 2006 CABE document entitled 'Design and Access Statements: How to Write, Read and Use Them', which states "Statements should demonstrate how development can create accessible and safe environments, including addressing crime and disorder and fear of crime."

Staffordshire Police have no issues with the general principle of this proposed development. The location should lend itself very well to the construction of apartments. Positive site attributes include: superfluous recessed land sandwiched between two supermarket car parks; dense hedge buffers providing visual and acoustic benefits for residents; a separate site access; a reasonable amount of parking (which needs to be well lit) well overlooked at the front of the apartments; and a private rear amenity space.

Concerning the proposals the following observations and recommendations are made.

1. The layout appears very straightforward with each block having a single communal entrance. This should be well lit. An effective access control system will be required to restrict access to each apartment block to residents only. This would be a critical element in creating a safe and secure environment for residents and reducing opportunities for offending. A visitor door entry system located at the communal entrance and linked to the individual apartments could enable audio and/or visual communication between visitors and residents, and remote release from each apartment could admit bona fide visitors. Conventional tradespersons buttons can be subject to misuse/undermine security and are best avoided.
2. A workable solution would need to be found for routine postal receipt. Through-the-wall delivery at each communal entrance into robust individual mail boxes with key operated retrieval by residents would be one convenient option. Alternatively, Royal Mail workers could have time-limited fob/code access into each block. Obviously mail could be received through individual flat entrance doors or a bank of robust individual lockable mail boxes, robust enough and designed to prevent theft of mail, fraud etc (ideally to the security standard TS009) could be positioned within each lobby.
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The applicant's attention is also directed to the 2019 publication entitled, 'A Guide for Selecting Flat Entrance Doorsets – A publication for housing associations, landlords, building owners and local authorities in England'. This is jointly produced by the police's Secured by Design, the Fire Industry Association and the Door Hardware Federation and discusses the need for flat entrance doorsets to have relevant dual third party certification for both fire and security.

4. Ground floor windows should also be certified to the manual attack-resistant standards contained within the above Homes 2019 guidance document. Consideration should be given to the use of laminated glazing within these windows certified to BS EN356:2000 at an appropriate Resistance Class. Discussion should be undertaken with the fabricator/glazier.
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#### Severn Trent Water Ltd

Thank you for the opportunity to comment on this planning application. Please find our response noted below:

With Reference to the above planning application the company's observations regarding sewerage are as follows. I can confirm that we have no objections to the proposals subject to the inclusion of the following condition:

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

The scheme shall be implemented in accordance with the approved details before the development is first brought into use. This is to ensure that the development is provided with a satisfactory means of drainage as well as to

prevent or to avoid exacerbating any flooding issues and to minimise the risk of pollution.

Severn Trent Water advise that there is a public sewer located within this site. Public sewers have statutory protection and may not be built close to, directly over or be diverted without consent. You are advised to contact Severn Trent Water to discuss the proposals. Severn Trent will seek to assist in obtaining a solution which protects both the public sewer and the building. Please note, when submitting a Building Regulations application, the building control officer is required to check the sewer maps supplied by Severn Trent and advise them of any proposals located over or within 3 meters of a public sewer. Under the provisions of Building Regulations 2000 Part H4, Severn Trent can direct the building control officer to refuse building regulations approval.

Please note that there is no guarantee that you will be able to build over or close to any Severn Trent sewers, and where diversion is required there is no guarantee that you will be able to undertake those works on a self-lay basis. Every approach to build near to or divert our assets has to be assessed on its own merit and the decision of what is or isn't permissible is taken based on the risk to the asset and the wider catchment it serves. It is vital therefore that you contact us at the earliest opportunity to discuss the implications of our assets crossing your site. Failure to do so could significantly affect the costs and timescales of your project if it transpires diversionary works need to be carried out by Severn Trent.

Environment Agency

No comments to make

Staffordshire Minerals Authority

No response to date

**Internal Consultations**

Conservation Officer

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

Listed Building:

- 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.

Conservation Area

- 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 2018 sets out the process for considering the conservation and enhancement of historic environment in paras 184-202, and the potential impacts of development proposals. Of particular relevance:

Para 189: in determining application local planning authorities should require an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting. As a minimum the relevant historic environment record should have been consulted and the heritage asset assessed using appropriate expertise where necessary.

Para 190: the Local Authority should identify and assess the particular significance of any heritage asset that may be affected by a proposal (including by development affecting the setting of a heritage asset). They should take this into account when considering the impact of a proposal on a heritage asset to avoid or minimise any conflict between the heritage assets conservation and any aspect of the proposal.

Para 192: in determining applications, local planning authorities should take account of:

- The desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation
- The positive contribution that conservation of heritage assets can make to sustainable communities including their economic viability
- The desirability of new development making a positive contribution to local character and distinctiveness.

Paras 193 and 194: When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. Any harm to, or loss of, the significance of a designated asset (including from development within its setting) should require clear and convincing justification. The NPPF then sets out the process for consideration of different levels of harm to different heritage assets (paras 195-7).

Para 199: if any heritage asset to be lost then the local planning authority should require developers to record and advance understanding of the significance of the heritage asset and to make this evidence/archive publicly accessible (refer matter to SCC County Archaeologist for advice on building recording condition; archive to be deposited in County Historic Environment Record (HER)).

Para 200: 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 (can be by requiring interpretation/info panel about the site).

Local Plan Policy CP15 seeks the safeguarding of historic buildings, areas and their settings from developments harmful to their significance in order to sustain character, local distinctiveness and sense of place. Proposals including new developments that are sensitive to and inspired by their context and add value to the existing historic environment, landscape and townscape character will generally be supported, with planning standards applied in a flexible manner to maintain historic continuity.

#### CIL Officer,

As this application is outline it would not be CIL liable at this point. If this was to progress to the reserved matters stage and be approved, based on the additional information form submitted, the CIL chargeable amount would be £37,601.82.

#### Environmental Health

Thank you for referring this matter for consideration. Having reviewed the submissions, I have the following comments:

- 1) The proposed development consists of two small apartment blocks, with a small shared amenity area to the rear.
- 2) We hold no records of historic contamination at the site but there is a possibility that the site or adjacent surroundings may have been subject to potentially contaminative uses. Therefore the following conditions are recommended, with particular emphasis on the requirement for a desk study (to be acted on as described), and if unforeseen contamination is noted during site works.
- 3) The proposed development may be impacted by noise from the surrounding uses (car parking and superstore). The effect of this should be determined in order to properly protect the amenity of residents of the proposed development.
- 4) It is noted that the development will include provision for secure bicycle storage. This is welcomed, but we would also recommend the incorporation of electric vehicle charging points into the design. This is reflected in an informative below.

#### Recommended Conditions:

##### Land Contamination

1. A desktop study/Phase 1 Contamination Report shall be prepared and submitted for approval. This should document the previous history of the site and surroundings, identifying the potential sources of contamination and the impacts on land and/or controlled waters relevant to the site. A Conceptual Site Model should be produced for the site which should identify all plausible pollutant linkages.
2. Where the phase 1 report has identified potential contamination, an intrusive site investigation shall be carried out to establish the full extent, depth and cross-section, nature and composition of the contamination. Ground gas, water and

chemical analysis, identified as being appropriate by the desktop study, should be carried out in accordance with current guidance using UKAS/MCERTS accredited methods. The details of this investigation (including all technical data) shall be submitted to the Council, as a phase 2 report, for approval prior to any site demolition, remediation or construction works.

3. In those cases where the phase 2 report has confirmed the presence of contamination, a Remediation Method Statement shall be submitted to this Department (for approval prior to works) detailing the exact manner in which mitigation works are to be carried out. The Statement should also include details of validation testing that will be carried out once works have been completed.
4. If during remediation works, any contamination is identified that has not been considered within the Remediation Method Statement, then additional remediation proposals for this material shall be submitted to this Department for written approval. Any approved proposals should, thereafter, form part of the Remediation Method Statement.
5. The development shall not be occupied until a validation/phase 3 report has been submitted to and approved in writing by this Department. A Validation Report is required to confirm that all remedial works have been completed and validated in accordance with the agreed Remediation Method Statement.

#### Noise

1. Before development commences, a comprehensive noise assessment (with reference to current and appropriate standards) shall be undertaken to determine the level of noise likely to be experienced by proposed residential properties. This assessment is to be submitted to the Local Planning Authority for approval prior to works commencing.
2. If the assessment concludes that mitigation works are required to protect the amenities of future occupants, then a scheme of mitigation shall be submitted to the Local Planning Authority for approval. This should demonstrate (with accompanying calculations) how the mitigation scheme provides sufficient protection to the proposed development.
3. Mitigation works shall be fully implemented in accordance with the agreed scheme, prior to occupation of the proposed development.

#### Air Quality (informative)

1. It is recommended that the design should also include the provision of electric charging points to serve all dwellings.

### Strategic Housing

On sites of 10-14 units a financial contribution is required based on the following formula contained in the Developer Contributions and Housing Choices Supplementary Planning Document:

- a. The total gross development value of each dwelling to be constructed;
- b. Multiply by the residual land value percentage identified in the Adams Integra 2013 “Economic Assessment of Future Development of Affordable Housing in Cannock Chase” of 18%;
- c. Add 15% to the result of a x b above to reflect an estimate of the costs of acquisition/preparation/servicing of the Land;
- d. Apply to the relevant dwelling number and types, and to the equivalent affordable housing policy proportion – 20%
- e. Multiply by no. of units
- f. Financial contribution payable

An idea of the contribution payable at this point in time can be given by our Principal Property Services Officer but as the calculation is based on the open market value of a property a final figure would be calculated prior to commencement.

### Development Plans and Policy Unit

The site is in the Cannock urban area with the footprint of the proposed buildings being inside the Cannock Town Centre Boundary, but outside of the Primary Retail Area and it is not protected for a specific use on the Local Plan (Part 1) Policies Map.

The Cannock Chase Local Plan (part 1) 2014 policy CP1 supports sustainable development, while policy CP6 permits new housing on urban sites within Cannock Chase District.

Policy CP3 advocates appropriate design and cohesion with adjacent uses in new development, including the protection of amenity. The Design SPD provides additional guidance.

Policy CP11 seeks to maintain the roles of the Districts centres including the town centre retail uses and permits uses including retail and offices. It sets out that new retail development will be directed towards the Primary Retail Area. Other uses will be permitted where they do not detract from the primary retail function of the town centre.

The Cannock Chase Local Plan (Part 1) 2014 was adopted more than five years ago; it is therefore the subject of a review. This review is at an early stage in the process with consultation on ‘Issues and Options’ being undertaken in May-July 2019. Therefore limited weight can be afforded to it. The starting point for the determination of planning applications remains the adopted development plan (Local Plan (Part 1)).

If it is a market housing residential development scheme the proposal may be CIL liable. If a net increase in dwellings is proposed the development also needs to mitigate its impacts upon the Cannock Chase SAC (Local Plan Part 1 Policy CP13). Should the development be liable to pay CIL charges then this will satisfy the mitigation



requirements, as per Local Plan Part 1 Policy CP13, the Developer Contributions SPD (2015) and the Council's Guidance to Mitigate Impacts upon Cannock Chase SAC (2017). However, should full exemption from CIL be sought then a Unilateral Undertaking would be required to address impacts upon the Cannock Chase SAC in accordance with the Council's policy/guidance. Any site specific requirements may be addressed via a Section 106/278 if required, in accordance with the Developer Contributions and Housing Choices SPD (2015) and the Council's most up to CIL Infrastructure list.

It is considered that residential development is a suitable use on this underused private car park site on the edge of the Town Centre, as it will increase footfall within the wider retail area and make efficient use of a large brownfield site in a sustainable location.

#### Environmental Services

No response to date.

#### Waste and Engineering Services

No response to date.

#### Environmental Health

The above planning application was reviewed by Environmental Health (Housing) and at this stage of the application process there are no objections or concerns with the proposal. A no comment response is given to the statutory consultation.

#### **Response to Publicity**

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

#### **Relevant Planning History**

None

#### **1 Site and Surroundings**

- 1.1 The application site relates to part of a former carpark associated with the Working Mans Club, Walsall Road, Cannock. The application site covers an area of 0.9 hectares and is roughly square in shape.
- 1.2 The site sits in an elevated location above Walsall Road, with large retail units of Aldi to the rear and Morrison's to the south east. To the north east lies 8 -10 Mill Street which are Grade 2 listed Buildings. Beyond this lies Cannock Town Centre Conservation Area which accommodates St Luke's Church and graveyard which is a Listed Building.
- 1.3 The site is surrounded on the rear and sides by mature tree and shrub planting.

- 1.4 The site falls within the Town Centre Boundary in the current local plan. The site lies within a Mineral Safeguarding Area and is designated as being within a low risk development boundary by the Coal Authority.

## **2 Proposal**

- 2.1 The applicant is seeking consent for the erection of 12 apartments & associated works.
- 2.2 The application is in outline and seeks consent for the access, appearance, scale and layout. Landscaping would be considered as a Reserved Matter.
- 2.3 The dwellings would be accessed by means of a private driveway running off Walsall Road, shared with the existing former working mans club. The proposed scheme would retain 35 no. off-street parking spaces to serve the existing club on a separate car park to the proposed development.
- 2.4 The proposed flats would of a bespoke design and comprise of 2 separate blocks, 3 story in height under a tiled roof. Each unit would provide a total of 6 flats. The parking area associated with the proposed flats would be to the front and would provide 18 spaces in total. An area of private amenity space would be sited to the rear.

## **3 Planning Policy**

- 3.1 Section 38 of the Planning and Compulsory Purchase Act 2004 requires planning applications to be determined in accordance with the provisions of the Development Plan, unless material considerations indicate otherwise.
- 3.2 The Development Plan currently comprises the Cannock Chase Local Plan (2014) and the Minerals Local Plan for Staffordshire (2015-2030).
- 3.3 Relevant Policies within the Local Plan Include:
- CP1- Strategy – the Strategic Approach
  - CP2 - Developer contributions for Infrastructure
  - CP3 - Chase Shaping – Design
  - CP11 – Centres Hierarchy
  - CP15 – Historic Environment
- 3.4 The relevant policies within the Minerals Plan include:-

Policy 3.2 Safeguarding Minerals

### 3.5 National Planning Policy Framework

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

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

3.8 Relevant paragraphs within the NPPF include paragraphs: -

8:	Three dimensions of Sustainable Development
11-14:	The Presumption in favour of Sustainable Development
47-50:	Determining Applications
124, 127, 128, 130:	Achieving Well-Designed Places
189-194, 196,	Heritage Assets
212, 213:	Implementation

3.9 Other relevant documents include: -

Design Supplementary Planning Document, April 2016.

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

## 4 **Determining Issues**

4.1 The determining issues for the proposed development include:-

- i) Principle of development
- ii) Design and impact on the character and form of the area
- iii) Impact on residential amenity.
- iv) Impact on highway safety.
- v) Impact on nature conservation
- vi) Drainage and flood risk
- vii) Education
- viii) Air quality
- ix) Mineral safeguarding
- x) Crime and the fear of crime

- xi) Waste and recycling facilities
- xii) Ground conditions and contamination
- xiii) Affordable Housing

## 4.2 **Principle of the Development**

4.2.1 Both the NPPF and Cannock Chase Local Plan 2014 Policy CP1 advocate a presumption in favour of sustainable development unless material considerations indicate otherwise. The site is a windfall 'brownfield' site located within the urban area of Cannock. Although the Local Plan has a housing policy it is silent in respect of its approach to windfall sites on both greenfield and previously developed land. As such in accordance with Policy CP1 of the Local Plan the proposal falls to be considered within the presumption in favour of sustainable development, outlined in paragraph 11 of the NPPF.

4.2.2 The NPPF at paragraph 11 includes a presumption in favour of sustainable development. For decision taking this means:

- c) approving development proposals that accord with an up to date development plan without delay.
- d) where there are no relevant development plan policies, or the policies which are most important for determining the application are out of date, granting permission unless
  - (i) policies in the Framework that protect areas or assets of particular importance (e.g. Green Belt, AONB, habitats sites) provide a clear reason for refusing the development proposed; or
  - ii) any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.

With regard to Habitats Sites, such as the Cannock Chase SAC and SSSI, the presumption does not apply where the project is likely to have a significant effect either alone or in combination with other plans or projects, unless an appropriate assessment has concluded that the proposal will not adversely affect the integrity of the habitats site.

4.2.3 In this case it is confirmed that an appropriate assessment has been undertaken and it has concluded that subject to mitigation in the form of a payment towards SAMMS, either through CIL or a section 106 agreement the proposal will not adversely affect the integrity of Cannock Chase SAC. As such it is concluded that the 'presumption in favour of sustainable development' applies to this proposal.

- 4.2.4 In this case it is confirmed that the proposal does not engage any of the policies in the NPPF that protect areas or assets of particular importance (e.g. Green Belt, AONB, habitats sites) and therefore the application should be determined on the basis as to whether any adverse impacts of granting approval would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.
- 4.2.5 In respect to the principle of the proposal it is noted that the site is within the Cannock Town Centre Boundary. The Cannock Chase Local Plan (part 1) 2014 Policy CP11 seeks to maintain the roles of the Districts centres including the town centre retail uses and permits uses including retail and offices. It sets out that new retail development will be directed towards the Primary Retail Area. Other uses will be permitted where they do not detract from the primary retail function of the town centre. In this instance, the application site is not allocated within the primary retail area of Cannock Town Centre and it is considered that residential development is a suitable use on this underused private car park site on the edge of the Town Centre, as it will increase footfall within the wider retail area and make efficient use of a large brownfield site in a sustainable location.
- 4.2.6 The application site has good access by public transport, walking and cycling to a range of goods and services to serve the day to day needs of the occupiers of the proposed development. The site is not located within either Flood Zone 2 or 3 and it is not designated as a statutory or non- statutory site for nature conservation nor is it located within a Conservation Area (CA).
- 4.2.7 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 including the setting of a Listed Building**

- 4.3.1 The application site is located within close proximity to 8-10 Mill Street, which are grade II Listed buildings. These buildings sit approx. 70m distant from the application site. The properties adjacent to Nos. 8-10 Mill Street (4 – 6 & 12 Mill Street) are denoted within The Cannock Town Centre Conservation Area Appraisal as being significant buildings with positive impact. The north-western side of Mill Street is sited within a Cannock Town Centre Conservation Area and includes St. Lukes Church and graveyard which is also a Listed Building.
- 4.3.2 In this respect, it is noted that 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.

Further, 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.

- 4.3.3 The NPPF requires the applicants to describe the significance of any heritage assets affected including any contribution made by their setting. When considering the impact of a proposal on the significance of a designated asset great weight should be given to the assets conservation. Significance can be harmed or lost through alteration or destruction of a heritage asset or development within its setting.
- 4.3.4 To this effect the Local Plan contains Policy CP15 does not preclude development in Conservations areas. However, it does seek development proposals to be 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 and landscaping and materials to ensure that the historic environment acts as a stimulus to high quality design based upon guidance set out within the Design SPD. Opportunities for new development within Conservation Areas and within the setting of heritage assets to enhance or better reveal their significance will be considered.
- 4.3.5 The Cannock Town Centre Conservation Area Appraisal refers to Mill Street as being one of the main historic routes leading out of the town centre towards Cannock Mill and beyond to Lichfield and has been significantly affected by the layout of The Ringway resulting in its physical separation from the rest of the town centre (which falls within the Cannock Town Centre Conservation Area). It originally led from the possible old Market Place north-east a little in front of a range of buildings, including two listed late 18th Century double-fronted buildings, then turned sharply south-eastwards in the direction of Cannock Bridge and Mill. Historically Mill Street was gradually built up with cottages, pubs, a corner shop, a primitive Methodist church and Sunday School. A few groups of these buildings survive, giving an indication of the former character of the street, but most of the smaller cottages have been demolished - the last of Cannock's thatched cottages was demolished in 1949 - and partly replaced by modern infill, but also rather isolated from their historic context by highway and car parks. Most of these remaining historic buildings are well decorated and detailed, some with very flamboyant ornamental work including carved stone window and door surrounds, elaborate projecting gable features, polychrome brickwork patterns, a timber shopfront and decorative finials and eaves.

- 4.3.6 In this respect the applicant has submitted a Historic Assessment with which to inform the application. This states that the two buildings in Mill Street are considered to be of interest because of their age being remnants of a previous age. The assessment continues that it is the age and construction which is considered the main significance and their group value in facing Mill Street provide an aesthetic value. No 10 is noted in the HER as retaining its garden and outbuildings.
- 4.3.7 The Historic Assessment continues that the purpose of historic buildings is also of relevance to their significance and the use of the buildings has changed over time, being now in retail use. The location close to the Church means that this location would have been high status in the past. In assessing the Impact of the proposed development on the significance of the assets, the report continues that the historical significance of the Listed Buildings relates primarily to the age of the buildings noted in the listing as late 16<sup>th</sup> century and late 18<sup>th</sup> century. The rear boundary to the listed buildings also appears to have been retained over time.
- 4.3.8 The report concludes that the proposal for apartments has no impact on historic fabric nor on the Mill Street street scene due to its distance from these properties. The existing modern buildings and car parks at supermarkets has changed the building pattern to larger building units. The impact of the proposal for 12 apartments as set out in the planning application and drawings has been shown through this brief assessment to have very low impact on the setting of the identified heritage assets in Mill Street which are over 70 m away as measured to the rear boundary (if harm any at all) and not to cause any significant harm to the significance of heritage assets by impact on their setting.
- 4.3.9 The design of the apartments does not impact on views of or from the Listed buildings in Mill Street and so preserves the character of the area. The height of the proposed apartments is seen in relation to the supermarket buildings which are large buildings.
- 4.3.10 Having had regard to the above it is considered that the proposal would preserve the setting and significance of the Listed Building and Conservation Area in accordance with Local Plan Policy CP15 and the relevant paragraphs within the NPPF.
- 4.3.11 In respect to issues in relation to design Policy CP3 of the Local Plan requires that, amongst other things, developments should be: -
- (i) well-related to existing buildings and their surroundings in terms of layout, density, access, scale appearance, landscaping and materials; and
  - (ii) successfully integrate with existing trees; hedges and landscape features of amenity value and employ measures to enhance biodiversity and green

the built environment with new planting designed to reinforce local distinctiveness.

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

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

Planning policies and decisions should ensure that developments:

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

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

4.3.15 The application site currently comprises of part of a parking area associated with the former Working mans club. The applicant states that the Ex-servicemen's Club has seen a significant fall members and as such no longer requires the full size of the parking area. An area for the provision of parking for the Ex-servicemen's Club would be retained.

4.3.16 In respect to the proposed development, it is noted that the two blocks of three storey flats would sit in an elevation position within a mixed use location and viewed against the adjacent large commercial units to the east and south. The proposed dwellings would be of a high quality bespoke design and appropriate scale and therefore would not appear unduly incongruous in terms of the relationship with the adjacent dwellings. Furthermore, it is considered that the



bespoke and traditional designs of the proposed buildings would sit comfortably within their already varied architectural setting.

4.3.17 The landscaping to the boundaries would be retained by the proposed development. The application site is predominantly hardstanding and there are low boundary walls along a number of the boundaries which separate the landscaping. As such, the proposed development would unlikely impact on any of the existing landscaping. Notwithstanding this, the landscaping is not protected and could be removed at any time by the applicant.

4.3.18 Therefore, having had regard to Policy CP3 of the Local Plan and the above mentioned paragraphs of the NPPF it is considered that the proposal would be well-related to existing buildings and their surroundings, successfully integrate with existing features of amenity value, maintain a strong sense of place and visually attractive such that it would be acceptable in respect to its impact on the character and form of the area.

#### 4.4. **Impact on Residential Amenity**

4.4.1 Policy CP3 of the Local Plan states that the following key requirements of high quality design will need to be addressed in development proposals and goes on to include [amongst other things] the protection of the "amenity enjoyed by existing properties". This is supported by the guidance as outlined in Appendix B of the Design SPD which sets out guidance in respect to space about dwellings and garden sizes.

4.4.2 Paragraph 127(f) of the NPPF states that planning policies and decisions should ensure that developments [amongst other things] create places with a high standard of amenity for existing and future users.

4.4.3 In general the Design SPD sets out guidance for space about dwellings, stating that for normal two storey to two storey relationships there should be a minimum distance of 21.3m between principal elevations (front to front and rear to rear) and 12m between principal elevations and side elevations. Furthermore, the Design SPD sets out minimum rear garden areas, recommending 30sqm of communal space per flat.

4.4.4 Although the Design SPD sets out guidance in respect to space about dwellings it does not contain guidance in respect to space about other uses. Of particular significance in this respect is the relationship between the application site and the commercial uses to the sides as well as the Ex Servicemen's Club. The proposed development may be impacted by noise from the surrounding uses (car parking and superstore). The effect of this should be determined in order to properly protect the amenity of residents of the proposed development and Environmental Health Officers have recommended a condition to secure a noise assessment to be submitted prior to the commencement of the development.

4.4.4 The Design SPD seeks adequate levels of amenity space is provided for residential development, in this instance 30m<sup>2</sup> per flat would be required, a total of 360m<sup>2</sup>. The application would provide some degree of useable amenity space, sited to the rear of the units however there would be a significant shortfall in comparison to the requirement. As the application site relates to the development of a land locked site, there is little means to provide further private amenity space for the future occupiers. However, in this instance, Cannock Park, a pleasant and landscaped town park with fenced play area, grass landscaped areas, formal annual bedding display, is located within 500m of the application site. Buckcrofts Park & Garden which is a small town centre park is located 185m from the application site and the Mill Green Nature Reserve located within 400m. The lack of amenity space is typical of town centre living and not at odds with nearby residential flats above commercial premises, which also offer no private amenity space. Furthermore, the outlook from the proposed flats would be onto mature landscaped boundaries which would give a green and pleasant outlook.

4.4.5 Given the above, it is concluded that the proposal would protect the "amenity enjoyed by existing properties" and would maintain a high standard of amenity for existing and future users and therefore complies with Policy CP3 of the Local Plan and paragraphs 127(f) and 180 of the NPPF.

#### 4.5 **Impact on Highway Safety**

4.5.1 Paragraph 109 of NPPF states that development should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe adding at paragraph 110: -

Within this context, applications for development should:

- a) give priority first to pedestrian and cycle movements, both within the scheme and with neighbouring areas; and second so far as possible to facilitating access to high quality public transport, with layouts that maximise the catchment area for bus or other public transport services, and appropriate facilities that encourage public transport use;
- b) address the needs of people with disabilities and reduced mobility in relation to all modes of transport;
- c) create places that are safe, secure and attractive – which minimise the scope for conflicts between pedestrians, cyclists and vehicles, avoid unnecessary street clutter, and respond to local character and design standards;
- d) allow for the efficient delivery of goods, and access by service and emergency vehicles; and

- e) be designed to enable charging of plug-in and other ultra-low emission vehicles in safe, accessible and convenient locations.
- 4.5.2 In this respect, the proposed access to the site would use the existing access off Walsall Road which would continue serving the wider parking area. This access is currently controlled by a barrier.
- 4.5.3 The Council's Supplementary Planning Document: Parking Standards, Travel Plans and Developer Contributions for Sustainable Transport, states that new residential development should have sufficient space for the parking of 1.25 spaces per unit if within a town centre and near to public parking. In this instance 15 spaces would be required for the 12 flats. The Block Plan indicates that there is sufficient room for the parking of 18 spaces which exceeds the number required by the Parking SPD.
- 4.5.4 The Highway Authority was consulted on the application and raised no objection to the proposal in terms of highway safety.
- 4.5.5 As such, the proposed development provides adequate parking for the proposed development. Therefore, it is concluded that the residual cumulative impacts of the proposal would not be severe.

#### 4.6 **Impact on Nature Conservation Interests**

- 4.6.1 The application site is not subject to any formal or informal nature conservation designation and is not known to support any species that are given special protection or which are of particular conservation interest.
- 4.6.2 As such the site is not known to have significant ecological value and therefore no obvious direct harm to nature conservation interests is considered to result.
- 4.6.3 Under Policy CP13 development will not be permitted where it would be likely to lead directly or indirectly to an adverse effect upon the integrity of the European Site network and the effects cannot be mitigated. Furthermore, in order to retain the integrity of the Cannock Chase Special Area of Conservation (SAC) all development within Cannock Chase District that leads to a net increase in dwellings will be required to mitigate adverse impacts. 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 would be provided through CIL.
- 4.6.4 Given the above it is considered that the proposal would not have a significant adverse impact on nature conservation interests either on, or off, the site. In this respect the proposal would not be contrary to Policies CP3, CP12 and CP13 of the Local Plan and the NPPF.

#### 4.7 **Drainage and Flood Risk**

- 4.7.1 In this respect it is noted that paragraph 155 of the NPPF states 'inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk (whether existing or future)' adding 'where development is necessary in such areas, the development should be made safe for its lifetime without increasing flood risk elsewhere'.
- 4.7.2 The site is located in Flood Zone 1 on the Environment Agency's Flood Zone Maps which is the least at risk from flooding. Severn Trent was consulted on the application and raised no objection to the proposal subject to the imposition of a condition. It is noted that the application site is located within an urban area wherein drainage already serves existing buildings.
- 4.7.3 Given the above, it is considered that the proposal, subject to the attached condition, would be acceptable with regard to drainage and flood-risk and would not exacerbate the existing problems in accordance with paragraph 155 of the NPPF.

#### 4.8 **Mineral Safeguarding**

- 4.8.1 The site falls within a Mineral Safeguarding Area (MSAs). Paragraph 206, of the National Planning Policy Framework (NPPF) and Policy 3 of the Minerals Local Plan for Staffordshire (2015 – 2030), both aim to protect mineral resources from sterilisation by other forms of development.
- 4.8.2 Policy 3.2 of the new Minerals Local Plan states that:
- 'Within a Mineral Safeguarding Area, non-mineral development except for those types of development set out in Appendix 6, should not be permitted until the prospective developer has produced evidence prior to determination of the planning application to demonstrate:
- a) the existence, the quantity, the quality and the value of the underlying or adjacent mineral resource; and
  - b) that proposals for non-mineral development in the vicinity of permitted mineral sites or mineral site allocations would not unduly restrict the mineral operations.
- 4.8.3 The application site is located within an area identified within the Local Plan as a Mineral Safeguarding Area. Exemptions to Policy 3.2 apply in cases of small-scale development within the boundary of urban areas and rural settlements defined in an adopted development plan document, however, this proposal is classified as major development. However, given that the site is small and constrained by existing commercial development on all sides, it is unlikely that it

would be either practicable or environmentally acceptable to extract any underlying minerals in the foreseeable future.

- 4.8.4 As such, having regard to the policies, guidance and observations referred to above, it is reasonable to conclude that the proposed development is unlikely to lead to the permanent sterilisation of significant mineral resources.

#### 4.9 **Waste and Recycling Facilities**

- 4.9.1 Policy CP16(1) (e) 'Climate Change and Sustainable Resource Use' of the Cannock Chase Local Plan states that development should contribute to national and local waste reduction and recycling targets according to the waste hierarchy'. One of the ways of achieving this is by ensuring development can be adequately serviced by waste collection services and that appropriate facilities are incorporated for bin collection points (where required).

- 4.9.2 It is noted that the proposed development would provide a linear bin collection point adjacent the access to the development. The final design of the bin store has not been submitted for consideration; as such a condition has been recommended for the final design and appearance of the bin store to be submitted to and approved in writing by the Planning Authority to ensure it is appropriate for its location.

#### 4.10. **Ground Conditions and Contamination**

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

- 4.10.2 The Council's Environmental Health Officer was consulted on the application and raised no objection to the proposal subject to conditions in respect to migrating ground contamination.

#### 4.14 **Affordable Housing**

- 4.14.1 Under Policy CP2 the proposal would be required to provide a contribution towards affordable housing. Policy CP2 seeks, on sites of 10-14 units, a financial contribution based on the following formula contained in the Developer Contributions and Housing Choices Supplementary Planning Document:

- a. The total gross development value of each dwelling to be constructed;
- b. Multiply by the residual land value percentage identified in the Adams Integra 2013 "Economic Assessment of Future Development of Affordable Housing in Cannock Chase" of 18%;
- c. Add 15% to the result of a x b above to reflect an estimate of the costs of acquisition/preparation/servicing of the Land;

- d. Apply to the relevant dwelling number and types, and to the equivalent affordable housing policy proportion – 20%
- e. Multiply by no. of units
- f. Financial contribution payable

4.14.2 However, paragraph 3.9 of the Council's Developer Contributions and Housing Choices Supplementary Planning Documents set out considerations in respect to situations where there are concern about viability. This states: -

“CIL charges are non-negotiable unless a specific request is made for relief in accordance with the Council's relief and exceptions policy. The Council's CIL guidance clearly sets out the circumstances where this can be applied and the process for applicants. Planning Obligations are negotiated on a case by case basis. Where a developer/landowner believes that viability is an issue in relation to a specific Planning Obligation, applicants will need to make a submission to the Council which should include the following:

- i. A financial viability appraisal
- ii. A statement outlining the benefits and risks of not meeting all of the policy requirements and the site being delivered immediately. This statement should set out the applicants proposed approach to address viability issues arising i.e. if they are seeking deferment, phasing or discounting of the Planning Obligations.

