



Please ask for: Mrs. W. Rowe
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E-Mail: wendyrowe@cannockchasedc.gov.uk

29 March 2022

Dear Councillor,

Planning Control Committee
3:00pm, Wednesday 6 April 2022
Council Chamber, Civic Centre, Cannock

You are invited to attend this meeting for consideration of the matters itemised in the following Agenda. The meeting will commence at 3.00pm.

Yours sincerely,

Tim Clegg
Chief Executive

To: Councillors

Startin, P. (Chairman)
Muckley, A. (Vice-Chairman)

Allen, F.W.C.	Kruskonjic, P.
Beach, A.	Smith, C.D.
Cartwright, Mrs. S.M.	Sutton, Mrs. H.M.
Fisher, P.A.	Thompson, Mrs. S.L.
Fitzgerald, Mrs. A.A.	Wilson, Mrs. L.J.
Hoare, M.W.A.	Witton, P.T.
Jones, Mrs. V.	

Agenda

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 16 March 2022 (enclosed).

5. Members' Requests for Site Visits

6. Report of the Development Control Manager

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

Details of planning applications can be accessed on the Council's website by visiting www.cannockchasedc.gov.uk/residents/planning and then clicking on the square marked 'Planning Applications'.

Planning Applications

Application Number	Application Location and Description	Item Number
1. CH/22/0012	West Midland Designer Outlet, Mill Green, Eastern Way, Cannock, WS11 7JU - Application under S73 of the 1990 Town and Country Planning Act to vary conditions 36 & 41 of Planning Permission CH/21/0197 to allow an increase in Class A3 hours, transfer of 938 sq m of NSA from Phase I to Phase II and increase height of Phase II (Revised plans A-00-301-rev H, A-90-102-rev E)	6.1-6.45

2. CH/21/0434 **“Parcel I” - Land to the West of Pye Green, Land West of Pye Green Road, Cannock** - Approval of Reserved Matters following outline approval (CH/19/421) Appearance, Landscape, Layout, Scale 6.46-6.112
3. CH/22/0052 **Silver Trees Caravan and Chalet Park, Stafford Brook Road, Rugeley** - The re-layout of Silver Trees Holiday Park to accommodate 103 static caravans instead of 100 static caravans in lieu of 40 touring caravans (retrospective) and an extension to the park to accommodate a further 12 static holiday caravans 6.113-6.154
4. CH/22/0078 **1-7 Park Road, Cannock, WS11 1JN** - Installation of external air conditioning units (re-submission of CH/21/0407) 6.155-6.171

Cannock Chase Council
Minutes of the Meeting of the
Planning Control Committee

Held on Wednesday 16 March 2022 at 3:00pm
in the Council Chamber, Civic Centre, Cannock

Part 1

Present:
Councillors

Startin, P. (Chairman)
Muckley, A. (Vice-Chairman)
Beach, A. Smith, C.D.
Fisher, P.A. Sutton, Mrs. H.M.
Fitzgerald, Mrs. A.A. Thompson, Mrs. S.L.
Hoare, M.W.A. Wilson, Mrs. L.J.
Kruskonjic. P.

104. Apologies

Apologies for absence were received from Councillors F.W.C. Allen, Mrs. S.M. Cartwright, and Mrs. V. Jones.

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

None.

106. Disclosure of details of lobbying by Members

None.

107. Minutes

Resolved:

That the Minutes of the meeting held on 23 February 2022 be approved as a correct record.

108. Members requests for Site Visits

Councillor Mrs. Thompson requested that a site visit be undertaken in respect of application CH/22/0089, The Kings View, Stokes Lane, Cannock WS12 3JB - application under Section 73 of the Town and Country Planning Act to develop the land as a residential caravan site for 4 gypsy families each with 2 caravans (1 static) layout of hardstanding, erection of a dayroom, 4 no. utility buildings and associated ancillary buildings, not in accordance with the approved plans of Planning permission

CH/21/0040. The reason for the site visit was to assess whether the plans to regularise the development accurately reflected what had been developed on site.

Resolved:

That a site visit be undertaken in a respect of Application CH/22/0089, The Kings View, Stokes Lane, Cannock WS12 3JB for the reason outlined above.

109. Application CH/21/0387, 33 Mardell House, Market Street, Rugeley, WS15 2JH - Change of use of former funeral director's premises with first floor one bedroomed flat, garages and storage to 4 x 2 bedroomed flats together with rear first floor extension

Following a site visit by Members of the Committee, consideration was given to the report of the Development Control Manager (Item 6.1 – 6.29).

The Senior Planner provided a presentation to the Committee outlining the application showing photographs and plans of the proposals.

Prior to consideration of the application, representations were made by John Reynolds, the applicant's agent, speaking in favour of the application.

Resolved:

(A) That the applicant be requested to enter into a Section 106 Unilateral Undertaking to cover the Cannock Chase Special Area of Conservation mitigation fee of £663.00.

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

110. Application CH/22/0014 - 35 Greenwood Park, Pye Green, Cannock, WS12 4DQ - Resubmission of CH/21/0438 - Two x two storey side extensions and a single storey rear extension to create (in part) a self-contained 1-bedroom annex and other domestic extensions to the host dwelling

Consideration was given to the report of the Development Control Manager (Item 6.30 – 6.48).

The Senior Planner provided a presentation to the Committee outlining the application showing photographs and plans of the proposals.

Resolved:

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

The meeting closed at 3.33pm

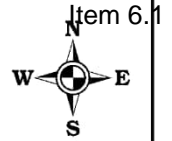
Chairman



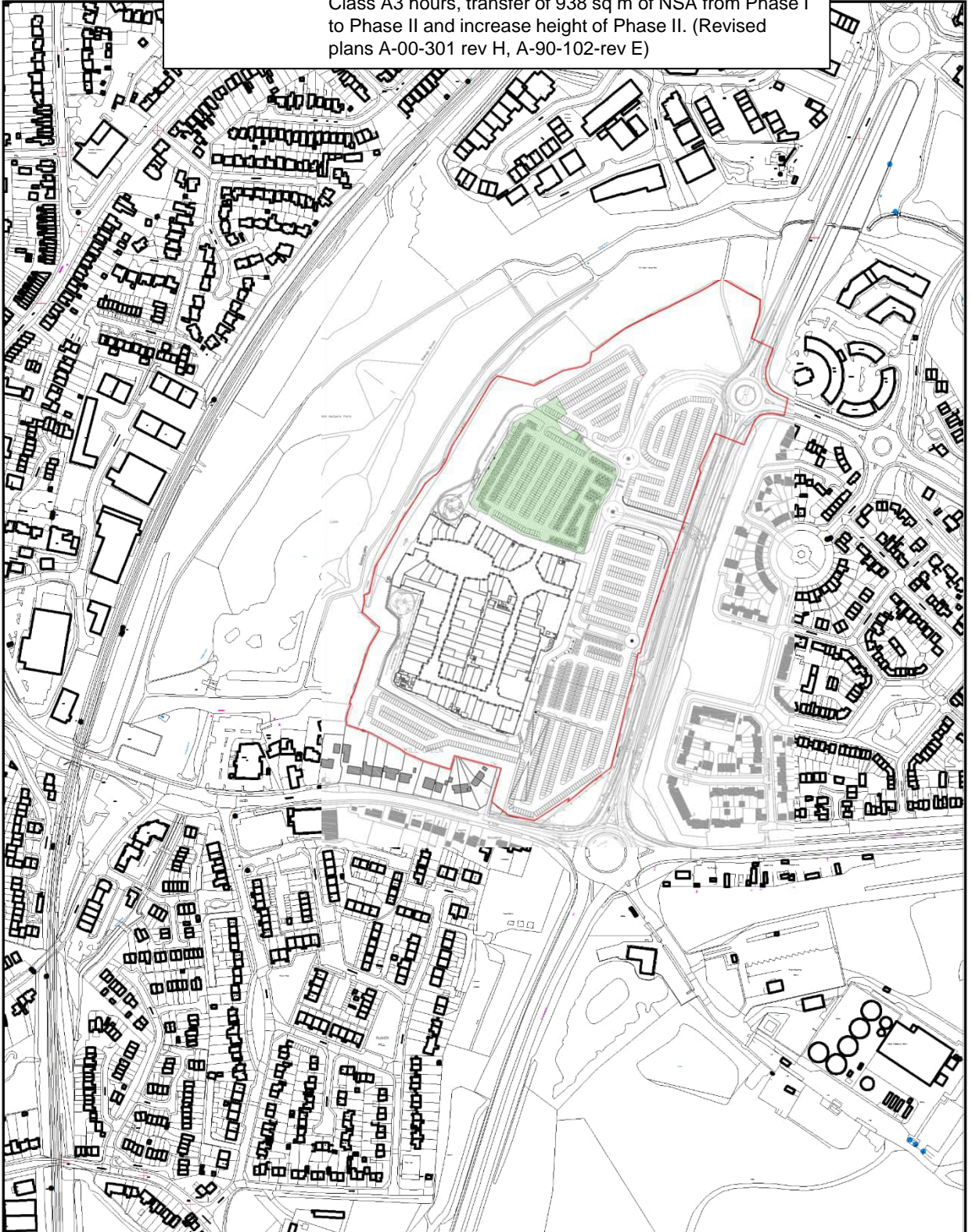
Application No: CH/22/0012

Location: West Midland Designer Outlet, Mill Green, Eastern Way, Cannock, WS11 7JU

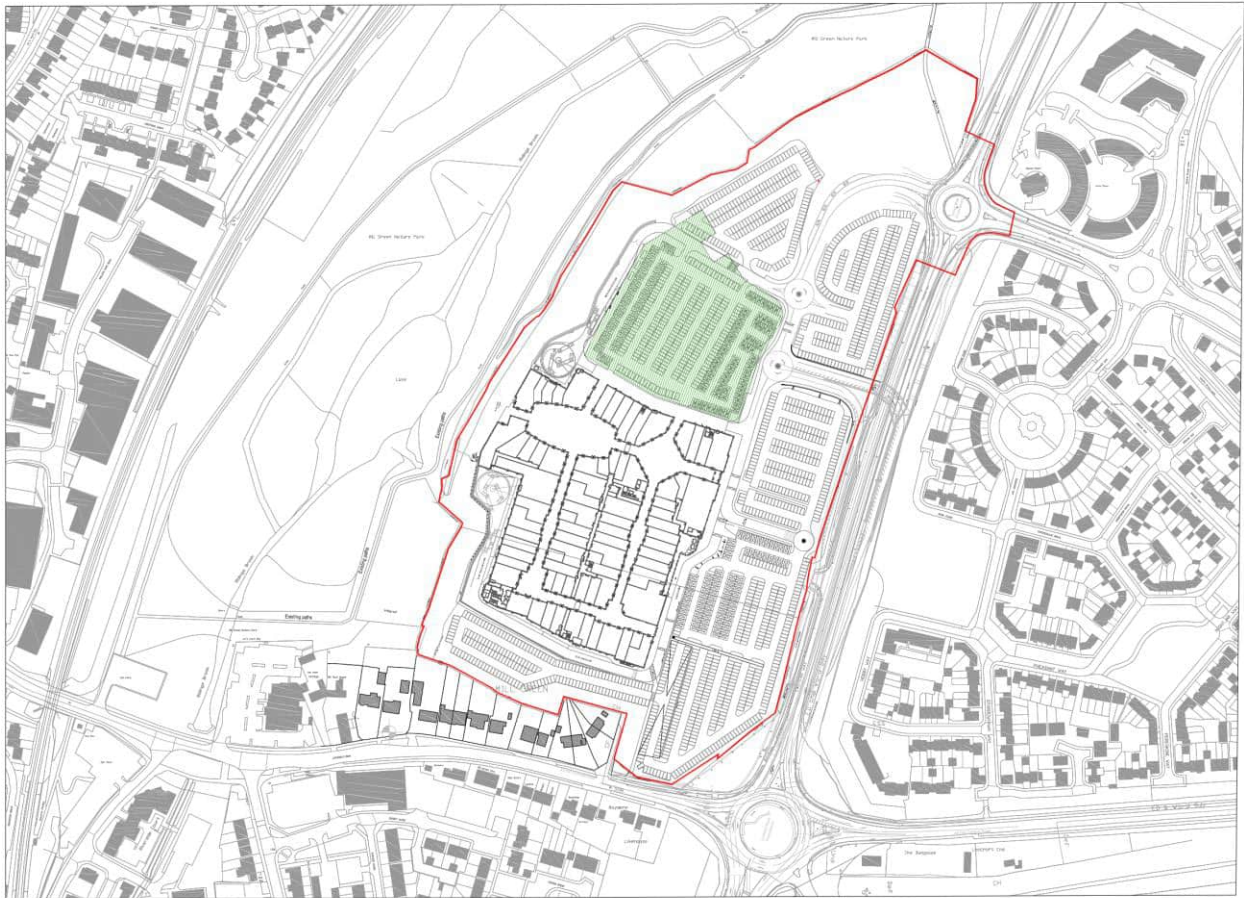
Proposal: Application Under Section 73 of the 1990 Town and Country Planning Act to vary Conditions 36 & 41 of Planning Permission CH/21/0197 to allow an increase in Class A3 hours, transfer of 938 sq m of NSA from Phase I to Phase II and increase height of Phase II. (Revised plans A-00-301 rev H, A-90-102-rev E)



Item 6.1



Location Plan



- Application Boundary
- Proposed Phase 2 location

HolderMathias architects
3839
A-90-500 -

Previously Consented and Proposed Site Plans

PHASE 2 PARAMETERS KEY

-  Parameters Volume:
This zone is proposed in order to allow some flexibility when the final entry, access road realignment and areas for substations are designed in detail as part of future Resource Consent applications.
-  Possible zone indicating increased CO2 emissions.
-  Extent of proposed phase 2 site, as within the overall site level line planning boundary.