The financial viability appraisal should be commissioned and paid for by the applicant. However the commissioning of the appraisal should be firstly agreed with the Council, including the scope of the appraisal and the person(s) appointed to undertake it. The Council may seek further independent advice to review the financial appraisal submitted. The viability appraisal is an 'open book' assessment which should include the following information as a minimum:

- Existing use values
- Proposed use values (sales and rental)
- Demolition and construction costs
- Finance and marketing costs
- Assumed yield
- Site abnormalities
- Development and sales phasing/timetable
- Likely CIL charge showing payments required in accordance with the Council's instalments policy.

Based on this submission, and any other relevant evidence, the Council will consider a deferred or phased Planning Obligation in the first instance. If the deferment or phasing of payments would not address the

viability issues, then clearly justified discounts will be considered. In considering any deferment, phasing or discount it must be clearly demonstrated that this would not make the development unacceptable in planning terms. If the Council alters the Planning Obligations sought on viability grounds a clause will be built into the Section 106 agreement which requires a review of the viability situation unless the development is completed within an agreed timeframe”.

4.1.4.3 The above reflects the guidance as set out in the Planning Practice Guidance.

4.14.4 In this respect the applicant has submitted a viability assessment with which to demonstrate the impact of the affordable housing provision on the proposed scheme. Following this, Your Officers commissioned Griffin Land to provide an independent assessment of the proposed development.

4.14.5 Griffin Land concluded that:-

“the site is not sufficiently viable to support the payment of an affordable housing contribution. This is mainly due to the relatively low sales revenues and the relatively high build costs for apartments in this location.

Having factored in all the above, our residual valuation generates a negative land value of minus £353,612 which is significantly less than the existing use value of £125,000. This gives no incentive to bring forward the Site for the proposed residential development and so the project costs would have to reduce substantially in order to make the site viable”.

4.14.6 The independent assessment concluded that, although Griffin Land believed that the methodology used in the applicant’s financial viability statement was incorrect, however they did agree with the applicant’s conclusion that the Site is unviable with the inclusion of an affordable housing contribution. If an affordable housing contribution is not sought by the Council, then viability will improve and hence there is more likelihood of the proposed development being delivered.

4.14.7 As such, your Officers recommend that given the above, the site would not be viable with the inclusion of the s106 for affordable housing financial provision. As such, your Officers recommend that the application be approved without the s106 requirement in accordance with the Planning Practice Guidance on Viability (2014).

## **5 Human Rights Act 1998 and Equalities Act 2010**

### **Human Rights Act 1998**

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

### **Equalities Act 2010**

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

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

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

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

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

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

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

## **6 Conclusion**

- 6.1 Having had regard to the Local Plan, the NPPF and all other policy and material considerations it is considered, on balance, that the proposal, subject to the attached conditions is acceptable.
- 6.2 It is therefore recommended that the application be approved subject to the attached conditions.



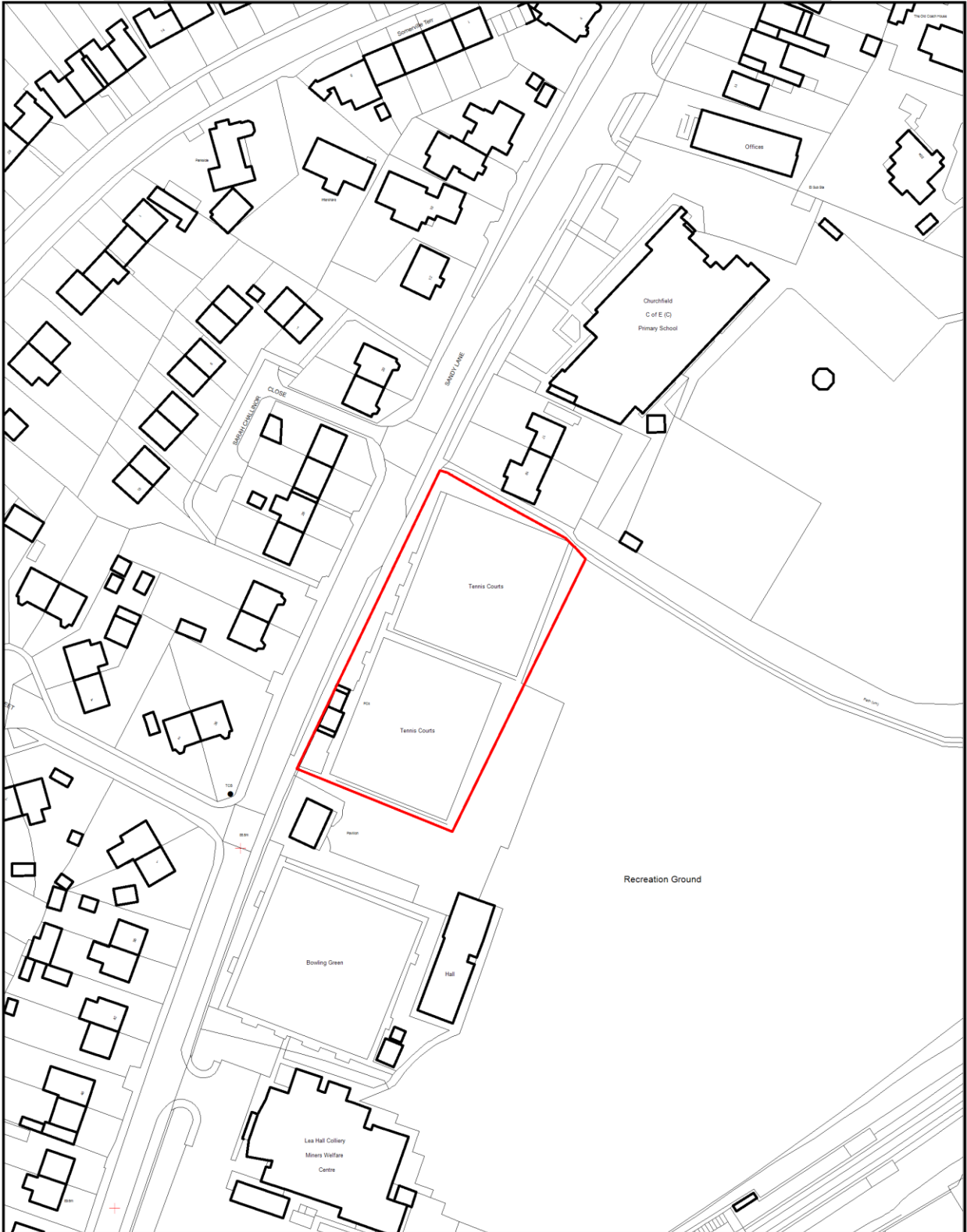


**Application No:** CH/20/292

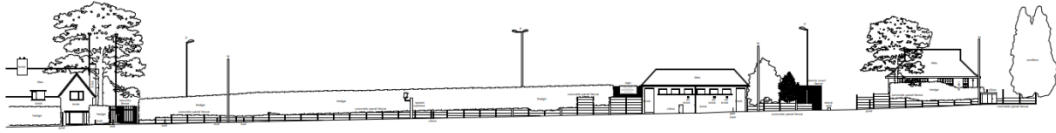
**Location:** Lea Hall Miners Welfare & Social Club, Sandy Lane, Rugeley, WS15 2LB

**Proposal:** Proposed development for Platform Housing Association on redundant tennis courts - 14 residential units

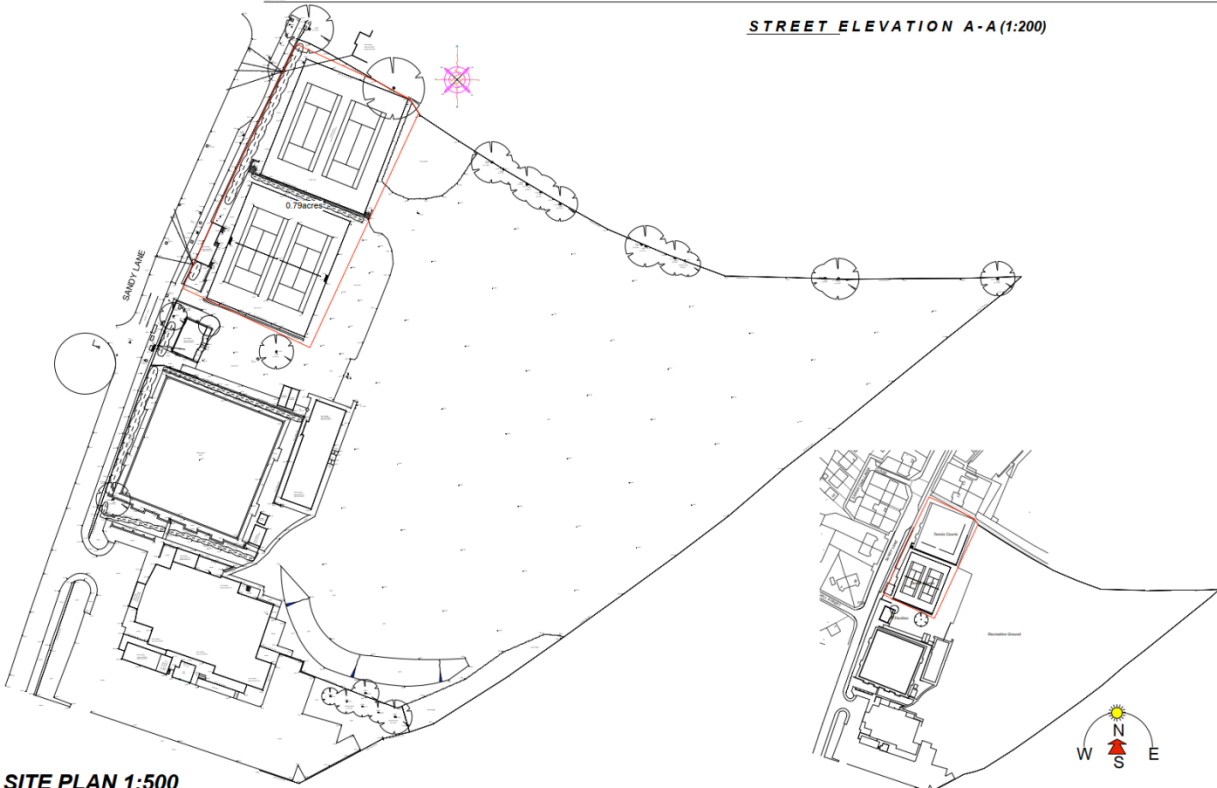
Item no. 6.38



# Location Plan and Existing Site Plan




STREET ELEVATION A-A (1:200)



SITE PLAN 1:500

LOCATION PLAN 1:1250

FORMER TENNIS COURTS LEA HILL MEMORIAL CLUB SANDY LANE RUGSELEY WS19 2LB	
EXISTING SITE PLAN EXISTING STREET SCENE SITE LOCATION PLAN	
DL 01	
1.500, 1.200/041	
FEB 2020	
JC	



# Proposed Site Plan



PROPOSED SITE PLAN

SL 02B  
1.200QB1  
FEB 2020  
JC

**FITZPATRICK**

# Proposed Landscape Plan



**bea**  
landscape design ltd

**Client:**  
Fitprotek Group  
Leo Hall Miners Club, Sandy Lane, Rugeley

**Title:**  
Proposed Soft Landscaping Works

**Status:**  
Planning

**Date:**  
12/12/2023

**Author:**  
12/12/23

**Checker:**  
12/12/23

**Revised:**  
12/12/23

**Scale:**  
1:200

**North Arrow:**  
12/12/23

**Revision:**  
12/12/23

**Project:**  
12/12/23

**Drawn:**  
12/12/23

**Checked:**  
12/12/23

**Revised:**  
12/12/23

**Scale:**  
1:200

**North Arrow:**  
12/12/23

**Revision:**  
12/12/23

# Proposed Floor Plans and Elevations Units 1,2,3,12,13 & 14



FRONT ELEVATION



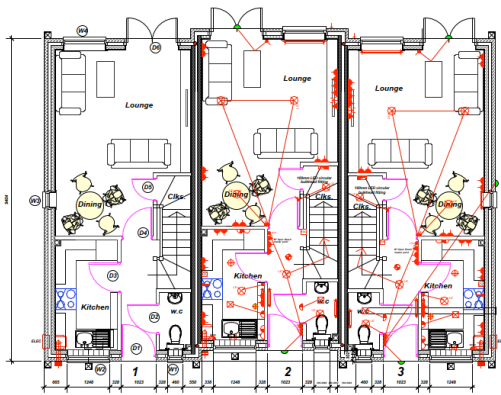
REAR ELEVATION



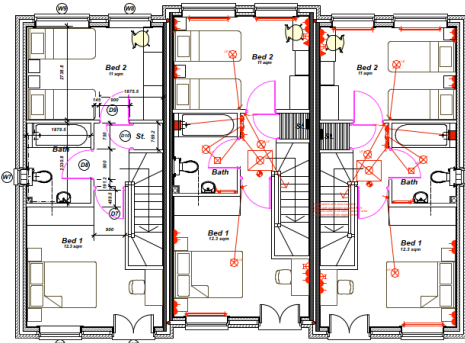
SIDE ELEVATION



SIDE ELEVATION



GROUND FLOOR PLAN



FIRST FLOOR PLAN

## UNIT 1,2,3,12,13 & 14



NOTE: THIS DRAWING IS TO BE READ IN CONJUNCTION WITH  
BASE SPECIFICATIONS AND  
MATERIALS SPECIFICATION OF WORKS FOR  
REMAINDER OF NOTES.

FORMER TENNIS COURTS  
LEA HALL BRIDGE CLUB  
SANDY LAKE  
ROULETTE  
WSTB ZB

FLOOR PLANS AND ELEVATIONS  
UNITS 1,2,3,12,13 & 14

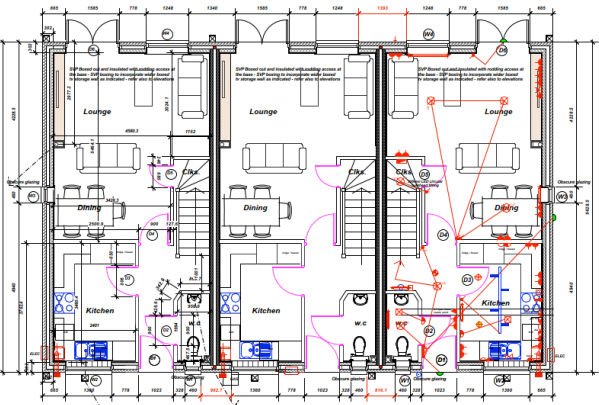
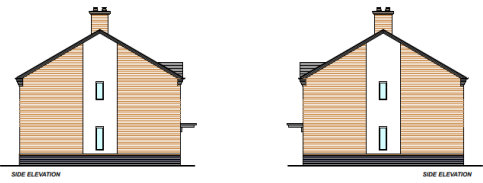
SL 038  
1:50 1:100/04T  
FEB 2020  
JC

NOTE: THIS DRAWING IS TO BE READ IN CONJUNCTION WITH  
BASE SPECIFICATIONS AND  
MATERIALS SPECIFICATION OF WORKS FOR  
REMAINDER OF NOTES.

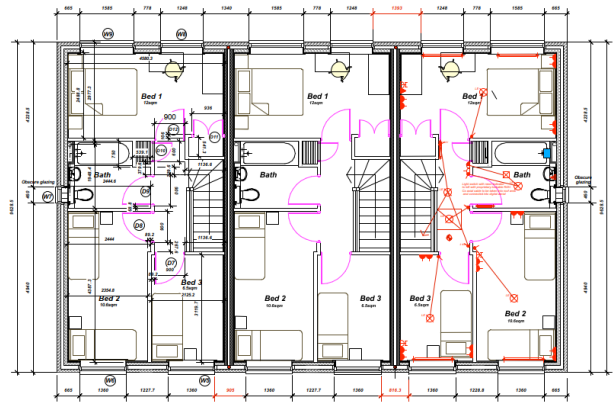
# Proposed Floor Plans and Elevations Units 4,5,6,9,10 & 11



NOTE: THIS DRAWING IS TO BE READ IN CONJUNCTION WITH BASIC SPECIFICATION AND PLATFORM EMPLOYERS SPECIFICATION OF WORKS FOR RELEASE OF NOTES.



GROUND FLOOR PLAN



FIRST FLOOR PLAN

## UNIT 4,5,6,9,10 & 11



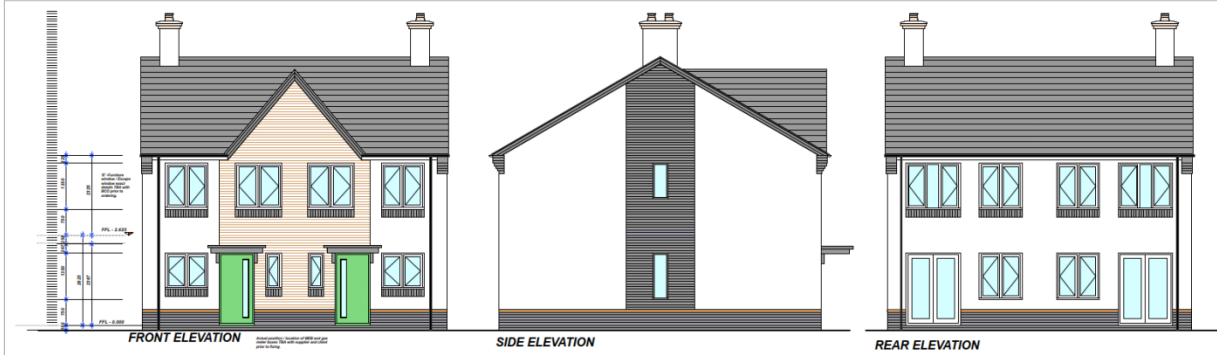
FORMER TENNIS COURTS  
LEA HALL MINERS CLUB  
SANDY LANE  
ROUSELEY  
WEST L.B.

FLOOR PLANS AND ELEVATIONS  
UNITS 4,5,6,9,10 & 11

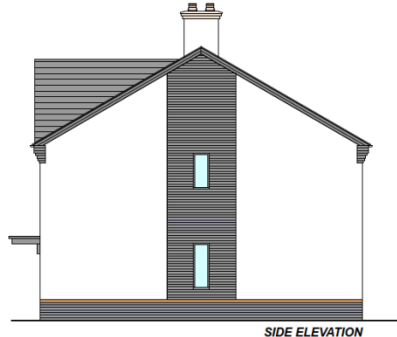
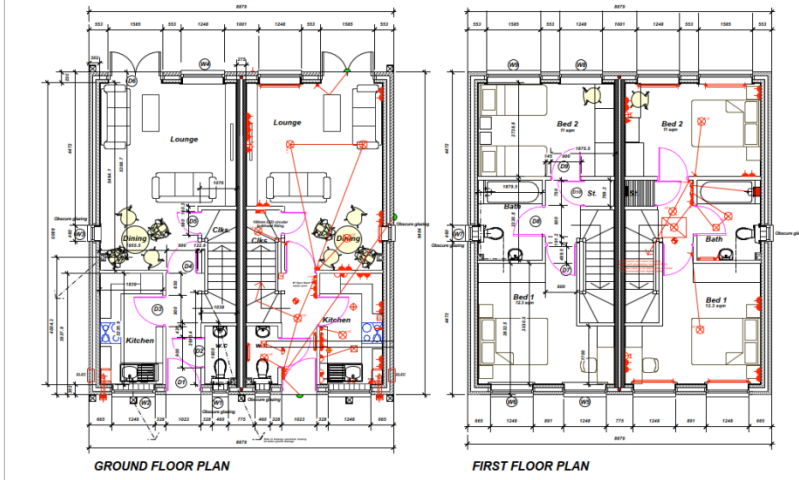
**FITZPATRICK**

SL 04  
1:50 & 1:100 @A1  
FEB 2020  
JC

# Proposed Floor Plans and Elevations Units 7 & 8



NOTE - THIS DRAWING IS TO BE READ IN CONJUNCTION WITH BASE SPECIFICATION AND PLACING ORDER'S SPECIFICATION OF WORKS FOR REMAINDER OF NOTES.



**UNIT 7 & 8**

**Materials Schedule:**

- Brickwork - Klean Adhert Red
- Manly Modern interlocking slate Grey tile
- Render through coat render  
Polar white - cream colour

**Project Information:**

FORMER TENNIS COURTS  
LEA HALL  
BRIDGE CLIFF  
SANDY LANE  
RUGSELY  
W01F 2LR

**Scale:** 1:50 @A1

**Date:** FEB 2020

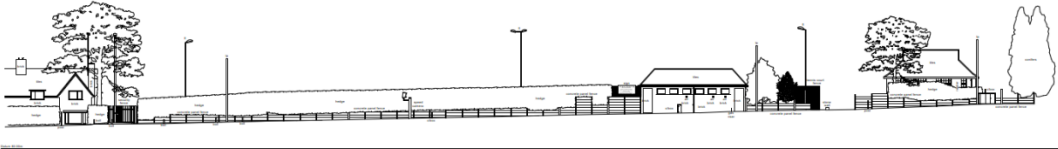
**Author:** JC

**Logo:** FITZPATRICK

# Street Scene Elevations



**PROPOSED STREET SCENE**



**EXISTING STREET SCENE**

FORMER TENNIS COURTS  
LEA HALL MINING CLUB  
SANDY LAKE  
PHASE 1  
W015.2.8

PROPOSED STREET SCENE  
AND SITE CROSS SECTIONS

SL 49  
1:200/9A1  
FEB 2020  
JC



**Contact Officer:** Audrey Lewis  
**Telephone No:** 01543 464528

**Planning Control Committee**  
**3 February 2021**

**Application No:** CH/20/292

**Received:** 14-Aug-2020

**Location:** Lea Hall Miners Welfare & Social Club, Sandy Lane, Rugeley, WS15 2LB

**Parish:** Rugeley

**Ward:** Hagley Ward

**Description:** Proposed development for Platform Housing Association on redundant tennis courts - 14 residential units

**Application Type:** Full Planning Application Major

**Recommendations:**

Approve Subject to no objections being received from the Lead Local Flood Authority, the attached conditions and the completion of a section 106 agreement to secure:-

- (i) A contribution of £221 x 14 to mitigate the impact of the proposed development on the Cannock Chase SAC.
- (ii) The provision of 100% on site affordable housing.
- (iii) A contribution of £21,000 to be targeted at Hednesford Park and Cannock Park to mitigate against loss of the tennis courts.

**Reason(s) for Recommendation:**

Reason for Grant of Permission

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

**Conditions (and Reasons for Conditions):**

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

Reason

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

2. No materials shall be used for the external surfaces of the development other than those specified on the application.

Reason

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

3. No trees shown as retained on Drg No.20-49-01, shall be cut down, topped, lopped, uprooted or removed without the prior written permission of the Local Planning Authority nor shall they be wilfully damaged or destroyed.

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

Reason

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

4. Prior to commencement of development, details of crown lifting to trees T2 & T3 shall be submitted and approved by the Local Planning Authority. The agreed tree crown lifting scheme shall be implemented in accordance with the approved details, prior to commencement of work on site.

Reason

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

5. The approved landscape works shall be carried out in the first planting and seeding season following the occupation of any buildings or the completion of the development whichever is the sooner.

Reason

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

6. Any trees or plants which within a period of five years from the date of planting

die, are removed or become seriously damaged or diseased, shall be replaced in the following planting season with others of similar size and species unless the Local Planning Authority gives written consent to any variation.

Reason

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

7. Prior to the occupation/use of any dwelling or building, a Landscape Management Plan shall be submitted to and approved by the Local Planning Authority. The plan shall stipulate the future management, maintenance and future review/ update of the Landscape Management Plan in respect of the proposed and existing landscape features including all trees and hedges within and overhanging the site.

Reason

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

8. The site landscape, following completion of establishment, shall be managed in accordance with the approved Management Plan, unless otherwise agreed in writing by the Local Planning Authority.

Reason

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

9. Prior to the commencement of any construction or site preparation works including any actions likely to interfere with the biological function of the retained trees, approved protective fencing shall be erected in the positions shown on the approved Tree & Hedge Protection layout drawing No. 20-49-04.

Within the enclosed area known as the Tree Protection Zone, no work will be permitted without the written consent of the Local Planning Authority. No storage of material, equipment or vehicles will be permitted within this zone. Service routes will not be permitted to cross the Tree Protection Zones unless written consent of the Local Planning Authority is obtained. The Tree Protection Zone will be maintained intact and the vegetation within maintained until the cessation of all construction works or until the Local Planning Authority gives written consent for variation.

Reason

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

10. No dwelling hereby permitted shall be completed above ground floor level until a scheme for the provision of inbuilt bird and bat boxes has been submitted to and approved in writing by the Local Planning Authority. The dwellings shall be completed in accordance with the approved scheme.

Reason

In the interests of enhancing bat breeding habitat in accordance with Policy CP12 of the Local Plan and paragraphs 170, 175, 177, 179 of the NPPF.

11. If demolition and refurbishment are to be undertaken between the beginning of March and the end of August in any year, there must first be a check undertaken of the building for nesting birds and if birds are nesting then no work can be undertaken until the young have fledged.

Reason

In the interests of conserving habitats and biodiversity accordance with Policy CP12 of the Local Plan and paragraphs 170, 175, 177, 179 of the NPPF.

12. A scheme for the boundary treatment to allow the passage of hedgehogs through the site shall be submitted to and approved by the Local Planning Authority, prior to occupation of the dwellings. The boundary treatment scheme shall be implemented in accordance with the approved details and shall thereafter be retained for the lifetime of the development.

Reason

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

13. No dwelling hereby approved shall be occupied until a scheme for the fitting of that dwelling with electric charging points for electric vehicles has been submitted to and approved in writing by the Local Planning Authority and the works comprising the approved scheme have been completed. The works shall thereafter be retained for the lifetime of the development unless otherwise approved in writing by the Local Planning Authority.

Reason

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

14. The submitted Construction Vehicle Management Plan (CVMP) shall be adhered to throughout the site clearance and construction period.

Reason

In order to comply with Paras.108-110 of the NPPF 2019 and in the interest of Highway Safety.

15. The development hereby permitted shall not be brought into use until the pedestrian visibility splay shown on plan ref. no 22192-04-2 has been provided. The visibility splay shall thereafter be kept free of all obstructions to visibility over a height of 600 mm above the adjacent carriageway level.

Reason

In order to comply with Paras.108-110 of the NPPF 2019 and in the interest of Highway Safety.

16. Notwithstanding any details shown on the approved plans no development shall be commenced until revised access details indicating the following have been submitted to and approved in writing by the Local Planning Authority:

- a heavy duty footway crossing of sufficient width to accommodate the submitted swept path for large refuse vehicle.

The access shall thereafter be carried out in accordance with the approved details and be completed prior to first occupation.

Reason

In order to comply with Paras.108-110 of the NPPF 2019 and in the interest of Highway Safety.

17. The development hereby permitted shall not be brought into use until the access, parking, servicing and turning areas have been provided in accordance with the approved plans.

Reason

In order to comply with Paras.108-110 of the NPPF 2019 and in the interest of Highway Safety.

18. Any gates shall be located a minimum of 12m rear of the carriageway boundary and shall open away from the highway.

Reason

In order to comply with Paras.108-110 of the NPPF 2019 and in the interest of Highway Safety.

19. Construction hours and deliveries to the site shall not take place outside of the hours 08:00-18:00 (Mon-Fri) and 08:00-13:00 (Sat) and at no time on Sundays

or Bank Holidays.

Reason

To protect neighbour amenity, in accordance with the objectives of Paragraph 108 of the NPPF 2019 and Policy CP3 of the Local Plan.

20. No development shall commence until a Construction Environmental Management Statement (CMS) (Lea Hall Miners Club, Revision A, August 2020, authored by Platform Housing Group) has been submitted to and approved in writing by the Local Planning Authority. The CMS shall contain, but not be limited to, provision for the control of noise and a written procedure detailing how complaints about any aspect of site works are to be recorded and resolved. The ground preparation and construction phase of the development shall be undertaken in accordance with the approved CMS.

Reason

To protect neighbour amenity, in accordance with the objectives of Paragraph 108 of the NPPF 2019 and Policy CP3 of the Local Plan.

21. Before development commences, a comprehensive noise assessment (with reference to current and appropriate standards) shall be undertaken to determine the level of noise likely to be experienced by the proposed residential properties. This assessment is to be submitted to the Local Planning Authority for approval prior to works commencing.

If the noise assessment concludes that mitigation works are required to protect the amenities of future occupants, then a scheme of mitigation shall be submitted to the Local Planning Authority for approval. This shall demonstrate (with accompanying calculations) how the mitigation scheme provides sufficient protection to the proposed development.

Noise mitigation works shall be fully implemented in accordance with the agreed scheme, prior to occupation of the proposed development.

Reason

To protect neighbour amenity, in accordance with the objectives of Paragraph 108 of the NPPF 2019 and Policy CP3 of the Local Plan.

22. If potential ground contamination is detected during subsequent intrusive investigation or site works, then this shall be assessed by suitably qualified personnel. If specific remediation works will be required to deal with these findings, then the Local Planning Authority shall be informed, and a Remediation Method Statement submitted for approval, which details the required works in full.

The development shall not be occupied until a Validation/Phase 3 Report has

been submitted to and approved in writing by this Department. A Validation Report shall confirm that all remedial works have been completed and validated in accordance with the agreed Remediation Method Statement.

Any soil materials imported to site shall be chemically analysed to demonstrate they are suitable for use. These details, along with information on the material source, volume imported and depth of placement shall be included within a Validation Report. This submission shall require approval by the Local Planning Authority before the development can be occupied.

#### Reason

In order to enable the development to proceed in a safe environment and to protect the health and safety of its occupiers and to ensure compliance with Local Plan Policy CP3 and the NPPF.

23. The development hereby permitted shall not commence until drainage plans for the disposal of foul and surface water flows have been submitted to and approved by the Local Planning Authority. The scheme shall be implemented in accordance with the approved details before the development is first brought into use.

#### Reason

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

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

#### Drg Nos.

20-49-03D - Proposed soft landscaping works  
 20090/DS101C – Drainage strategy layout  
 20090/SK102A – External levels & features layout  
 22192-04 – Large refuse tracking vehicle and car  
 22192-04-2 – Pedestrian visibility splay  
 Construction Vehicle Management Plan – Revision A (November 2020)  
 SL02B - Proposed site plan  
 20-49-04 – Tree protection and removal plan  
 Tree Report (5 October 2020)  
 SL03B – Plots 1, 2, 3, 12, 13 & 14 Floor plans & elevations  
 SL04 – Plots 4, 5, 6, 9, 10 & 11 Floor plans & elevations  
 SL05 – Plots 7 & 8 Floor plans & elevations  
 SL06 – Proposed streetscene & cross section  
 Design & Access Statement & Planning Statement  
 SL08 – External works details  
 SL01 – Location & site plan

Tree Survey Plan  
Tree Constraints Plan  
Transport Statement

Reason

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

**Notes to the Developer:**

Informative Notes to be included on Decision Notice:

Highway Informative:

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

(ii) Staffordshire County Council as Highway Authority would not formally adopt the proposed development, however, the development will require approval under Section 7 of the Staffordshire Act 1983. It will, therefore, be necessary for maintenance/management arrangements for the access road and internal layout to be submitted to the Highway Authority with a view to securing an exemption under Section 219 of the Highways Act 1980. Although the road layout will not be to adoptable standard, the roadways within the site will still need to be constructed to be fit for purpose'.

(iii) It is recommended that the developers contact the local waste/recycle service as an indemnity agreement may be required prior to refuse/recycle vehicles entering a private road.

(iv) Any soakaway should be located a minimum of 4.5m rear of the highway boundary.

**Notes to Developer:**

Coal Informative:

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



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

## **Consultations and Publicity**

### Flood Team Comments (18 Jan)

Insufficient information has been submitted to demonstrate that an acceptable drainage strategy is proposed. We would therefore recommend that planning permission is not granted. The outstanding issues are as below:

#### Exceedance

Plans illustrating flooded areas and flow paths in the event of exceedance of the drainage system. To include building FFLs and drainage levels. FFLs need to be set at an appropriate level above GLs.

[Members should be aware that a revised scheme has been submitted and sent to the LLFA for comment. Members will be updated at the meeting of Planning Committee.]

### Waste & Recycling

No objection, subject to waiver letter agreement to allow the Council's waste vehicles to access the private driveway without risk of claims towards any future repairs & maintenance of private driveway.

### Policy Officer (10.9.20)

I can advise that the site is in the urban area and lies within the zone of influence of the Cannock Chase SAC as shown on the adopted Policies Map. The site is within the Rugeley Neighbourhood area.

National Planning Policy Framework (NPPF) and the presumption in favour of development

In terms of national guidance, the NPPF advises that the purpose of the planning system is to contribute to the achievement of sustainable development. It identifies that there are three overarching objectives – economic, social and environmental which are interdependent and need to be pursued in mutually supportive ways so that opportunities can be taken to secure net gains across each of the different objectives.

The NPPF at paragraph 11 includes a presumption in favour of sustainable development. For decision taking this means:

- c) approving development proposals that accord with an up to date development plan without delay.
- d) where there are no relevant development plan policies, or the policies which are most important for determining the application are out of date, granting permission unless policies in the Framework that protect areas or assets of particular

importance (e.g. Green Belt, AONB, habitats sites) provide a clear reason for refusing the development proposed; or

- ii) any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.

With regard to Habitats Sites, such as the Cannock Chase SAC and SSSI, the presumption does not apply where the project is likely to have a significant effect either alone or in combination with other plans or projects, unless an appropriate assessment has concluded that the proposal will not adversely affect the integrity of the habitats site. It will therefore be necessary to review an Appropriate Assessment before making this judgement.

Paragraph 59 identifies the Government's objective of significantly boosting the supply of homes and that the needs of specific groups are met.

The proposal involves the loss of 4 tennis courts, the NPPF at paragraph 97 states that existing sports facilities should not be built on unless: an assessment clearly shows the land to be surplus to requirements; or, the loss will be replaced by equivalent or better provision; or, the development is for alternative sports provision.

#### Development Plan

The development plan comprises the Cannock Chase Local Plan (Part 1) and the Staffordshire County Council Waste and Minerals Local Plans.

The Cannock Chase Local Plan (part 1) 2014 Policy CP1 identifies that the urban areas of the District, including Rugeley, 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.

Policy CP6 identifies that there is an allowance for windfall housing sites to contribute to the District's housing requirements and positive consideration will be given to them (subject to other policy provisions). The site would represent a windfall site within the urban area of Rugeley/Brereton, not currently identified in the Strategic Housing Land Availability Assessment.

Policy CP7 – Housing Choice seeks to deliver a balanced housing market. The application is proposed by Platform Housing association and all the units are proposed as affordable housing. The proposed tenure and dwelling size mix should be considered in consultation with the District's Housing Strategy Team having regard to the Developer Contributions and Housing Choices SPD (2015).

Policy CP3 supports high standards of design, and for development to be well-related to existing buildings and their surroundings; in terms of layout, density, access, scale, appearance, landscaping and materials. The Design SPD provides additional guidance.

CP13 Cannock Chase SAC - As the proposal involves a net increase in dwellings evidence has shown that it will have an adverse impact upon the Cannock Chase SAC. The development will need to mitigate its impacts, more information on how this can be achieved can be found within the Developer Contributions SPD (2015) and the Council's Guidance to Mitigate Impacts upon Cannock Chase SAC (2017). In addition a separate assessment is required in order to meet the requirements of the Habitat Regulations.

CP5 - Social Inclusion and Healthy Living identifies that facilities for tennis are key elements of infrastructure. The policy states that informed by assessments of quantity, quality and accessibility of facilities (which will be reviewed at regular intervals), new developments will be required to support provision of wholly new facilities and/or protect or make improvements to existing facilities, including improvements to their accessibility and supporting their future maintenance.

Current evidence is the 'Playing Pitch Strategy & Action Plan' (May 2019) which concluded that there was a sufficient supply of tennis courts in Cannock Chase district to meet current demand, but recommends that the existing quantity of tennis courts, particularly those used by clubs, should be protected.

The supporting statement for the application draws attention to the availability of alternative provision at Hednesford Park. However, the 'Playing Pitch Strategy & Action Plan' found that the courts at Hednesford Park are likely to be overplayed.

The 'Playing Pitch Strategy & Action Plan' also recommended that tennis court improvements where required should be pursued, together with the provision of assistance to increase membership levels to ensure that the courts at the site are sustainable.

#### Rugeley Neighbourhood Plan

The Rugeley Neighbourhood Plan area was designated on 9<sup>th</sup> June, 2020. No further stages in the preparation of a neighbourhood plan have yet been published by this authority. The Parish Council should be contacted for further details.

#### Contributions

Any site specific requirements may be addressed via a Section 106/278 if required, in accordance with the Developer Contributions and Housing Choices SPD (2015) and the Council's most up to CIL Infrastructure list.

#### Conclusion

Subject to the findings of the Appropriate Assessment.

The proposal will contribute to additional housing supply within the urban areas on a partly brownfield site, making a particular contribution to affordable housing supply in accordance with Policies CP1, CP6 and CP7 of the Local Plan (Part 1).

The evidence provided by the 'Playing Pitch Strategy & Action Plan' as discussed above would indicate that the tennis courts at Lea Hall are not surplus to requirements. The loss of the courts will not be replaced by equivalent, or alternative, provision. The residential development proposal would therefore currently conflict with the requirements of the NPPF and the adopted Local Plan.

#### Policy Officer (Additional Comments Received 13.11.20)

Thank you for consulting me on the revised information in relation to the aforementioned planning application. I can advise that the following updates the previous comments in relation to the tennis courts only and the previous comments on all other matters are still relevant to the determination of the planning application.

In the email dated 10<sup>th</sup> November, 2020 Sport England advise of evidence supporting the need for local grass roots facilities in the area and the high level of usage in other locations. It states that should the tennis courts at the site be lost that mitigation may be possible and advises further discussions take place.

#### Conclusion

The NPPG permits the the loss of a sports facility where it will be replaced by equivalent or better provision. Sport England advise that further discussions take place to secure mitigation to meet the demand for tennis for existing and potential users. From a policy perspective there is no objection in principle to off site mitigation for the loss of the tennis courts.

#### Sport England Response (22.09.20):

Thank you for consulting Sport England on the above planning application. The site is considered to constitute playing field, or land last used as playing field, as defined in The Town and Country Planning (Development Management Procedure) (England) Order 2015 (Statutory Instrument 2015 No. 595). As such Sport England is a statutory consultee.

Sport England has sought to consider the application in light of the National Planning Policy Framework (particularly Para. 97) and against its own playing fields policy. Unfortunately there is insufficient information to enable Sport England to adequately assess the proposal or to make a substantive response. Please therefore could the following information be provided as soon as possible:

1. The proposal entails the loss of 4 floodlit tennis courts at Lea Hall Sports and Social Club. The Council's Playing Pitch Strategy (PPS) identifies that the courts are all of standard quality (though notes recent deterioration) and a recommendation is made that the site should be protected and enhanced through improvements to the courts to sustain usage. The PPS highlights that there is capacity at the site to accommodate further play alongside that at other tennis club within the District. However, Cheslyn Hay TC, whom utilise the courts at Hednesford Park which are identified as being likely to be overplayed, require access to additional court provision in the District.

It is noted that the submitted Design and Access Statement highlights that the use of the courts has been impacted by improvements to the courts at Hednesford Park alongside access to a number of other courts within the locality. However, given the findings of the PPS and the submitted information it has not been clearly demonstrated that the courts are surplus to requirement or if there is capacity at the other sites listed to accommodate the displaced users.

It is therefore requested that further information is provided on the usage of the courts at the application site and whether there is capacity at the alternative sites mentioned with the Design and Access Statement to accommodate the displaced demand.

2. The proposal will result in the loss of car parking spaces which appear to be ancillary to the use of the sporting facilities at the site.

Clarity is requested as to the nature of the use of the car park and whether there would be sufficient capacity for users of the site should the number of spaces be reduced as proposed.

3. The proposal will introduce residential use in closer proximity to the playing field. Due to the nature of the use of the playing field there will be noise when the site in use, particularly at weekends and possibly at evenings, which just needs to be considered especially in relation to any new residents to avoid any future complaints etc. Similarly, consideration should be given to some form of ball netting / fencing to provide a boundary between the pitches and gardens to mitigate any potential risk.

Sport England's Playing Fields Policy and Guidance document, which includes the type of information required in order for us to evaluate a planning application against our policy, can be viewed via the below link: [https://www.sportengland.org/how-we-can-help/facilities-and-planning/planning-for-sport#playing\\_fields\\_policy](https://www.sportengland.org/how-we-can-help/facilities-and-planning/planning-for-sport#playing_fields_policy) (see Annex B)

Sport England's interim position on this proposal is to submit a **holding objection**. However we will happily review our position following the receipt of all the further information requested above. As I am currently unable to make a substantive response,

in accordance with the Order referred to above, the 21 days for formally responding to the consultation will not commence until I have received all the information requested above.

**Sport England Response (20.10.20):**

Thank you for consulting Sport England on the additional information relation to the above planning application.

Following Sport England's holding objection the applicant has advised that two of the four courts have not been used in over 10 years and are in a state of disrepair, with the courts currently being used as a storage area for goal posts and other equipment used by Lea Hall Football Club. It is also stated that the floodlights are operated by a coin meter located at the main building though there has been no income collected from these in the past 4 years. The applicant also highlights that the Tennis Club is headed by their secretary/treasurer and has 4 active members with no more than 20 members of social club using the courts, thus it is considered that no more than 25 users will be displaced. As a result of the usage indicated above the upkeep and maintenance of the two redundant courts is unlikely with the income for Lea Hall Tennis Club during 2019/20 financial year was £10, therefore the Tennis Club is unlikely to obtain a grant based on the number of people who would benefit from the funding.

The above information highlights the applicants view on the usage of the site but doesn't provide clarity as to whether alternative sites within the Design and Access Statement have capacity to accommodate the displaced demand. It is noted that comments received from Lea Hall's TC secretary highlights that its members play regularly on Tuesday, Thursday, Friday and Sunday. Whilst the local Phoenix Club (over 50s) play on Friday mornings.

Sport England consulted the LTA who provided the following comments:

*The club has not accessed any support so while we can see that the courts are not used etc, if there was any potential mitigation it should be based on what would be possible there not just what currently happens there. I haven't had an update on whether courts would be part of the power station project although I said we would support it if they were.*

*We are not in a position to grant fund this, but we would support the club to apply for funding and build the club if they wanted to. What we were keen to have any financial support directed to the projects in the parks which are both looking at gate access and online booking, its also significant that these are some of the few floodlit courts in the area and we could have supported them to have pay and play usage.*

*The LTA and CCDC have discussed plans to support the growth of tennis for the residents across the district. We are discussing the idea of providing simple and*

*effective solutions to remove some of the barriers experienced by residents to playing Parks Tennis.*

*Cannock Chase DC are interested in supporting the development of 1) Hednesford Park Tennis 2) Cannock Park and 3) Etching Hill TC as well as introducing LTA Serves programmes that aim to take tennis to community groups in non-traditional tennis venues. Discussions with CCDC revolve around utilising LTA Rally to optimise the online court search and booking journey and make it easier for residents to book courts, coupled with installing digital gate access systems.*

1. **Hednesford Park Tennis (4 full size crts & 4 mini crts)** *Includes a community programme focuses on free, affordable and accessible tennis. In partnership with the CCDC, The Friends of Hednesford Park, Cheslyn Hay Tennis Club and the 'Tennis For Free' charity, along with LTA support form a vibrant tennis community. Hednesford Community Parks Tennis has engaged with 2000 participants, with 10,000 attendances. The venue averages 42 participants a week and the programme runs over 50wks of the year.*
2. **Cannock Park (6 courts)** *launched programmes last year and engaged 142 participants and averaged 14 a week. Poor court surface may hamper programme expansion. The LTA and CCDC have assessed the feasibility of introducing new models of operation that could introduce revenues to help with court resurfacing, using a feasibility tool.*
3. **Etching Hill TC:** *The LTA engage with Etching Hill TC who have 3 floodlit courts. With a capacity of 180 adult members they have capacity to accept new members with the current membership at 50 adults and 50 juniors. The LTA are discussing the idea of introducing LTA Rally at this venue. The coaching team is engaged with the LTA through Zoe Edwards, who would welcome new members.*
  - *LTA and CCDC are in dialogue with Chris Perrin who is a well-respected community orientated Tennis Operator currently supporting the operation of Park and leisure Centre venues. He would also be keen to reach out to current players at Lea Hall Tennis and offer free and affordable opportunities.*
  - *Tom Walsh (CCDC) has recently assessed potential costs of resurfacing courts at Cannock Park. CCBC are considering repainting and binding the courts. However, It's more likely that they need resurfacing in full at a cost of approximately 11K per court (circa £66K).*

*If we were to lose the Lea Hall TC courts it would be great to work with our partners to support the investment in upgrading Cannock Park Courts in particular.*

Based on the above, Sport England considers that two of the four courts are not redundant and the applicant should demonstrate through discussions with the LTA, CCDC and Etching Hill TC that Lea Hall TC members tennis activities (recreational/league matches/Phoenix Club) can be accommodated at alternative sites within the locality. It should be noted that the proposed courts at Rugeley Power Station are some years off from being available to the community and does not represent replacement provision.

Should it be demonstrated that there is capacity this does not take account of the quality of the courts with sites needing improvements to accommodate additional users as mentioned within the LTA's response. It should be highlighted that to re provide the existing 4 court provision would cost £380,000 based on Sport England's cost guidance. Therefore a contribution, as highlighted by the LTA, towards the resurfacing of the Cannock Park courts and to other sites to facilitate tennis programmes should be made.

Further to the above, it is noted that the redundant courts are utilised as a storage facility for the football club who play at the site. Whilst the courts are not being utilised for its intended purpose, Sport England requires clarity as to where the football club storage area would be sited following the proposed development to ensure the use of the wider playing field site is not impacted upon by the proposal.

On the basis of the above Sport England's maintains its holding objection as it is has not been satisfactorily demonstrated that a) the displaced users can be accommodated at the alternative sites mentioned with the submitted Design and Access Statement and/or the sites listed above and a contribution should be made to improve the quality of courts/improve access to accommodate the users; b) there will be adequate storage facility for Lea Hall FC which would not impact on the wider playing field site.

#### Sport England (30.11.20)

No objection, subject to establishing specific projects that the LPA, in discussion with the LTA, would direct the £21,000 towards which would provide sufficient benefits to outweigh the loss of the courts.

#### Parks & Open Spaces

In essence the Council's courts are heavily utilised (especially in the summer) and are in need of refurbishment at Cannock Park and total rebuild at Heath Hayes Park. A contribution from the development should be sought to improve local facilities such as those at Hednesford Park where we are looking to seek Cabinet approval to start charging through the Rally Programme and Cannock Park. We should not assume that all of the people using Lea Hall come from Rugeley so displacement may not be as literal as it sounds in relation to comments received. In terms of existing play facilities the closest play area is Flaxley Road or Chester Road of which a S106 contribution



should be sought unless the proposed development is going to include a NEAP Play area and a Multi Use Games Area.

### Landscaping (24 November 2020)

With reference to previous memo of 7 September 20, I have the following comments:-

#### Construction Environmental Management Plan (CEMP):

- The Works Sequence section has only three stages and there is no mention of the prestart requirement for protection of trees.
- The Site Specific Risk Hazards fails to record the present of protected trees.
- The document fails to pick up on the Arboricultural aspects and particularly the details specified within Arboricultural Method Statement (AMS) regarding carrying out of specific works in or near trees to be retained. This includes but not only, creating appropriate access for construction vehicles to the proposed compound area, foundation requirements for block 1, removal of surfaces within RPAs, excavations within RPA's by hand etc.

#### Drainage:

- The details have been amended to reduce the impact on the Root Protection Area (RPA) of the protected tree to the NW of the site in the frontage of 19 Sandy Lane. Acceptable.
- Storm water drain to north of plot 1 will be in the RPA of protected tree T3. This will require excavation by hand. Alternatively as plots 1-3 (block 1) are all set at the same level, run the drain south to connect with that of plot 2 and 3 and out between plots 3 & 4.

#### Levels:

- These appear to work although there is minimal information of paving levels north of plot 1 and it is not clear of the necessary works to the south of plot 14 in terms of the existing retaining wall, bearing in mind the RPA of the retained tree to the south.

#### Tree protection & retention plan:

- Details appropriate — all details of which will need to be conditioned for implementation. This will need to be collated and cross referenced with the AMS and specifically the requirements to:-

Install protection fence

Install ground protection

Use of mini pile and beam foundation

Retention and removal of tarmac surface on completion of building works.

- Should indicate location of site compound, storage areas etc. but this info could/should be with the CEMP is cross referenced appropriately.

#### Arboricultural Impact Assessment (AIA):

- Details appropriate
- Notes that some cutting back of the crown to facilitated building may be required. This work should be detailed within the AMS. If not then a pre commencement condition will need to be made for relevant details to be supplied and approved prior to commencement of work on site.

#### Arboricultural Method statement (AMS):

- Clearly specifies what works are required to protect the trees and as noted on the Tree Protection plan. All details of which will need to be conditioned in respect of implementation (see above)
- Does not appear to pick up on drainage north of plot 1 as noted above.
- Refers to access for construction vehicles to area to rear of development. This passes over the RPA of T2 (method for ground protection specified) but it is likely that the crown will need lifting to allow passage of site vehicles. A clearance of 4-4.5m would likely be required and potentially could be achieved (to be confirmed on site) and needs to be carried out as one of first stages of works on the development. Details required prior to commencement.
- Any cutting back to branches to facilitate development need to be specified prior to commencement.

#### The site layout:

- The revision to the access road to allow cars to reverse is noted. Whilst it appears to work on the tracking plan, the reality is likely to be far different.
- Not having direct access to front door from some parking locations could result in shortcuts developing through the proposed landscaping — see comments in landscape above for potential solution.

#### Surfaces:

- Neither the Site Plan nor the Landscape Plan indicate any surface materials- Reference is made to block paving on the External Works Details Dwg SL08 - but no reference to porous paving as noted on the drainage drawing. Details of all paving materials required as part of external surface/hard landscaping.

#### Boundary treatments:

- No plan indicates the location & type of boundary treatment but the External Works Plan does indicate types to be used.
- Reference made to 'Hedgehog friendly gravel boards.' Appropriate hedgehog access points need to be included not just in the rear boundary fence line of the development but between properties. Details need to be provided of form/construction and location. Relevant approved details will need to be

conditioned for implementation, maintenance and retention for the life of the development.

#### Habitat enhancements:

- Hedgehog access points noted above.
- Bat and bird boxes need to be inbuilt into the properties. There are no suitable trees within the site suitable to hang bird boxes on. Details need to be supplied. Their retention and maintenance will need to be conditioned for the life of the development.

#### Landscaping – soft:

- Proposals would greatly enhance the site frontage and street scene.
- Notes are generally acceptable, ideally should be site specific but they need to pick up on the info within the Arboricultural Method Statement and refer to the Tree Protection Plan.
- Tree stakes — no info on what sizes used (height out of ground) or types of ties.
- The hedge to the site frontage would be protected by the railings? As noted within the External Works plan. It may be worth incorporation a simple post and 2 wire fence between the two strips of planting to the rear of the parking bays so as to prevent short cuts developing and limit full establishment of the hedge/planting.
- No details of who will maintain the communal areas of the site long term. A management plan detailing the aims and objectives and not simply a 5 year maintenance programme need to be supplied. This may be dealt with by conditioned. A separate condition would be needed for its implantation, review and updating.

#### Green Space Network (GSN):

- The area to the east of the northern tennis court falling within the application site falls within the GSN. GSN is protected under Policy CP5. It is noted that funds from the sale will be used to maintain existing facilities within the premises. This however does not compensate for the physical loss of the GSN.

#### General:

- No service details, except main drainage, have been provided so unable to advise if they would impact on retained and protected trees or the submitted landscape scheme.
- As noted previously the proposed dwellings will be located within close proximity to well used floodlit football facilities. The impact of this has not been addressed

in terms of light issue, noise (bad language) and stray balls. Such issue will become major problem that would likely impact on the long term viability of the remaining site use. A 1.8m fence with trellis is insufficient to prevent stray ball particularly given the development backs onto the goal mouth area. Locating residential properties so close to such facilities is not recommended.

#### Summary:

- In general minor revisions to documents/plans are required prior to those being approved, plus the outstanding details as noted are also required and especially to ensure protection of retained trees.
- The physical loss of Green Space Network is still an issue.
- Concern of the proximity of the development to football fields and resultant future issues for residents and managers of the field.

#### County Highways

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

Background — the application is for a new housing association development of 14 dwellings served by a new vehicular access from Sandy Lane. The site is currently occupied by the part of the Lea Hall Tennis Club.

Road network — Sandy Lane is a 500m section of the A460, a classified highway linking Cannock and Hednesford with Rugeley. Sandy Lane has a speed limit of 30mph and serves a number of minor residential roads and dwellings fronting the highway on its west side. The eastern side serves Churchfield Primary School, Lea Hall Social Club and a Health Centre as well as the site frontage.

Access - Vehicle and pedestrian access would be from a new priority junction approx. 25m north of the existing access serving a car park for the bowling green and pitches to the rear. Appropriate visibility splays can be provided across the existing footway/grass verge. There are pedestrian footways on both sides of Sandy Lane and a signalised pedestrian crossing approximately 200m towards Rugeley Centre. An existing speed camera close to the proposed access location ensures that most vehicle speeds are within the posted speed limit. Notwithstanding the access from the highway indicated within the Transport Statement a revised drawing will be required indicating a heavy duty footway crossing.

Traffic Generation — although not strictly necessary for this number of dwellings a Transport Statement was submitted with the application including a calculation of likely traffic generation in peak period using the TRICS national database. In summary it is predicted that there would be 7 two-way trips in the morning peak hour (08.00-09.00) and 8 in the afternoon (17.00-18.00) with a total of 62 two-way trips across the day. Whilst these figures were not assessed against traffic movements on Sandy Lane it is

accepted that the trips would not be significant and likely to be within daily variance when compared to flows on Sandy Lane.

Site Layout — the internal layout is considered to be acceptable for vehicle and pedestrian movements. However, it is recommended that the necessary infrastructure for electric vehicle charging points is installed at construction stage. The layout of the access drive rear of the highway and the proposed drainage are not suitable for adoption - the applicants are aware of this and therefore the access drive will remain private.

Accidents - current records show that there have been five Personal Injury Collisions on Sandy Lane Hill within 43m of the proposed new site access in the last 5 years. All took place between December 2015 and August 2017. None of these accidents involved vulnerable road users and none were during school drop off/ pick up times.

Sustainability – access to travel and essential services is very good with Rugeley Railway Station approx. 350m walk, bus stops for services linking Cannock & Rugeley 170m each way along Sandy Lane and a 600m walk to the Town Centre.

#### Environmental Protection

No objections, subject to the imposition of suitable conditions.

#### CIL Officer

In respect of the above application, based on the CIL additional information form submitted, the chargeable amount for this development would be £52,250.54. However, the applicant has indicated on form 1 that they wish to apply for social housing relief, as this development is 100% affordable. If the applicant is granted social housing relief for this development the chargeable amount for this development will be £0.00.

In the event that the development is granted social housing relief, the applicant will need to enter into a Section 106 agreement to mitigate the impact on the Special Area of Conservation

#### Strategic Housing Officer

Affordable family homes for rent are in high demand in the District. The proposed development of 14 two and three bedroom houses will contribute to meeting this need.

#### Severn Trent

I can confirm that we have no objections to the proposals subject to the imposition of suitable conditions:

South Staffs Water

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

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

Rugeley Town Council

Access/ egress from site is narrow so two vehicles couldn't pass at this point – possible congestion on Sandy Lane; Overdevelopment of the site with limited parking; objection to removal of the tennis courts which are not considered to be redundant.

**Response to Publicity**

The application has been advertised by site notice and neighbour letter. Three letters of representation have been received on the following grounds:

- Concerns on over population of site.
- The tennis courts are not redundant and are used regularly by local residents. The second set of courts are in disrepair and have not been maintained to the same level as the adjacent tennis courts which are in use all of the time. I believe that the second courts would also be utilised by the local residents had they been properly maintained in the same way. People are discouraged to use them because they are in a state of disrepair. Local children often play football in them and families used them to play tennis on during the lockdown.
- In recent weeks people have actively been maintaining the adjacent tennis courts and did not touch the second court. This proves it is not a question of resource, rather a deliberate strategy to leave the court to deteriorate.
- In the current pandemic, we have seen the importance of outdoor spaces and recreation for everybody's wellbeing in losing a safe enclosed area for residents to use (particularly local children), this potentially impacts on people's mental health too. The tennis facilities in Rugeley are extremely limited and granting this application further diminishes our outdoor sporting facilities.
- The question of T3 (Oak Tree with a TPO) adjacent to the site is a big concern. After enquiries to Cannock Chase Council we have been informed that Lea Hall Miners Club took over the maintenance of a disused alleyway that T3 sits on, adjacent to their property in order to ensure it was properly maintained. This is not the case and the alleyway is severely overgrown. We have requested that

Lea Hall (as owners) come and maintain the tree as it presents a hazard overhanging our rear garden. To date they have failed to do this. It is not clear from the development plans who retains ownership of this disused land and therefore who retains the responsibility of the tree's maintenance (with TPO in place). It appears that the tree is outside of the development and therefore we require the position to be clarified as part of this planning process, otherwise it will become a source of ambiguity that potentially leaves the hazard to increase.

- Sandy Lane is a busy main road and adding further traffic from a high density development will put more traffic onto and joining this road, potentially causing a further hazard to school children trying to access the local school.
- The car-parking area adjacent to the tennis courts is used by multiple vehicles on a daily basis when parents park to drop their children off at the local school. Any changes to this would also increase congestion and increase potential hazard to motorists, cyclists and pedestrians.
- As a resident directly adjacent to this site I am concerned about the impact of natural light being blocked through my side-facing window, which is the only natural light coming into the upstairs landing and stairwell.
- I brought the property specifically because it is not overlooked, and quiet with limited neighbours. This development is potentially going to impact on both of these aspects and increase noise levels significantly, not least with significantly more traffic pulling in and out of the site and added traffic generally.
- This club has been active for over forty years with a regular membership. This facility is available for public use as well as the tennis club members who play regularly on Tuesday, Thursday, Friday and Sundays. Regular coaching for local schools take place during term time facilities for wheelchair tennis endorsed by Tony Wright some years ago, Rugeley Phoenix members play regularly on Friday mornings offering healthy activity for the over 50's
- Access to site and parking for tennis members and football teams adequate but could be better with heavy traffic on the main road Sandy Lane, Hednesford Road.
- The tennis club is self funded with the upkeep of the courts an issue and only two courts available at present. The two bottom courts are in a state of disrepair because of lack of funding available.

### **Relevant Planning History**

No recent relevant planning history.

## **1 Site and Surroundings**

- 1.1 The site comprises the tennis courts of Lea Hall Miners Welfare Centre. The tennis courts have fallen into disrepair and are occasionally used by the members of the centre. The site area is approx. 0.8acre.
- 1.2 The site is set behind a 4m high privet hedgerow and sits along Sandy Lane on the outskirts of Rugeley Town Centre (4 min walk to town centre) and in a predominantly residential area.
- 1.3 There are a number of trees on site, included 2 No. Oak trees protected with a Tree Preservation Order (TPO) - T3 & T4.
- 1.4 No 19 Sandy Lane is a two storey semi detached house, which is located 3m away from the common side boundary and to the north of the site. There are mature trees along the common boundary with the application site, (including T3).
- 1.5 The pavilion and T2 are located to the South of the site. A bowling green and recreation ground is located to the south and east of the site.
- 1.6 The application site is located within a Mineral Safeguarding Area and Coal Authority Low Risk Boundary

## **2 Proposal**

- 2.1 The applicant is seeking consent for proposed small family/ starter home development for Platform Housing Association on redundant tennis courts - 14 residential units.
- 2.2 The proposal is for 100% affordable housing comprising 6 No 3 bed (5 person homes) and 8 No. 2 bed (4 person homes) including the provision of 24 car parking spaces and 2 visitor spaces. Access is directly from Sandy Lane, which connects into a private cul de sac with no other pedestrian routes through.
- 2.3 The cul de sac would be screened from the main road. A landscaping scheme is proposed for the site.
- 2.4 The dwellings would have private rear amenity areas of between 40-42m<sup>2</sup>.
- 2.5 The design of the dwellings would be two storey semi and terraced houses, with pitched roofs. Materials would comprise red lbstock brick, white/cream render, grey Marley Modern tiles.
- 2.6 The application is accompanied with a Lea Hall Miners Welfare Centre report, dated 10th February 2020, which confirms the tennis courts are surplus to



requirements and the demand for better tennis court facilities can be met elsewhere as listed below. The report states that the money generated from the sale will be used to improve the premises for the benefit of all users at the centre.

- 2.7 The trustees believe that its use has been affected by the opening of new facilities at near by Hednesford Park which as 4 adult courts and 2 junior courts that can be used free of charge and there are free lessons on offer at weekends.

There are also tennis courts at:

- Brereton and Ravenhill Park - 1 Court
- Etching Hill Tennis Club - 3 Courts - 3 Lighted
- Shenstone Country Club - 2 Courts
- Friary Grange Leisure Centre - 4 Courts
- Beacon Park - 4 Courts
- Holland Park - 2 Courts
- Pelsall Village Common - 2 Courts
- Virgin Active - 8 Courts - 4 Lighted

- 2.8 The application is accompanied with:

- Design & Access Statement & Planning Statement
- Tree Report (5 October 2020)
- Transport Statement
- Drainage strategy layout
- Construction Environmental Management Statement – Revision A (August 2020)
- Construction Vehicle Management Plan – Revision A (November 2020)

### **3 Planning Policy**

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

3.2 The Development Plan currently comprises the Cannock Chase Local Plan (2014) and the Minerals Local Plan for Staffordshire (2015-2030).

3.3 Relevant Policies within the Local Plan Include:

- CP1: - Strategy
- CP2: - Developer Contributions
- CP3: - Shaping Design
- CP5 - Social Inclusion and Healthy Living
- CP6: - Housing Land
- CP7: - Housing Choice
- CP10: - Sustainable Transport
- CP16: - Climate Change

3.4 The relevant policy in the Minerals Plan is: -

Policy 3.2: - Minerals Safeguarding.

3.5 National Planning Policy Framework

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

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

3.8 Relevant paragraphs within the NPPF include paragraphs: -

- 11-14: The Presumption in favour of Sustainable Development.
- 47-50: Determining Applications.
- 59, 64: Delivering a Sufficient Supply of Homes.
- 91, 92, 94, 96, 97, 97 -98 Promoting Healthy and Safe Communities  
Open Space and Recreation
- 100, 101 Local Green Space Networks
- 108, 109, 110: Promoting Sustainable Travel
- 117, 118: Making Effective Use of Land
- 124, 127, 128, 130: Achieving Well-Designed Places

148, 150, 155, 163, 165:	Climate Change and Flood Risk
170, 175	Biodiversity
178, 179, 180	Ground Condition and Pollution
212, 213	Implementation for Sustainable Transport

### 3.9 Other relevant documents include: -

Design Supplementary Planning Document, April 2016.

Cannock Chase Local Development Framework Parking Standards, Travel Plans and Developer Contribution

Playing Pitch Strategy & Action Plan

## 4 Determining Issues

### 4.1 The determining issues for the proposed development include:-

- i) Principle of development – loss of green space network.
- ii) Design and impact on the character and form of the area.
- iii) Impact on residential amenity.
- iv) Impact on highway safety.
- v) Impact on nature conservation.
- vi) Drainage and flood risk.
- vii) Education.
- viii) Air quality
- ix) Mineral safeguarding.
- x) Waste and recycling facilities.
- xi) Ground conditions and contamination.
- xii) Affordable Housing.

### 4.2 Principle of the Development – Loss of Tennis Courts

4.2.1 Both the NPPF and Cannock Chase Local Plan 2014 Policy CP1 advocate a presumption in favour of sustainable development unless material considerations indicate otherwise.

4.2.2 The NPPF at paragraph 11 includes a presumption in favour of sustainable development. For decision taking this means:

- c) approving development proposals that accord with an up to date development plan without delay.
- d) where there are no relevant development plan policies, or the policies

which are most important for determining the application are out of date, granting permission unless

- (i) policies in the Framework that protect areas or assets of particular importance (e.g. Green Belt, AONB, habitats sites) provide a clear reason for refusing the development proposed; or
- ii) any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.

With regard to Habitats Sites, such as the Cannock Chase SAC and SSSI, the presumption does not apply where the project is likely to have a significant effect either alone or in combination with other plans or projects, unless an appropriate assessment has concluded that the proposal will not adversely affect the integrity of the habitats site.

4.2.3 In this case it is confirmed that an appropriate assessment has been undertaken and it has concluded that subject to mitigation in the form of a payment towards SAMMS, either through CIL or a section 106 agreement the proposal will not adversely affect the integrity of Cannock Chase SAC. As such it is concluded that the 'presumption in favour of sustainable development' applies to this proposal.

4.2.4 Having had regard to the above it is noted that The site is a windfall 'greenfield' site located within the urban area of Rugeley/ Brereton. 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, as outlined in paragraph 11 of the NPPF.

4.2.4 The site although outside of the Green Space Network designation, comprises tennis courts and therefore the proposal is considered as playing fields and is subject to Policy CP5 of the Cannock Chase Local Plan and paragraphs 97 - 101 of the NPPF.