① - Consented - Phase 2 Site Plan
7-100



② - Proposed - Phase 2 Site Plan
7-100

Parameters Plan

PHASE 2 PARAMETERS KEY



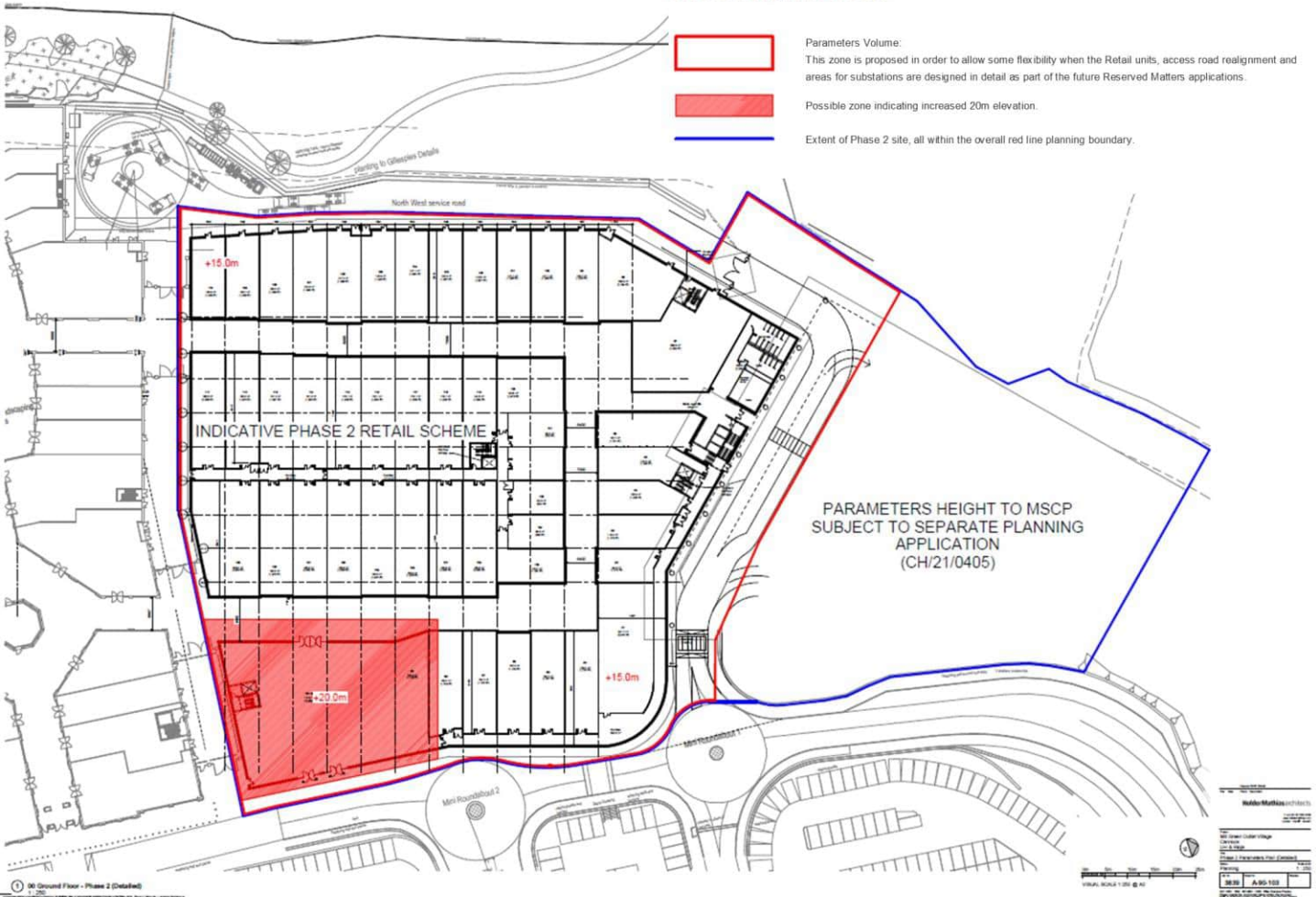
Parameters Volume:
This zone is proposed in order to allow some flexibility when the Retail units, access road realignment and areas for substations are designed in detail as part of the future Reserved Matters applications.



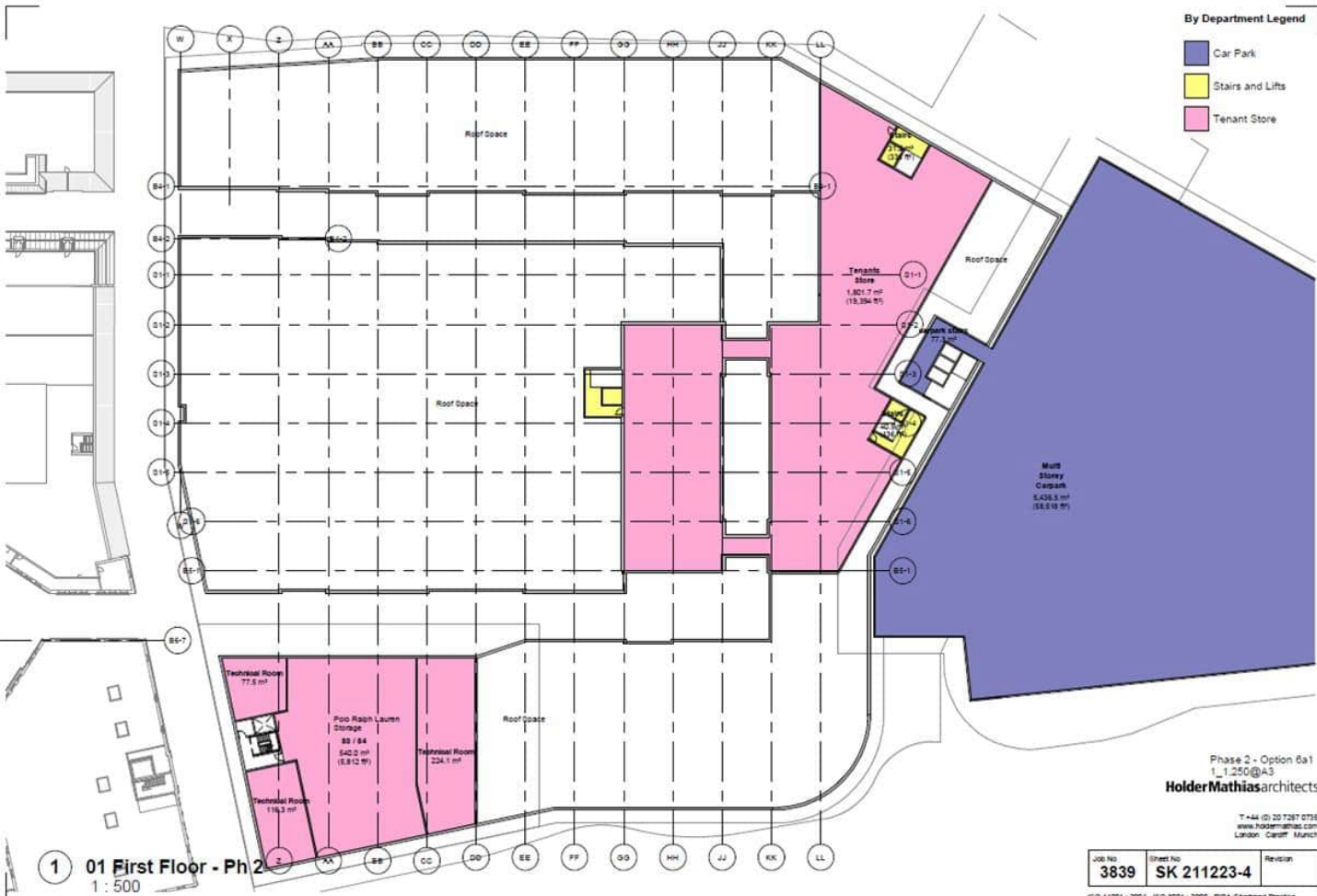
Possible zone indicating increased 20m elevation.



Extent of Phase 2 site, all within the overall red line planning boundary.



Proposed Illustrative Phase II Retail Typical Upper Floor Layout



Illustrative Visuals



PROVISIONAL CLASSICAL STYLE



Illustrative Visuals



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Contact Officer:**Richard Sunter****Telephone No:****01543 464481****Planning Control Committee**6th April 2022

Application No: CH/22/0012

Received: 13-Jan-2022

Location: West Midland Designer Outlet

Parish: Heath Hayes, Norton Canes

Ward: Hawks Green Ward, Cannock South Ward, Norton Canes Ward, Cannock East Ward

Description: Application Under Section 73 of the 1990 Town and Country Planning Act to vary Conditions 36 & 41 of Planning Permission CH/21/0197 to allow an increase in Class A3 hours, transfer of 938 sq m of NSA from Phase I to Phase II and increase height of Phase II. (Revised plans A-00-301 rev H, A-90-102-rev E)

Application Type: Minor Material Amendment

Recommendations:

Approve subject to the attached conditions

Reason(s) for Recommendation:

In accordance with paragraph 38 of the National Planning Policy Framework the Local Planning Authority has worked with the applicant in a positive and proactive manner to approve the proposed development, which accords with the Local Plan and/ 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 drawings, data sheets and schedules listed below, unless otherwise approved in writing by the Local Planning Authority: -

A-40-01 - Material Reference & Specifications - REV D;
 External Elevations (A-00-050D – Phase 1 (1 of 4));
 External Elevations (A-00-051D – Phase 1 (2 of 4));
 External Elevations (A-00-052D – Phase 1 (3 of 4));
 External Elevations (A-00-053D – Phase 1 (4 of 4));
 Internal Elevations (A-00-054D – Phase 1 (1 of 8));
 Internal Elevations (A-00-055D – Phase 1 (2 of 8));
 Internal Elevations (A-00-056D – Phase 1 (3 of 8));
 Internal Elevations (A-00-057D – Phase 1 (4 of 8));
 Internal Elevations (A-00-058D – Phase 1 (5 of 8));
 Internal Elevations (A-00-059D – Phase 1 (6 of 8));
 Internal Elevations (A-00-060D – Phase 1 (7 of 8));
 Internal Elevations (A-00-061D – Phase 1 (8 of 8));
 Rear of Decorative Roofs Precedent - Image from Roermond Designer Outlet Village;
 and SK-AG-124-Views from Lichfield Road Roundabout.

Data Sheets:

Duk906 – Dryvit prefabricated features – standard and custom prefabricated eifs mouldings;
 Duk driangle design series brochure;
 Duk driangle elite series brochure; and
 Installation instructions & specs.

Reason

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

3. The development shall not be brought into use until the provision of renewable energy sources in accordance with the details submitted in the Technical Submission for a Photovoltaic System at Mill Green Outlet Village, Cannock, reference Q2989-DBS-XX-XX-TS-E-001 revision 02, dated 27.06.2018 and prepared by Bowmer and Kirkland, have been implemented in full.

Reason

In the interest of sustainable development and climate change in accordance with the NPPF and pursuant to the information provided in the Mill Green Outlet Village Energy Strategy report (Ramboll, January 2015).

4. No trees or hedges shown as retained on Dwg No. 4334-D Rev (Hayden's Arboricultural Consultants) and page 90 of the submitted Design and Access statement, shall be cut down, topped, lopped, uprooted or removed without the prior written permission of the Local Planning Authority nor shall they be wilfully damaged or destroyed.