4.2.5 Policy CP5 of the Local Plan states: -

'There will be a presumption against the loss of other green space network sites and community buildings (that are not subject to the above national policy requirements) unless they are surplus and clearly no longer required to meet demand for any of the identified purposes, or

- The wider sustainability benefits or major community benefits delivered by the proposal outweigh the loss (taking into account the value of the site);

- Appropriate mitigation measures and/ or replacement space/facilities equivalent or better in terms of quantity, quality and accessibility, can be provided to compensate for the loss of the site and its value.
- 4.2.6 Officers note that the 2 of the 4 tennis courts are in a bad state of repair and the remaining 2 courts are used only occasionally. However, this does not mean that the tennis courts are surplus and clearly no longer required to meet demand for outdoor recreation.
- 4.2.7 As such the proposal could only be policy compliant if the wider sustainability/ community benefits delivered by the proposal outweigh the loss, and appropriate mitigation measures and/ or replacement facilities equivalent or better in terms of quantity, quality and accessibility, can be provided to compensate for the loss of the site and its value.
- 4.2.8 Turning to the issue of wider sustainability/ community benefits it is noted that the scheme would provide 14 affordable dwellings. This would make a substantial contribution towards meeting the objectively assessed need for affordable housing in the district. To put this in perspective attention is drawn to Table 1 below which shows the delivery of affordable housing units over the past few years based on returns from the Registered Providers (plus the Council new build).
- 4.2.9 In addition the proposed dwellings would also be in reasonably close proximity to Rugeley town centre and the railway station and therefore would be within a highly sustainable location where day to day needs can be met by means of travel other than the private car. Biodiversity enhancements would be provided through the landscaping scheme and inbuilt bird and bat boxes.

Table 1: Delivery of Affordable Housing Units based on returns from the Registered Providers (plus the Council new build).

<b>Year</b>	<b>Affordable Housing Units Completed in District</b>	<b>Of which in Rugeley</b>
2015/16	22	0
2016/17	125	37 (23 were Council)
2017/18	190	24
2018/19	70	12 (8 were Council)

- 4.2.10 It is therefore considered that not only would the wider sustainability/ community benefits of the proposal in providing 14 affordable homes for rent

in a sustainable location outweigh the loss of the tennis courts, but that the off-site contribution towards existing tennis court facilities at Hednesford Park and Cannock Park and biodiversity improvements would improve their quality and accessibility and therefore would more than compensate for the loss of the site and its value.

4.2.11 As such, the loss of the tennis courts is considered acceptable and in accordance with Policy CP5 and paragraphs 97, 98 and 101 of the NPPF.

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

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

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

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

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

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

Planning policies and decisions should ensure that developments:

- a) will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;
- b) are visually attractive as a result of good architecture, layout and appropriate and effective landscaping;
- c) are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities);

- d) establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit;
- 4.3.4 Finally Paragraph 130 states planning permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions, taking into account any local design standards or style guides in plans or supplementary planning documents. Conversely, where the design of a development accords with clear expectations in plan policies, design should not be used by the decision taker as a valid reason to object to development.
- 4.3.5 In this respect it is noted that Appendix B of the Design SPD sets out clear expectations and guidance in respect to space around dwellings.
- 4.3.6 Having taken all of the above into account it is considered that the main issues in respect to design and the impact on the character and form of the area are: -
- (i) Overall layout
  - (ii) Density
  - (iii) Materials, scale and external appearance of the dwellings
  - (iii) Landscaping
- 4.3.7 The proposed dwellings are two storey and the number of bedrooms range from two-three. The design would be modern traditional and similar to the range of dwellings found within the wider Rugeley & Brereton area. Streetscene elevations have been provided which also demonstrates that the dwellings would appear in keeping with the character of the area in terms of size and scale.
- 4.3.8 In general, the layout meets the guidance for space around dwellings as set out in the Council's Design SPD, providing rear amenity areas in accordance with the minimum requirements.
- 4.3.9 The scheme proposes hard landscaping and soft landscaping comprising new tree and shrub planting to assimilate the development into the surrounding area, which is subject to the imposition of conditions.
- 4.3.10 As such, it is considered that the proposal, subject to the attached conditions would be in accordance with Policy CP3 of the Local Plan and paragraph 127 of the NPPF.
- 4.4. Impact on Residential Amenity
- 4.4.1 Policy CP3 of the Local Plan states that the following key requirements of high quality design will need to be addressed in development proposals and goes onto

include [amongst other things] the protection of the "amenity enjoyed by existing properties". This is supported by the guidance as outlined in Appendix B of the Design SPD which sets out guidance in respect to space about dwellings and garden sizes.

- 4.4.2 Paragraph 127(f) of the NPPF states that planning policies and decisions should ensure that developments [amongst other things] create places with a high standard of amenity for existing and future users.
- 4.4.3 In general the Design SPD sets out guidance for space about dwellings, stating that for normal two storey to two storey relationships there should be a minimum distance of 21.3m between principal elevations (front to front and rear to rear) and 12m between principal elevations and side elevations. Furthermore, the Design SPD sets out minimum rear garden areas, recommending 40-44sqm for 1 or 2 bed dwellings, 65sqm for 3 bed dwellings and 80sqm for 4 bed dwellings.
- 4.4.4 However, it should always be taken into account that these distances are in the nature of guidance. When applying such guidance consideration should be given to the angle of views, off-sets and changes in levels.
- 4.4.5 Officers can confirm that the proposal meets the guidance set out within the Design SPD for space about dwellings.
- 4.4.6 There has been an objection received from a local resident regarding the impact of the development on receipt of light to their landing window. This is not considered a habitable room and therefore it should not be afforded the same level of protection as a window serving an habitable room.
- 4.4.7 There has also been an objection received from a local resident management of the protected Oak Tree T3. This tree is expected to be reduced in canopy, as is required to gain access to the development site by construction vehicles, subject to imposition of a condition. Future management, maintenance and review/update of the Landscape Management Plan in respect of the proposed and existing landscape features including all trees and hedges within and overhanging the site would be secured by a suitable condition.
- 4.4.8 Given the above it is considered that subject to the attached conditions, a high standard of residential amenity would be achieved for all existing and future occupiers of the development and the neighbouring properties and the proposal is considered in accordance with Policy CP3 and paragraph 127(f) of the NPPF.

#### 4.5 Impact on Highway Safety

- 4.5.1 Paragraph 109 of the NPPF states that development should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe adding at paragraph 110: -



Within this context, applications for development should:

- a) give priority first to pedestrian and cycle movements, both within the scheme and with neighbouring areas; and second so far as possible to facilitating access to high quality public transport, with layouts that maximise the catchment area for bus or other public transport services, and appropriate facilities that encourage public transport use;
  - b) address the needs of people with disabilities and reduced mobility in relation to all modes of transport;
  - c) create places that are safe, secure and attractive – which minimise the scope for conflicts between pedestrians, cyclists and vehicles, avoid unnecessary street clutter, and respond to local character and design standards;
  - d) allow for the efficient delivery of goods, and access by service and emergency vehicles; and
  - e) be designed to enable charging of plug-in and other ultra-low emission vehicles in safe, accessible and convenient locations.
- 4.5.2 In order to inform the application the applicant has submitted a Stage 1 Road Safety Audit.
- 4.5.3 The objections raised on the grounds of increased traffic congestion, access and lack of parking are noted. However, the County Highways Authority has raised no objections to the proposal, subject to the imposition of the attached conditions. It is also noted that the proposal meets the Council's standards for parking provision.
- 4.5.4 It is therefore considered that the proposal would not have an unacceptable impact on highway safety and that its residual cumulative impacts on the road network would not be severe, in accordance with paragraph 109 of the NPPF.
- 4.6 Impact on Nature Conservation Interests
- 4.6.1 Policy and guidance in respect to development and nature conservation is provided by Policy CP12 of the Local Plan and paragraphs 170 and 174 of the NPPF.
- 4.6.2 Policy CP12 of the Local Plan states that the District's biodiversity and geodiversity assets will be protected, conserved and enhanced via

'the safeguarding from damaging development of ecological and geological sites, priority habitats and species and areas of importance for enhancing biodiversity, including appropriate buffer zones, according to their international, national and local status. Development will not be

permitted where significant harm from development cannot be avoided, adequately mitigated or compensated for;

- support for the protection, conservation and enhancement of existing green infrastructure to facilitate robust wildlife habitats and corridors at a local and regional scale (particularly to complement Policy CP16);
- supporting and promoting initiatives for the restoration and creation of priority habitats and recovery of priority species and the provision of new spaces and networks to extend existing green infrastructure;
- supporting development proposals that assist the delivery of national, regional and local Biodiversity and geodiversity Action plan (LBAP/GAP) targets by the appropriate protection, incorporation and management of natural features and priority species;
- the promotion of effective stewardship and management across the district to contribute to ecological and geological enhancements.'

4.6.3 Paragraph 170 of the NPPF states [amongst other things] that

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

4.6.4 Paragraph 174 goes on to state

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

- a) if significant harm to biodiversity resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused;

- b) development on land within or outside a Site of Special Scientific Interest, and which is likely to have an adverse effect on it (either individually or in combination with other developments), should not normally be permitted. The only exception is where the benefits of the development in the location proposed clearly outweigh both its likely impact on the features of the site that make it of special scientific interest, and any broader impacts on the national network of Sites of Special Scientific Interest;
- c) development resulting in the loss or deterioration of irreplaceable habitats (such as ancient woodland and ancient or veteran trees) should be refused, unless there are wholly exceptional reasons and a suitable compensation strategy exists; and
- d) development whose primary objective is to conserve or enhance biodiversity should be supported; while opportunities to incorporate biodiversity improvements in and around developments should be encouraged, especially where this can secure measurable net gains for biodiversity.

#### On –Site nature Conservation Issues

- 4.6.5 The application site does not support any rare or protected habitats or species given special protection. It is recommended that clearance of site should take place outside of bird breeding season.
- 4.6.6 In addition to the above it is recommended that conditions are attached to any permission granted to ensure that a proportion of the dwellings are fitted with inbuilt bird and bat boxes and that boundary treatment of the site allows for the free passage of hedgehogs.
- 4.6.7 Subject to the imposition of suitable conditions, it is therefore considered that the proposal would not have an adverse impact upon ecological interests and would provide opportunities to provide benefits to biodiversity in the form of bird/ bat boxes and landscaping improvements.

#### Impact on Cannock Chase SAC

- 4.6.8 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 via a S106, as the scheme is 100% affordable housing it would not be CIL liable.

#### 4.7 Drainage and Flood Risk

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

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

4.7.3 In addition to the above it is paragraph 165 of the NPPF states 'Major developments should incorporate sustainable drainage systems unless there is clear evidence that this would be inappropriate. The systems used should:

- a) take account of advice from the lead local flood authority;
- b) have appropriate proposed minimum operational standards;
- c) have maintenance arrangements in place to ensure an acceptable standard of operation for the lifetime of the development;

4.7.4 The LLFA has advised that planning permission should not be granted until a satisfactory response has been received via re-consultation with them. Additional information has been submitted to the LLFA on 19 January 2021 and the Council is awaiting their response at the time of writing the report. When the response is received, it will be incorporated into an officer update sheet prior to Committee and imposition of any additional conditions as the LLFA may require will be available for Members to scrutinise before a decision is made on the planning application.

4.7.5 South Staffordshire Water and Severn Trent have no objections.

4.7.6 Subject to the attached conditions and any that may be imposed as required by the LLFA, it is considered that the proposal would be acceptable with regard to drainage and flood-risk, in accordance with the requirements of the NPPF and Policy CP16 of the Local Plan.

#### 4.8 Education

4.8.1 Policy CP2 states that all housing development will be required to contribute towards providing the infrastructure necessary for delivery of the Local Plan

informed by viability assessment. It goes on to state that contributions will be secured primarily via (i) rates set out in a community Infrastructure Levy (CIL) charging schedule and (ii) Section 106 planning obligations.

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

'It is important that a sufficient choice of school places is available to meet the needs of existing and new communities. Local Planning authorities should take a proactive, positive and collaborative approach to meeting this requirement, and to development that will widen choice in education. They should:

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

4.8.3 In determining whether there is a need for the developer to mitigate the impact of this development the school organisation officer was consulted and advised that the above planning application would not result in an education contribution and is therefore acceptable from an education perspective.

#### 4.9 Air Quality

4.9.1 The proposal by its very nature together with the traffic that it would generate has the potential to impact on air quality. In this respect it should be noted that Paragraph 181 of the NPPF states

'Planning policies and decisions should sustain and contribute towards compliance with relevant limit values or national objectives for pollutants, taking into account the presence of Air Quality Management Areas and Clean Air Zones, and the cumulative impacts from individual sites in local areas. Opportunities to improve air quality or mitigate impacts should be identified, such as through traffic and travel management, and green infrastructure provision and enhancement. So far as possible these opportunities should be considered at the plan-making stage, to ensure a strategic approach and limit the need for issues to be reconsidered when determining individual applications. Planning decisions should ensure that any new development in Air Quality Management Areas and Clean Air Zones is consistent with the local air quality action plan.'

4.9.2 The Environmental Protection Officer has no objection subject to the imposition of suitable conditions, in addition to the inclusion of charging points for each dwelling.

4.9.3 As such, subject to the imposition of conditions, it is considered that the proposal would be acceptable in respect of air quality and meets the requirements of Policy CP16 of the Local Plan and paragraph 181 of the NPPF.

#### 4.10 Mineral Safeguarding

4.10.1 The site falls within a Mineral Safeguarding Area (MSAs). Paragraph 206, of the National Planning Policy Framework (NPPF) and Policy 3 of the Minerals Local Plan for Staffordshire (2015 – 2030), both aim to protect mineral resources from sterilisation by other forms of development.

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

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

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

4.10.3 The proposal is in accordance with the development plan and located within an urban area. It would not sterilise any mineral deposits and therefore falls within the criteria of Table 7: Exemptions Criteria for Mineral Safeguarding of the Minerals Local Plan for Staffordshire.

#### 4.11 Waste and Recycling Facilities

4.11.1 Policy CP16(1) (e) 'Climate Change and Sustainable Resource Use' of the Cannock Chase Local Plan states that development should contribute to national and local waste reduction and recycling targets according to the waste hierarchy'. One of the ways of achieving this is by ensuring development can be adequately serviced by waste collection services and that appropriate facilities are incorporated for bin collection points (where required).

4.11.2 A swept path analysis for large refuse vehicles has been provided. The Waste and Recycling Officer has agreed this is acceptable and has no objections to the proposed scheme, subject to the waiver letter that has been agreed with the applicants in relation to any possible damage to the private driveway caused by the Council's vehicles.

#### 4.12.2 Ground Conditions and Contamination

4.12.1 The site is located in a general area in which coal mining has been a significant factor and therefore there are potential issues in respect to land stability.

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

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

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

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

Planning policies and decisions should ensure that:

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

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

4.12.5 The Environmental Protection Officer has no objections to the scheme, subject to the imposition of suitable conditions.

4.12.6 It is therefore considered that subject to the attached conditions, the proposal is acceptable in respect to the requirements of paragraphs 179 and 178 of the NPPF.

#### 4.13 Affordable Housing

4.13.1 Under Policy CP2 the proposal would be required to provide a contribution towards affordable housing. However, as the scheme would comprise 100% affordable housing, the development is considered to be compliant with policy requirements.

4.13.2 The Strategic Housing Manager confirms that there is a high demand in the District for affordable family homes. This development of 14 homes would make a significant contribution to meeting this need.

### 5 **Human Rights Act 1998 and Equalities Act 2010**

#### **Human Rights Act 1998**

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

#### **Equalities Act 2010**

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

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

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

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

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

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

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



## **6 Conclusion**

- 6.1 The applicant (Platform Housing) are seeking consent for a full application for the erection of 14 No. houses all of which would comprise of affordable housing.
- 6.2 The site comprises tennis courts and therefore the proposal is subject to Policy CP5 of the Cannock Chase Local Plan and paragraph 101 of the NPPF. However, it is considered that the wider sustainability/ community benefits of the proposal outweigh the loss of the tennis courts and the off-site contribution towards improvement of existing nearby tennis court facilities and on-site biodiversity improvements would be better in terms of quality and accessibility.
- 6.3 As such, the loss of the tennis courts is considered acceptable and in accordance with Policy CP5 and paragraphs 97, 98 and 101 of the NPPF.
- 6.4 It is considered that the proposal would provide a range of affordable homes of high quality design and would be in-keeping with the wider area.
- 6.5 It is therefore recommended that the application be approved subject to completion of a S106 Agreement and the attached conditions.

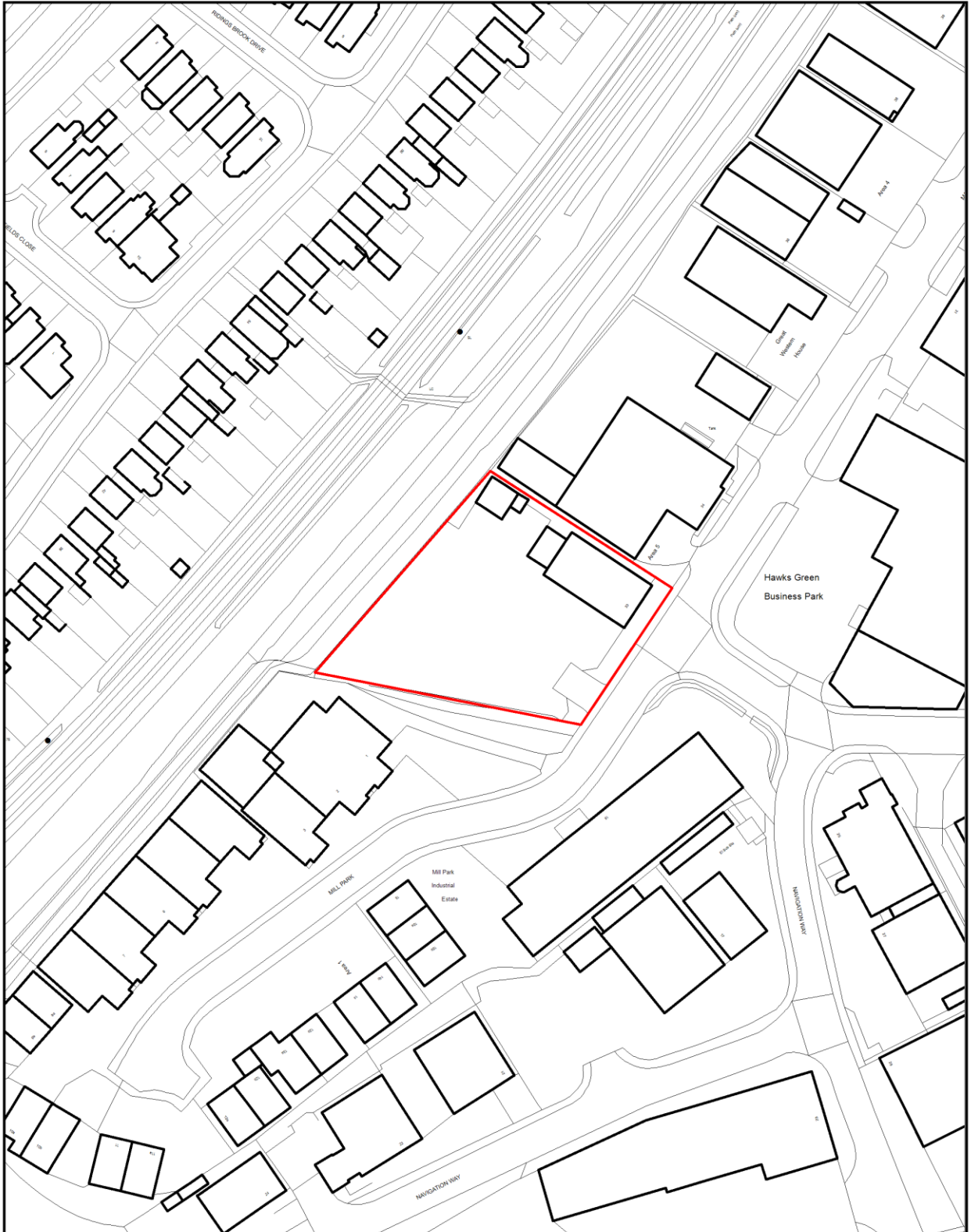


**Application No:** CH/20/363

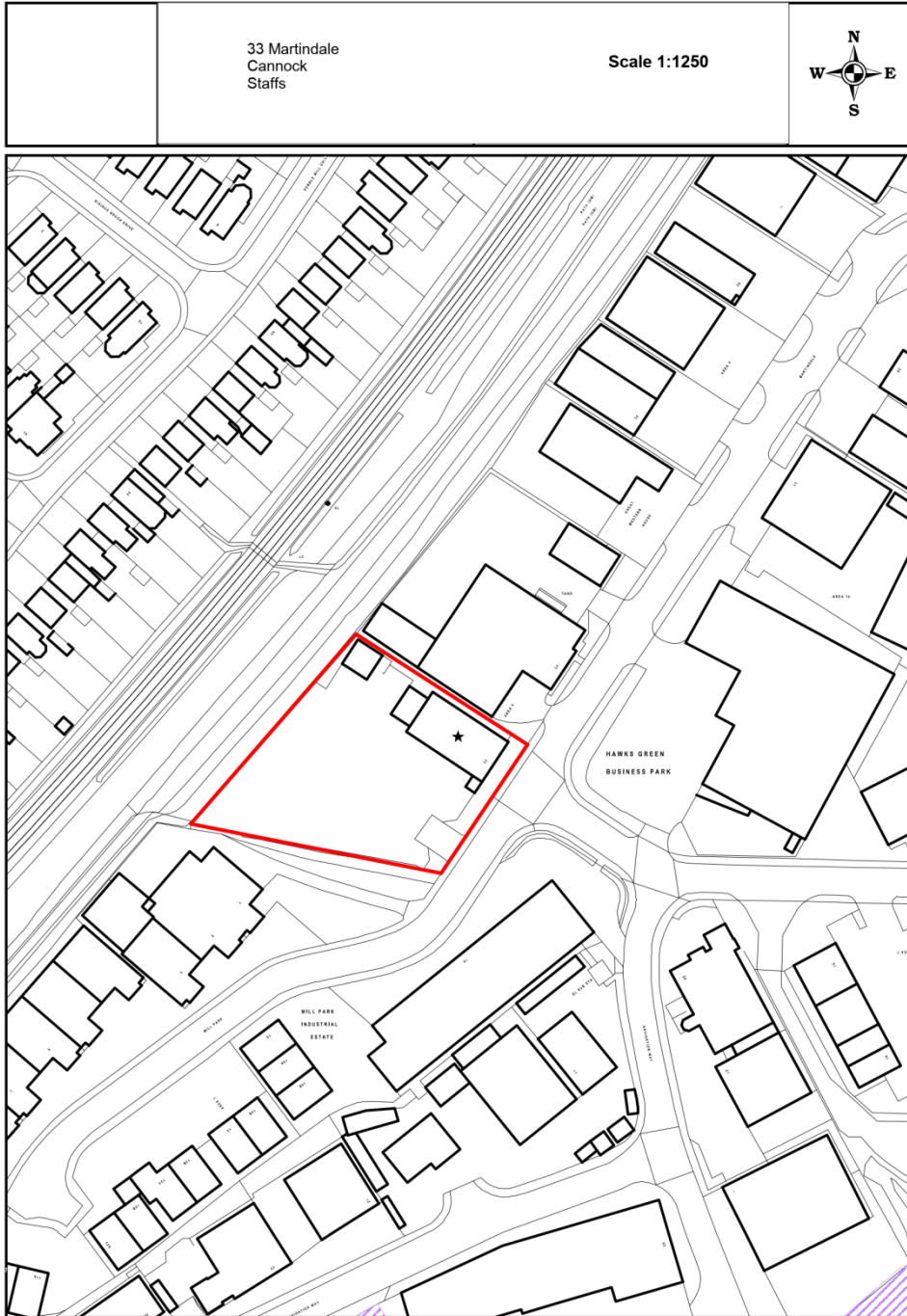
**Location:** Unit 33, Martindale Trading Estate, Martindale, Hawks Green, Cannock, WS11 7XN

**Proposal:** Replace fencing with 5m concrete panels to act as an acoustic barrier between yard and residents to rear.

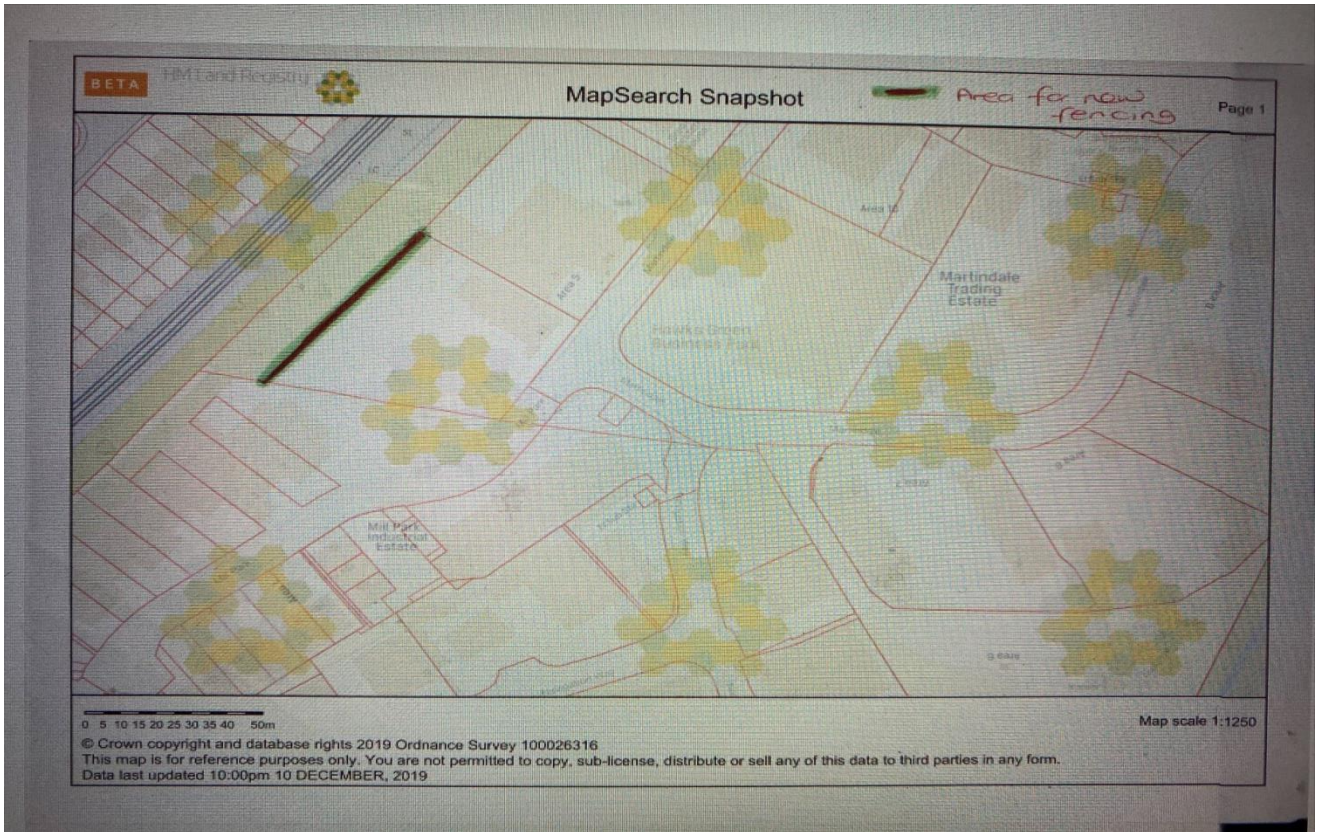
Item no. 6.87



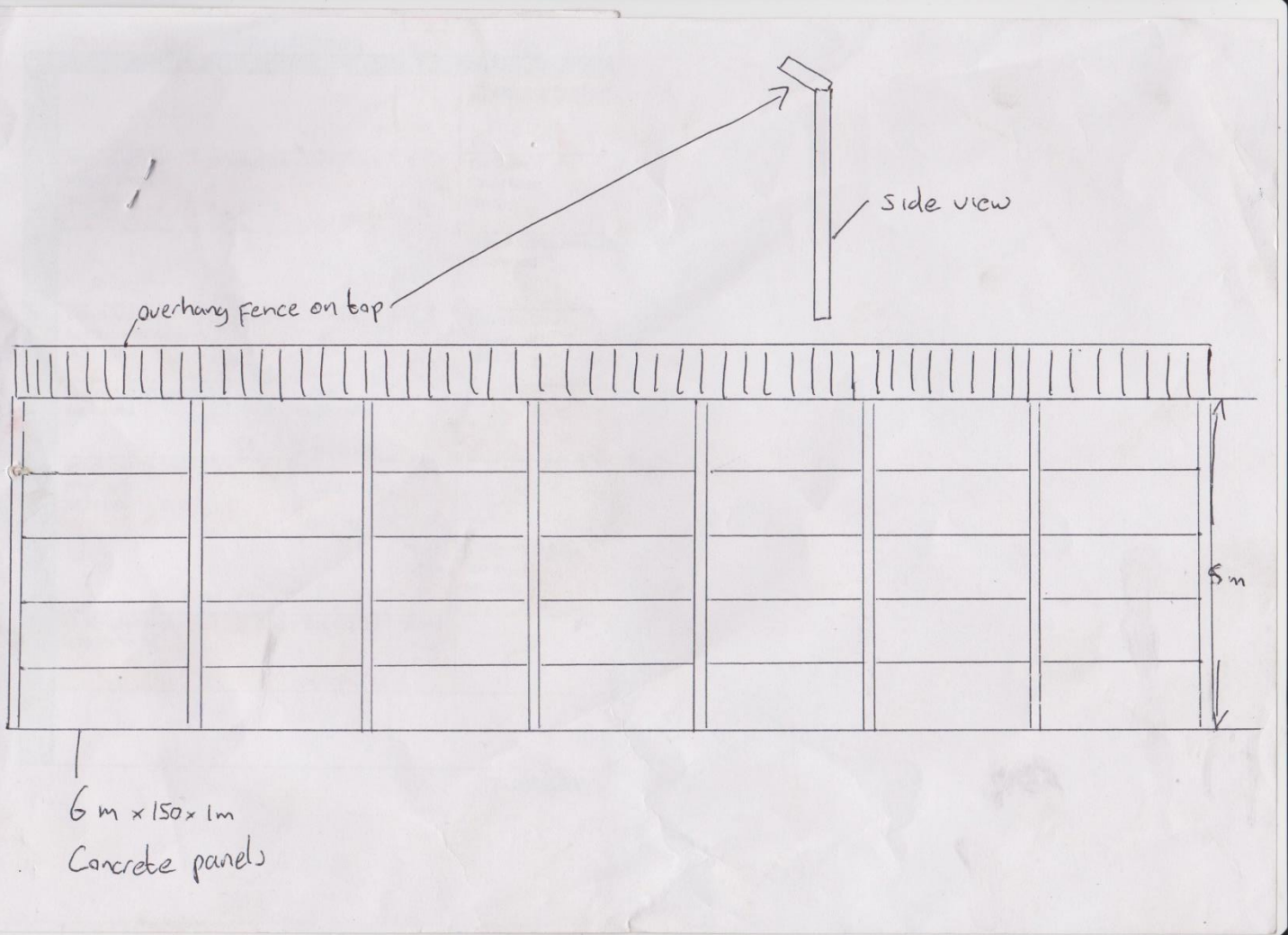
# Location Plan



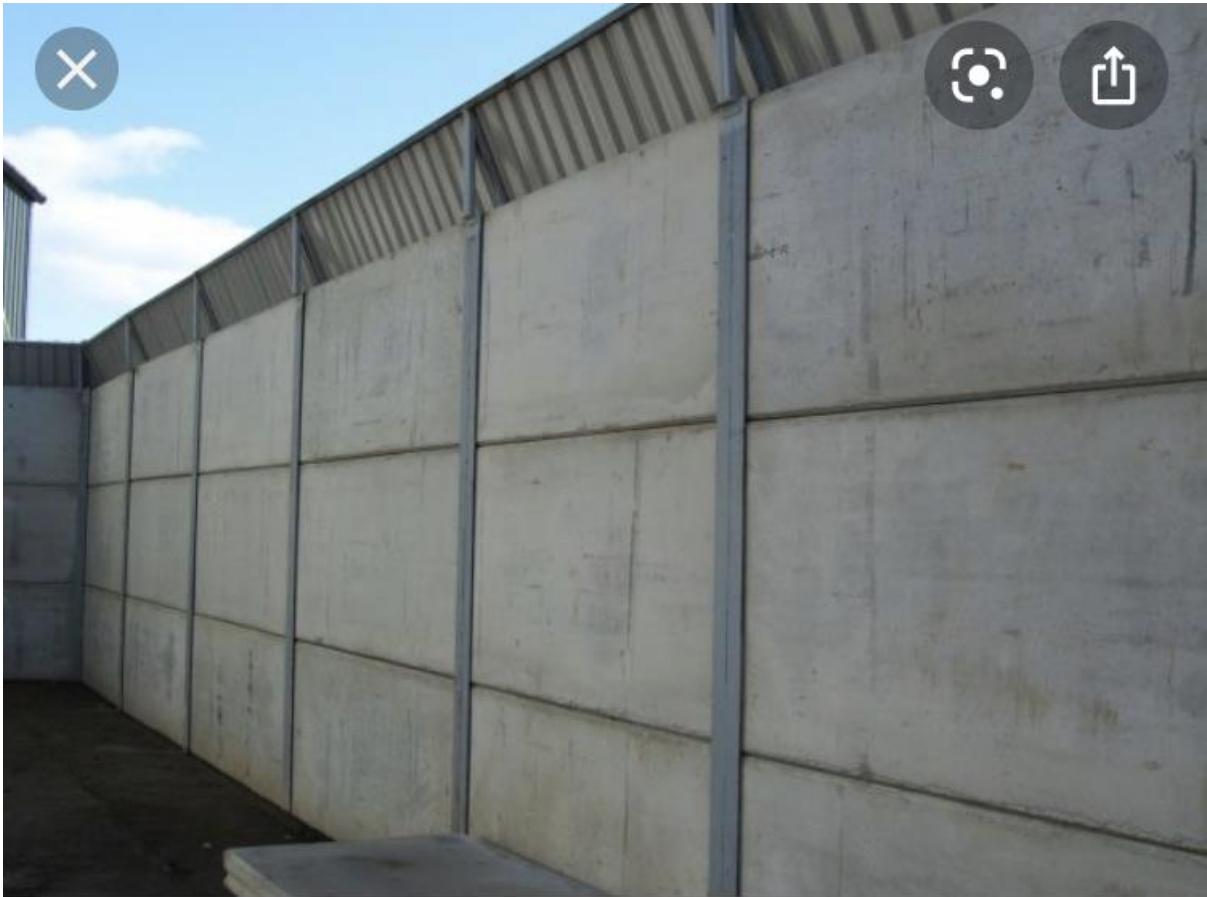
# Block Plan



# Proposed Elevations



# Example Boundary Fence Detail



**Contact Officer:** Claire Faulkner

**Telephone No:** 01543 464337

**Planning Control Committee**

**3<sup>rd</sup> February 2021**

**Application No:** CH/20/363

**Received:** 16-Oct-2020

**Location:** Unit 33, Martindale Trading Estate, Martindale, Hawks Green, Cannock, WS11 7XN

**Parish:** Non Parish Area

**Ward:** Cannock

**Description:** Replace fencing with 5m concrete panels to act as an acoustic barrier between yard and residents to rear.

**Application Type:** Full Planning Application

**Recommendations:** Approve subject to conditions

**Reason(s) for Recommendation:**

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

**Conditions (and Reasons for Conditions):**

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

Reason

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

2. No materials shall be used for the external surfaces of the development other than those specified on the application.

Reason

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

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

Location Plan

Replacement Acoustic Barrier Plan

Example Boundary Fence Detail

Reason

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

4. Notwithstanding the approved plans, a scheme for the painting of the rear side of the boundary wall (facing Pebble Mill Drive) including the RAL No and paint description shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the approved scheme shall be implemented in full and shall be retained in the approved colour for the lifetime of the development.

Reason

In the interest of protecting the character of the area in accordance with policy CP3 of the Cannock Chase Local Plan.

**Notes to the Developer:**

- 1) The applicant is to submit the attached form to:  
[AssetProtectionLNWSouth@networkrail.co.uk](mailto:AssetProtectionLNWSouth@networkrail.co.uk)

Network Rail will need details of loading and construction methodology as well as details of failure mitigation measures before works commence on site.

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

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



## **Consultations and Publicity**

### **External Consultations**

#### Network Rail

The proposal is 15m from the railway boundary ~ however, given the height of the concrete barrier at 5m. The applicant is to submit the attached form to:

[AssetProtectionLNWSouth@networkrail.co.uk](mailto:AssetProtectionLNWSouth@networkrail.co.uk)

Network Rail will need details of loading and construction methodology as well as details of failure mitigation measures before works commence on site.

### **Internal Consultations**

#### Environmental Health

Thank you for referring this matter for consideration. No adverse comments are offered in principle.

The proposed structure is intended to protect residents from the impact of noise generated from the site. It is understood that planning application CH/20/165 allowing extended hours for limited early vehicle movements from site, and has been granted permission, and that this further application is a measure being taken by the site occupier to address residents' concerns about existing operational noise throughout the day. It should be noted that Environmental Health have not, to date, determined that a statutory nuisance exists, and therefore any measures to increase noise attenuation are considered as beneficial. Provision of a 5 metre high concrete barrier with no gaps will undoubtedly serve to attenuate noise from the site, and appears to be of generous dimensions. It should be noted that gaps in a barrier will devalue its effectiveness.

However, I note that there are objections to the application based on the anticipation that the barrier will not prove effective against scraping and impact noise. A noise assessment would allow this to be evaluated, and would therefore be welcomed. Such a report should utilise recognised methodologies such as British Standard BS4142: 2014 & 2019 'Methods for rating and assessing industrial and commercial sound' together with calculations on the effectiveness of the barrier to attenuate noise. BS 4142 rates sound against the background in the vicinity, and generates a 'rating level'. Scraping and banging noises will result in the addition of a penalty to the rating level, thereby accounting for the annoyance of such noise generation. This should therefore address the issues concerning local residents.

### **Response to Publicity**

The application was advertised by site notice and adjacent occupiers were notified, with 3 letters of representation received. The representations are summarised as follows:

- I have no objection to the principle of constructing an acoustic fence along the rear boundary, but I have serious concern that the proposed concrete wall is nothing more than a glorified retaining wall for KCG to store materials against.
- I believe this type of wall will do little to absorb the airborne noise produced by the general banging on site and the scraping of metal on concrete that occurs on a daily basis from this site and may even increase the sound levels of many of the noises as it will 'bounce' them rather than absorb them. This wall will certainly not stop any of the early morning noise, which emanates from further away, and which will sail over the wall and will not be absorbed.
- There is a serious danger that any excavation beyond their boundary would seriously damage the embankment and also damage tree roots.
- The other factories along this boundary have a maximum noise level of 75Db imposed and I believe the same conditions should be imposed for the hours of 7am to 6pm Mon to Fri and 8am to 2pm on a Saturday. This would give the residents some protection to enjoy their homes, conservatories and gardens if the wall is ineffective
- The top 2m of this retaining wall will be visible to the houses and the concrete finish will be an eyesore for 6 months of the year, what proposals are there to minimise its effect?
- Any approval needs to be for the construction of the full fence only as any attempt to construct a part fence would seriously increase the noise that we are subjected to – this cannot be a retaining wall just for them to store materials against.
- Are concrete panels the correct material for noise absorption? – And will they totally eliminate the distinct noises that come from their yard? – I have real concerns about both those questions; this needs professional acoustic personnel to be consulted, and verify this.
- Will the proposed fencing be high enough at 5m to eradicate all noises? –
- What will be done on either side of KCG's borders with their neighbouring factories? – This is another area of concern.
- Have KCG carried out any noise survey, and that what they propose will eliminate all noises?

## Relevant Planning History

- CH/20/165: Variation of Condition (4) of Planning Permission (CH/99/0539) to allow movement of vehicles Mon-Fri 4am-6pm, Sat 8am-2pm, all other operations from 8am onwards. Approved for a temporary period.
- CH/99/0639: Change of use from general industrial (b2) to storage and distribution including packaging (b8).

### 1 Site and Surroundings

- 1.1 The KCG site is part of the Martindale Industrial Estate, and is located on the north-western edge of the industrial estate.
- 1.2 The application covers an area of 2,911m<sup>2</sup> and accommodates an office building, staff parking area and the industrial yard. The yard is used to store aggregates and is where the loading of the vehicles takes place. Access into the site is from Martindale to the south-east.
- 1.3 The application site is bound on two sides by industrial uses; including, to the immediate south-west, a haulage company which utilises heavy good vehicles and operates on a 24 hour basis.
- 1.4 The nearest residential properties are sited to the north of the application site approx..60m distant (40m to the rear boundary of the gardens). These dwellings are separated from the application site by the railway line which lies in an elevated position to the immediate rear of the residential boundaries and approx. 28m from the rear boundary of the site. The raised railway line serves trains between Rugeley and Birmingham. There is an 18m deep intervening landscape buffer between the application site and the adjacent railway line which comprise of mature tree planting and shrubbery.
- 1.5 The application site is located within a Mineral Safeguarding Area and the Coal Authority consider it to be within a Low Risk Development boundary. The application site also falls within a landmark contaminated land boundary.

### 2 Proposal

- 2.1 The applicant is seeking consent for the construction of a 5m concrete wall along the rear of the service yard within the application site.

- 2.2 The proposed wall would be constructed on existing hardstanding and would provide a barrier comprising of 6m x 1m concrete panels inserted into steel fence posts.

#### Supporting Information

- 2.3 The applicant has submitted the following statement from Clear Acoustic Design in support of the application:-
- 2.4 An acoustic barrier works in two ways, firstly noise that tries to go through the barrier is attenuated by a factor relating to the mass of the barrier, and secondly noise is attenuated as it tries to bend and diffract over the top and around the sides of the barrier. In the latter case the amount of attenuation is dependent on the 'path difference'. The path difference is the difference between the shortest straight-line distance to the receptor without the barrier, and the shortest distance over the top (or around the sides) of the barrier.
- 2.5 In terms of noise attenuation, a reduction of 5dB across the frequency range can potentially be achieved when the receptor is just about visible over the top of the barrier. The attenuation increases as the path difference gets bigger and the receptor is no longer visible over the barrier. Generally, if the receptor and noise source cannot see each other over the barrier, an attenuation of 10dBA is achievable, with up to 15dBA possible. The exact amount of attenuation depends on many factors including the barrier height, width, ground conditions, reflections off other buildings, wind direction etc.
- 2.6 The sound path directly through the barrier is insignificant, especially with a high mass concrete barrier, as the noise reduction through will be far in excess of the attenuation provided by the path difference.

## **4 Planning Policy**

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

CP1 - Strategy – the Strategic Approach  
 CP3 - Chase Shaping – Design  
 CP8 – Employment Land  
 CP9 – A Balanced Economy

Relevant Policies within the Mineral Plan include:-

### 3.2 Safeguarding Minerals

#### 4.3 National Planning Policy Framework

4.4 The NPPF (2018) sets out the Government's position on the role of the planning system in both plan-making and decision-taking. It states that the purpose of the planning system is to contribute to the achievement of sustainable development, in economic, social and environmental terms, and it states that there should be a "presumption in favour of sustainable development" and sets out what this means for decision taking.

4.5 The NPPF (2018) confirms the plan-led approach to the planning system and that decisions must be made in accordance with the Development Plan unless material considerations indicate otherwise.

4.6 Relevant paragraphs within the NPPF include paragraphs: -

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

4.7 Other relevant documents include: -

Design Supplementary Planning Document, April 2016.

## 5 **Determining Issues**

5.1 The determining issues for the proposed development include:-

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

#### 5.2 Principle of the Development

5.2.1 The proposal seeks to construct a wall within the curtilage of the application site which comprises of an established industrial use which is located to the

periphery of an established industrial estate. The site is not allocated or designated. As such, it is considered that the principle of development is acceptable.

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

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

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

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

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

Planning policies and decisions should ensure that developments:

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

5.3.4 Finally Paragraph 130 states planning permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions, taking into account any local design standards or style guides in plans or supplementary planning documents. Conversely, where the design of a

development accords with clear expectations in plan policies, design should not be used by the decision taker as a valid reason to object to development.

- 5.3.5 In this respect, the proposal would introduce a 5m high solid wall along the boundary of the application site. It is noted that the north-western boundary of the wider industrial estate that abuts the landscape buffer then railway, measures some 400m and comprises of a variety of uses. It is noted that there are no solid boundary treatments along this boundary of the estate however, the majority of buildings within Martindale are set back within their individual plots (with the exception of the application site and immediate adjacent units) which creates a barrier to noise generated on the frontage yards.
- 5.3.6 The proposed wall comprising of a height of 5m would be visible from within the industrial estate however, it would be seen in the context of the application site and the wider industrial estate and as such, would not be considered out of character in such a location.
- 5.3.7 Given the above, it is considered that the proposed 5m high concrete wall would not result in a detrimental impact on the industrial character of this industrial location in accordance with Local Plan Policy CP3 and the NPPF.

#### 5.4 Impact on Amenity

- 5.4.1 Policy CP3 of the Local Plan states that the following key requirements of high quality design will need to be addressed in development proposals and goes on to include [amongst other things] the protection of the "amenity enjoyed by existing properties".
- 5.4.2 Paragraph 127(f) of the NPPF states that planning policies and decisions should ensure that developments [amongst other things] create places with a high standard of amenity for existing and future users.
- 5.4.3 Paragraph 180 of the NPPF states that planning decisions should ensure that new development is appropriate for its location taking into account the likely effects of pollution on health, living conditions and the natural environment as well as the potential sensitivity of the site or the wider area to impacts that could arise from the development. In doing so (amongst others) (a) mitigate and reduce to a minimum potential adverse impacts resulting from noise from new development and avoid noise giving rise to significant adverse impacts on health and the quality of life.
- 5.4.4 In this instance, it is noted that there is a raised railway line between the application site and the residential properties within Pebble Mill Drive. A distance of 60m (40m to the rear boundary of the gardens) and an 18m deep mature landscape buffer separate the application sites and the residential properties.

The proposed wall would be constructed at the edge of the existing service yard located to the rear of the site.

- 5.4.6 The main issues with regard to the impact of the proposal on amenity are the effectiveness of the proposed boundary treatment and the impact on the visual amenity of the area. In both respects the comments of the neighbours are noted.
- 5.4.7 Following consultations on the previous application (CH/20165) which raised concerns regarding noise generated from the site, the applicant has submitted the proposal for the boundary wall as a 'good will gesture'. Environmental Health Officers have confirmed that there is no evidence of a statutory noise nuisance being generated by the applicant and therefore the proposed boundary treatment is not required as a consequence. The boundary wall has, however, been proposed to help reduce noise emanating from the application site. As such, although a full noise assessment would have been useful in determining the noise reduction potential of the wall it would be unreasonable to insist that one is provided. The applicant has however provided a short statement from their noise consultant to support their application.
- 5.4.7 The statement submitted sets out that an acoustic barrier works in two ways; firstly noise that tries to go through the barrier is attenuated by a factor relating to the mass of the barrier, and secondly noise is attenuated as it tries to bend and diffract over the top and around the sides of the barrier.
- 5.4.8 In the latter case the amount of attenuation is dependent on the 'path difference'. The path difference is the difference between the shortest straight-line distance to the receptor without the barrier, and the shortest distance over the top (or around the sides) of the barrier.
- 5.4.9 The statement continues that in terms of noise attenuation, a reduction of 5dB across the frequency range can potentially be achieved when the receptor is just about visible over the top of the barrier. The attenuation increases as the path difference gets bigger and the receptor is no longer visible over the barrier. Generally, if the receptor and noise source cannot see each other over the barrier, an attenuation of 10dBA is achievable, with up to 15dBA possible. The exact amount of attenuation depends on many factors including the barrier height, width, ground conditions, reflections off other buildings, wind direction etc. The sound path directly through the barrier is insignificant, especially with a high mass concrete barrier, as the noise reduction through will be far in excess of the attenuation provided by the path difference.
- 5.4.10 The Council's Environmental Health Officer (EHO) was consulted on the application and concurred with the submitted statement and has raised no objection to the proposal and considers that any measures to increase noise attenuation would be beneficial. Provision of a 5 metre high concrete barrier with



no gaps will undoubtedly serve to attenuate ( although not necessarily reduce all noise from the site.

5.4.11 The nearest dwellings to the application site are located to the rear of the site within Pebble Mill Drive. These properties are located approx..60m distant and separated by the intervening railway line and landscape planting. Notwithstanding this, it is acknowledged that the landscape buffer would be less effective as a barrier to noise during the winter months when there are no leaves on the trees. The proposed wall would be visible above the railway line by approx.. 2m. This 2m projection above the railway line would be viewed by neighbours at a distance of approx. 60m with the intervening railway line, landscaping and other boundary treatments (residential). As such, the proposed wall would not result in an overbearing impact to the occupiers of the adjacent properties.

5.4.12 Furthermore, the applicant has indicated that they would be willing to paint the rear elevation of the wall to help the wall to 'blend' into the landscaped backdrop.

5.4.13 Given the above, the proposed 5m high concrete wall is considered to accord with Policy CP3 of the Cannock Chase Local Plan and the relevant paragraphs of the NPPF.

## 5.5 Objections raised not covered above:-

5.5.1 A neighbour states that they have no objection to the principle of constructing an acoustic fence along the rear boundary, but they have serious concern that the proposed concrete wall is nothing more than a "glorified retaining wall for KCG to store materials against". Your Officers confirm EHO are satisfied that the proposal would mitigate some of the noise from the site. However if KCG wish to utilise the wall for purposes beneficial to their business this would not affect the acoustic properties of the wall.

5.5.2 An objector has stated that this type of wall will do little to absorb the airborne noise produced by the general banging on site and the scraping of metal on concrete that occurs on a daily basis from this site and may even increase the sound levels of many of the noises as it will 'bounce' them rather than absorb them and that this wall will certainly not stop any of the early morning noise, which emanates from further away, and which will sail over the wall and will not be absorbed. Your Officers confirm that no evidence to support this objection has been submitted. Your Officers consulted the Council's EHO who supported the addition of the wall and confirms any solid structure would reduce noise from the site, although he concluded that it is unreasonable to expect all noise sources to be eliminated.

5.5.3 An objector has stated that there is a serious danger that any excavation beyond their boundary would seriously damage the embankment and also damage tree

roots. Your Officers confirm that the proposed wall would be constructed to the rear of the yard on existing hardstanding. The existing fence would be removed. The proposed wall would be constructed on a lower level to the trees to the rear which are rooted in the slope of the railway embankment and therefore would not have roots under the hardstanding of the application yard.

- 5.5.4 An objector has stated that the other factories along this boundary have a maximum noise level of 75Db imposed and I believe the same conditions should be imposed for the hours of 7am to 6pm Mon to Fri and 8am to 2pm on a Saturday. This would give the residents some protection to enjoy their homes, conservatories and gardens if the wall is ineffective. Your Officers confirm that this is not the appropriate application on which to impose this condition. The proposal is for the construction of a wall which in itself is not a noise generating proposal and therefore a noise condition cannot be imposed in this instance.
- 5.5.5 An objector has queried if the proposed fencing be high enough at 5m to eradicate all noises? Your officers confirm that a barrier will not eliminate all noise sources, however this would be an unreasonable requirement.
- 5.5.6 An objector has queried what will be done on either side of KCG's borders with their neighbouring factories as this is another area of concern. Your Officers confirm that this does not fall within the remit of this application.

## **6 Human Rights Act 1998 and Equalities Act 2010**

### **Human Rights Act 1998**

- 6.1 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.

### **6.2 Equalities Act 2010**

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

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

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

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

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

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

Such consideration has been balanced along with other material planning considerations and it is considered that the proposal is acceptable in respect to the requirements of the Act. Having had regard to the particulars of this case officers consider that the proposal would make a neutral contribution towards the aim of the Equalities Act.

## **7 Conclusion**

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



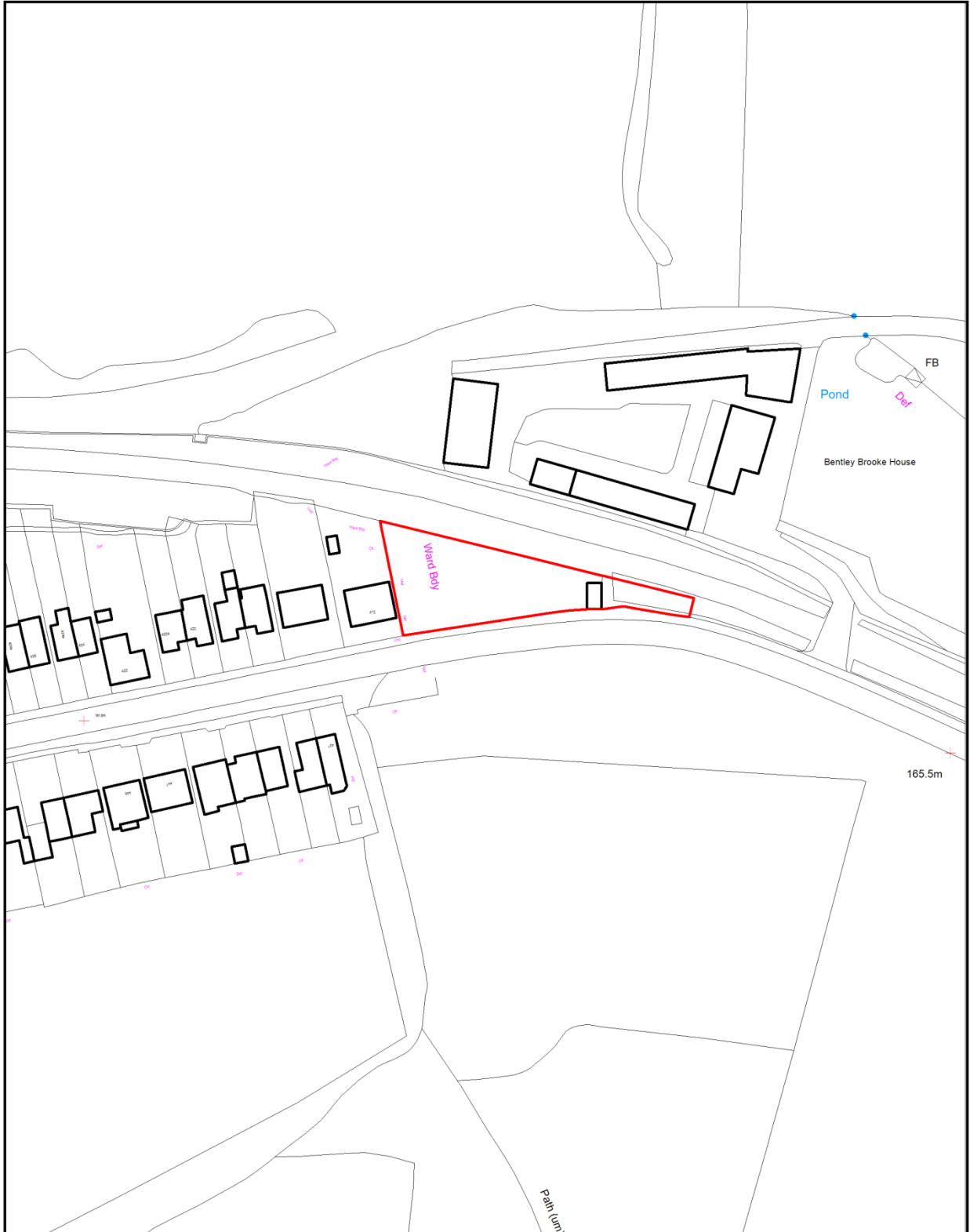


**Application No:** CH/20/396

**Location:** 412 Rawnsley Road, CANNOCK, WS12 1RB

**Proposal:** Construction of two new 4 bedroom dwellings. Re-submission of previous application on the side garden of 412 Rawnsley Road.

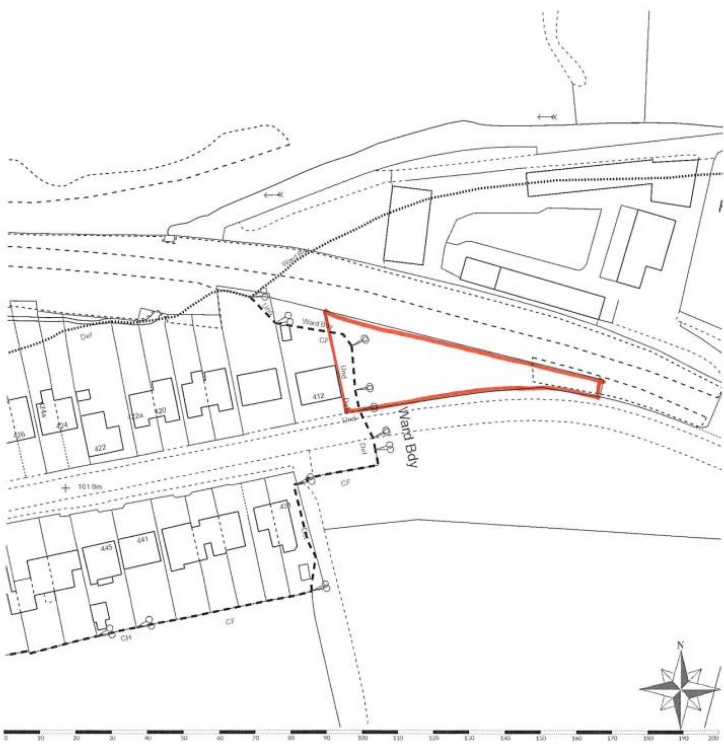
Item no. 6.106



# Location Plan

13/12/2019

412, RAWNSLEY ROAD, CANNOCK, WS12 1RB



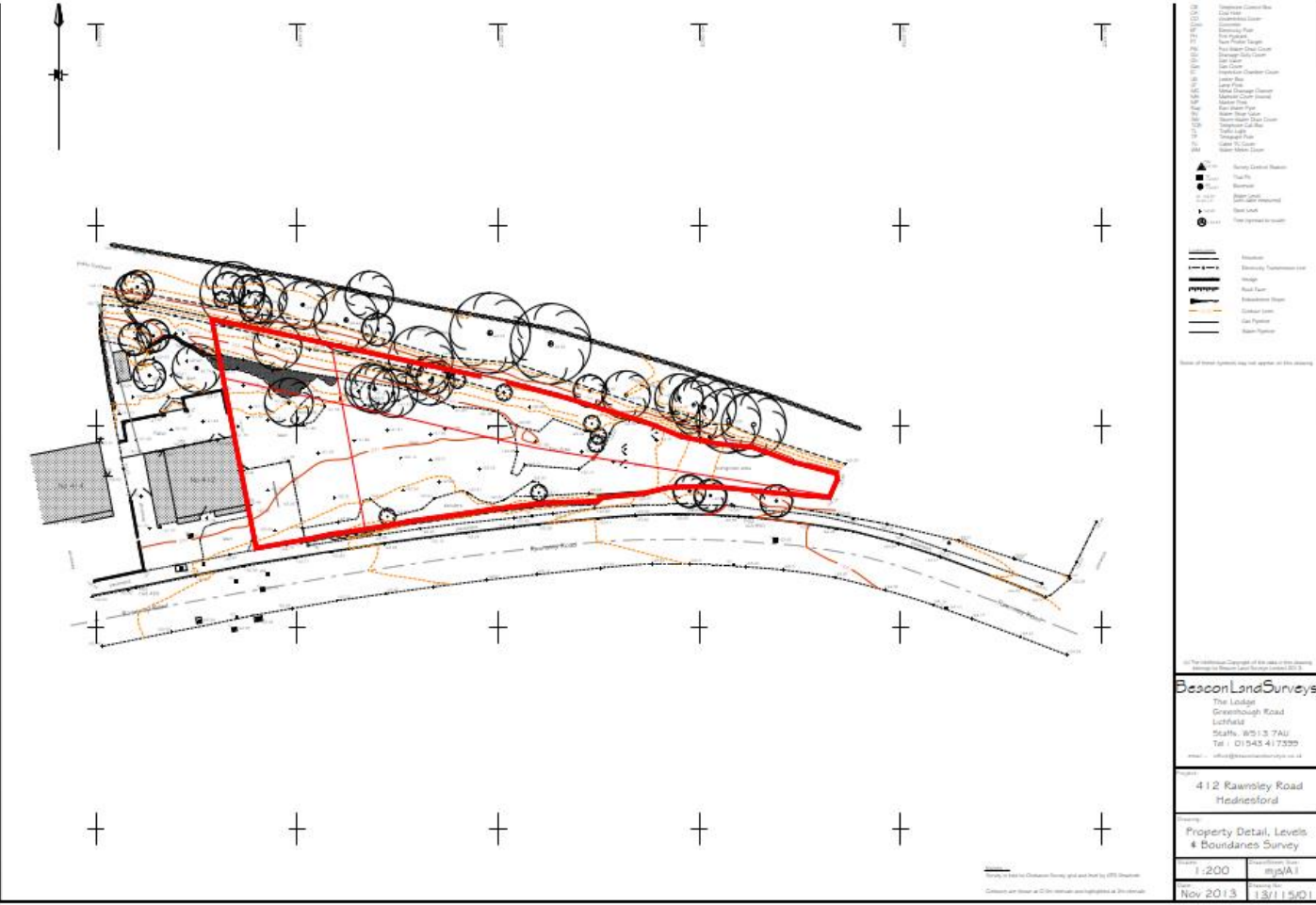
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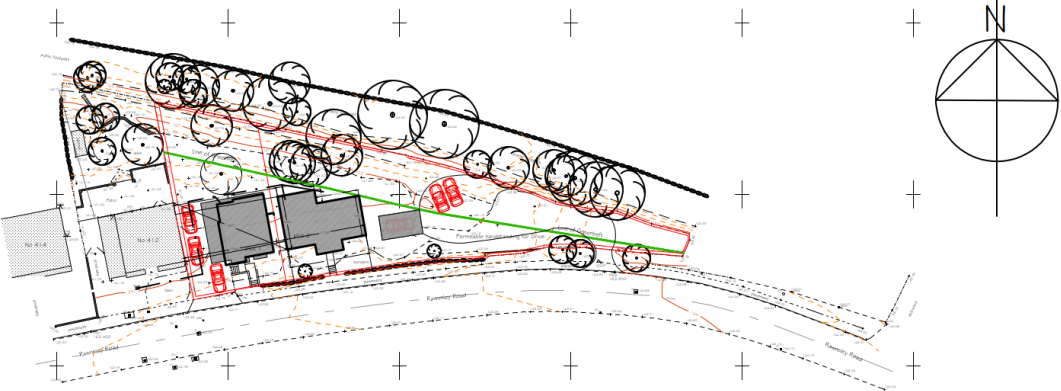


# Site Survey



# Block Plan

THE OFFICE OF THE ARCHITECTS' REGULATORY BOARD HAS REVIEWED THIS DRAWING IN ACCORDANCE WITH THE ARCHITECTS' REGULATORY BOARD'S REGULATIONS AND HAS CONFIRMED THAT IT COMPLIES WITH THE REQUIREMENTS OF THE ARCHITECTS' REGULATORY BOARD'S REGULATIONS AND HAS CONFIRMED THAT IT COMPLIES WITH THE REQUIREMENTS OF THE ARCHITECTS' REGULATORY BOARD'S REGULATIONS AND HAS CONFIRMED THAT IT COMPLIES WITH THE REQUIREMENTS OF THE ARCHITECTS' REGULATORY BOARD'S REGULATIONS.



## J T Design Partnership LLP

The Cart Hovel, Court Drive, Shenstone, Lichfield, WS14 0JQ  
TEL NO 01543 481569

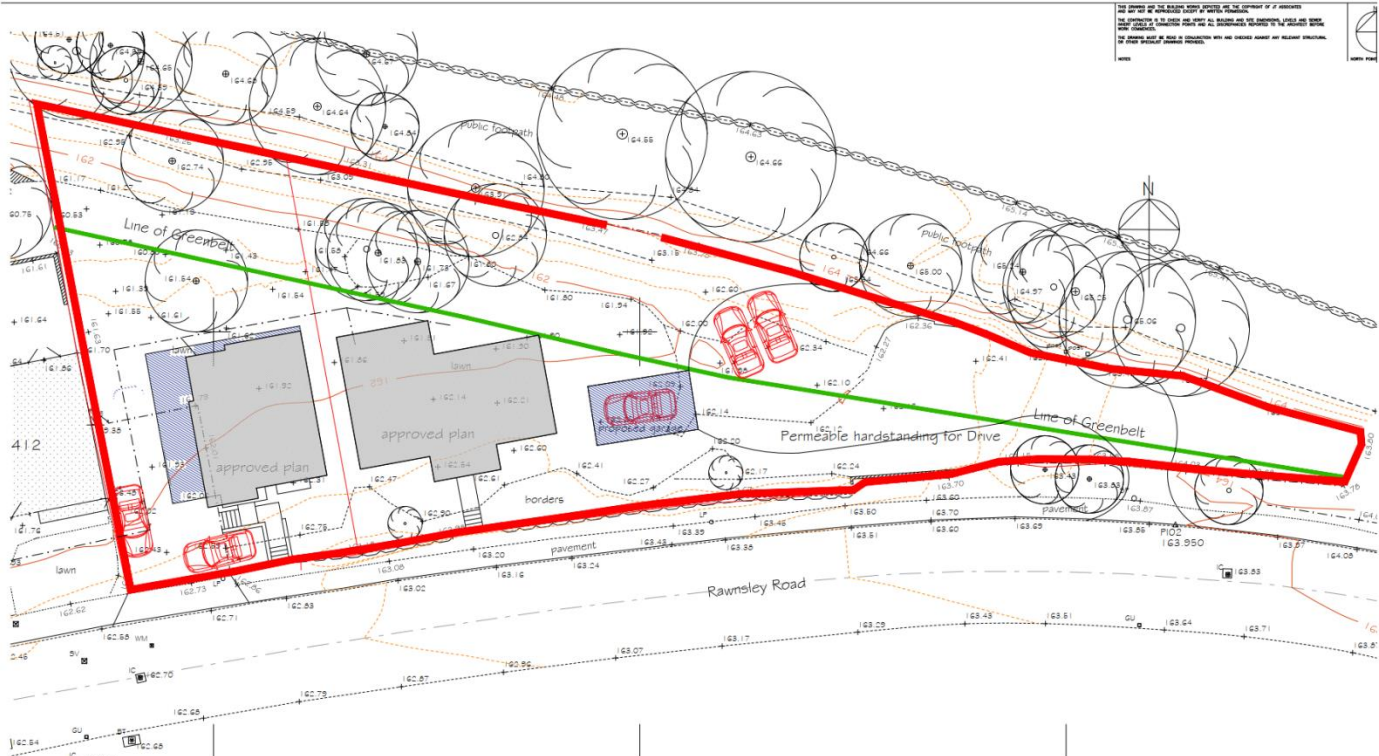
CLIENT **Mr Mick Burns**  
PROJECT **Proposed 2 new dwellings**  
**412 Rawnsley Road**  
**Hednesford**

DRAWING **Block Plan**

SCALE 1:500 DRAWING NO. JMD 610-05



# Site Plan



NOT TO SCALE  
 THE PROVISION OF THIS PLAN IS FOR INFORMATION ONLY AND DOES NOT CONSTITUTE A CONTRACT. THE CLIENT SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY APPROVALS AND PERMITS FROM THE LOCAL AUTHORITY.  
 THE DESIGNER SHALL NOT BE RESPONSIBLE FOR ANY CONSTRUCTION DEFECTS OR DELAYS TO THE PROJECT.