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

Reason

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

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

P10302-00-001-200-01 Revision 02	Path Type A Typical Section Detail.
P10302-00-001-202-01 Revision 02	Path Type B Typical Section Detail.
P10302-00-001-203-01 Revision 02	Path Type C Typical Section Detail.
P10302-00-001-204-01 Revision 02	Path Type C (Woodland) Typical Section Detail.
P10302-00-001-205-01 Revision 03	Path Type F Typical Section Detail.
P10302-00-001-206-01 Revision 02	Path Type I.
P10302-00-001-210-01 Revision 04	Landscape Site Boundary Section.
P10302-00-001-211-01 Revision 04	Landscape Entrance Section.
P10302-00-001-212-01 Revision 04	Landscape Retail Section.
P10302-00-001-510-01-00 Revision	Planting Schedule.
P11314-00-001-110-01 Revision 01	General Arrangement Plan .
P11314-00-001-111-01 Revision 00	Hard Landscape (1 of 6).
P11314-00-001-112-01 Revision 01	Hard Landscape (2 of 6).
P11314-00-001-113-01 Revision 00	Hard Landscape (3 of 6).
P11314-00-001-114-01 Revision 01	Hard Landscape (4 of 6).
P11314-00-001-115-01 Revision 01	Hard Landscape (5 of 6).
P11314-00-001-116-01 Revision 01	Hard Landscape (6 of 6).
P11314-00-001-117 Revision 00	Boundary Treatment Strategy*.
P10302-00-001-300-02 Revision 03	Bench Details.
P10302-00-001-301-01 Revision 02	Litter Bin Detail.
P10302-00-001-302-01 Revision 02	Illuminated Bollard Detail.
P10302-00-001-310 Revision 01	Typical; Paving Details.
P10302-00-001-312 revision 01	Paving Transition Typical Details.
P10302-00-001-313 Revision 01	Typical Paving Details.
P10302-00-001-330 Revision 00	Play area Typical Details Retail.
P11314-00-001-320 Revision 00	Paving Details.
P11314-00-001-321 Revision 00	Paving Details.
P11314-00-001-322 Revision 00	Typical Paving Section.
P11314-00-001-323 Revision 00	Street Furniture.
P10302-00-001-410 Revision 01	Typical tree Pit Details.
P10302-00-001-411 Revision 02	Landscape Detail Section.
P11314-00-001-420 Revision 01	Planting Plan (1 of 6).
P11314-00-001-421 Revision 01	Planting Plan (2 of 6).
P11314-00-001-422 Revision 01	Planting Plan (3 of 6).
P11314-00-001-423 Revision 01	Planting Plan (4 of 6).
P11314-00-001-424 Revision 01	Planting Plan (5 of 6).
P11314-00-001-425 Revision 01	Planting Plan (6 of 6).

P11314-00-001-430 Revision 00 Tree Planting Detail.
 P11314-00-001-431 Revision 00 Tree Planting Detail.
 P11314-00-001-432 Revision 00 Climbers on Vertical Structure/
 Planting on Retaining Wall.
 P11314-00-001-511 Landscape External Works Schedule of Elements and
 Outline Specification.
 3839-SK-180409 Revision - Hard Landscape Proposed.
 07853-HYD-XX-XX-SK-S-SK002 RevP1 Standardised Retaining Wall Details
 Mill Green Outlet Village Cannock-Public Realm Maintenance.

*Please note that should there be any conflict between the boundary treatment as shown on P11314-00-001-117 Revision 00 and that shown on any other approved drawing the details shown in drawing P11314-00-001-117 Revision 00 shall be taken as the approved scheme.

Reason

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

6. The approved landscape works shall be carried out in accordance with the Mill Green Outlet Village Phasing Plan, drawing reference SK01 Rev A, received on 28th June 2018

Reason

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

7. The development shall be undertaken in accordance with the Arboricultural Works Document Revision B, prepared by Bowmer and Kirkland and dated 25th May 2018 and the Tree Removal Plan Drawing Ref: P10302-001-001-104-02

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.

8. The approved arboricultural work (pursuant to Condition 7 above) shall be carried out fully in accordance with the submitted details including timetable and to BS 3998 Tree Work & BS 5837 Trees in Relation to Construction, unless otherwise approved in writing by the Local Planning Authority.

Reason

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

9. The development shall be carried out in accordance with the approved programme of phasing work within the Outline Construction Environmental Management Plan (CEMP) including associated appendices and proposed Ground Exploratory Hole Location Plan (G05-001 Rev 01), dated December 2016, as approved by the Local Planning Authority, in the decision notice, from Mazer Aqbal, dated 13 January 2017 and in accordance with the Mill Green Outlet Village Phasing Plan, drawing reference SK01 Rev A, received on 28th June 2018.

Reason

To ensure the protection and retention 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. The works on site will be carried out in accordance with the approved programme of works unless otherwise agreed in writing by the Local Planning Authority.

Reason

To ensure the protection and retention 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.

11. The development hereby approved shall not commence trading until the works comprising the approved scheme for the improvement of the Cannock Heritage Trail, as shown in drawings: -

CTS Drawing – General Arrangement – Northern Ramp Bridge Module, Drawing Number 4648-01 Rev B;

CTS Drawing – General Arrangement – Southern Ramp Bridge Module, Drawing Number 4648-02 Rev A;

CTS Drawing – General Arrangement – Centre Ramp Bridge, Drawing Number 4648-03 Rev A;

CTS Drawing – Overall Plan and elevation, Drawing Number 4648-100 Rev A;

CTS Drawing – Column Set Out Plan – Southern Ramp, Drawing Number 4648-101 Rev B;

CTS Drawing – Column Set Out Plan – Northern Ramp, Drawing Number 4648-102 Rev B;

CTS Drawing – Column Set Out Plan – Platform, Drawing Number 4648-103 Rev A;

CTS Drawing – 3D Model View – Northern Ramp, Drawing Number 4648-104 Rev A;

CTS Drawing – 3D Model View – Southern Ramp, Drawing Number 4648-105 Rev A;

CTS Drawing – 3D Model View – Platform and Centre Bridge Drawing Number 4648-106 Rev A;

CTS – Operations and Maintenance Manual Rev 0 Draft (To be updated to Issue Rev 01 after Construction);

Gillespies Drawing – Heritage Trail Maintenance Strategy Drawing Number P10302-00-005-GIL 0235 Rev 00;

CTS – Product Data Sheet – Ekki Hardwood Timber; and

CTS – Drawing Issue and Record Sheet – Dated 04/07/19;

have been implemented in full.

Thereafter the Cannock Heritage Trail shall be maintained and retained for the life of the development, in accordance with the approved details.

Reason

In the interests of safeguarding and improving the Cannock Heritage Trail in accordance with Local Plan Policy CP5.

12. The development hereby approved shall not commence trading until the works comprising the approved scheme for the provision of the play area under drawings: -

Carve Scheme Proposal – 17.017 West Midlands Outlet Main Drawing, Drawing number SD-1000;

Carve Drawing – 17.017 West Midlands Outlet Main Sections Towers, Drawing Number SD 1100;

Carve Scheme Proposal – 17.017 West Midlands Designer Outlet – Updated Colour and Material Document, dated 14th August 2019;

Carve Scheme Proposal – 17.017 West Midlands Designer Outlet – Updated Sketch Scheme Proposal, dated 14th August 2019; and

Gillespies Design Pack – Play Area Planting Proposal Rev 00, dated 16th August 2019;

have been implemented in full

Reason

In the interests of the visual amenity of the wider area in accordance with Local Plan Policy CP3.

13. The development shall not commence trading until such time as the mitigation works detailed in the following submitted plans are completed:

A084215_AR_029_A – Required Highway Alterations at Lodge Lane Roundabout

A084215_AR_030_A – Required Highway Alterations at Lodge Lane Roundabout (Phase 2)

A084215_AR_031 – Proposed Highway Alterations

A084215_AR_34 – Churchbridge Interchange Proposed Improvements.

Any variation to the timing of these works shall only be permitted following the prior written agreement from the Local Planning Authority, following consultation with Highways England.

Reason

To ensure that the A5 continues to serve its purpose as a national system of routes for through traffic in accordance with the requirements of Section 10 (2) of the Highways Act 1980.

14. The development hereby permitted shall not commence trading until the approved off-site highway works detailed in the following plans have been implemented in full

CDD9999/DA/R00/02 RevT0:	Location Plan and Drawing Index.
CDD9999/DA/R00/03 RevT0	Constraints Plan
CDD9999/DA/R00/05 RevT0	Land use and Boundaries
CDD9999/DA/R00/07 RevT0	Site Investigation (Sheet 1 of 2)
CDD9999/DA/R00/08 RevT0	Site Investigation (Sheet 2 of 2)
CDD9999/DA/R01/01 RevT0	General Arrangement (Overview)
CDD9999/DA/R01/02 RevT0	General Arrangement (Sheet 1 of 2)
CDD9999/DA/R01/03 RevT0	General Arrangement (Sheet 2 of 2)
CDD9999/DA/R01/04 RevT0	General Arrangement (aerial)
CDD9999/DA/R01/05 RevT0	Topographical Survey (Sheet 1 of 2)
CDD9999/DA/R01/06 RevT0	Topographical Survey (sheet 2 of 2)
CDD9999/DA/R01/07 RevT0	Setting Out information (Sheet 1 of 2)
CDD9999/DA/R01/08 RevT0	Setting Out information (Sheet 2 of 2).
CDD9999/DA/R02/01 RevT0	Site Clearance (Sheet 1 of 2)
CDD9999/DA/R02/02 RevT0	Site Clearance (Sheet 2 of 2)
CDD9999/DA/R02/03 RevT0	Road Lighting Site Clearance (Sheet 1 of 2)
CDD9999/DA/R02/04 RevT0	Road Lighting Site Clearance (Sheet 2 of 2)
CDD9999/DA/R03/01 RevT0	Fencing & RRS (Sheet 1 of 2)
CDD9999/DA/R03/02 RevT0	Fencing & RRS (Sheet 2 of 2)
CDD9999/DA/R05/01 RevT0	Drainage Contours (Sheet 1 of 2)
CDD9999/DA/R05/02 RevT0	Drainage Contours (Sheet 2 of 2)
CDD9999/DA/R05/03 RevT0	Ironwork to be Adjusted
CDD9999/DA/R05/101 RevT0	Proposed Drainage layout (Sheet 1 of 7)
CDD9999/DA/R05/102 RevT0	Proposed Drainage layout (Sheet 2 of 7)
CDD9999/DA/R05/103 RevT0	Proposed Drainage layout (Sheet 3 of 7)
CDD9999/DA/R05/104 RevT0	Proposed Drainage layout (Sheet 4 of 7)
CDD9999/DA/R05/105 RevT0	Proposed Drainage layout (Sheet 5 of 7)
CDD9999/DA/R05/106 RevT0	Proposed Drainage layout (Sheet 6 of 7)
CDD9999/DA/R05/107 RevT0	Proposed Drainage layout (Sheet 7 of 7)
CDD9999/DA/R05/108 RevT0	Lichfield Road Catchment Cellular Tank Details
CDD9999/DA/R05/109 RevT0	Hayes Way Catchment Cellular Tank Details
CDD9999/DA/R05/110 RevT0	Flow Control Details
CDD9999/DA/R05/111 RevT0	Oil Separator Details
CDD9999/DA/R06/01 RevT0	Earthworks Excavation (Sheet 1 of 2)
CDD9999/DA/R06/02 RevT0	Earthworks Excavation (Sheet 2 of 2)
CDD9999/DA/R06/03 RevT0	Earthworks Fill (Sheet 1 of 2)
CDD9999/DA/R06/04 RevT0	Earthworks Fill (Sheet 2 of 2)
CDD9999/DA/R06/05 RevT0	Cut/ Fill Depths (Sheet 1 of 2)
CDD9999/DA/R06/06 RevT0	Cut/ Fill Depths (Sheet 2 of 2)
CDD9999/DA/R06/07 RevT0	A460 Cross Sections (MREF) (Sheet 1 of 3)