**J T Design Partnership LLP**

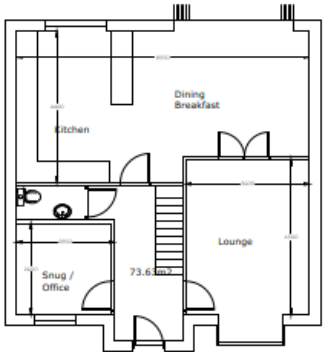
The Courtyard, Court Street, Boreham, Essex, S16 6JG  
 Tel: 01702 551111

CLIENT: **Mr Mick Burns**  
 PROJECT: **Proposed 2 new dwellings**  
**412 Rawnsley Road**  
**Hobbesford**

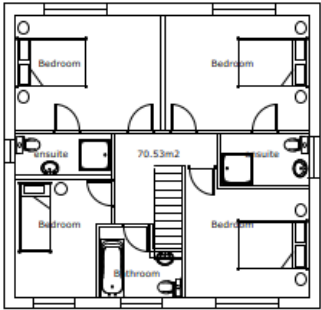
DRAWING: **Proposed Site Plan**  
 Purpose: **Planning Approval Refused**

SCALE: 1:100 DRAWING NO: JTD 6110A

# Proposed Floor Plans and Elevations Plot 1



Plot 1 Ground Floor Plan



Plot 1 First Floor Plan

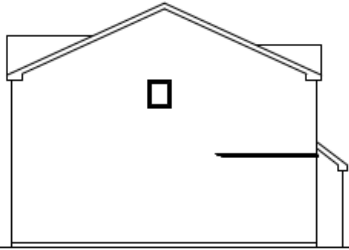
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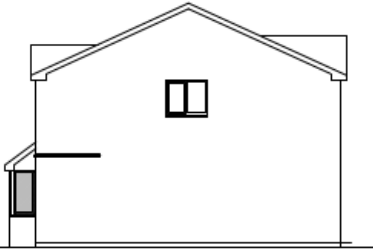
Plot 1 rear elevation ( North )



Plot 1 front elevation ( South )



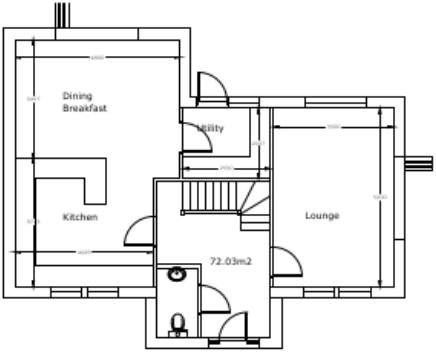
Plot 1 side elevation ( East )



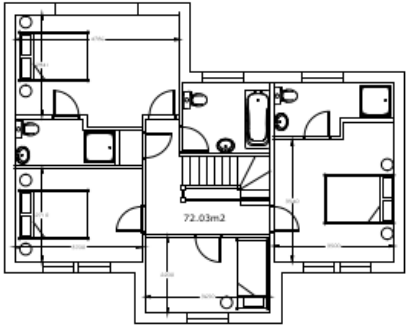
Plot 1 side elevation ( West )

**J T Design Partnership LLP**  
The Oak Road, Oakley, Herts, SG8 6LH  
Tel: 01438 840000  
www.jtdesign.co.uk  
CLIENT: Mr Nick Burns  
PROJECT: Proposed 2 new dwellings  
412 Ravensley Road  
Hemel Hempstead  
DRAWING: Proposed Plans and Elevations  
Plot 1  
SCALE: 1:50 DRAWING NO: JTB/014

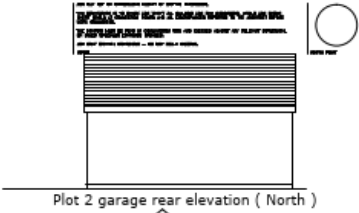
# Proposed Floor Plans and Elevations Plot 2



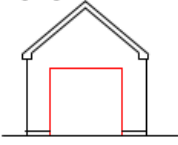
Plot 2 Ground Floor Plan



Plot 2 First Floor Plan



Plot 2 garage rear elevation ( North )



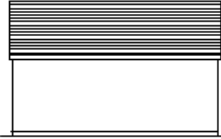
Plot 2 garage side elevation ( East )



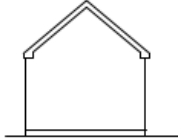
Plot 2 front elevation ( South )



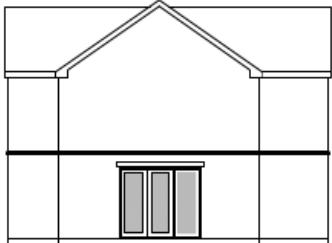
Plot 2 rear elevation ( North )



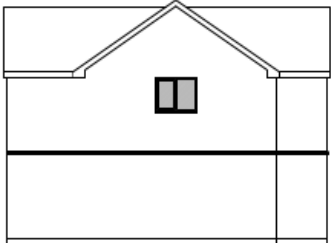
Plot 2 garage rear elevation ( North )



Plot 2 garage side elevation ( East )



Plot 2 side elevation ( West )



Plot 2 side elevation ( East )

**J T Design Partnership LLP**  
The East West Gate Office, Riverside, London, SE10 3JF  
 Tel: 020 7592 0100

**Mr Nick Barnes**  
 Proposed 2 new dwellings  
 412 Ravensley Road  
 Heston/Barnet

**Drawings:** Proposed Plans and Elevations  
**Scale:** 1:50 (ARCHITECTURAL AND EXTERIOR)

**Contact Officer:** Claire Faulkner

**Telephone No:** 01543 464337

**Planning Control Committee**

**3<sup>rd</sup> February 2021**

**Application No:** CH/20/396

**Received:** 10-Nov-2020

**Location:** 412 Rawnsley Road, CANNOCK, WS12 1RB

**Parish:** Hednesford

**Ward:** Hednesford South

**Description:** Construction of two new 4 bedroom dwellings. Re-submission of previous application on the side garden of 412 Rawnsley Road.

**Application Type:** Full Planning Application

**Recommendations:** Approve subject to conditions

**Reason(s) for Recommendation:**

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

**Conditions (and Reasons for Conditions):**

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

**Reason**

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

2. No part of the development hereby approved shall be undertaken above ground level until details of the materials to be used for the external surfaces have been submitted to and approved by the Local Planning Authority.

Reason

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

3. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and re-enacting that Order with or without modification), no development within Part 1 of Schedule 2 to the Order shall be carried out without an express grant of planning permission, from the Local Planning Authority, namely

:

- The enlargement, improvement or other alteration of the dwellinghouse;
- The enlargement of the dwellinghouse consisting of an addition or alteration to its roof;
- Any other alteration to the roof of the dwellinghouse;
- The erection or construction of a porch outside any external door of the dwelling;
- The provision within the curtilage of the dwellinghouse of any building or enclosure, swimming or other pool required for a purpose incidental to the enjoyment of the dwellinghouse as such, or the maintenance, improvement or other alteration of such a building or enclosure;
- The provision within the curtilage of the dwellinghouse of a hard surface for any purpose incidental to the enjoyment of the dwellinghouse as such;
- The erection or provision within the curtilage of the dwellinghouse of a container for the storage of oil for domestic heating; or
- The installation, alteration or replacement of a satellite antenna on the dwellinghouse or within the curtilage of the dwellinghouse.

Reason

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

4. No dwelling hereby approved shall be occupied until a scheme for the fitting of that dwelling with electric charging points for electric vehicles has been submitted to and approved in writing by the Local Planning Authority and the works comprising the approved scheme have been completed. The works shall thereafter be retained for the lifetime of the development unless otherwise approved in writing by the Local Planning Authority.

Reason

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

5. No dwelling hereby permitted shall be completed above ground floor level until a scheme for the provision of bat roosts has been submitted to and approved in writing by the Local Planning Authority. The submitted scheme shall indicate the plots to be provided with bat roosts, which shall be either integrated into the roof or attached to the house in question, and their height and location. Any dwelling shown to be host to such a bat roost shall be completed in accordance with the approved scheme.

Reason

In the interests of enhancing bat breeding habitat in accordance with Policy CP12 of the Local Plan and paragraphs 170, 175, 177, 179 of the NPPF.

6. On completion of the gas monitoring programme, a risk assessment shall be completed, and submitted to the Local Planning Authority as part of a Remediation Method Statement (for approval prior to works) detailing the exact manner in which mitigation works are to be carried out (including specific detail for both contamination and ground gases). The Statement shall also include details of validation testing that will be carried out once works have been completed.

Reason

The submitted phase 2 report (Ground Investigation Report for a proposed residential development at Rawnsley Road, Hednesford, Staffs, Ref. DP/28940, dated 18th December 2019, Authored by GIP Limited) has confirmed the presence of contamination and ground gases requiring remediation in accordance with paragraphs 170 & 178 of the NPPF.

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

Reason

In accordance with paragraphs 170 & 178 of the NPPF.

8. The development shall not be occupied until a validation/ phase 3 report has been submitted to and approved in writing by this Department. A Validation Report is required to confirm that all remedial works have been completed and

validated in accordance with the agreed Remediation Method Statement.

Reason

In accordance with paragraphs 170 & 178 of the NPPF.

9. The dwellings hereby approved shall not be brought into use until the new access to the site (plot 2), as illustrated on Dwg.No JMD 610-04, has been completed within the limits of the public highway as a vehicle dropped crossing and 1.5m by 1.5m pedestrian visibility splays have been provided to either side of the vehicle access with nothing placed or retained forward of the splays exceeding 600mm in height above the adjacent carriageway level.

Thereafter, the access and visibility splays shall be retained free of obstruction for the life of the development.

Reason

In the interests of highway safety and to comply with Para 109 of the NPPF.

10. Notwithstanding the submitted information, before the development hereby permitted is commenced, details showing appropriate visibility splays for each access shall be submitted to and approved in writing by the Local Planning Authority.

The visibility splays shall thereafter be provided prior to first use of the dwellings in accordance with the approved plan and retained for the life of the development.

Reason

In the interests of highway safety and to comply with Paragraph 109 of the NPPF.

11. Prior to first occupation, the access, parking and turning areas for the dwellings shall be provided in accordance with the details shown on the approved plan Dwg.No. JMD 610-04.

Thereafter the access, parking and turning areas shall be retained as such for the life of the development.

Reason

In the interests of highway safety and in accordance with Paragraph 109 of the NPPF.

12. Any gates for plot 2 shall be located a minimum of 6m rear of the carriageway

edge and shall open away from the highway.

Reason

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

13. The garage indicated on the proposed plan shall be retained for the parking of motor vehicles and cycles only. It shall at no time be converted to living accommodation without the prior express permission of the Local Planning Authority.

Reason

In the interests of Highway safety and in accordance with Paragraph 32 of the NPPF.

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

JMD 610-05 Block Plan

JMD 610-04 Proposed Site Plan

JMD 610-01 Proposed Plans and Elevations Plot 1

JMD 610-02 Proposed Plans and Elevations

Arboricultural Report RSE\_833\_01\_V1

Preliminary Ecological Appraisal RSE\_833\_R1\_PEA Issue date May 2017

Reason

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

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

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

Please note that there is no guarantee that you will be able to build over or close to any Severn Trent sewers, and where diversion is required there is no guarantee that you will be able to undertake those works on a self-lay basis. Every approach to build near to or divert our assets has to be assessed on its



own merit and the decision of what is or isn't permissible is taken based on the risk to the asset and the wider catchment it serves. It is vital therefore that you contact us at the earliest opportunity to discuss the implications of our assets crossing your site. Failure to do so could significantly affect the costs and timescales of your project if it transpires diversionary works need to be carried out by Severn Trent.

The works required in Condition 1 require a Section 184 Notice of Approval from Staffordshire County Council. The link below provides a further link to 'vehicle dropped crossings' which includes a 'vehicle dropped crossing information pack' and an application form for a dropped crossing. Please complete and send to the address indicated on the application form which is Staffordshire County Council at Network Management Unit, Staffordshire Place 1, Wedgwood Building, Tipping Street, STAFFORD, Staffordshire, ST16 2DH. (or email to [nmu@staffordshire.gov.uk](mailto:nmu@staffordshire.gov.uk))  
<http://www.staffordshire.gov.uk/transport/staffshighways/licences/>

Any soakaway shall be provided 4.5m rear of the footway boundary.

## **Consultations and Publicity**

### **External Consultations**

#### Hednesford Town Council

No objection.

With regards this resubmission and revised application we still feel that the area for development is limited to build two four bedroom homes but also accept that the developers have created more space in between the houses and on the site. They have removed one garage but added another on the tapering piece of the site and this seems appropriate to the shape of the plot.

On balance we would accept this application subject to other bodies statutory permissions and no adverse impact on neighbouring properties / residents

#### Historic England

No comments offered

#### Staffordshire Wildlife Trust

No response to date.

#### Sustrans

No response to date.

### Severn Trent Water Ltd

Thank you for the opportunity to comment on this planning application. Please find our response noted below:

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

As the proposal has minimal impact on the public sewerage system I can advise we have no objections to the proposals and do not require a drainage condition to be applied.

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

Please note that there is no guarantee that you will be able to build over or close to any Severn Trent sewers, and where diversion is required there is no guarantee that you will be able to undertake those works on a self-lay basis. Every approach to build near to or divert our assets has to be assessed on its own merit and the decision of what is or isn't permissible is taken based on the risk to the asset and the wider catchment it serves. It is **vital** therefore that you contact us at the earliest opportunity to discuss the implications of our assets crossing your site. Failure to do so could significantly affect the costs and timescales of your project if it transpires diversionary works need to be carried out by Severn Trent.

### Travel Management and Safety

A site visit was carried out on 20/11/2020.

The application is a re-submission of CH/20/045 which was refused by the Local Planning Authority. This application is for 2no 4no bedroomed dwellings on the side garden of No. 412 Rawnsley Road. Rawnsley Road is an unclassified 30mph road which benefits from street lighting. It lies approximately 1 mile north of Hednesford and 3 miles north of Cannock.

Current records show there were no Personal Injury Collisions on Rawnsley Road within 50 metres either side of the property accesses for the previous five years.

Plot 1 will utilise the existing 2nd vehicle access crossing to No. 412 and a new access is proposed for Plot 2. The applicant is requested to submit a revised plan showing a

visibility splay of 2.4m x 43m in both directions for the new vehicle access crossing. Each property provides 3no parking spaces which complies with Cannock Chase District Council's parking standards for 4no bedroom dwellings.

## **Internal Consultations**

### Development Plans and Policy Unit

Please refer to the policy comments provided for the previous application on this site reference CH/20/045. The designations on the site have not changed since this advice was provided. This guidance was as follows:-

The proposal is for the erection of two dwellings adjacent to an existing line of residential dwellings along a road. The location site lies partly within the Green Belt with a disused railway embankment to the rear of the site which contains a public footpath.

The National Planning Policy Framework (NPPF) 2019 states that development proposals that accord with the development plan should be approved without delay. Where there are no relevant development plan policies, or the policies which are most important for determining the application are out of date, planning permission should be granted, unless policies in the Framework that protect areas or assets of particular importance (e.g. Green Belt, AONB, habitats sites) provide a clear reason for refusal, or any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole. Paragraphs 133 — 147 in the NPPF set out the purpose of the Green Belt and what types of development are appropriate within it, Policy CP1 in the Cannock Chase Local Plan — Local Plan (Part 1) 2014 supports this stance. Policy CP3 in the Cannock Chase Local Plan (Part 1) states that developments should show how they form appropriate design in the Green Belt through careful design of new development. The policy also sets out the design standards for new built development including good designs that relate well to the existing developments and local landscape characteristics. The Design SPD should be consulted for additional design guidance.

The Cannock Chase Local Plan (Part 1) 2014 was adopted more than five years ago; it is therefore the subject of a review. This review is at an early stage in the process with consultation on 'Issues and Options' being undertaken recently (May—July 2019). Therefore limited weight can be afforded to it.

The starting point for the determination of planning applications remains the adopted development plan (Local Plan (Part1)). If it is a market housing residential development scheme the proposal may be CIL liable. Given that a net increase in dwellings is proposed the development also needs to mitigate its impacts upon the Cannock Chase SAC (Local Plan Part 1 Policy CP13). Should the development be liable to pay CIL charges then this will satisfy the mitigation requirements, as per Local Plan Part 1 Policy CP13, the Developer Contributions SPD (2015) and the Council's Guidance to

Mitigate impacts upon Cannock Chase SAC (2017). However, should full exemption from CIL be sought then a Unilateral Undertaking would be required to address impacts upon the Cannock Chase SAC in accordance with the 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 CIL Infrastructure list.

### Environmental Health

Thank you for referring this matter for consideration our comments are as per the previous application. These comments were as follows:-

#### Land contamination

The submitted report (Ground Investigation Report for a proposed residential development at Rawsley Road, Hednesford, Staffs. Ref. DP/28940, dated 18<sup>th</sup> December 2019. Authored by GIP Limited) details investigation of geotechnical and geochemical conditions at the application site.

Made ground was noted to be up to 1.90m thick across the site. 4 boreholes were advanced across the site to facilitate sampling of soils. Ground gas monitoring wells were installed in two of these locations, for subsequent investigation. Groundwater was not noted in either well during monitoring.

Soil samples were analysed for a range of metals, non-metals, metalloids, inorganics, organics (including TPH and PAH).

Human health risk assessment was carried out using the CLEA model, with the 'residential with plant uptake, 1% SOM' scenario used to compare with sample results. This noted levels of benzo(a)pyrene in excess of the critical concentration at WS3.

This, alongside the possibility that further contamination maybe present in the made ground, leads the report to recommend remediation in the form of 600mm of clean imported material across proposed garden areas and soft landscaping. Imported materials should come from a proven source, with chemical analysis of the material, along with validation of depth are to be confirmed in a report to the LPA, post-works.

The report also recommends a watching brief during site works, in case potentially contaminated materials are encountered. If so, an environmental consultant should be contacted to assess the risk.

At the time of writing, 4 of the 6 intended gas monitoring rounds had been completed. The final results and updated assessment are to be forwarded upon completion. A historic landfill is noted 63m to the northwest and there are a number of gravel pits in the area, which all represent a potential source of ground gas.

From the 4 monitoring rounds, the following was noted: methane, carbon monoxide, hydrogen sulphide were not detected; carbon dioxide levels of between 4.2% and 16.2% were recorded (highest within WS4); with oxygen levels of between 3% and 15.2%. Gas flow readings were less than 0.5 l/hr.

On the basis of these results, the report recommends protection measures equivalent to 'Characteristic Situation 2' (as per BS8485) and for a 'Type A' building, a protection score of at least 3.5 points would be required. This conclusion should be reassessed following completion of the monitoring programme, and submitted to the LPA in a Remediation Method Statement, which details the selected design measures and validation plan.

#### Environmental Health Housing

No objections.

#### CIL Officer

In respect of the above proposal, based on the CIL additional information form submitted, the chargeable amount for this development would be £14,866.39. Please note this is subject to change if permission is granted after 31<sup>st</sup> December 2020.

#### Strategy Housing

No response to date.

#### Environmental Services

The adjacent former mineral line is owned by Sustrans/ Rail paths Ltd and they should be consulted as adjacent landowners.

The tree survey is dated 17 Aug 2017. The actual survey was undertaken on 3 Feb 2017. Within Section 4 Limitations para 4.1 V1] states that 'The findings & recommendations within this report are, assuming its recommendations are observed, valid for a period of 12 months from the date of the survey (3 Feb 17) Trees are living organisms and their condition can alter significantly over a relatively short period of time.....' As such it is out of date.

Appendices A Survey, B Tree constraints plan & C Tree protection plan are all missing from the submitted report and thus cannot be confirmed if appropriate.

Within 1.1 Findings & Recommendations para iv states 'any tree works in the tree schedule have been identified solely in context of its current site use' Similar is noted in Para 6.1. so there are no works necessary to facilitate the proposed future use of the site? Para 6.4.ii notes that 'the implementation of the recommended tree works associated with the proposals (Table3) will reduce the likelihood of direct damage occurring in a manner described above in respect of the retained trees.' But no tree works have been proposed in respect of the development and Table 3 relates to distances not works.

The AIA should clearly assess the proposals and record any issues that have not been designed out as part of the overall design process. The method statement needs to specify specific relevant details to the proposals in terms of tree protection or work within the Root protection areas of the scheme design.

6.9.ii Tree works detailed in Table 3 (ref comment above) are considered..... that will Allow for future growth of the retained trees whilst minimising any immediate Ettore pruning pressures. None are proposed so not immediate, but if assessed correctly and layout designed appropriately there should be little future need if any or is this not the case.

Tree protection is not mitigation. Tree planting would be and considering this site lies within the Forest of Mercia it would be essential.

The revised site layout appears to omit one detached garage in order to lessen cramped nature of the site. The mass and scale of the two main buildings are the features that give this impression.

The Tree survey report picked up on the former mineral line containing a public footpath. Whilst there is an enacted planning consent for this there is no present accessible path. However, this aspect has not been referred to in the Design & Access statement nor its potential impact on views into the development. — potentially directly into the first floor rear rooms! Partial screening may be possible via tree planting on the slope of the railway embankment but this would take time to establish.

There is no clear plan as what exiting vegetation is to be removed/retained. This may be within the missing tree report documents but should be clearly identified on the site and block plans.

Any new buildings will need to include inbuilt bird/bat boxes to improve the habitat value of the site.

In summary:-

Principle of development approved via previous permission

Outdated tree survey and missing info.

The scale and mass of the two buildings still dominate the site.

Concern at the relationship with the proposed footpath cycleway (Policy CPIO).

#### Ecologist

No response to date.

#### Waste and Engineering Services

No response to date.

## Response to Publicity

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

## Relevant Planning History

- CH/20/045 Residential development:- Erection of 2 x four bedroom detached dwellings. Committee Refusal for the following reason:-
- “The proposed development, by virtue of its scale and layout, would result in a cramped form of development to the detriment of the character and form of the area contrary to Policy CP3 of the Cannock Chase Local Plan, the Council’s Design Supplementary Planning Document and the design section of the National Planning Policy Framework.”
- CH/17/364 Residential development:- Erection of 1 three bedroom detached dwelling and 1 four bedroom detached dwelling. Committee approval.
- CH/16/173 Lawful Development Certificate for the proposed erection of 2no. single storey outbuildings. Approved
- CH/15/0490 Lawful development certificate for the existing use of land as domestic curtilage. Approved

## 1 Site and Surroundings

- 1.1 The application seeks outline consent for residential development on land adjacent to 412 Rawnsley Road.
- 1.2 The site is of an irregular 'triangular' shape and has a maximum depth of approximately 27m and a road frontage of 70m with a total area of 0.18 hectares .
- 1.3 The site was formally used as garden land by No.412 Rawnsley Road. The area comprises of soft landscaping with a hedgerow along the frontage and a former railway embankment running parallel to the northern boundary.
- 1.4 There is an existing driveway to the southwest corner of the site which comprises of an area of hardstanding for the parking of two vehicles.
- 1.5 The existing dwelling has further gardens to the rear and parking with integral garage to the west.

- 1.6 The street scene comprises of traditional two storey properties constructed from brick or render and tile. The existing dwelling and curtilage comprises of an uncharacteristic size in this location.
- 1.7 The site is in part unallocated and undesignated in the Cannock Chase Local Plan (Part 1) and in part located within the designated West Midland Green Belt as shown on the Cannock Chase Local Plan. The application site is also located in a Mineral SafeGuarding Area for Bedrock Sand and within a Low Development Boundary as designated by the Coal Authority.

## **2 Proposal**

- 2.1 The applicant is seeking consent for construction of two new 4 bedroom dwellings and one detached garage.
- 2.2 The proposed Plot 1 would be a 4 bedroom dwelling and would incorporate the existing driveway to the east of No.214 Rawnsley Road. The dwelling would be two storey and would feature a bay window and porch to the front. The private amenity space would be to the rear and would comprise an area of approx.. 140m<sup>2</sup>.
- 2.3 The proposed Plot 2 would be a 4 bedroom dwelling and would incorporate a new vehicle access and driveway to the east. The dwelling would be two storey and would feature a front projecting gable. The private amenity space would be to the rear and side and would comprise an area of more than 150m<sup>2</sup>. A detached single garage would be constructed to the side accessed from the private drive.
- 2.4 Both proposed dwellings would be constructed on a lower level than the adjacent highway.
- 2.5 Part of the hedgerow that ran along the rear of the highway has been removed to accommodate the access into plot 2. This access drive would terminate in a small parking area for and the detached garage. The access would be constructed from permeable materials.
- 2.6 The existing dwelling (No.412) would retain adequate parking (4 vehicles) and private amenity space to the rear.
- 2.7 The current proposal differs from the previously refused scheme by virtue of the removal of the garage proposed to be attached to the side elevation of plot 1 immediately adjacent the existing dwelling.



### 3 **Planning Policy**

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

3.2 The Development Plan currently comprises the Cannock Chase Local Plan (2014) and the Minerals Local Plan for Staffordshire (2015-2030).

3.3 Relevant Policies within the Local Plan Include:

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

3.4 The relevant policies within the Minerals Plan are

3.2 Mineral Safeguarding.

3.5 National Planning Policy Framework

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

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

3.8 Relevant paragraphs within the NPPF include paragraphs: -

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

212, 213 Implementation

3.9 Other relevant documents include: -

Design Supplementary Planning Document, April 2016.

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

## 4 Determining Issues

4.1 The determining issues for the proposed development include:-

- i) Principle of development
- ii) Design and impact on the character and form of the area
- iii) Impact on residential amenity.
- iv) Impact on highway safety.
- v) Impact on nature conservation
- vi) Drainage and flood risk
- ix) Mineral safeguarding
- x) Waste and recycling facilities
- xi) Ground conditions and contamination
- xii) Affordable Housing

4.2 Principle of the Development

4.2.1 Both the NPPF and Cannock Chase Local Plan 2014 Policy CP1 advocate a presumption in favour of sustainable development unless material considerations indicate otherwise. The site is a windfall 'brownfield' site located within the urban area of Hednesford. Although the Local Plan has a housing policy it is silent in respect of its approach to windfall sites on both greenfield and previously developed land. As such in accordance with Policy CP1 of the Local Plan the proposal falls to be considered within the presumption in favour of sustainable development, outlined in paragraph 11 of the NPPF.

4.2.2 The NPPF at paragraph 11 includes a presumption in favour of sustainable development. For decision taking this means:

- c) approving development proposals that accord with an up to date development plan without delay.
- d) where there are no relevant development plan policies, or the policies which are most important for determining the application are out of date, granting permission unless

- (i) policies in the Framework that protect areas or assets of particular importance (e.g. Green Belt, AONB, habitats sites) provide a clear reason for refusing the development proposed; or
- ii) any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.

With regard to Habitats Sites, such as the Cannock Chase SAC and SSSI, the presumption does not apply where the project is likely to have a significant effect either alone or in combination with other plans or projects, unless an appropriate assessment has concluded that the proposal will not adversely affect the integrity of the habitats site.

- 4.2.3 In this case it is confirmed that an appropriate assessment has been undertaken and it has concluded that subject to mitigation in the form of a payment towards SAMMS, either through CIL or a section 106 agreement the proposal will not adversely affect the integrity of Cannock Chase SAC. As such it is concluded that the 'presumption in favour of sustainable development' applies to this proposal.
- 4.2.4. In this case it is confirmed that the proposal does not engage any of the policies in the NPPF that protect areas or assets of particular importance (e.g. Conservation Area, AONB, habitats sites) with the exception that part of the site lies within the Green Belt. This issue is assessed in the next section of this report which concludes that the proposal would not be inappropriate development within the Green Belt. This being the case the application should be determined on the basis as to whether any adverse impacts of granting approval would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.
- 4.2.5 The site is located at the end of a linear row of residential dwellings within close proximity to Hednesford District Centre and therefore is close to the services and facilities for day to day needs of the occupiers of the proposed development. The site is not located within either Flood Zone 2 or 3 and it is not designated as a statutory or non- statutory site for nature conservation.
- 4.2.6 Notwithstanding the above, part of the site is located within the West Midlands Green Belt, wherein there is a presumption against inappropriate development, which should only be approved in 'very special circumstances'. Paragraph 144 of the NPPF states that local planning authorities should ensure substantial weight is given to any harm to the Green Belt by reason of inappropriateness and any other harm resulting from the proposal is clearly outweighed by other considerations.

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

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

4.2.8 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.

4.2.9 Whether a proposal constitutes inappropriate development is set out in Paragraphs 145 & 146 of the NPPF. Paragraph 145 relates to new buildings and paragraph 146 other operations. The lists contained within these paragraphs are closed and therefore are fixed. The proposal could be considered as not inappropriate provided it meets one of the above exceptions.

4.2.10 Paragraph 143 of the NPPF makes it clear that "inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances". Furthermore paragraph 144 states when "considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt" adding "Very special circumstances will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations". The test of whether Very Special Circumstances therefore requires an assessment of all potential harms and benefits of the proposal.

4.2.11 In this instance, the pair of dwellings proposed together with the detached garage would be sited on the land that remains unallocated and therefore would not be sited within the Green Belt. Notwithstanding this, the rear gardens of the proposed development would be sited within the Green Belt. However, the application site is currently used as garden land associated with No.412 Rawnsley Road and therefore the continued use of the land for garden space would not significantly alter the character of the land and its impact on the openness of the Green Belt in this location.

4.2.12 A new access and driveway would be introduced to the east of the site off Rawnsley Road to provide access to the proposed Plot 2. This driveway would,

in part, fall within the Green Belt. Paragraph 146 of the NPPF lists forms of development other than those listed in Paragraph 145 of the NPPF, that are not considered inappropriate in the Green Belt provided they preserve the openness of the Green Belt and do not conflict with the purposes of including land in Green Belt. This includes (amongst others) engineering operations.

4.2.13 The provision of the permeable driveway is considered to be an engineering operation that would not impact on the openness of the Green Belt and does not conflict with the purposes of including land in Green Belt. These purposes are:

- to check the unrestricted sprawl of large built up areas;
- to prevent neighbouring towns merging into one another;
- to assist in safeguarding the countryside from encroachment;
- to preserve the setting and special character of historic towns; and
- to assist in urban regeneration, by encouraging the recycling of derelict and other urban land.

4.2.14 The proposed development is not considered to be inappropriate in this location with the unallocated section of the site being developed and the Green Belt section of the site comprising garden land and therefore no change of use or character to the existing use. Notwithstanding, a condition has been recommended for the removal of permitted development rights to ensure future development of the dwellings would not encroach across the Green Belt boundary to retain the openness of the Green Belt.

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

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

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

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

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

fundamental to what the planning and development process should achieve.

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

Planning policies and decisions should ensure that developments:

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

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

4.3.5 Given the above it is noted that the small scheme for 2 dwellings and one detached garage would fit comfortably within the urban grain of the surrounding area in terms of size, scale and plot density reflecting the linear layout and form of the surrounding area.

4.3.6 In respect to the impact on the trees within the site the applicant has commissioned an arboricultural report. The comments of the Landscape Officer are also noted in this respect. The Tree Report concludes that of the 15 trees and 1 group of trees surveyed they were found to be generally moderate (b) to low (c) category values. The proposed development would require the removal of 1 category B tree and 5 category C trees. The report concludes that the tree removals will not be of significantly detrimental impact to the local tree cover or public amenity.

4.3.7 The findings of the arboricultural report are considered to be reasonable and proportionate to the condition of the trees within the site. The hedgerow along Rawnsley Road would be retained for the majority. The majority of trees within the site are shown on the proposed Site Plan as being retained. However it is

noted that none of the trees within the site benefit from Tree Protection Orders and could be removed at any time by the current occupier.

- 4.3.8 The proposed dwelling are of a traditional design and reflect designs typical of the late C20<sup>th</sup> early C21<sup>st</sup>, with feature headers and sills, contrasting brick course, being constructed from brick under a tile roof .The proposed materials are not specified within the application, however, it is considered that this element can be adequately controlled through the use of a condition.
- 4.3.9 Therefore it is concluded that the proposal in respect to its layout, scale and design would not have a significant impact on the character and form of the area and therefore would not be contrary to Policy CP3 of the Cannock Chase Local Plan, the Design SPD and the Good Design section of the NPPF.

#### 4.4. Impact on Residential Amenity

- 4.4.1 Policy CP3 of the Local Plan states that the following key requirements of high quality design will need to be addressed in development proposals and goes on to include [amongst other things] the protection of the "amenity enjoyed by existing properties". This is supported by the guidance as outlined in Appendix B of the Design SPD which sets out guidance in respect to space about dwellings and garden sizes.
- 4.4.2 Paragraph 127(f) of the NPPF states that planning policies and decisions should ensure that developments [amongst other things] create places with a high standard of amenity for existing and future users.
- 4.4.3 In general the Design SPD sets out guidance for space about dwellings, stating that for normal two storey to two storey relationships there should be a minimum distance of 21.3m between principal elevations (front to front and rear to rear) and 12m between principal elevations and side elevations. Furthermore, the Design SPD sets out minimum rear garden areas, recommending 40-44sqm for 1 or 2 bed dwellings, 65sqm for 3 bed dwellings and 80sqm for 4 bed dwellings.
- 4.4.4 However, it should always be taken into account that these distances are in the nature of guidance. When applying such guidance consideration should be given to the angle of views, off-sets and changes in levels.
- 4.4.5 In this instance the only dwelling that could be affected by the proposed development would be No.412 Rawnsley Road. However, the proposed dwellings would be constructed to the side of this dwelling and therefore not result in a detrimental impact to the occupiers of this dwelling in accordance with the Design SPD.
- 4.4.6 The existing dwelling at No412 Rawnsley Road already benefits from a separate access with parking area, integral garage and access to the rear garden.

4.4.7 The proposed dwellings would benefit from an adequate area of private amenity, parking and have a good outlook. As such the proposal is considered to accord with the policies set out within the Design SPD with regard to the future occupiers of the site.

#### 4.5 Impact on Highway Safety

4.5.1 Paragraph 109 of NPPF states that development should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe adding at paragraph 110: -

Within this context, applications for development should:

- a) give priority first to pedestrian and cycle movements, both within the scheme and with neighbouring areas; and second so far as possible to facilitating access to high quality public transport, with layouts that maximise the catchment area for bus or other public transport services, and appropriate facilities that encourage public transport use;
- b) address the needs of people with disabilities and reduced mobility in relation to all modes of transport;
- c) create places that are safe, secure and attractive – which minimise the scope for conflicts between pedestrians, cyclists and vehicles, avoid unnecessary street clutter, and respond to local character and design standards;
- d) allow for the efficient delivery of goods, and access by service and emergency vehicles; and
- e) be designed to enable charging of plug-in and other ultra-low emission vehicles in safe, accessible and convenient locations.

4.5.2 In respect of this application one additional access would be created to the east of the site to be used in association with Plot 2. Plot 1 would utilise the existing hardstanding adjacent No.412. The existing building already benefits from parking and an integral garage to the west and as such would not be affected by the loss of the existing hardstanding. The County Highway Authority has raised no objections to the proposal subject to conditions.

4.5.3 As such it is considered that a scheme is acceptable in respect of highway safety and capacity in accordance with paragraph 109 of the NPPF.



#### 4.6 Impact on Nature Conservation Interests

- 4.6.1 Policy and guidance in respect to development and nature conservation is provided by Policy CP12 of the Local Plan and paragraphs 170, 174, 177, 179 of the NPPF.
- 4.6.2 The site is located within a wider Wildlife Landscape Zone, however, 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.
- 4.6.3 The applicant has submitted a Preliminary Ecological Appraisal with which to inform the application. The appraisal found that there was no significant ecological constraints existed within the site. The Council's Ecologist was consulted on the application and raised no concern to the proposal.
- 4.6.4 A condition requiring bat boxes to be incorporated into the new dwellings has been recommended which would further enhance the ecological value of this site. As such the proposal would not result in any direct harm to nature conservation interests.

#### 4.7 Impacts of Cannock Chase Special Area of Conservation

- 4.7.1 Under Policy CP13 development will not be permitted where it would be likely to lead directly or indirectly to an adverse effect upon the integrity of the European Site network and the effects cannot be mitigated. 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.

#### 4.8 Drainage and Flood Risk

- 4.8.1 The site is located in Flood Zone 1 on the Environment Agency's Flood Zone Maps
- 4.8.2 In this respect it is noted that paragraph 155 of the NPPF states 'inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk (whether existing or future)' adding 'where development is necessary in such areas, the development should be made safe for its lifetime without increasing flood risk elsewhere'.

4.8.3 It is noted that the site is within close proximity to a main road and at the periphery of a built up area. As such it is in close proximity to drainage infrastructure that serves the surrounding area and is considered acceptable. Severn Trent was consulted on the application and is satisfied that the proposal would not impact on the public sewerage system.

#### 4.9 Mineral Safeguarding

4.9.1 The site falls within a Mineral Safeguarding Area (MSAs) for Bedrock Sand. Paragraph 206, of the National Planning Policy Framework (NPPF) and Policy 3 of the Minerals Local Plan for Staffordshire (2015 – 2030), both aim to protect mineral resources from sterilisation by other forms of development.

4.9.2 Policy 3.2 of the new Minerals Local Plan states that: Within a Mineral Safeguarding Area, non-mineral development except for those types of development set out in Appendix 6, should not be permitted until the prospective developer has produced evidence prior to determination of the planning application to demonstrate:

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

4.9.3 The application site is located within a Mineral Safeguarding Area. Notwithstanding this, the advice from Staffordshire County Council as the Mineral Planning Authority does not require consultation on the application as the site falls within the development boundary of an urban area and is not classified as a major application.

4.9.4 As such, the proposal would not prejudice the aims of the Minerals Local Plan.

#### 4.10 Waste and Recycling Facilities

4.10.1 Policy CP16(1) (e) 'Climate Change and Sustainable Resource Use' of the Cannock Chase Local Plan states that development should contribute to national and local waste reduction and recycling targets according to the waste hierarchy'. One of the ways of achieving this is by ensuring development can be adequately serviced by waste collection services and that appropriate facilities are incorporated for bin collection points (where required).

4.10.2 In this instance, Officers can confirm that there is adequate provision within the separate curtilages for the storage of waste and recycling facilities. It is noted

that the existing dwellings have bins collected from the adjacent highway and the proposed development would be no different.

4.10.3 Given the above it is considered that the applicant has demonstrated that the proposed development would accord with the requirements of Policy CP16 of the Local Plan.

#### 4.11. Ground Conditions and Contamination

4.11.1 The site is located in a general area in which coal mining has been a significant factor and therefore there are potential issues in respect to land stability.

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

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

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

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

Planning policies and decisions should ensure that:

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

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

4.11.5 In this instance, the proposed site also lies in close proximity to the former Hednesford Quarry, now a landfill as well as a dismantled former mineral railway line to the rear of the site. In accordance with the conclusions of the Phase 1 desk study site report, ref 16-0729 submitted by BSP it is recommended that further site investigation works are undertaken to check for the specified potential contaminants given in section 4.3 of the report to confirm the contamination status of the soil, and hence the scope and extent of any remediation that may be required. Any proposals for remediation should be submitted for prior approval purposes and full validation provided upon completion.

4.11.6 Gas monitoring of the site has also been recommended. As an alternative, a more pragmatic approach may be to characterise the site for protective measures without gas monitoring data. Guidance is given in BS 8485:2015 Code of practice for the design of protective measures for methane and carbon dioxide ground gases for new buildings. Proposed gas protection measures should be submitted for prior approval and this has been recommended via condition.

4.11.7 In this instance, the application together with the proposed conditions is considered to be in accordance with paragraphs 170, 178 & 179 of the NPPF and is therefore acceptable.

#### 4.12 Affordable Housing

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

## 5 **Human Rights Act 1998 and Equalities Act 2010**

### **Human Rights Act 1998**

5.1 The proposals set out in this report are considered to be compatible with the Human Rights Act 1998. The recommendation to refuse accords with the policies of the adopted Local Plan and the applicant has the right of appeal against this decision.

### **Equalities Act 2010**

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

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

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

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

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

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

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

## **6 Conclusion**

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

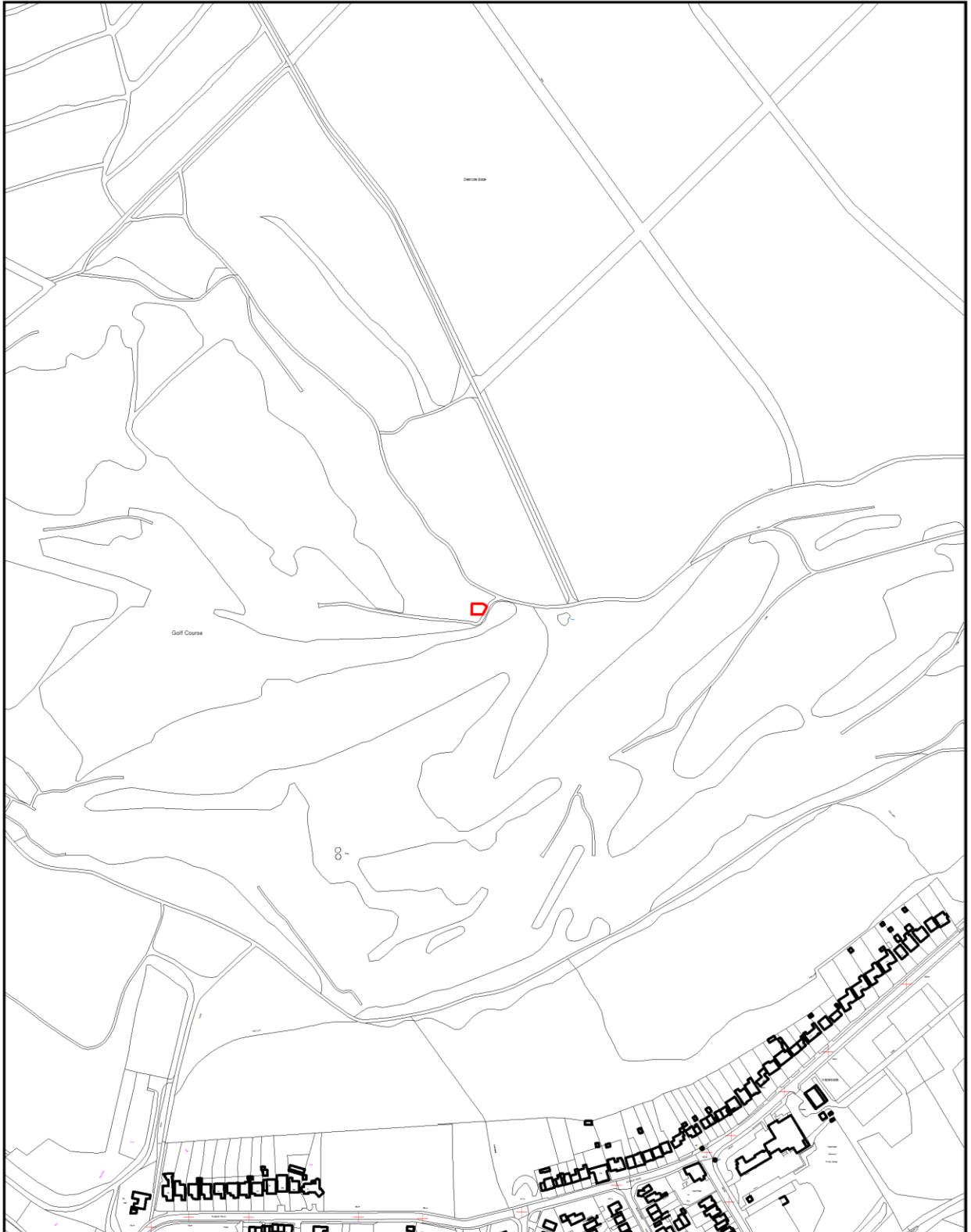
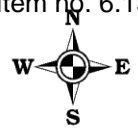


**Application No:** CH/20/425

**Location:** Beau Desert Golf Club, Rugeley Road, Hazelslade, Cannock, WS12 0PJ

**Proposal:** Erection of Halfway House Structure adjacent to 11th green of golf course

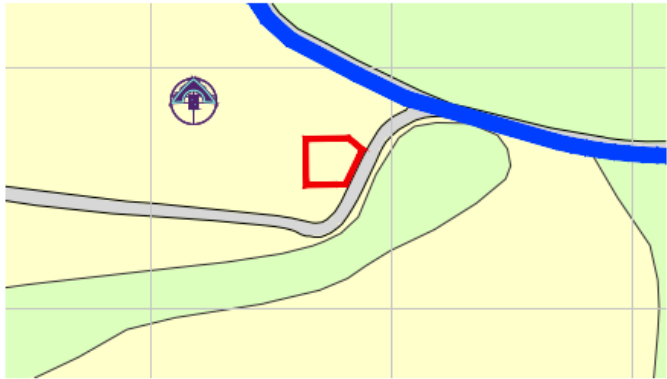
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

# Location Plan and Block Plan



LOCATION PLAN 1:5000



BLOCK PLAN 1:500

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For: Beau Desert Golf Club Rugley Road, Hazel Glade, Cannock, Staffs, WS12 0PJ	
For: Proposed Half Way House at Beau Desert Golf Club	
For: Location & Block Plan Proposed 'Halfway House'	
Scale: 1:5000 & 1:500 @ A2	Date: 30/11/20
File No: BDGCHH02	
Issue No: 001	
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Beau Desert Golf Club - Half Way House

# Proposed Plans and Elevations



LOCATION PLAN 1:5000



BLOCK PLAN 1:500



NE VIEW (SEE GREENS) TO LEFT OF FINAL EXTERIOR

### Design & Planning Statement

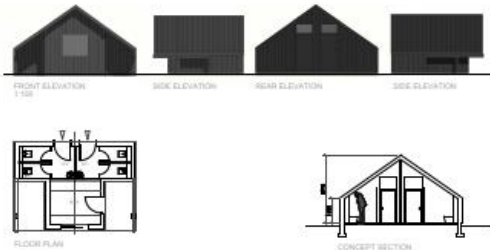
**Introduction**  
 The Beau Desert Golf Club is a premier golf course located in the heart of the city of Perth. The Half Way House is a proposed building that will provide a central hub for the club's operations and a landmark for the community.

**Context**  
 The Half Way House is situated on a prime location overlooking the 18th green. The building will be a two-story structure with a modern design that complements the surrounding landscape.

**Design Objectives**  
 The Half Way House is designed to be a functional and aesthetically pleasing building. It will provide a central hub for the club's operations and a landmark for the community. The building will be a two-story structure with a modern design that complements the surrounding landscape.

**Design Solutions**  
 The Half Way House is designed to be a functional and aesthetically pleasing building. It will provide a central hub for the club's operations and a landmark for the community. The building will be a two-story structure with a modern design that complements the surrounding landscape.

**Conclusion**  
 The Half Way House is a proposed building that will provide a central hub for the club's operations and a landmark for the community. The building will be a two-story structure with a modern design that complements the surrounding landscape.



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Proposed Half Way House at  
 Beau Desert Golf Club  
 -  
 Proposed Half Way House

T: 50 & 1:500 @ A2  
 RGD/HCH  
 10/11/20

## Beau Desert Golf Club - Half Way House



**Contact Officer:** Claire Faulkner

**Telephone No:** 01543 464337

**Planning Control Committee**

**3<sup>rd</sup> February**

**Application No:** CH/20/425

**Received:** 02-Dec-2020

**Location:** Beau Desert Golf Club, Rugeley Road, Hazelslade, Cannock, WS12 OPJ

**Parish:** Brindley Heath

**Ward:** Hednesford North Ward

**Description:** Erection of Halfway House Structure adjacent to 11th green of golf course

**Application Type:** Full Planning Application

**Recommendations:** Approve subject to conditions

**Reason(s) for Recommendation:**

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

**Conditions (and Reasons for Conditions):**

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

Reason

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

2. No materials shall be used for the external surfaces of the development other than those specified on the application.

Reason

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

3. Prior to the commencement of any construction or site preparation works including any actions likely to interfere with the biological function of the retained trees and hedges, protective fencing shall be erected in accordance with BS5837.

Within the enclosed area known as the Tree Protection Zone, no work will be permitted without the written consent of the Local Planning Authority. No storage of material, equipment or vehicles will be permitted within this zone. Service routes will not be permitted to cross the Tree Protection Zones unless written consent of the Local Planning Authority is obtained. The Tree Protection Zone will be maintained intact and the vegetation within maintained until the cessation of all construction works or until the Local Planning Authority gives written consent for variation.

Reason

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

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

BDGC-HH-01

Reason

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

**Notes to the Developer:**

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

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

## Consultations and Publicity

### External Consultations

#### AONB Unit

No objection

The site is close to the property boundary, set within an area of scattered trees and accessed from an existing track. The nearest Rights of Way are close to the southern boundary of the Golf Course and views of the development from these are likely to be limited by intervening landform and vegetation. The Design and Planning Statement demonstrates that consideration has been given to site location to avoid views from other paths and tracks to the north of the golf course.

The proposal is for a small detached building to accommodate toilets and a basic catering facility. The footprint is not given but the plans suggest approximately 6 x 4 m; the building is indicated as 3.975m high. The proposed building would be timber clad, stained black. There are trees in the vicinity that could be affected during construction, but no tree survey or tree protection plan has been provided.

Subject to tree retention and protection being secured, that the dimensions are not significantly larger than assumed above and the site is not elevated relative to adjacent ground levels, the AONB has no concerns regarding the proposed development.

#### Natural England

No objection

Based on the plans submitted, Natural England considers that the proposed development will not have significant adverse impacts on statutorily protected nature conservation sites. Natural England's generic advice on other natural environment issues is set out at Annex A.

The proposed development is for a site within or close to a nationally designated landscape namely Cannock Chase AONB. Natural England advises that the planning authority uses national and local policies, together with local landscape expertise and information to determine the proposal. The policy and statutory framework to guide your decision and the role of local advice are explained below.

Your decision should be guided by paragraph 172 of the National Planning Policy Framework which gives the highest status of protection for the 'landscape and scenic beauty' of AONBs and National Parks. For major development proposals paragraph

172 sets out criteria to determine whether the development should exceptionally be permitted within the designated landscape- Alongside national policy you should also apply landscape policies set out in your development plan, or appropriate saved policies.

We also advise that you consult the relevant AONB Partnership or Conservation Board. Their knowledge of the site and its wider landscape setting, together with the aims and objectives of the AONB's statutory management plan, will be a valuable contribution to the planning decision. Where available, a local Landscape Character Assessment can also be a helpful guide to the landscape's sensitivity to this type of development and its capacity to accommodate the proposed development.

The statutory purpose of the AONB is to conserve and enhance the area's natural beauty. You should assess the application carefully as to whether the proposed development would have a significant impact on or harm that statutory purpose. Relevant to this is the duty on public bodies to 'have regard' for that statutory purpose in carrying out their functions (S85 of the Countryside and Rights of Way Act, 2000).

The Planning Practice Guidance confirms that this duty also applies to proposals outside the designated area but impacting on its natural beauty.

The Town and Country Planning (Development Management Procedure) (England) Order 2015 requires local planning authorities to consult Natural England on Development in or likely to affect a Site of Special Scientific Interest" (Schedule 4, w). Our SSSI Impact Risk Zones are a GIS dataset designed to be used during the planning application validation process to help local planning authorities decide when to consult Natural England on developments likely to affect a SSSI.

### Brindley Heath Parish Council

No objection

### **Internal Consultations**

#### Planning Policy

Thank you for consulting me on this proposed erection of a halfway house structure adjacent to the 11<sup>th</sup> green of the golf course at Beau Desert Golf Club. I can advise that the site falls within the Green Belt and AONB, and at the edge of a Site of Biological Importance. The site does not fall within any other designated areas shown on the Local Plan Policies Map.

The development plan comprises the Cannock Chase Local Plan (Part 1) and the Staffordshire County Council Waste and Minerals Local Plan. The views of Staffordshire County Council as the waste and minerals authority should be considered, as necessary.

Having looked at the proposal and the provisions of the Development Plan I would advise that I have no specific policy comments to make; given the sites location within the Green Belt the guidance provided within the NPPF should be considered.

With regards to the design of the proposed development and impact upon the surroundings we are happy to leave this to the judgement of the Case Officer.

### Parks and open Spaces

The site is designated as Green Belt and lies within the Cannock Chase AONB.

The proposed building is located to the south of a line of trees and west of the maintenance access track, the latter sweeps round to form the southern boundary.

No tree survey has been provided thus it is not possible to confirm if the proposed development would impact on the root zones of the trees to the north. As such tree protection fencing will be required to be installed (at the requisite distance specified via BS385837:2012 Trees in relation to Design, demolition & construction) along the northern boundary of the site from the access road. The proposed building is of a design and finish that would site low in the general setting and against a backdrop of coniferous trees, which would aid screening of the building from most directions. As such it would have a minimal impact on the overall landscape.

### Summary

No objection to the proposals indicated.  
Tree protection fence required as noted.

### **Response to Publicity**

Site notice displayed with no letters of representation received.

### **Relevant Planning History**

None relevant

#### **1.0 Site and Surroundings**

- 1.1 The application site relates to an established golf course and club located within Hazel Slade.
- 1.2 The application site is located close to the northern boundary of the golf course, set within an area of scattered trees and accessed from an existing track.
- 1.3 The site is designated as Green Belt and lies within the Cannock Chase AONB. The application site is also located within a Low Development Risk Area as

designated by the Coal Authority and within a Mineral Safeguarding Area as designated by County Minerals.

- 1.4 The application site gives way to Rawnsley Hills to the north, east and west which comprises of rolling hills, well established trees and pockets of open space. The wider golf course is surrounded by several public rights of way, the nearest to the application site being to the north-west at a distance of approximately. 500m+ and to the south at a distance of approximately.370m+. The main golf club pavilion and associated car parking lies to the east. To the south lies Rugeley Road with its linear row of dwellings that back onto Rawnsley Hills. These dwellings are separated from the wider golf course by a dense landscaped buffer.

## **2 Supporting Statement**

- 2.1 The applicant has submitted the following statement in support of the proposal:-
- 2.2 The course was designed by renowned golf course architect Herbert Fowler and was originally opened in 1911. Overtime the course has become one of the best golf courses in the Midlands, listed within the top 100 golf courses in UK and Ireland.
- 2.3 Unlike some golf courses which can return to the club house at the 9<sup>th</sup> hole, Beau Desert was designed as one continuous loop of 18 holes. Although very common, this type of design usually raises the issues of facilities on the golf course and traditionally these are normally located around the 9<sup>th</sup> hole. At Beau Desert however, the area around the 9<sup>th</sup> hole offers difficult constraints, The existing ground levels rise sharply up to the 9<sup>th</sup> green which sits on a small plateau. Not only do the existing levels and trees in this area make siting of a building almost impossible, this area of the course is also more visible to walkers and cyclists generally heading east from the residential areas of Hednesford towards Deercote \ Slade, Rainbow Valley and beyond.
- 2.4 With this in mind, careful consideration was given to finding an alternative location on the course which not only explored the practical constraints but also respected advice relating to the sensitivity of the AONB and Green Belt and preserving its openness.
- 2.5 The suggested location for the structure is adjacent to the 11<sup>th</sup> Green. This area is in a natural secluded corner of the golf course created by a pocket of trees which is sited away from the vast majority of walkers and cyclists travelling east. It also provides an area which is large enough to site the building away from existing trees and also hidden away from other areas of the golf course by virtue in numerous existing tree scenes.

- 2.6 The only view of the building would be a partial view as you approach the 11<sup>th</sup> green from the fairway and even then the building would sit amongst the shadows of the trees which surround it.
- 2.7 The location of the building would also cater for golfers who are further around the golf course and who can use the facilities as they approach the 15<sup>th</sup> hole (approx.. 1hr later), the view of the building again, be screened by mature trees.
- 2.8 The siting of the building has been deliberately positioned away from existing trees on a small clearing.
- 2.9 The applicants are committed to constructing a sensitive building in appropriate materials which will sit down in the landscape and also weather well in time. The building would provide male and female toilets and basic catering facilities.
- 2.10 The structure has been designed in elevation to create low eaves and ridge height creating a simple timber clad architectural built form. The low slung roof also helps to create a small shelter from rain and sun.

### **3 Proposal**

- 3.1 The application seeks consent for a modest sized detached building to accommodate toilets and a basic catering facility.
- 3.2 The proposed building would measure approximately 5m x 3.5m and would be constructed to a height of 4m high (1.5m to the eaves).
- 3.3 The proposed building would be timber clad and finished in a black stain

### **4 Planning Policy**

- 4.1 Section 38 of the Planning and Compulsory Purchase Act 2004 requires planning applications to be determined in accordance with the provisions of the Development Plan, unless material considerations indicate otherwise.
- 4.2 The Development Plan currently comprises the Cannock Chase Local Plan (2014) and the Minerals Local Plan for Staffordshire (2015-2030).
- 4.3 Relevant Policies within the Local Plan Include:
- CP1 - Strategy – the Strategic Approach
  - CP2 - Developer contributions for Infrastructure

- CP3 - Chase Shaping – Design
- CP13 -Cannock Chase Special Area of Conservation (SAC)
- CP14- Landscape Character and Cannock Chase Area of Outstanding Natural Beauty (AONB)

4.4 The relevant policies within the Minerals Plan are

3.2 Mineral Safeguarding.

4.5 National Planning Policy Framework

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

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

4.8 Relevant paragraphs within the NPPF include paragraphs: -

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

4.9 Other relevant documents include: -

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

## 5 **Determining Issues**

5.1 The determining issues for the proposed development include:-

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



- iv) Nature Conservation
- v) Drainage and flood risk
- vi) Mineral Safeguarding
- vii) Ground conditions and contamination

## 5.2 Principle of the Development

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

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

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

5.2.3 Local Plan Policy CP1 & CP3 require that development proposals at locations within the Green Belt to be considered against the NPPF and Local Plan Policy CP14.

5.2.4 Whether a proposal constitutes inappropriate development is set out in Paragraphs 145 & 146 of the NPPF. Paragraph 145 relates to new buildings. The lists contained within these paragraphs are closed and therefore are fixed. This includes, amongst other things for: -

"the provision of appropriate facilities (in connection with the existing use of land or a change of use) for outdoor sport, outdoor recreation, cemeteries and burial grounds and allotments; as long as the facilities preserve the openness of the Green Belt and do not conflict with the purposes of including land within it;"

5.2.5 The proposal constitutes a relatively small building providing essential toilet facilities and basic refreshments for club members in an otherwise quite remote part of the golf course. As such it is considered that the proposal comprise of an

constitutes an “appropriate facility” that would be expected on a modern gold course.

5.2.6 In addition to the above, it is noted that the application site is surrounded on all sides by undulating topography covered in swathes of tree planting and as such allows limited views through from the public rights of way. The proposed building would be relatively small and unobtrusive that would, by virtue of its size and location against a small copse, not materially affect the openness of the Green Belt or conflict with the reasons of including land within the Green Belt.

5.2.6 The proposal would therefore constitute appropriate development within the Green Belt and would not be harmful to the openness in accordance with paragraph 145 (b) of the NPPF. As such the proposal is considered to be acceptable in principle.

### 5.3 Impact on the landscape character of the AONB

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

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

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

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

Planning policies and decisions should ensure that developments:

- a) will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;
- b) are visually attractive as a result of good architecture, layout and appropriate and effective landscaping;

- c) are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities);
- d) establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit;

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

5.3.6 In this instance, the application site is located close to the northern boundary of the established golf course and is set within an area of scattered trees and accessed from an existing track. The nearest public rights of way are close to the southern boundary with a second being to the north-west of the golf course and views of the development from these are likely to be limited by intervening landform and vegetation. The applicant has demonstrated that consideration has been given to site location in order to avoid views from other paths and tracks to the north of the golf course.

5.3.7 The proposal is for a small detached building to accommodate toilets and a basic catering facility within the grounds of an established golf course. The proposed building would be timber clad, stained black. The AONB Unit was consulted on the proposal in terms of the impact on the AONB and they raised no objection to the proposal.

5.3.8 As such, the proposal would not result in a detrimental impact to the landscape character of the AONB in this location in accordance with Local Plan Policy CP14 and paragraph 172 of the NPPF.

#### 5.4. Impact on Residential Amenity

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

5.4.2 Paragraph 127(f) of the NPPF states that planning policies and decisions should ensure that developments [amongst other things] create places with a high standard of amenity for existing and future users.

5.4.2 The nearest residents to the application site are located approx. 500m to the south and well screened by an established landscaped buffer that runs immediately adjacent the southern boundary of the site. As such, none of the residents adjacent to the site would be significantly impacted by the proposal. As such, the proposal would accord with Local Plan Policy CP3 and paragraph 127 of the NPPF.

## 5.6 Impact on Nature Conservation Interests

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

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

## 5.7 Drainage and Flood Risk

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

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

5.7.3 In this respect it is noted that the application proposes to incorporate a septic tank underground to the rear of the building which can be emptied via the maintenance track leading back to the clubhouse. Further, the proposed structure would comprise a modest footprint immediately adjacent to tree planting and fairway greens. As such, there would not be any significant increase in surface water runoff as a consequence of the proposal.

5.7.4 As such, the proposal complies with paragraph 155 of the NPPF and would not create additional flood risk over and above the current situation.

## 5.8 Mineral Safeguarding

5.8.1 The site falls within a Mineral Safeguarding Area (MSAs) for Coal and Fireclay. Paragraph 206, of the National Planning Policy Framework (NPPF) and Policy 3

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

5.8.2 Notwithstanding this, the advice from Staffordshire County Council as the Mineral Planning Authority does not require consultation on the application as the site falls within the development boundary of an urban area and is not classified as a major application.

5.8.3 As such, the proposal would not prejudice the aims of the Minerals Local Plan.

## 5.9 Ground Conditions and Contamination

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

## 5 **Human Rights Act 1998 and Equalities Act 2010**

### **Human Rights Act 1998**

5.1 The proposals set out in this report are considered to be compatible with the Human Rights Act 1998. The recommendation to refuse accords with the policies of the adopted Local Plan and the applicant has the right of appeal against this decision.

### **Equalities Act 2010**

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

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

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

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

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

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

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

## **6 Conclusion**

- 6.1.1 In respect to all matters of acknowledged interest and policy tests it is considered that the development, subject to the attached conditions, is acceptable.
- 6.1.2 It is therefore recommended that the application be approved subject to the attached conditions.