CDD9999/DA/R06/08 RevT0	A460 Cross Sections (MREF) (Sheet 2 of 3)
CDD9999/DA/R06/09 RevT0	A460 Cross Sections (MREF) (Sheet 3 of 3)
CDD9999/DA/R06/10 RevT0	Lichfield Road West Cross sections (MR10)
CDD9999/DA/R06/10 RevT0	Lichfield Road West Cross sections (MR10)
CDD9999/DA/R06/11 RevT0	Lichfield Road Roundabout Cross sections (MRB2)
CDD9999/DA/R06/12 RevT0	Lichfield Road East Cross sections (MR19)
CDD9999/DA/R06/13 RevT0	Hayes Way Roundabout Cross Sections (MRB1)
CDD9999/DA/R06/14 RevT0	Off-Ramp Cross Sections (MRON)
CDD9999/DA/R06/15 RevT0	On-Ramp Cross Sections (MCR1)
CDD9999/DA/R06/16 RevT0	Pedestrian Ramp Cross Sections (MPR1)
CDD9999/DA/R06/17 RevT0	Access Road Cross Sections (MRF2) (Sheet 1 of 2)
CDD9999/DA/R06/18 RevT0	Access Road Cross Sections (MRF2) Sheet 2 of 2).
CDD9999/DA/R07/01 RevT0	Pavement Construction (Sheet 1 of 2)
CDD9999/DA/R07/02 RevT0	Pavement Construction (Sheet 2 of 2)
CDD9999/DA/R07/03 RevT0	Bridge Deck Pavement, Kerb & Footway Details.
CDD9999/DA/R11/01 RevT0	Kerbs, Footways and paved Areas (Sheet 1 of 2)
CDD9999/DA/R11/02 RevT0	Kerbs, Footways and paved Areas (Sheet 2 of 2)
CDD9999/DA/R12/01 RevT0	Road Markings (Sheet 1 of 2)
CDD9999/DA/R12/02 RevT0	Road Markings (Sheet 2 of 2)
CDD9999/DA/R12/03 RevT0	Traffic Signs (Overview)
CDD9999/DA/R12/04 RevT0	Traffic Signs Layout (Sheet 1 of 3)
CDD9999/DA/R12/05 RevT0	Traffic Signs Layout (Sheet 2 of 3)
CDD9999/DA/R12/06 RevT0	Traffic Signs Layout (Sheet 3 of 3)
CDD9999/DA/R12/07 RevT0	Traffic Signs Details (Sheet 1 of 5)
CDD9999/DA/R12/08 RevT0	Traffic Signs Details (Sheet 2 of 5)
CDD9999/DA/R12/09 RevT0	Traffic Signs Details (Sheet 3 of 5)
CDD9999/DA/R12/010 RevT0	Traffic Signs Details (Sheet 4 of 5)
CDD9999/DA/R12/100 RevT0	Traffic Signals General Arrangement
CDD9999/DA/R12/07 RevT0	Traffic Signals Ducting and Civils
CDD9999/DA/R12/102 RevT0	Traffic Signals Layout
CDD9999/DA/R12/11 RevT0	Traffic Signs Detail (Sheet 5 of 5)
CDD9999/DA/R12/12 RevT0	Traffic Signs Schedule
CDD9999/DA/R13/01 RevT0	Proposed Road Lighting Layout (sheet 1 of 2).
CDD9999/DA/R13/02 RevT0	Proposed Road Lighting Layout (Sheet 2 of 2).
CDD9999/DA/R14/01 RevT0	Proposed Private Cable Network
CDD9999/DA/R14/02 RevT0	Proposed Private Cable Network
CDD9999/DA/R27/01 RevT0	Existing Statutory Undertakers (Sheet 1 of 2)
CDD9999/DA/R27/02 RevT0	Existing Statutory Undertakers (Sheet 2 of 2)
CDD9999/DA/S/HDPS	Highway Drain Protection Slab
CDD9999/DA/S/RW/001 RevT0	East Retaining Walls
CDD9999/DA/S/RW/002 RevT0	Long Sections-East Retaining Walls
CDD9999/DA/S/RW/003	Development Access –Miscellaneous Details
CDD9999/DA/S/RW/004 RevT0	West Side RW-Plan Layout & Borehole Information
CDD9999/DA/S/RW/005 RevT0	West Side RW-Setting Out Information (Sheet 1 of 2)
CDD9999/DA/S/RW/006 RevT0	West Side RW-Setting Out Information (Sheet 2 of 2)
CDD9999/DA/S/RW/007 RevT0	West Side RW-Long Sections of Retaining Walls 4, 6, 7 and 8

CDD9999/DA/S/RW/008 RevT0 West Side RW-Long Sections of Retaining Walls 5A, 5B, 6 and 9
 CDD9999/DA/S/RW/009 RevT0 West side RW-Typical Cross Sections and Details
 CDD9999/DA/S/RW/010 RevT0 Ground Capping Beams Details
 CDD9999/DA/S/RW/011 RevT0 Ground Capping Beams overview
 CDD9999/DA/S/RW/012 RevT0 Front of Wall Drainage Details
 CDD9999/DA/S/RW/CB/002RevT0 Capping Beam Type 3
 CDD9999/DA/S/RW/CB/003RevT0 Capping Beam Type 4 & 5 (Highway Loading)
 CDD9999/DA/S/RW/CB/004RevT0 Capping Beam Type 15 (Highway Loading) and Type 11 (Pedestrian Loading)
 CDD9999/DA/S/RW/CB/005RevT0 Capping Beam Type 6 & 7 (Car Park Loading)
 CDD9999/DA/S/RW/CB/006RevT0 Capping Beam Type 12 & 14 (Car Park Loading)
 CDD9999/DA/S/RW/CB/007RevT0 Capping Beam Type 8 and 16 (Car Park Loading)
 CDD9999/DA/S/RW/CB/008RevT0 Ground Beam Type 9 (Car Park Loading)
 CDD9999/DA/S/RW/CB/009RevT0 Ground Beam Type 10 & 13 (Car Park Loading)
 CDD9999/DA/S/RW/CB/010RevT0 Ground Beam Type 17 (Highway Loading).
 CDD9999/DA/S/RW/GB/001RevT0 Ground Beam Type 1 & 2 (Highway Loading)
 CDD9999/DA/S/RW/GB/002RevT0 Ground Beam Type 6 (Transition)
 CDD9999/DA/S/RW/GB/003RevT0 Ground Ground Beams Type 3 & 4
 CDD9999/DA/S/RW/GB/004RevT0 Ground Beam Type 5
 CDD9999/DA/S/RW/GB/005RevT0 Ground Beam Type 7 (Car Park Loading)
 CDD9999/DA/S/STPS RevT0 Protection Slab to Severn Trent Foul Sewer
 CDD9999/DA/S/U/001RevT0 Development Access General Arrangement A460 Under-pass (Sheet 1 of 2)
 CDD9999/DA/S/U/002RevT0 Development Access General Arrangement A460 Under-pass (Sheet 2 of 2) & Feature Detail
 CDD9999/DA/S/U/003RevT0 Development Access Underpass Details Showing Interface and Retaining Walls
 CDD9999/DA/S/U/004RevT0 Development Access Underpass Details
 CDD9999/DA/S/U/005RevT0 Development Access Underpass East Deck Reinforcement
 CDD9999/DA/S/U/006RevT0 Development Access Underpass East Abutment to Deck Plan Reinforcement Schematics
 CDD9999/DA/S/U/007RevT0 Development Access Underpass West Deck Sections with Reinforcement Schematics
 CDD9999/DA/S/U/008RevT0 Development Access Underpass West Deck Reinforcement
 CDD9999/DA/S/U/009RevT0 Development Access Underpass West Abutment to Deck Plan Reinforcement Schematics
 CDD9999/DA/S/U/010RevT0 Development Access Underpass West D Deck Sections & Reinforcement Schematics

S.278 Mill Green Outlet Village, Cannock, Development Access; Volume 2B- Scheme Specific Appendices CDD9999/2b/Rev0, November 2017.

Gully Schedule.

S.278 Mill Green Outlet Village, Cannock, Development Access, Pre Construction Information;

Reason

In accordance with the Local Plan Policy CP10.

15. Any signage displayed on the site shall be in accordance with the details within the Condition Discharge Report 18-Signage Strategy received on 27 June 2018 as supported by the Arboricultural Report dated 19 September 2018 (reference CE-MG-1406-RP01-Final), subject to the following caveats: -

- (i) The installation of Sign 1 shall be undertaken in accordance with the recommendations contained within paragraphs 4.16 and 4.17 of the above mentioned Arboricultural Report.
- (ii) Notwithstanding the details of the approved plan the siting of Sign 1 shall be as shown on drawing CAN/A/01 Rev A unless otherwise approved in writing by the Local Planning Authority.

Reason

In the interests of highway safety in accordance with Local Plan Policy CP10.

[Advisory Note:

It should be noted that drawing CAN/A/01 Rev A indicates that the interpretative signage details will be agreed under the provisions of Schedule 7 of the Section 106.

It is should also be noted that drawing CAN/A/01 Rev A also indicates that signage to and from the site and the railway station will be dealt with separately under Schedule 4 of the Section 106 agreement so that the signage strategy under condition 18 links in with the obligations under section 106.]

16. The development hereby permitted shall not be brought into use until the parking and servicing has been provided in accordance with the approved plans.

Reason

In accordance with Local Plan Policy CP10.

17. The development hereby approved shall not be brought into use until the on-site public transport facilities and infrastructure works as detailed in Condition Discharge Report 20-Public Transport Works for Mill Green Outlet Village, dated 2018, and prepared by Development Planning Limited have been provided in full.

Reason

In accordance with Local Plan Policy CP10.

18. The construction phase of the development shall be strictly carried out in accordance with the Outline CEMP, prepared by CBRE, dated December 2016 and received on 5 June 2018, unless otherwise approved in writing by the Local Planning Authority

Reason

To safeguard the amenity of nearby residents the interests of highway safety and the interests of protecting and preserving the local wildlife and to prevent an adverse impact on Mill Green and Hawks Green Valley Nature reserve in accordance with Local Plan Policies CP3 and CP15 and the NPPF.

19. The car park shall be operated in strict accordance with the West Midlands Designer Outlet Car Park Management Regime, reference CCN001, Car Park Management Regime v2, dated January 2021 approved under discharge of condition consent CH/20/435/A, unless otherwise agreed in writing with the Local Planning Authority.

Reason

In the interests of providing adequate parking and safeguarding the amenity of nearby residents. In accordance with Local Plan Policy CP3.

20. Before the proposed development is brought into use all proposed bus stops shall be built to quality bus stop partnership standards and be constructed in accordance with Condition Discharge Report 20-Public Transport Works for Mill Green Outlet Village, dated 2018, and prepared by Development Planning.

Reason

To comply with the Local Plan Policy CP10 and the NPPF.

21. The development permitted by this planning permission shall be carried out in accordance with the Mill Green Designer Outlet Village, Cannock Chase Flood Risk Assessment, Ramboll Project number 61032176 dated 14 November 2014 and the following mitigation measures detailed within the FRA:

- (i) The proposed development shall include mitigation measures in the form of permeable pavements and attenuation cellular storage designed to manage peak run-off and allow discharge to the reservoir at a restricted rate providing reductions in flow rate.
- (ii) These flood storage measures are below ground storage within the car park pavement sub-base and geocellular storage tank. Attenuation will be sized to contain all surface water runoff from the 1 in 100 year event plus 30% climate change.
- (iii) The mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the timing/phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed, in writing, by the Local Planning Authority.

Reason:

To ensure that surface water is appropriately managed on site in accordance with best practice and the development provides betterment by reducing surface water discharge

rates and reducing flood risk to communities located downstream of the site; and

To ensure that surface water from the newly created hard standing is managed on site and reduces any surface water discharge rates so as to reduce flood risk elsewhere.

22. The development hereby approved shall take place in accordance with the Mill Green Outlet Village Hydraulic Modelling Report, dated January 2018, and prepared by JBA Consulting and the Preliminary Drainage Sketch, drawing reference C-07853-HYD-XX-XX-SK-S-210 Revision P2.

Reason

To ensure that the development has no detrimental impact on flood risk to third parties.

23. The development hereby approved shall take place in full accordance with the Contamination Hotspot Protocol, Rev A, dated 22nd March 2018 and prepared by Bowmer and Kirkland

Reason

In the interests of public safety and to ensure compliance with the Environmental Protection Act 1990 Part 11a. In accordance with Local Plan Policy CP3.

24. No external means of illumination shall be brought into use unless it accords with the approved lighting scheme as set out in drawings: -

Tyler Grange – Play Area Lighting Environmental Report 10708_R09_SB_AS, dated 24th January 2020;

Hoare Lea – Playground Lighting Design: Initial Lighting Concept Rev 01, dated 26th July 2019; and

Hoare Lea – Heritage path / Bridge Lighting Illumination Impact Profile Doc -16 1620190815 – SMK Cannock LLP-04 Rev 04, dated 31st January 2020 and that

Further to the recommendations in paragraph 4.7 of the document Tyler Grange – Play Area Lighting Environmental Report 10708_R09_SB_AS, dated 24th January 2020, the blue and green lights have been replaced with lighting on the red spectrum.

Reason

In the interests of the amenity of neighbours and safeguarding the nature reserve and associated wildlife in accordance with Policies CP3 and CP12 of the Cannock Chase Local Plan.

25. The West Midlands Designer Outlet site shall be operated in strict accordance with the document titled West Midlands Designer Outlet Waste Management Strategy reference CCN001 Waste Management Strategy v2 and dated January 2021 approved under the discharge of condition application CH/20/435/A unless otherwise approved in writing by the Local Planning Authority.

Reason

In the interests of proper planning.

26. Noise from fixed plant or machinery measured at the boundaries shall not exceed the limits shown in the table below:

Receptor Limit La,r dB	Time Period	Rating Noise
Lichfield Road properties and Nature Reserve (07:00-23:00)	Daytime/ evening period	37
(23:00 – 07:00)	Night-time	30
Properties on opposite side of A460 (07:00-23:00)	Daytime/ evening period	38
(23:00 – 07:00)	Night-time	30

Reason

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

27. The development hereby approved shall be operated in strict accordance with the Noise Management Policy as set out in Condition Discharge Report 31(B)(C)-Servicing for Mill Green Outlet Village, dated May 2018 and prepared by Development Planning Limited.

Reason

In the interests of the amenity of nearby neighbours in accordance with Policy CP3 of the Cannock Chase Local Plan.

28. The development shall not be brought into use until the scheme for the provision of acoustic screens as detailed in the Mill Green Outlet Village, Cannock Stage 3 report dated 28/07/2017 Revision 01 Acoustics and your letter dated 22nd May 2018, and the details of the Reflective Sound Screens, produced by Hales Sawmills, received 23 July 2018 has been implemented in full. The screens shall thereafter be retained for the lifetime of the development.

Reason

In the interests of the amenity of nearby neighbours in accordance with Policy CP3 of the Cannock Chase Local Plan.

29. The West Midlands Designer Outlet site shall be operated in accordance with the Litter Management Strategy, reference CCN01, dated January 2021 and approved under the discharge of condition consent CH/20/435/A unless otherwise approved in writing by the Local Planning Authority.

Reason

In the interests of the amenity of nearby residents and Mill Green Nature Reserve in accordance with Local Plan Policy CP3.

30. No mezzanine or other form of internal floor to create a first floor retail sales area shall be constructed in any unit. No mezzanine indicated on the approved plans as non-retail floorspace shall be used as retail floor space accessible to the public.

Reason

To safeguard the vitality and viability of town centres in accordance with Local Plan Policy CP11 and the NPPF.

31. Notwithstanding the provisions of Class A1 of the Town and Country Planning (Use Classes) Order 1987 (as amended) (or any Order revoking and re-enacting that Order with or without modification) the development hereby approved shall be operated solely as a Designer Outlet Village in accordance with the following principles of outlet retailing i.e. the sale of discounted comparison goods where at least 90% of the floor space is used for the sale of previous season's stock, run-offs, over-runs, samples of branded goods, goods produced for subsequently cancelled orders, market testing lines, rejects, seconds, clearance goods, surplus stock and accessories priced at least 30% below the normal price at which similar types of merchandise are or have been offered for sale at their usual place of sale.

Reason:

Only this specific type of comparison goods retailing and no other form of retailing has been tested by appropriate impact analysis and found to comply with the requirements of paragraph 26 of the NPPF.

32. The following uses within Use Class A1 of the Town and Country Planning (Use Classes) Order 1987 (as amended) (or any Order revoking and re-enacting that Order with or without modification), are not permitted anywhere within the site:

- (a) as a post office,
- (b) for the sale of tickets or as a travel agency,
- (c) for hairdressing,
- (d) as an opticians or for eye, ear or other medical testing/procedures,
- (e) for the direction of funerals,
- (f) for the hiring out of domestic or personal goods or articles,
- (g) for the washing or cleaning of clothes or fabrics on the premises or for the reception of goods to be washed, cleaned or repaired,
- (h) for the sale of any convenience goods including food, save for a retailer of exclusively confectionary (other than incidental goods), household goods, pets or pet food, pharmaceuticals and health foods, unless such sales are ancillary and incidental to the main product ranges and comprise not more than 5% of the floorspace of any individual unit.
- (i) for the sale of furniture, large white goods comprising refrigerators, freezers, dishwashers, washing machines/dryers, cookers, DIY items, carpets, gardening equipment,
- (j) for the sale of motor vehicles and bicycles,
- (k) for the sale of books, newspapers and greeting cards,
- (l) as a charity shop,
- (m) for the sale of computer games/consoles/CDs or DVDs,
- (n) for photographic processing,
- (o) for the sale of toys,
- (p) as a bank or other financial service other than provision of an ATM.
- (q) Click and collect services from the site for the purpose of distributing full price items (with the exception of Unit 36).

Reason

To safeguard the vitality and viability of town centres in accordance with Local Plan Policy CP11 and the NPPF.

33. Notwithstanding the provisions of the Town and Country Planning (Use Classes) Order 1987 and / or the Town and Country Planning (General Permitted Development) Order 2015 (as amended) (or any Order revoking or re-enacting or amending that Order with or without modification) the total A1 and A3 floorspace hereby permitted under this permission shall not exceed 26,504 sqm and the net sales area for each use shall be:

A1 – 24,527.86 sqm

A3 – 1,976.14 sqm

Reason

To safeguard the vitality and viability of town centres in accordance with Local Plan Policy CP11 and the NPPF.

34. Notwithstanding the provisions of the Town and Country Planning (Use Classes) Order 1987 and / or the Town and Country Planning (General Permitted Development) Order 2015 (as amended) (or any Order revoking or re-enacting or amending that Order with or without modification) no A3 units shall be permitted to change to A1.

Reason

To safeguard the vitality and viability of town centres in accordance with Local Plan Policy CP11 and the NPPF.

35. Within 20 days of the anniversary of the opening of the development, an annual report shall be submitted to the Council providing a report on the occupancy of all units within the development, records of goods for sale for all Class A1 units within the site, and pricing for all Class A1 units within the development.

Reason

To safeguard the vitality and viability of town centres in accordance with Local Plan Policy CP11 and the NPPF.

36. The opening hours of all A3 units shall be limited to one hour before the retail units open and 30 minutes after closing with a delivery sales service only:

- Two and a half hours after the units have closed (at 8.30pm) Mondays to Thursdays to 11.00pm;
- Three and a half hours after the units have closed (at 8.30pm) on Fridays and Saturdays to 12 midnight;
- Four and a half hours after the units have closed (at 6.30pm) on Sundays to 11.00pm; and
- Delivery sales service to accord with extended hours on promotional days and public holidays;

unless otherwise agreed in writing with the Local Planning Authority

Reason

To safeguard the vitality and viability of town centres in accordance with Local Plan Policy CP11 and the NPPF.

37. The restaurants at Units FB01, FB02 and FB03 and FB04 shall not be brought into use until the systems for the extraction and filtration of fumes arising from those units, approved under discharge of condition applications CH/20/435/A (FB02), CH/20/435/B (FB01) and CH/20/435C (FB03) and CH/21/0197/A (FB04) have been installed. The systems shall thereafter be maintained in an efficient condition for so long as the use is in existence.

Reason

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

38. The development shall take place in accordance with the Written Scheme of Investigation for Archaeological Evaluation by Trial Trenching, (reference BM11248/WSI 003), dated October 2017, and prepared by Wardell Armstrong; and the Archaeological Watching Brief, Deposit Modelling and Earthwork/ Heritage Asset Survey Report (reference BM11248/002), dated June 2017, and prepared by Wardell Armstrong

Reason:

In order to ensure that the site, which has had limited archaeological investigation, is adequately investigated prior to development in accordance with Policy CP15 of the Cannock Local Plan and the NPPF.

39. The premises shall not be open for business outside the hours of 10.00am. to 8.00pm on Mondays to Friday except for 5 Promotion Days in any calendar year when opening hours can be extended from 9.00am to 10.00pm, 9.00am to 8.00pm on Saturdays except for 2 Promotion Days in any calendar year when opening hours can be extended from 9.00am to 10.00pm, 10.00am to 6.00pm on Sundays and 10.00am to 8.00pm on public holidays (with extended hours between 9.00am to 10.00pm (if required)), unless otherwise agreed in writing with the Local Planning Authority.

Reason

To ensure that the proposed development does not prejudice the enjoyment by neighbouring occupiers of their properties and to ensure compliance with the Local Plan Policy.

40. No goods, plant, materials or waste shall be stored or deposited on any part of the site outside the building except in an enclosed container, the siting and design of which has been agreed in writing with the Local Planning Authority.

Reason

To safeguard the amenities of the locality and to ensure that adequate space is retained for the parking, loading and unloading of vehicles and to ensure compliance with the NPPF.

41. Unless otherwise stated above the development hereby permitted shall be carried out in accordance with the following approved plans and documents:

Transport Assessment

Environmental Statement Volumes 1, 2 and 3.

- a) A-00-102 H Ground Floor Plan - Phase 1 (1 of 2) 1:200 A0
- b) A-00-103 H Ground Floor Plan - Phase 1 (2 of 2) 1:200 A0
- c) A-00-110 J First & Second Floor Plans - Phase 1 1:500 A1
- d) A-00-115 F First Floor Plan - Phase 1 1:200 A0
- e) A-00-120 G Roof Plan - Phase 1 1:500 A1
- f) A-00-300 M External Elevations - Phase 1 1:200 A0
- g) A-00-301 H Phase 2 External Elevations, Height Parameters 1:200 A0
- h) A-00-302 M Internal Elevations - Phase 1 (1 of 2) 1:200 A0
- i) A-00-303 M Internal Elevations - Phase 1 (2 of 2) 1:200 A0
- j) A-90-001 F Reference Plan 1:1000 A3
- k) A-90-002 C Planning Boundary Plan 1:1250 A1
- l) A-90-100 M Site Plan - Phase 1 1:500 A0
- m) A-90-102 E Phase 2 Parameters Plan 1:500 A0
- n) 4781/50/A Enabling Works

A084215_AR_029_A – Required Highway Alterations at Lodge Lane Roundabout

A084215_AR_030_A – Required Highway Alterations at Lodge Lane Roundabout (Phase 2)

A084215_AR_031 – Proposed Highway Alterations

A084215_AR_34 – Churchbridge Interchange Proposed Improvements.

CDD9999/HWA/33: Alternative Pedestrian Link from Hobby Way to Lichfield Road via Sparrowhawk Way.

- Drawing A084215_P_001 C App.B,
- Drawing A084215_P_SK004 A App B

- Drawing No. 4334-D Rev (Hayden's Arboricultural Consultants)

Notwithstanding the details of the approved plans the new 3m wide cycle and footpath between Hobby Way, along Eastern Way to the Lichfield Road Roundabout is not hereby approved.

Reason

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

42. In the case of any reserved matters in respect of Phase Two; application for approval must be made not later than the expiration of five years beginning from 11th October 2017; and

The development to which this permission relates must be begun not later than the expiration of five 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.

43. Phase Two (as shown on drawing A-00-301 H Phase 2 External Elevations and A-90-102E Phase 2 Parameters Plan A-90-101 rev H and A-90-102rev E, A-00-111Rev E, A-00-121Rev D, A-00-301Rev H) of the development hereby permitted shall not be commenced (other than Enabling Works) until approval of the details for appearance, landscaping, layout and scale ('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.

44. Prior to the submission of reserved matters for Phase Two of the development hereby approved the following shall be submitted to and approved in writing by the Local Planning Authority.

The submission of a scheme of intrusive site investigations for the mine entry for approval;

The undertaking of a scheme of intrusive site investigations;

As part of the reserved matters application the submission of a layout plan which identifies appropriate zone of influence for the mine entry on site, and the definition of a suitable 'no build zone'.

As part of the reserved matters application the submission of a scheme of treatment for the mine entry on site for approval.

Any remedial works identified shall be undertaken prior to the implementation of the remedial works.

Reason

In the interests of safeguarding the proposed development from mining legacy issues in accordance with NPPF.

45. Before any reserved matters application is submitted for Phase Two a car parking survey in respect of car parking associated with Phase One of the development, which shall identify number of visitors and parking requirements on a day to day basis (or otherwise agreed with the Local Planning Authority) shall be submitted to and approved in writing by the Local Planning Authority.

Reason

In accordance with Local Plan Policy CP10.

46. Phase Two (as indicatively shown on drawing A-90-102Rev E phase 2 Parameters Plan 1:500 A0) of the development hereby approved shall provide an alternative scheme for coach drop off provision on site and coach parking in accordance with plans submitted to and agreed in writing with the Local Planning Authority.

Reason

In the interests of proper planning.

Notes to the Developer:

IMPORTANT NOTE FOR APPLICANT

1. The applicant's attention is drawn to the informatives and advice set out in the following responses from consultees (copies attached):

Environment Agency
Severn Trent Water
Staffordshire County Council (Highways)
Staffordshire Fire and Rescue Service
Staffordshire Police (Crime Prevention Design Officer)

2. Notwithstanding the provisions of S55 (2) (a) of the Town and Country Planning Act 1990) (as amended) no additional mezzanine floor space can be created without the submission of a planning application and the grant of planning permission by the Council.

Glossary of Terms

TERM: "Enabling Works"

MEANING: In this planning permission should mean any of the following:

- i. trial holes or other operations to establish ground conditions or the assessment of contamination
- ii. site survey work
- iii. archaeological investigations
- iv. ecological or nature conservation works associated with the Development
- v. construction of boundary fencing or hoardings
- vi. any other preparatory works agreed in writing with the Local Planning Authority

Consultations and Publicity

External Consultations

Heath Hayes and Wimblebury Parish Council

No objections.

Internal Consultations

Environmental Health

I wish to confirm that I have no objections.

Economic Development

Economic Development would formally like to object to this planning application: i.e. increase in A3 hours of operation.

This objection is on the basis of a number of factors including.