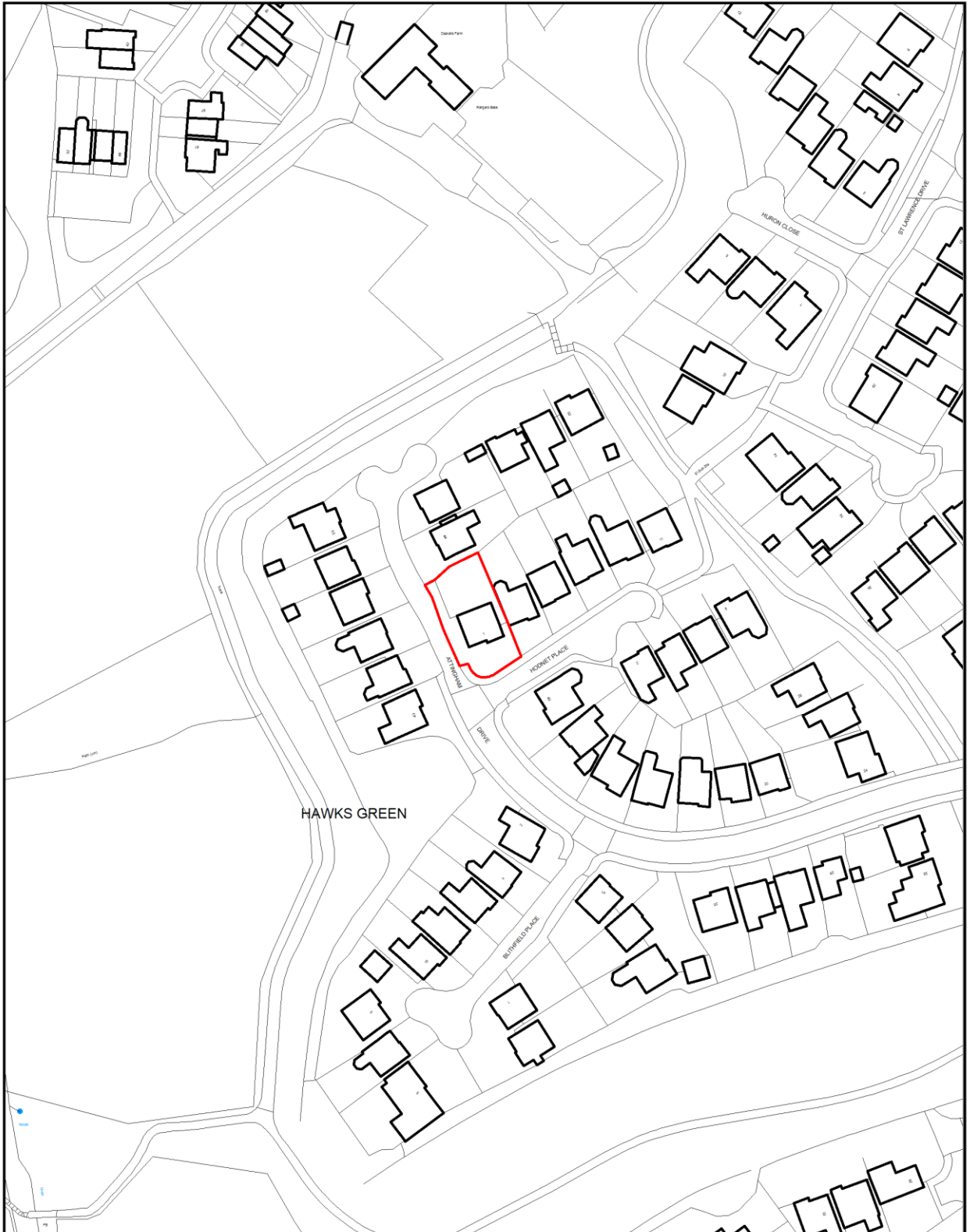
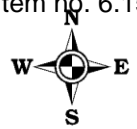


**Application No:** CH/20/430

**Location:** 1 Hodnet Place, Hawks Green, Cannock, WS11 7YF

**Proposal:** Ground floor rear extension and new site boundary fence and walls

Item no. 6.156



# Location Plan and Block Plan

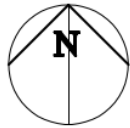


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location plan 1:1250



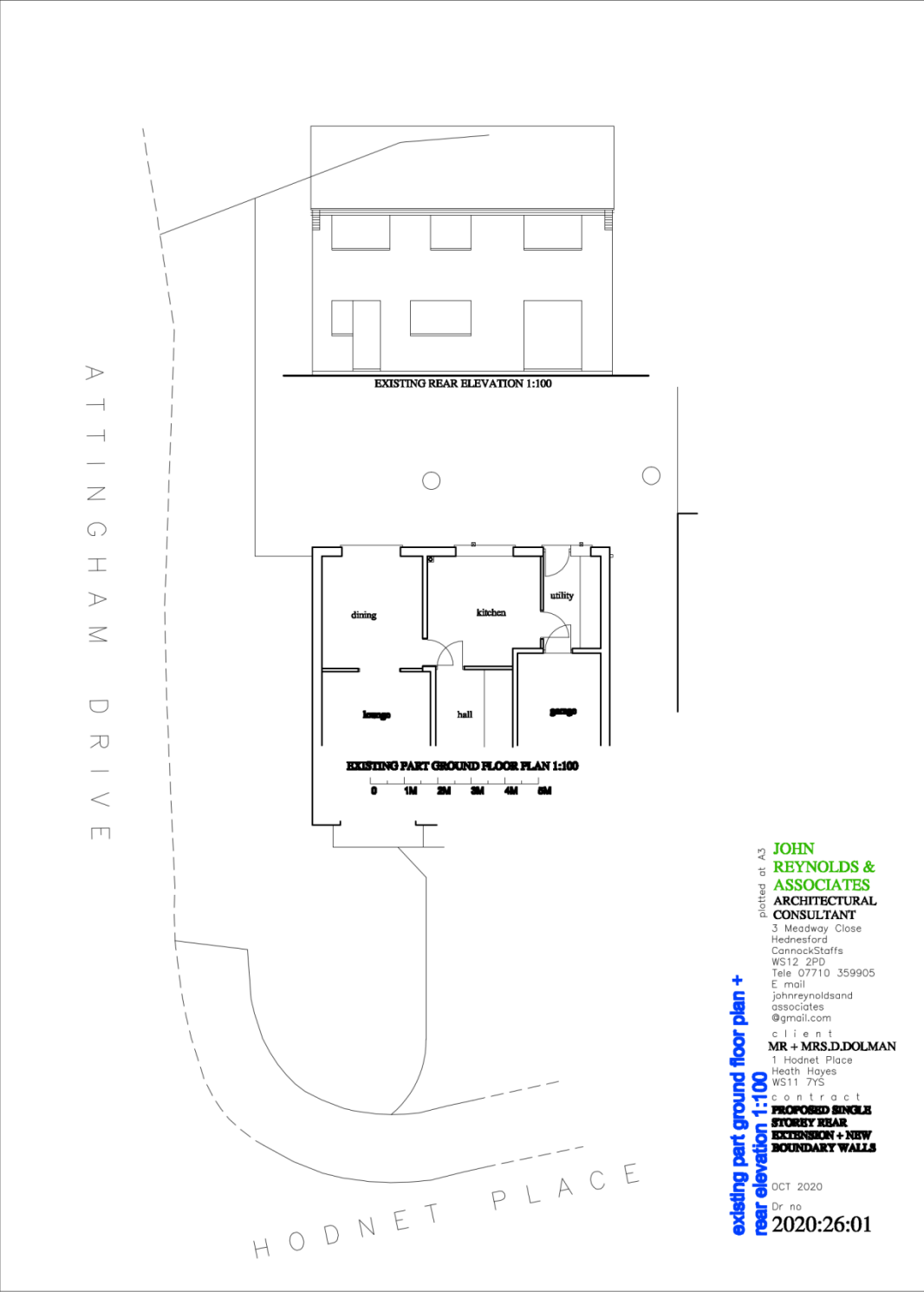
site plan 1:500  
Plotted at A4

client  
**MR + MRS.D.DOLMAN**  
1 Hodnet Place  
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Oct 2020



# Existing Plans



plotted at: A3

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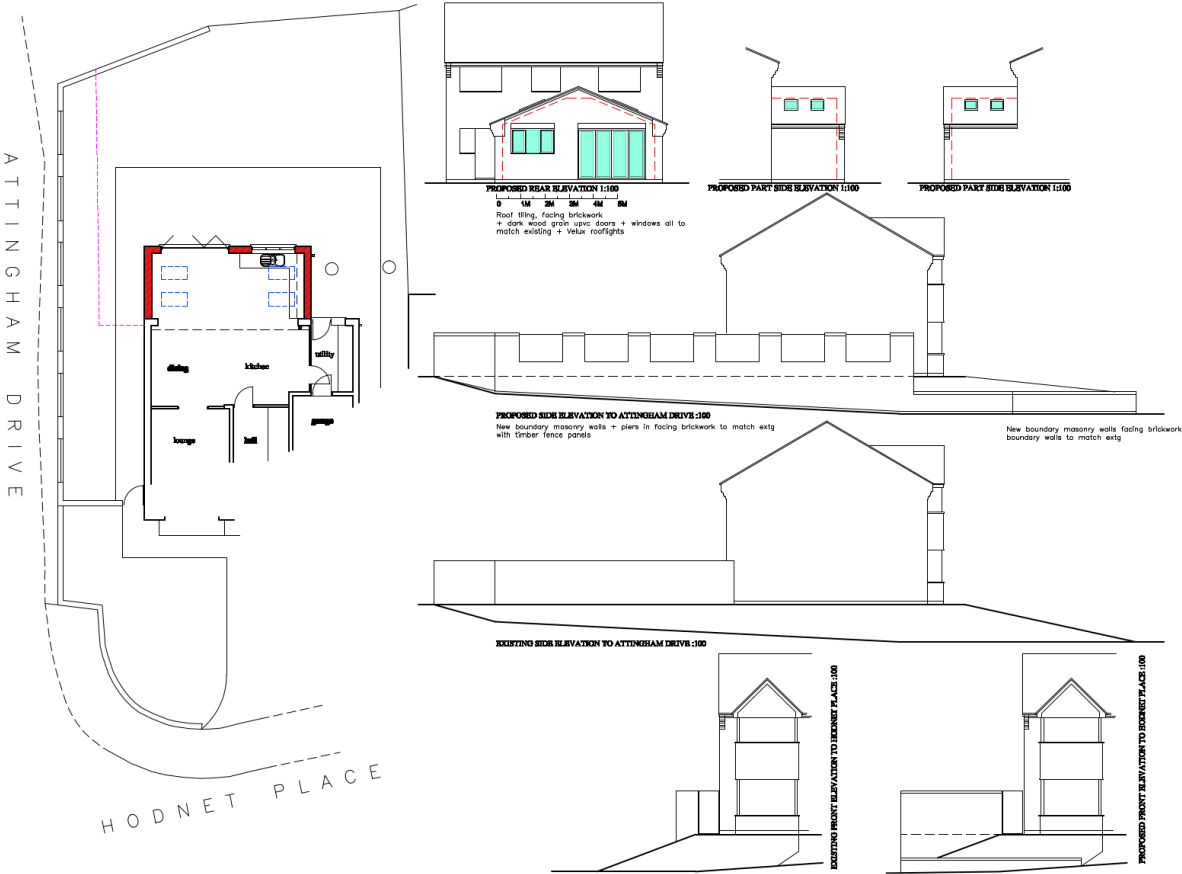
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 WS11 7YS

contract  
**PROPOSED SINGLE STOREY REAR EXTENSION + NEW BOUNDARY WALLS**

OCT 2020  
 Dr no  
**2020:26:01**

existing part ground floor plan + rear elevation 1:100

# Proposed Plans and Elevations



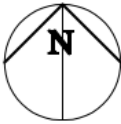
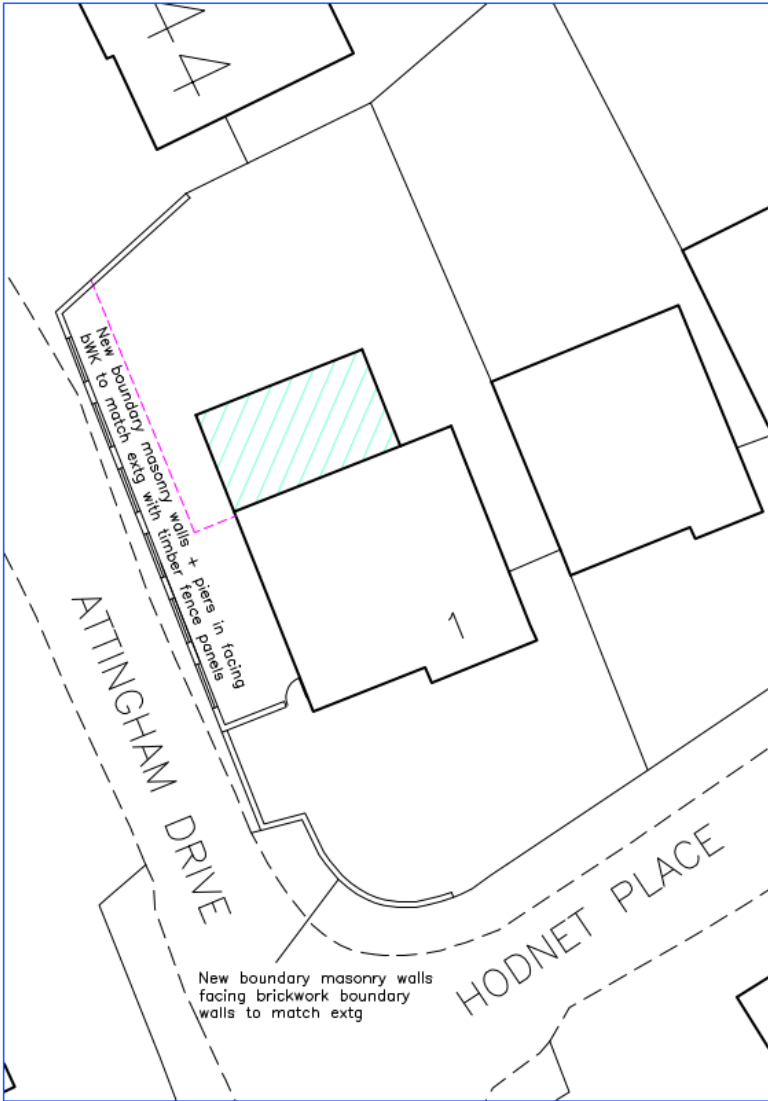
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 C O N T R O L L E D  
 PROPOSED REAR  
 STOREY REAR  
 ELEVATIONS + NEW  
 BOUNDARY WALLS  
 OCT 2020  
 Dr no  
 2020:26:02

# Proposed Site Plan

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**proposed site plan 1:200**  
Plotted at A4

client  
**MR + MRS.D.DOLMAN**  
1 Hodnet Place  
Heath Hayes  
WS11 7YS

Oct 2020

**Contact Officer:** Claire Faulkner

**Telephone No:** 01543 464337

**Planning Control Committee**

**3<sup>rd</sup> February 2021**

**Application No:** CH/20/430

**Received:** 07-Dec-2020

**Location:** 1 Hodnet Place, Hawks Green, Cannock, WS11 7YF

**Parish:** Heath Hayes

**Ward:** Hawkes Green

**Description:** Ground floor rear extension and new site boundary fence and walls

**Application Type:** Full Planning Application

**Recommendations:** Split decision as follows: -

- (i) Refuse the new site boundary fence and walls
- (ii) Approve the ground floor rear extension subject to conditions

**(i) Refuse the new site boundary fence and walls**

**Reason(s) for Recommendation:**

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

- 1) The proposed wall with brick pillars and infill fencing by virtue of its siting to the immediate rear of the highway and its height would result in a strident and incongruous addition in a prominent location. Consequently, the development would have an adverse visual impact upon the established street scene and character of the area. Therefore, the development constitutes poor design, which conflicts with the aims of Local Plan Policy CP3 and Paragraph 127 (a)(b)(c) & (d) of the NPPF.
  
- 2) The proposed brick wall with brick pillars and infill fencing proposed to extend for a length of 17.5m and constructed to a height of between 2.5m – 3.6m at the immediate rear of the highway would, introduce an overbearing and dominant feature in this location that would result in a poor outlook and amenity for the occupiers of the neighbouring dwellings. As such the proposed new boundary treatment is considered contrary to Local Plan Policy CP3 and paragraph 127 (f) of the National Planning Policy Framework.

## **(ii) Approval of the ground floor rear extension**

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

### Reason

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

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

### Reason

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

## **Consultations and Publicity**

### **External Consultations**

#### Heath Hayes & Wimblebury Parish Council

No objection.

#### Travel Management and Safety

A site visit was carried out on 16/12/2020.

Current records show there were no personal injury collisions (PICs) on Hodnet Way within 50 metres either side of the proposal for the previous five years.

The application is for a ground floor rear extension and new site boundary fence and walls. The property is on Hodnet Place; a 30mph unclassified road which benefits from street lighting. Hodnet Place lies approximately 2.5 miles east of Cannock Town Centre in the Hawks Green area.

The proposed site plan shows the extension is to be built over adopted highway land therefore the proposal should be refused on Highway grounds.

## **Internal Consultations**

### Environmental Health (Housing)

No objections.

## **Response to Publicity**

The application has been advertised by site notice and neighbour letter with 3 letters of representation have been received. The comments are summarised below:-

- There is a provision for a footpath around the Attingham Drive estate and its side roads- In some cases this was not implemented fully where there was no thoroughfare. Never the less, I believe that all properties have a right of way across this strip of land
- There is a requirement to maintain the “ornamental garden entrance driveway” which comprises of the shrubs and plants on the exterior of the existing boundary fence.
- There will be a significant reduction in visibility, or “blind spot”, from the driveways of No’s 44 and 46 Attingham Drive if the boundary fence is permitted to be relocated to the kerbside. This will increase the dangers when reversing off these drives into Attingham Drive as any oncoming traffic will be obscured from view. Since the boundary wall will seemingly be extended to the road line what is the impact for cars parked on the road with passing cars in that area plus for pedestrians with no constructed footpaths in that area. With a 1.8m fence and brick wall extending towards the road in Hodnet Close will this obscure the view for vehicles accessing the Hodnet Close, Attingham Drive junction, especially if planted with shrubs and/ or trees.
- There are no dimensions on the published plans, but my estimate would be 10—12 feet, which is double the normally permitted boundary fence. This will be very imposing and dominating from the kerbside and not in keeping with the rest of the estate. The plans for the boundary fence show a horizontal line for the top of the fence. There is a dotted line possibly showing the level of the back garden. This would imply that the 1.8m height for the fence is taken between these to levels. From the plans it can be seen that the height of the road is

below the height of the garden level. This I estimate from the plan would make the fence around 3-4m high at road level side.

- From looking at deeds for the area, then the property owners in this particular area, as far as I understand, do not own the land adjacent to the road but it is owned by the local authority with a covenant for the property owner to maintain that land.
- I note highways visited the site but only refers to Hodnet Drive. The 60-foot strip of local authority land to be lost in the extension of the boundary is in lieu of a footpath. If the visit had of taken place in warmer weather or outside of Tier 3 it would be obvious that the local authority land acts as a place of safety for children to stand on as vehicles pass. Due to the gradient of Hodnet Place local children frequently play in this section of Attingham Drive. As a resident of over 30 years this strip of land has provided a safe haven for many children to step off the road-this is a key reason for the good safety record noted in her report.
- I note, but do not understand why you do not consider covenant restrictions when considering planning permission; but a number of the residents are questioning if you have gifted/ sold this land to 1. Hodnet and lifted the restrictions on it use?
- As residents we note the Council have already allowed the high fencing/walling in of sections of open land at the top of Attingham Drive; a further application has gone in to enclose the local authority land/ footpath of the house opposite to no 1 Hodnet. The cumulative impact of solid barriers loss of footpaths/places of safety will start to have impact on road and child safety as well as the loss of open front aspects of properties that the council protected in the initial planning for the original development 30 years ago; this appears a backwards step in safety and ensuring healthy open landscapes.
- Inaccuracies in the Householder Application:
  - Section 5 mentions a 1.8m fence/wall but it omits this will sit on a retaining wall of the same height.
  - Section 6-fails to mention building over a 60x3 foot area of covenanted local authority shrubbery/grass.
  - Section 7-please see the concerns mentioned in the above highways section above-not mentioned in the application.
- In addition to the above concerns a number of the Attingham Drive residents have reviewed your Charter which implies openness and consultation. Only the 2 neighbours with adjoining property were informed-a site visit would have clearly shown you others affected and the concerns we have. Luckily Attingham Drive is a neighbourhood and the restricted information was shared with affected residents by residents. Also choosing to use the 3-week period over Christmas and New Year for comment does not support openness or engagement. Your site mentions that all objections/ comments will be placed on the site for view during the consultation period. You have already received at least one objection that up until yesterday was not available on the site to see during this consultation period? This again makes your process very closed or is this due to

the timing of this application? Should you allow additional consultation time for this information to be shared. Finally, just a comment your Charter does not encourage openness and discussion by applicants this would allow concerns to be raised and compromise to be encouraged. Could this be reviewed?

## Relevant Planning History

None Relevant

### 1 Site and Surroundings

- 1.1 The application property comprises a modern detached dwelling sited in a residential estate within Heath Hayes, Cannock.
- 1.2 The host dwelling sits at the junction of Hodnet Place and Attingham Drive. The host drive is accessed off Hodnet Place via an open driveway that leads to an integral garage. The side boundary of the site runs parallel with Attingham Drive, although the site sits in an elevated position in relation to this highway (approx. 1.2 - 1.5m higher). Hodent Place comprises of a short cul-de-sac accessed off Attingham Drive.
- 1.3 The application property benefits from a modest rear garden which is roughly square in shape and is bound by standard close board fencing. The application site includes an area of land to the side of the property (outside the current fence) which comprises of a width of approx.. 4m adjacent the side of the dwelling and 2.5m adjacent the current boundary fence. This land slopes down to the highway and is open and landscaped with grass and low planting. The driveway to the front of the site is open.
- 1.4 The immediate street scene is one of open frontages which comprise of a combination of hardstanding and landscaping. Where a side boundary runs adjacent to a highway, these boundaries are generally set back from the highway or / and denoted by landscaping with some hard boundary walling. Within the wider estate the frontages are denoted with low brick walls.
- 1.5 The application site is designated by the Coal Authority as being within the low risk boundary and the site is within a Mineral Safeguarding Area.

### 2 Proposal

- 2.1 The applicant is seeking consent for the erection of a single storey extension to the rear and for a new boundary wall to the side.
- 2.2 The proposed extension would measure 3.1m in depth and would extend across the rear of the side elevation for 6.9m. The proposed extension would comprise



of a pitched roof with velux windows constructed to a height of 4m (2.5m to the eaves).

- 2.3 The proposed new boundary wall would be constructed to the immediate rear of the highway along Attingham Drive, and would comprise a low brick wall with brick pillars and wooden inserts. The highway runs up towards the rear of the site and as such the proposed boundary wall would comprise of a height of 3.6m to the front and 2.6m to the rear. A low level wall (1.2m high) is proposed to the front around the grassed frontage.
- 2.4 The applicant's agent has stated that the applicant is "truly sick and tired of picking up the litter, dog fouling and keeping it tidy". Also he finds it difficult to keep any grass of any reasonable quality on the embankment to the front corner of his plot on the junction of Attingham Drive and Hodnet Place. If the application is successful this means these problems will effectively go away and he will then be able to use the land in a more satisfactory manner.

### **3 Planning Policy**

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

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

- 3.3 Relevant Policies within the mineral plan include:

3.2 Safeguarding Minerals

#### **3.4 National Planning Policy Framework**

- 3.5 The NPPF (2019) sets out the Government's position on the role of the planning system in both plan-making and decision-taking. It states that the purpose of the planning system is to contribute to the achievement of sustainable development, in economic, social and environmental terms, and it states that there should be "presumption in favour of sustainable development" and sets out what this means for decision taking.
- 3.6 The NPPF (2019) confirms the plan-led approach to the planning system and that decisions must be made in accordance with the Development Plan unless material considerations indicate otherwise.

### 3.7 Relevant paragraphs within the NPPF include paragraphs: -

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

### 3.8 Other relevant documents include: -

Design Supplementary Planning Document, April 2016.

## 4 Determining Issues

### 4.1 The determining issues for the proposed development include:-

- i) Principle of development
- ii) Design and impact on the character and form of the area
- iii) Impact on residential amenity.
- iv) Drainage and Flood Risk
- v) Mineral Safeguarding
- vi) Ground Conditions and Contamination

### 4.2 Principle of the Development

4.2.1 The proposal is for the erection of a single storey extension to the rear of the main dwelling and for new boundary walls to be erected along the side boundary of the site. In this instance, the application site is sited within a modern residential area located within Heath Hayes. The site is unallocated and undesignated within the Local Plan. As such, it is considered that the principle of development is acceptable subject to the considerations below.

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

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

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

4.3.2 Relevant policies within the NPPF in respect to design and achieving well-designed places include paragraphs 124, 127, 128 and 130. Paragraph 124

makes it clear that the creation of high quality buildings and places is fundamental to what the planning and development process should achieve.

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

Planning policies and decisions should ensure that developments:

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

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

4.3.5 The application site relates to an end dwelling and as such it benefits from a wider than average plot which includes an area of land to the side. With the exception of a small number of dwellings that have enclosed this land with hedgerow planting or 1.8m high walling / fencing, the form and layout of buildings and spaces in the area follow an established pattern, providing a well defined distinction between public and private space with pockets of greenery that provide high amenity value. In this instance, the land to the side of the host dwelling provides a sloped landscaped buffer that gives the adjacent occupiers a pleasant outlook providing relief to the elevated host dwelling and existing rear boundary fence.

4.3.6 The proposed single storey extension would be sited off the rear elevation of the host dwelling. The proposed extension is of a typical design, style and scale of domestic extension. The proposed extension would be screened (for the majority) by boundary treatments and would not be out of character with the surrounding residential area.

- 4.3.7 As such Officers consider that the extension is acceptable in this respect.
- 4.3.8 The application also proposes to enclose the land to the side with a combination of walling with brick pillars and infill fencing. The proposed height of the boundary treatment would be between 3.6m and 2.5m due to the difference in levels between the host dwelling, the adjacent highway and the topography of the location. The proposed wall with brick pillars and infill fencing would extend for approx.. 17.5m along the immediate rear of Attingham Drive.
- 4.3.9 The design and appearance of the proposed wall with brick pillars and fencing infills whilst typical of residential boundary treatments, is located in prominent location within the street scene. Attingham Drive and Hodnet Place are within a wholly residential location where there is a combination of boundary treatments which are broken up with landscaping. In this instance, the siting of the proposed boundary treatment would have a detrimental impact on the visual amenity of the location by virtue of its siting to the immediate rear of the highway, its scale and the removal of the landscaping buffer which would result in a strident and incongruous addition in this location.
- 4.3.10 Your Officers note the existing examples of such parcels of land being incorporated within the wider estate however these areas have been bound by simple fencing or walling to a typical height, not uncommon within residential locations.
- 4.3.11 Consequently, the proposal would have an adverse visual impact upon the established street scene and character of the area. Therefore, the development reflects poor design, which conflicts with the aims of Local Plan Policy CP3 and the NPPF and refusal is recommended.

#### 4.4 Impact on Residential Amenity

- 4.4.1 Policy CP3 of the Local Plan states that the following key requirements of high quality design will need to be addressed in development proposals and goes on to include [amongst other things] the protection of the "amenity enjoyed by existing properties". This is supported by the guidance as outlined in Appendix B of the Design SPD which sets out guidance in respect to space about dwellings and garden sizes. The Design SPD does not however provide guidance on development such as fences or forms of enclosure.
- 4.4.2 Paragraph 127(f) of the NPPF states that planning policies and decisions should ensure that developments [amongst other things] create places with a high standard of amenity for existing and future users.
- 4.4.3 In terms of the neighbouring properties the comments of the objectors have been noted. The proposed extension would be constructed to the rear of the

host dwelling and would comply with the separation distances and requirements for Space About Dwellings as stipulated within the Design SPD.

- 4.4.4 The proposed new boundary treatment would be constructed to the immediate rear of the highway, opposite residential properties nos. 43- 49 Attingham Drive. The proposed boundary treatment would be constructed at a distance of approx.. 13.5m from the front elevation of these neighbouring dwellings. The proposed new boundary treatment would extend along Attingham Drive for approx.. 17.4m at a height of between 2.5m and 3.6m.
- 4.4.5 The Planning Authority notes that there is already an existing boundary fence in situ however, this existing fence is setback within the site, away from the highway by approx.. 2.4m. The current fence is constructed to a height of 1.8m and runs for the depth of the rear garden only (approx.. 10.4m) in an elevated position in relation to the highway. Further this current boundary treatment is softened by the intervening landscaping. The siting of the proposed boundary wall with brick pillars and infill fencing, constructed to a height of between 2.5m and 3.6m for a length of 17.4m would be approx.. 13.5m from the front elevations of the neighbouring dwellings. As such, it is considered that the proposed brick wall with pillars and infill fencing would introduce a stark and dominant feature in this location that would provide poor outlook and amenity for the occupiers of the neighbouring dwellings.
- 4.4.6 As such, given the above paragraphs, the proposed new boundary treatment would fail to provide a high standard of outlook and amenity contrary to Policy CP3 of the Cannock Chase Local Plan (Part 1) and paragraph 127 (f) of the National Planning Policy Framework.
- 4.4.7 The proposed extension would not result in unacceptable levels of over looking or overshadowing and would not appear over-dominant being single storey in nature and clearly subordinate to the host property. As such this part of the application is considered acceptable in respect to its impact on residential amenity

#### 4.5 Drainage and Flood Risk

- 4.5.1 The site is located in Flood Zone 1 on the Environment Agency's Flood Zone Maps. In this instance, the host dwelling already exists with the proposed extension extending to the rear and a new boundary treatment to the side. As such, the proposal would not create additional flood risk over and above the current situation.

#### 4.6 Mineral Safeguarding

- 4.6.1 The site falls within a Mineral Safeguarding Area (MSAs). Paragraph 206, of the National Planning Policy Framework (NPPF) and Policy 3 of the Minerals Local Plan for Staffordshire (2015 – 2030), both aim to protect mineral resources from sterilisation by other forms of development.
- 4.6.2 The application site is located within a Mineral Safeguarding Area. Notwithstanding this, the advice from Staffordshire County Council as the Mineral Planning Authority does not require consultation on the application as the site falls within the development boundary of an urban area and is not classified as a major application.
- 4.6.3 As such, the proposal would not prejudice the aims of the Minerals Local Plan.

#### 4.7. Ground Conditions and Contamination

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

#### 4.8 Impact on Highway Safety

- 4.8.1 Paragraph 109 of the NPPF states that development should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.
- 4.8.2. In this respect, the comments of the objectors have been noted in respect to landownership and visibility issues. Due to the position of the proposed new boundary walls, the Highway Authority was consulted on the application. The Highway Authority stated that the proposed rear extension would not require an increase in parking requirements and the new boundary walls and fence would not cause a severe impact on the local highway network or a significant safety issue. As such, the proposal would have no adverse impact on highways safety and would be in accordance with Paragraph 109 of the NPPF.
- 4.8.3 The Highway Authority did however object to the application based on the fact that the site comprises part of the highway. The Highway Authority state that the proposal is to be constructed on adopted highway land and therefore should be refused. Your Officers note that the applicant has provided a copy of the deeds and signed Certificate 'A' within the application form which indicate the land falls within the ownership of the applicant. However, although the applicant may own the land this does not necessarily preclude it from being highway land. As a consequence of this consent will be required for any work within the highway including any obstruction of the highway from the highway authority under the terms of its own legislation.

#### 4.9 Objections raised not covered above:

- 4.9.1 An objector states that they do not understand why the planning system does not consider covenant restrictions when considering planning permission. A number of the residents are questioning if the Council have gifted/ sold this land to 1. Hodnet and lifted the restrictions on it use? Your Officers confirm that covenants are private civil agreements which are separate to the planning system which operates in the public interest. It is for the parties of a covenant to deal with what is a private agreement and the granting of planning permission does not negate the terms of such an agreement. As such the presence of a covenant is not a material planning consideration.
- 4.9.2 Objectors have queried the Council's Consultation Charter which they believe implies openness and consultation. An objector states that only the 2 neighbours with adjoining property were informed. The neighbours state that a site visit would have clearly shown you others affected and the concerns they (neighbours) have. Your Officers confirm that the requirement for publicity is prescribed in article 15 of the Development Management Procedure Order (as amended). This states that applications for householder applications should be advertised as follows:-
- a) by site notice display in at least one place on or near the land to which the application relates for not less than 21 days; or
  - (b) by serving the notice on any adjoining owner or occupier.

In this instance, the occupiers of the two adjoining properties were notified and a site notice was erected to the front of the site for any other neighbour not notified directly in writing. As such, the Planning Authority, in this instance has gone beyond what is required for neighbour consultation within the legislation and is in accordance with the Council's Consultation Charter.

- 4.9.3 An objector has also stated that by choosing to use the 3-week period over Christmas and New Year for comment does not support openness or engagement. The objector continues that the Council's website mentions that all objections/ comments will be placed on the site for view during the consultation period however one objection was not available on the website until "yesterday". The objector concludes that this makes your process very closed or is this due to the timing of this application? Your officers state that the consultation period commences when an application is registered. The Planning Authority cannot delay the registration of an application because it coincides with a public holiday. However the public holiday amounts to only three days over the Christmas period and does not extend for the full three week consultation period. Notwithstanding this, the consultation period in tis case was extended by a further 5 days to allow for the site notice to be erected.

## **5 Human Rights Act 1998 and Equalities Act 2010**

### **Human Rights Act 1998**

- 5.1 The proposals set out in this report are considered to be compatible with the Human Rights Act 1998. The recommendation to refuse accords with the policies of the adopted Local Plan and the applicant has the right of appeal against this decision.

### **Equalities Act 2010**

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

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

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

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

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

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

Such consideration has been balanced along with other material planning considerations and applies in this proposal which is being funded through a disabled facility grant. It is considered that the proposal is acceptable in respect to the requirements of the Act. Having had regard to the particulars of this case officers consider that the proposal would not conflict with the aim of the Equalities Act.

## **6 Conclusion**

- 6.1 In respect to all matters of acknowledged interest and policy tests it is considered that the proposal would result in significant harm to acknowledged interests of the adjacent occupiers and is therefore considered to be contrary to the Development Plan.
- 6.2 The proposed brick wall with brick pillars and infill fencing by virtue of its siting to the immediate rear of the highway and scale would result in a strident and incongruous addition in a prominent location. Consequently, the development



would have an adverse visual impact upon the established street scene and character of the area. Therefore, the development reflects poor design, which conflicts with the aims of Local Plan Policy CP3 and Paragraph 127 (a)(b)(c) & (d) of the NPPF.

- 6.3 The proposed brick wall with brick pillars and infill fencing proposed to extend for a length of 17.5m and constructed to a height of between 2.5m – 3.6m at the immediate rear of the highway would, introduce an overbearing and dominant feature in this location that would result in a poor outlook and amenity for the occupiers of the neighbouring dwellings. As such the proposed new boundary treatment is considered contrary to Local Plan Policy CP3 and paragraph 127 (f) of the National Planning Policy Framework.
- 6.4 In respect to the single storey extension this is considered acceptable in all respects and approval is recommended.
- 6.5 A split decision is therefore recommended for refusal of the wall and approval of the extension.