1. Setting precedents to other operators to follow a similar approach.
2. The original planning consent and land disposal directly sought to limit the quantum of A3 on the site and was only to serve the outlet customers directly when the outlet was open. This restriction was to compliment and not compete with the proposed redevelopment of Cannock Town Centre for leisure related issues.
3. The Cannock Town Centre Investment Prospectus (2017) is a Council document which outlines the vision for the town centre as a cultural/leisure hub (this included the expansion of the A3 offer in the town centre). This document has been agreed with planning colleagues and provides a framework for development in the town centre and has been used to engage with funders and leisure operators.
4. £20m Levelling Up funding has now been secured to enable implementation of a cultural and leisure hub for Cannock Town Centre, delivery is between 2022-2025. This project will look to enhance the A3 offer and is intended to directly provide additional A3 provision in the town centre. By permitting out of town centre A3 uses would undermine the redevelopment proposals for Cannock Town Centre.
5. The Retail Impact Assessment initially produced and submitted as part of the original outlet planning application reiterated there would be a modest affect on Cannock Town Centre and the offer at the retail outlet would serve a more regional attractor and not serve or compete with the local catchment or town centre offer. By consenting to the change in the A3 hours of operation would undermine the Council in delivery of its regeneration ambitions.

Response to Publicity

The application was advertised by site notice, neighbour letters and newspaper advertisement. One letter of representation has been received stating

- i. Will you consider the residents that neighbour the designer outlet when deciding the outcome of the increase in trading hours for restaurants.
- ii. The increase in hours will have an impact on us through noise from the delivery drivers and if open for collections the form the public. We are already having to deal with living next to a shopping centre with eth increase in noise and congestion.

Relevant Planning History

An application CH/17/279

“(under Section 73 of the Town and Country Planning Act 1990 (as amended)) to vary conditions 33 (control of mezzanine floorspace), 36 (control of A1 & A3 floorspace) & 44 (approved plans) to permit minor material amendments to Phase 1 in terms of elevation treatment, place-making, layout, form and services provision and Addendum to Environmental Statement of planning permission CH/15/0048 - Hybrid planning application for a designer outlet village development comprising:

Full application for Phase 1- Comprising remodelling of existing landform of the site; erection of up to 23,758 sqm (GEA) of commercial units comprising a mix of uses at ground floor, including retail, restaurants/cafes and drinking establishments (Classes A1, A3 and A4) and outdoor play areas and centre management suite and retail storage areas at first floor level; diversion of water courses and sewers and associated drainage works. Associated works include hard and soft landscaping, new vehicular and pedestrian access from A460/Eastern Way including underpass and formation of two pedestrian accesses to the adjoining Mill Green Nature Reserve and associated works to include formation of part of the Heritage Trail, and upgraded pedestrian and cycle route along Eastern Way, provision of temporary and permanent car and coach parking.

Outline application for Phase 2 - Comprising erection of up to 10,389 sqm (GEA) of commercial units comprising retail uses at ground floor (Class A1), erection of multi storey car park with associated access and hard/soft landscaping (all matters reserved except access)”;

was subsequently approved by Planning Control Committee and issued on 11 October 2017 following the completion of an Agreement under Section 111 of the Local Government Act 1972 which required the completion of an Agreement under Section 106 of the Town and Country Planning Act 1990 (as amended). That was completed on 12 February 2018.

A subsequent application, reference CH/18/009, for a non -material amendment to planning permission CH/17/279 for the realignment of the access road between the Mill Green Designer Outlet Village and the Hayes Way roundabout and necessary changes to the layouts of the car parks was approved on 29 January 2018.

A subsequent application (ref CH/20/435) for a Minor Material Amendment to alter Condition 35 (Q) of Planning Permission CH/17/279 to allow for click & collect services for Unit 36 was approved in 2021.

An outline application (ref CH/21/0405) for the construction of a multi storey car park, increasing the overall level of car parking spaces up to 2,500 across the McArthur Glen Designer Outlet West Midlands, realignment of existing service road and all other works with all matters reserved except scale was approved in 2022.

1.0 Site and Surroundings

- 1.1 The application site is the West Midlands Designer Outlet Village, situated off Eastern Way Cannock. Phase 1 of the Village opened in April 2021.

2.0 Proposal

- 2.1 This application has been submitted under the provisions of Section 73 of the 1990 Town and Country Planning Act in order to seek permission to vary Conditions 36 & 41 of Planning Permission CH/21/0197 to allow: -

- (i) an increase in Class A3 hours; and
- (ii) to transfer of 938 sq m of Net Sales Area (NSA) from Phase I of the development to Phase II of the development; and
- (iii) to increase in height of one unit of the eastern block of Phase II from the consented 15m height up to 20m. All other heights across Phase II will remain as consented (15m);

as shown in revised plans A-00-301 rev H and A-90-102-Rev.

3.0 Planning Policy

- 3.1 Section 38 of the Planning and Compulsory Purchase Act 2004 requires planning applications to be determined in accordance with the provisions of the Development Plan unless material considerations indicate otherwise.
- 3.2 The Development Plan currently comprises the Cannock Chase Local Plan (2014) 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
- CP11: - Centres Hierarchy

3.3 The NPPF (2021) 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.

3.4 The NPPF (2021) 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
86, 90, 91:	Ensuring the vitality of town centres
126, 128, 130, 134:	Achieving Well-Designed Places
185:	Ground Conditions and Pollution
218, 219	Implementation

3.9 Other relevant documents include: -

Design Supplementary Planning Document, April 2016.

4 Determining Issues

4.1 When planning permission is granted, development must take place in accordance with the permission and conditions attached to it, and with any associated legal agreements. However, new issues may arise after planning permission has been granted, which require modification of the approved proposals. Where these modifications are not fundamental or substantial, but still material in nature, a developer may seek to obtain approval for the changes through the provision of Section 73 of the 1990 Town and Country Planning Act.

4.2 An application can be made under section 73 of the Town and Country Planning Act 1990 to vary or remove conditions associated with a planning permission. One of the uses of a Section 73 application is to seek a minor material amendment, where there is a relevant condition that can be varied (Paragraph: reference ID: 17a—013-20140306 of the Planning Practice Guidance).

4.3 Section 73(2) of the 1990 Act states: —

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

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

4.4 Although often referred as “variation of condition” applications, an approval of an application submitted under Section 73 results in the granting of a new planning permission which will sit side by side with the original consent. As such it is pertinent to ensure that an appropriate schedule of conditions and the appropriate obligations are attached to any permission granted. The starting point for the drafting of the new schedule of conditions is the original schedule but this would need to be amended to reflect that part of the conditions which have already been discharged (that is because the required schemes have been submitted and approved and, or, the works pursuant to those approved schemes have been implemented).

4.5 The proposal as three distinct elements, namely: -

- (i) an increase in Class A3 hours; and
- (ii) to transfer of 938 sq m of Net Sales Area (NSA) from Phase I of the development to Phase II of the development; and
- (iii) to increase in height of one unit of the eastern block of Phase II from the consented 15m height up to 20m. All other heights across Phase II will remain as consented (15m);

as shown in revised plans A-00-301 rev H and A-90-102-Rev

These will now be assessed in turn.

4.6 Variation of Conditions 36 of Planning Permission CH/21/0197 to allow an increase in Class A3 hours

4.6.1 Condition 36 of planning permission CH/21/0197 reads as follows: -

‘The opening hours of all A3 units shall be limited to one hour before the retail units open and 30 minutes after closing, unless otherwise agreed in writing with the Local Planning Authority.’

The condition was placed on the permission to ‘safeguard the vitality and viability of town centres in accordance with Local Plan Policy CP11 and the NPPF’.

4.6.2 Policies in respect to the protection of Cannock Chase town Centre and other local centres is provided by Policy CP11 of the Cannock Chase Local Plan and in respect of town centres generally by paragraphs 86, 90 and 91 of the NPPF.

4.6.3 Policy CP11 of the Local Plan states

In order to retain and strengthen Cannock’s role as a strategic sub-regional centre in the West Midlands the Council will encourage economic development and regeneration within an expanded Town Centre boundary identified on the Policies Map. Main town centre uses including retail, offices, commercial, leisure and cultural facilities should take a sequential approach that gives priority to the regeneration of the town centre within this boundary, followed by edge of centre locations. More specifically the Council will seek to deliver 35,000sqm (gross) comparison retail floor space in the plan period which may include ancillary leisure uses. Cannock’s convenience retail offer is considered to be strong, consequently additional convenience floor space is primarily directed towards Hednesford. The importance of retaining and enhancing town centre markets is recognised. Working with developers, the Council will enable development of up to 30,000sqm of additional office floorspace at the District’s town centres and their edges (with Cannock being the principal likely location). In recognition of the current challenging nature of delivering such developments at town and edge of town locations,..... Development within Cannock town centre will be guided by a Supplementary Planning Document or Area Action Plan (see Policy CP3).’

4.6.4 In respect to Hednesford town Centre, Policy CP11 states

‘Hednesford town centre will be improved as a shopping centre serving mainly local shopping needs especially for food items via the addition of up to 6,400sqm (gross) convenience retail development. Up to 8,000sqm (gross) comparison retail floor space will also be delivered in Hednesford. Work on the largest site, Victoria Shopping Park, started in 2012, including a new Tesco store and 640 parking spaces. A second smaller retail development, Chase Gateway, was also under construction in 2012, the two developments being linked by the main Market Street shopping area. Additionally the close shopping links of Hednesford residents with Cannock

are further strengthened via the much improved comparison goods offer in Cannock town centre identified above.’ Adding: -

‘In view of its relatively small size, secondary retail frontages are not identified. Main town centre uses including retail, offices, commercial, leisure and cultural facilities should take a sequential approach that gives priority to the regeneration of the town centre within this boundary, followed by edge of centre locations.’

4.6.5 In respect to Hawks Green District Centre, Policy CP11 states

‘Hawks Green’s role as a District Centre providing shops, services and community facilities to meet the needs of local communities will continue to be recognised. Further retail proposals will be supported where they meet identified local needs, do not significantly compromise the range of shops, services and facilities available and do not compete with the town centres of Cannock and Hednesford.’

4.6.6 In respect to business in general paragraph 81 of the NPPF states: -

‘Planning policies and decisions should help create the conditions in which businesses can invest, expand and adapt. Significant weight should be placed on the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development. The approach taken should allow each area to build on its strengths, counter any weaknesses and address the challenges of the future.’

4.6.7 In addition to the above, Section 7 of the NPPF provides national policy in respect to ‘ensuring the vitality of town centres’ with paragraph 86 stating planning policies and decisions should support the role that town centres play at the heart of local communities, by taking a positive approach to their growth, management and adaptation’

4.6.8 In addition paragraph 90 states: -

‘When assessing applications for retail and leisure development outside town centres, which are not in accordance with an up-to-date plan, local planning authorities should require an impact assessment if the development is over a proportionate, locally set floorspace threshold (if there is no locally set threshold, the default threshold is 2,500m² of gross floorspace). This should include assessment of:

- (a) the impact of the proposal on existing, committed and planned public and private investment in a centre or centres in the catchment area of the proposal; and
- (b) the impact of the proposal on town centre vitality and viability, including local consumer choice and trade in the town centre and the wider retail catchment (as applicable to the scale and nature of the scheme).

4.6.9 Finally, paragraph 91 concludes that 'Where an application fails to satisfy the sequential test or is likely to have significant adverse impact on one or more of the considerations in paragraph 90, it should be refused.'

4.6.10 Given that condition 36 was attached to planning permission CH/21/0197 in the interests of safeguarding the vitality and viability of town centres and conforming to national and local policy, it is appropriate to determine whether any variation or relaxation of that condition would harm the vitality and viability of Cannock and Hednesford town centre and nearby Hawks Green Local Centre. This would normally be done by requiring the applicant to submit a retail impact assessment, which would then be independently appraised by the Council, or a suitably qualified agency on behalf of the Council.

4.6.11 In support of the proposal to vary the opening times the applicant has submitted the following statement: -

Following discussions with each A3 tenant and recent technological advancements which have driven consumer demand for online food delivery services, the food and beverage operators within MGDOWM want to be able to respond to this demand by remaining able to operate when the retail units have closed.

In terms of how this service would operate, food orders are received in-store via a dedicated Deliveroo / or other dedicated tablet. The order is processed and prepared to coincide with the arrival of the delivery rider and handed over when complete.

In consideration of the requirements of the A3 tenants and for delivery sales to be possible, the revised hours for which approval is sought is as follows:

The opening hours of all A3 units shall be limited to one hour before the retail units open and 30 minutes after closing with a delivery sales service only:

- Two and a half hours after the units have closed (at 8.30pm) Mondays to Thursdays to 11.00pm;
- Three and a half hours after the units have closed (at 8.30pm) on Fridays and Saturdays to 12 midnight;

- Four and a half hours after the units have closed (at 6.30pm) on Sundays to 11.00pm; and
- Delivery sales service to accord with extended hours on promotional days and public holidays.

Unless otherwise agreed in writing with the Local Planning Authority.

4.6.12 In order to demonstrate that the proposed variation in opening times would not impact on the vitality and viability of town centres the applicant has submitted a Retail Impact Assessment ('RIA') undertaken by Reeves Retail Planning Ltd. This concludes that

- The proposal will not draw customers from the town centre, as the delivery service is used by those customers who have already decided to stay at home. There would be no benefits in terms of footfall or dwell time if such uses were provided from the town centre.
- Any direct impact on Cannock town centre businesses will be very limited as the trade draw will be spread across a range of operations both within and outside the town centre, the latter including businesses some distance away. Customers placing the order for a delivery order are doing so, based on the type of food they wish to purchase, rather than the location of the provider.
- The proposal would not affect the retail sector, which is the main use within the town centre;
- It would not affect the existing restaurant businesses, as these are serving a separate market, namely customers who want to 'dine out'.
- The strategy proposed for Cannock Town Centre in the Cannock Chase Town Centre Retail & Town Centre Uses Study (CCRTCUS) does not propose any expansion of the current takeaway offer.
- Takeaway services in the town centre contribute very little to Cannock Town Centre's vitality and viability.

4.6.13 Officers have commissioned the services of Alder King to provide an independent assessment of the applicant's RIA. A full copy of the advice from Alder King is attached at Appendix A of the report. In summary, Alder King have concluded: -

- The strategy proposed for Cannock Town Centre in the Cannock Chase Town Centre Retail & Town Centre Uses Study (CCRTCUS) does not propose any expansion of the current takeaway offer.
- Takeaway services in the town centre contribute very little to Cannock Town Centre's vitality and viability.
- Whilst the CCRTCUS identifies that Cannock Town Centre displays reasonably poor levels of vitality or viability and is identified as not being an attractive destination for eating out, having reviewed Reeves assessment of impact, and taking into account the nature of the proposals, we agree that it is unlikely that the proposal would result in a

significant adverse impact on the vitality and viability of Cannock Town Centre.

4.6.14 Officers would advise that Condition 36 was placed upon the planning permission in the interests of protecting the viability and vitality of surrounding town centres. Therefore, if the condition can be varied without causing demonstrable harm to those interests then there would be no basis for refusing consent. The applicant's and the Council's independent retail advisers have concluded that the relaxation would not harm local town centres even having regard to Cannock Chase Town Centre Retail & Town Centre Uses Study. The arguments in support of this stance are clear and unambiguous. The objections raised by the Economic Development Officer are noted. However, the approval of the application would not set a precedent as each application has to be looked on its own merits. Furthermore, although the original consent was subject to Condition 36, this does not mean that it should never be altered. The decision to attach that condition was done so on the basis of the information available at that time. Since then, there has been a change in consumption habits brought about by new technology. In addition, the current proposal to amend the condition is supported by up-to-date information. Finally, in respect to the levelling up fund and the Cannock Town Centre Investment Prospectus (2017), the main users of the extended hours would be those people who have already chosen to eat-in rather than visit a restaurant in a town centre. Therefore, the main competitor that would be potentially disadvantaged would be hot food takeaway which are not vital to the vitality of the town centre

4.6.15 Having had regard to the above it is considered that the proposal would not harm the vitality and viability of local town centres and therefore would not be contrary to Policy CP11 of the Local Plan.

4.6.16 Any increase in the hours of operation at a premises has the potential to impact on the amenity of neighbouring properties through noise and disturbance. In respect the comments made by the objector are noted. However, in this case it is noted that any surrounding residential properties are a considerable distance from the restaurants which are located within an enclosed space within the outlet. Furthermore, any deliveries would only be picked up by couriers through Deliveroo or some similar type of application. As such it is unlikely that the relaxation of the hours would result in any discernible increase in noise and disturbance that would significantly detract from the amenities of the occupiers of neighbouring residential properties. In this respect the proposal would not be contrary to Policy CP3 of the Local Plan and paragraphs 130(f) of the NPPF which aim to protect residential amenity.

4.7 Transfer of 938 sq m of Net Sales Area (NSA) from Phase I to Phase II

4.7.1 In order to safeguard the vitality and viability of town centres in accordance with Local Plan Policy CP11 and the NPPF, condition 33 of the planning permission set out that the total A1 and A3 floorspace hereby permitted under this permission shall not exceed 26,504 sqm and the net sales area for each use shall be: -

A1 – 24,527.86 sqm

A3 – 1,976.14 sqm

4.7.2 The way in which each use was distributed across the site was controlled by condition 41 which set out what the approved plans were (which included floor layouts indicating which units were for A1 and which were for A3 at least in respect of Phase 1 (as Phase 2 was, and still is, only approved in outline form only).

4.7.3 A part of the A1 Retail floorspace allowance for Phase I of the outlet in the original consented scheme was included at first floor level. However, this part of the original scheme was subsequently designed out by McArthur Glen, and approved by the Local Planning Authority, in subsequent iterations and approvals. In essence the applicant wishes to take that allowance set out in Phase 1 and transfer it over to Phase 2. This would not involve any increase in the overall provision of A1 and A3 elements across the site and the overall floor area given over to A1 and A3 would not increase.

4.7.4 In support of the application the applicant has submitted a statement which reads as follows: -

‘Although there have been changes to Phase I which has resulted in the Gross External Area (‘GEA’) increasing over that originally consented, including the addition of 185 sq m which secured the improvements to public facilities as approved through the changes to Unit 71 (CH/21/0314) and 29 sq m in respect of building tolerance, the amount of retail floorspace has remained the same. The approved NSA [=Net Sales Area] for the entirety of MGDOWM is – 26,504 sq m and this is controlled by Condition 33 – it is not the intention to seek a variation to this in any way.

Whilst the total amount of NSA in Phase I has been built and extends to 18,313 sq m, only 17,375 sq m is in use for retail sales now or indeed intended to be in the future. This amounts to 938 sq m of NSA which is instead in use for back of house purposes at first floor level. It is therefore the intention to convert this area formally to storage and transfer the unused NSA into the Phase II retail area. As set out above, there is no proposal to increase the overall amount of NSA over that approved (26,504 sq m). The breakdown of the increase in storage for Phase I

owing to 938 sqm of NSA not being used and the resulting change to the Phase II GEA is shown below (table taken from p.16 of DAS):

As a result of the 938 sq m transfer and the required redesign which includes increased storage areas and back of house servicing alongside additional demands of Phase II tenants including anchor specific staffrooms / toilets and ancillary welfare areas (to be at first floor level and labelled as such on the necessary plans for the Reserved Matters (as agreed with the Council on 7th January 2022)), the GEA will increase from the approved 10,389 sq m by 3,553 sq m to 13,942 sq m.'

- 4.7.5 Officers would advise that the main consideration in retail planning and impacts on the Town Centre is the overall amount of net sales area within the outlet. As this part of the proposal would not increase the net sales area within the outlet and merely transfer it from one part of the outlet to another then it would not have any significant impact on the vitality and viability of the town centre.
- 4.7.6 As such it is included that the Transfer of 938 sq m of net sales area from Phase I to Phase II would not be contrary to Policy CP11 of the Local Plan and therefore acceptable.
- 4.8. Amendment to the Parameter Plans and Increase in Height of Phase II
- 4.8.1 Currently Phase II of the Outlet has consent in outline only. However, the outline permission is subject to controls via the approved plans that restrict its overall height and footprint, in essence its parameters. The applicant is currently looking at the design of Phase II with a view to submitting a reserved matters application later in 2002. In doing so it has to have regard to how Phase II relates to Phase I and the Multi-storey Car Park (MSCP). The relationship between Phase II and the MSCP is of particular importance as this requires consideration as to how the buildings as a whole will separate and manage both pedestrians and traffic. As part of the proposal under this application the applicant is requesting an increase in the footprint of the Phase II building so that fits into the footprint of the permitted MSCP.
- 4.8.2 In addition to the above the applicant is proposing to have a 'Anchor Unit' within the eastern elevation of Phase II that faces the car park. Anchor Units are usually larger units which have additional restrictions which limits the brands that can occupy them. Within the area of the proposed anchor unit the applicant is proposing to increase the height by up to 5m. This would allow a key building to be designed which would act as a focal point for Phase II and respond to interest from several possible tenants who are seeking a standout 'Anchor' unit to represent their brand at MGDOWM. It is important to note that only a

relatively small area of the whole of Phase II would be subject to the proposed height increase.

4.8.3 The above proposals would require an amendment of the parameters plans and hence a variation of Condition 41 of planning permission CH/21/0197 which lists the approved plans.

4.8.4 The applicant in their supporting Design and Access Statement DAS summarises the proposed changes as follows: -:

- Clear integration between Phase I as built and Phase II as proposed in terms of mall alignment and creation of an integrated servicing strategy;
- Reconfiguring the relationship between the proposed MSCP and Phase II retail to incorporate a direct physical connection for the majority of customers parking within the MSCP to access the outlet without having to cross the service road;
- Introduction of and definition of the locations of first floor storage spaces to reflect evolving commercial requirements; and
- Recognising the potential requirement to provide a significant anchor tenant where customer access could potential be from both within the mall as well as directly from the existing surface car parks.

4.8.5 Officers would comment that the design of large development such as the West Midlands Designer Outlet is an iterative process which requires evolution of the scheme to respond to the different challenges that arise over time. In this particular case the applicant has looked at pedestrian access from the MSCP into Phase II. The initial consented scheme required pedestrians who had parked their cars in the MSCP to go to ground floor and then cross the vehicular access into the MSCP. This would have created some conflict between pedestrians and vehicles at the busy entrance to the MSCP. By increasing the footprint of Phase II and its height in the vicinity of the MSCP it is envisaged that users of the MSCP would be able to descend to a certain level within the MSCP which would enable them direct access into the Phase II without having to cross the main vehicular access into the MSCP. This is a practical design development that would improve the experience of the visitor to the Outlet without having any significant impact on the character, form and visual amenity of the locality.

4.8.6 Officers would also go on to comment that the increase in height around the proposed Anchor Unit facing the car park would help to give further visual interest to Phase II. It should be noted that the visual interest in Phase I is provided not only in the design and materials of the outlet but also the variations in height, with visual features including the clock tower and the neoclassical gables facing the car park. The proposed amendment to the height parameters for phase II would allow this visual interest to be incorporated into that part of the development.

- 4.8.7 In conclusion it is considered that the proposed amendments to the parameters plan would not result in harm to the character of the area and therefore the proposal would not be contrary to policy CP3 of the Local plan.

5 Human Rights Act 1998 and Equality 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.

Equality Act 2010

- 5.2.1 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.
- 5.2.2 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
- 5.2.3 It is therefore acknowledged that the Council needs to have due regard to the effect of its decision on persons with protected characteristics mentioned.
- 5.2.4 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 Equality Act.

6 Conclusion

- 6.1 In respect to the provision of takeaway services and having had regard to the retail impact assessment and the findings of its independent appraisal it is concluded that there would no impact on the vitality and viability of the town centre, and is therefore acceptable.

- 6.2 Furthermore, it is considered that the proposed amendments would ensure the Outlet can develop in such a way that it responds to and maintains tenant interest in MGDOWM by providing additional back of house servicing/ancillary welfare space (key requirements of tenants / the anchor tenant) whilst having no impacts on the town centre or on the character, form and visual amenity of the area
- 6.3 It is therefore recommended that Planning Control Committee approve the application subject to the attached conditions.

**APPENDIX A:
RETAIL IMPACT ASSESSMENT**

By

ALDER KING

(Ref: TH/93710, dated

07 October 2021)

Dear

**McARTHUR GLEN DESIGNER OUTLET WEST MIDLANDS PROPOSED
EXTENSION TO RESTAURANT TRADING HOURS FOR ONLINE FOOD
DELIVERY SERVICES REVIEW OF RETAIL ASSESSMENT ON BEHALF OF
CANNOCK CHASE COUNCIL**

Introduction

Alder King Planning Consultants has been instructed by Cannock Chase Council (CCC) to provide retail planning advice in respect of a forthcoming planning application which seeks extend the trading hours of the restaurant units in the McArthur Glen Designer Outlet West Midlands (MGDOWM) for online food delivery services.

This letter reviews the (undated) Retail Assessment (RA) prepared by Reeves Retail Planning Consultancy Ltd (Reeves) which is proposed to be submitted with the planning application.

The proposal seeks to amend Condition 36 of planning permission CH/21/0197 which sets out the following permitted trading hours of the MGDOWM Class A3 (now Class Eb) units:

“The opening hours of all A3 units shall be limited to one hour before the retail units open and 30 minutes after closing, unless otherwise agreed in writing with the Local Planning Authority”.

Reason:

To safeguard the vitality and viability of town centres in accordance with Local Plan Policy CP11 and the NPPF.”

Having regard to the opening hours of the retail units (source:

<https://www.mcarthurglen.com/outlets/en/uk/designer-outlet-west-midlands/>) we understand that the current trading hours of the restaurants in the MGDOWM are:

0900 to 2030 Monday to Friday
0800 to 2030 Saturday
0900 to 1830 Sunday

It is our understanding that online delivery services can currently operate within these opening hours.

The proposal seeks to extend the hours in which online food delivery services (such as Deliveroo, Uber-Eats and Just Eat) can take place in the evenings within all restaurant units in the MGDOWM:

from 2030 to 2300 Monday to Thursday;
from 2030 to 0000 Friday and Saturday; and
from 1830 to 2300 Sundays.

The RA states that within these extended hours the restaurants would not be open for in-store customers.

Appraisal of Retail Impact

The Council's reasoning for Condition 36 of planning permission CH/21/0197 and restricting the opening hours of the restaurant units in the MGDOWM was to safeguard the vitality and viability of town centres in Cannock.

As correctly set out by Reeves in the RA (#2.1), in retail planning policy terms, the MGDOWM is located in an out-of-centre location, approximately 1km to the east of Cannock Town Centre.

At #2.5 of their RA, Reeves suggest that because the proposal does not seek to change the amount of floorspace permitted at the MGDOWM there is no policy requirement for an impact assessment to accompany a future planning application. Nevertheless, Reeves state that they have been asked by the applicant to consider whether the proposal could affect the vitality and viability of Cannock Town Centre.

Whilst the proposed development falls below the impact threshold whereby an impact assessment is automatically required, given all impacts of a development are material considerations and should be considered in the planning balance exercise undertaken by officers, a proportionate retail impact assessment, as provided by Reeves on behalf of the applicant, is an appropriate response and is welcomed.

#90 of the National Planning Policy Framework (NPPF) confirms that retail impact assessments should include an assessment of:

- a) the impact of the proposal on in-centre existing, committed and planned public and private investment; and
- b) the impact of the proposal on town centre vitality and viability.

#91 confirms that where an application is likely to have a significant adverse impact on one or more of the considerations in #90, it should be refused.

We review Reeves' assessment of impact, as set out in Section 3 of their RA, below. We agree with Reeves that the assessment of impact should be focused on Cannock Town Centre.

Impact on Investment in Cannock Town Centre

It is noted that for some reason Reeves do not provide an assessment of impact on in-centre investment. Notwithstanding this omission, we are not aware of any existing, planned or committed investment in Cannock Town Centre that could be adversely impacted upon by the proposal. Planning officers have also confirmed that this is also their understanding.

Accordingly, we consider that the proposal is unlikely to result in a significant adverse impact on in-centre investment.

Impact on Vitality and Viability of Cannock Town Centre

We note that Reeves assessment of impact is concentrated on this impact test. Reeves conclude that the impact of the proposal on the vitality and viability of Cannock Town Centre will be negligible.

In supporting their conclusion they state:

the proposal will not draw customers from the town centre, as the delivery service is used by those customers who have already decided to stay at home. There would be no benefits in terms of footfall or dwell time if such uses were provided from the town centre.

Any direct impact on Cannock town centre businesses will be very limited as the trade draw will be spread across a range of operations both within and outside the town centre, the latter including businesses some distance away. Customers placing the order for a delivery order are doing so, based on the type of food they wish to purchase, rather than the location of the provider.

the proposal would not affect the retail sector, which is the main use within the town centre;

it would not affect the existing restaurant businesses, as these are serving a separate market, namely customers who want to 'dine out'.

The strategy proposed for Cannock Town Centre in the Cannock Chase Town Centre Retail & Town Centre Uses Study (CCRTCUS) does not propose any expansion of the current takeaway offer.

Takeaway services in the town centre contribute very little to Cannock Town Centre's vitality and viability.

Whilst the CCRTCUS identifies that Cannock Town Centre displays reasonably poor levels of vitality or viability and is identified as not being an attractive destination for eating out, having reviewed Reeves assessment of impact, and taking into account the nature of the proposals, we agree that it is unlikely that the proposal would result in a significant adverse impact on the vitality and viability of Cannock Town Centre.

Concluding Remarks

This letter reviews the Retail Assessment prepared by Reeves Retail Planning Consultancy Ltd (Reeves) prepared in connection with proposals seeking to extend the evening trading hours of the restaurant units in the McArthur Glen Designer Outlet West Midlands for online food delivery services.

Having carefully reviewed the Retail Assessment, we consider that the proposal is unlikely to result in any significant adverse impacts on Cannock Town Centre.

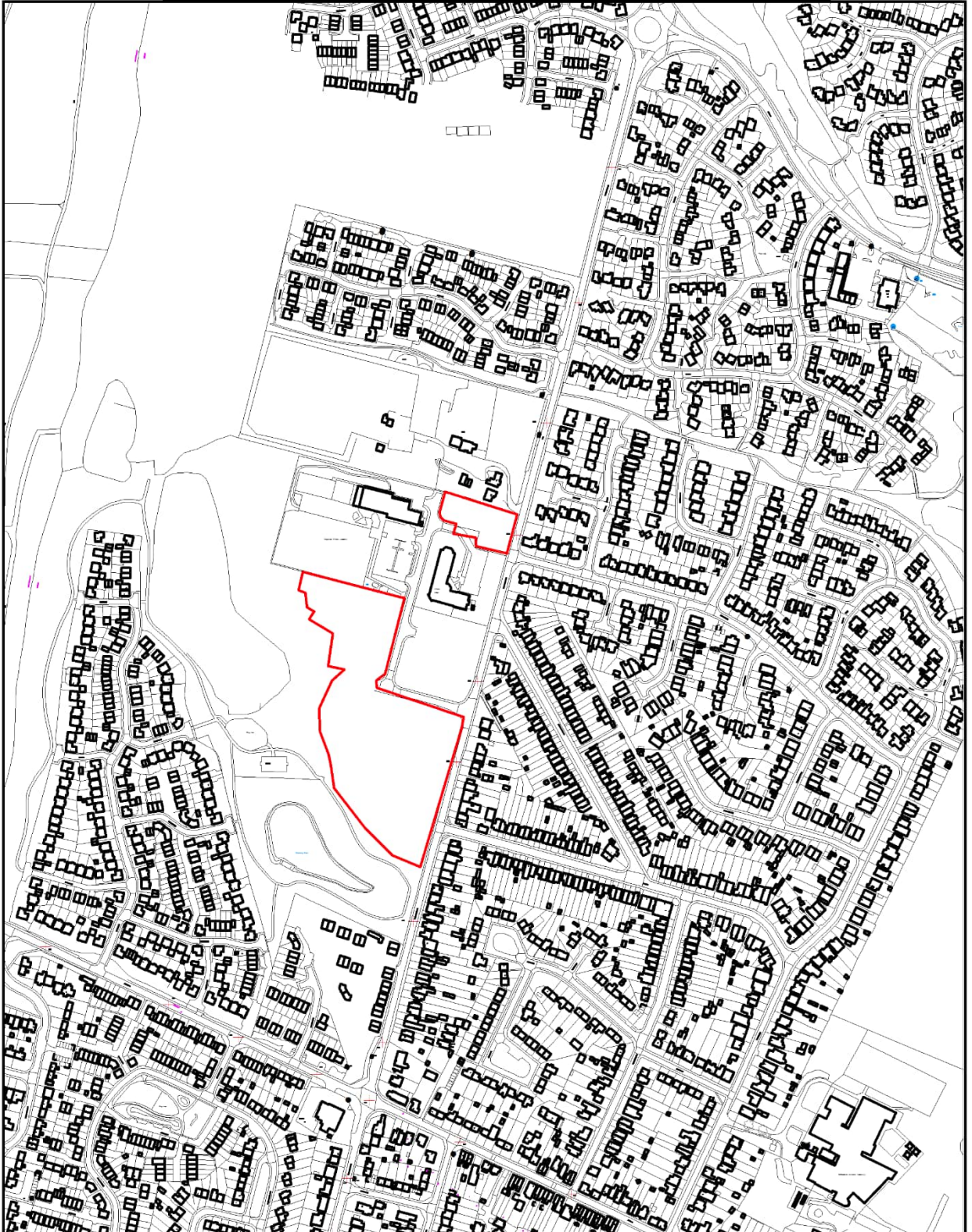


Application No: CH/21/0434

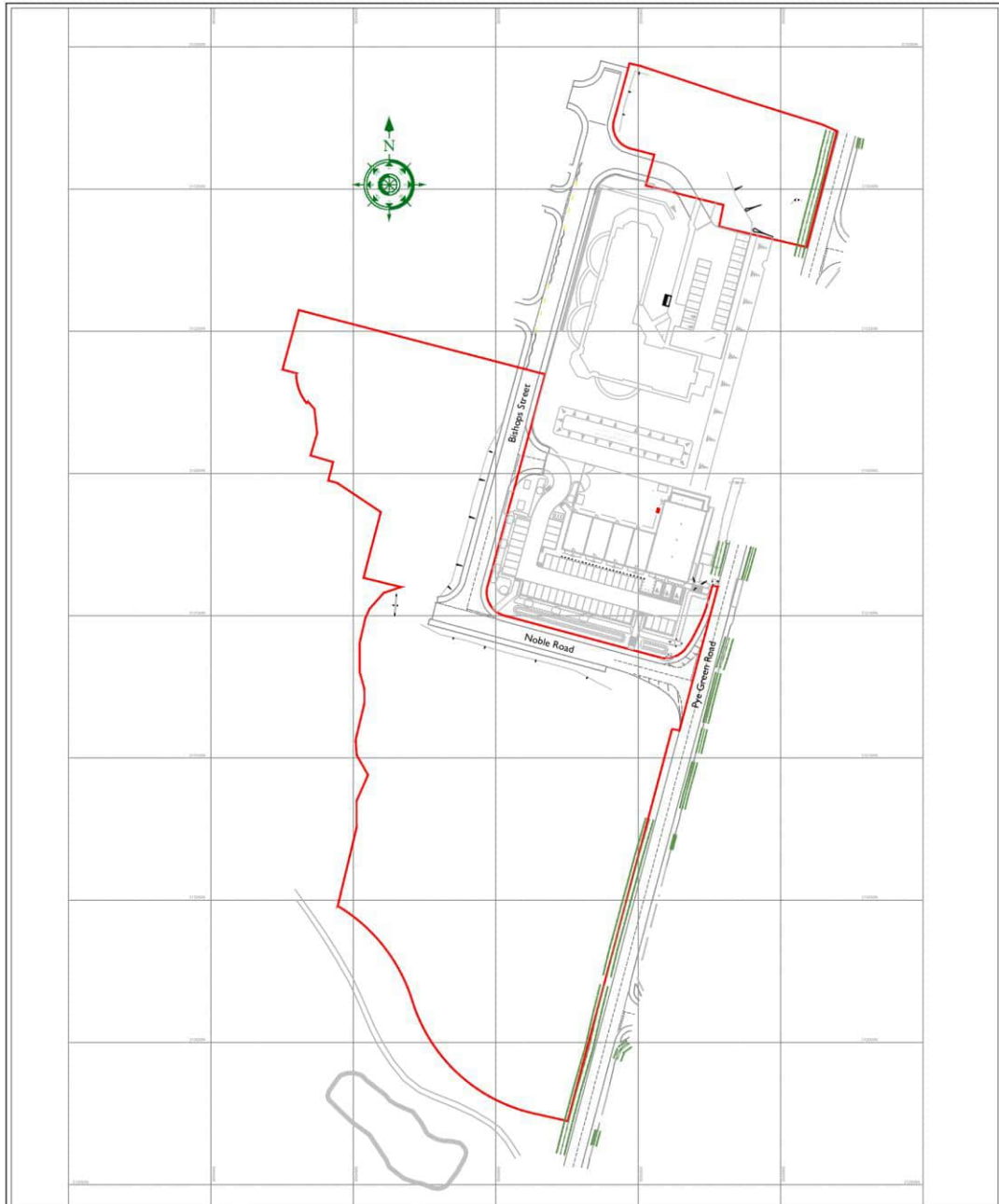
Location: 'Parcel I' - Land to the West of Pye Green, Land west of Pye Green Road, Cannock

Proposal: Approval of Reserved matters following outline approval (CH/19/421) Appearance, Landscape, Layout, Scale

Item 6.46



Location Plan



The Contractor is to check and verify all building and site dimensions, levels and seven point levels at convenient points before work starts.

The Contractor is to comply in all respects with current building legislation-British Standard Specifications, Building Regulations etc., whether or not specifically stated on this drawing.

This drawing must be read with and checked against any structural, geotechnical or other specialist documentation provided.

This drawing is not intended to show details of foundations, ground conditions or ground improvements. Each area of ground relied upon to support any structure required (including drainage) must be investigated by the Contractor. A suitable method of foundation should be provided allowing for existing ground conditions. Any subsided or fault ground, contaminants on or within the ground, should be further investigated by a suitable expert. Any earthwork constructions shown indicate typical slopes for guidance only and should be further investigated by a suitable expert.

Where existing trees are shown to be retained they should be subject to a full Arboricultural Inspection for safety.

All trees are to be planted so as to ensure they are a minimum of 5 metres from buildings and 3 metres from drainage and services. A suitable method of foundation is to be provided to accommodate the proposed tree planting.

Revisions:	06.10.21
Rev - A	Red line updated to include access road and context added

Key:

Bellway

BELLWAY HOMES WEST MIDLANDS
 1 Carlisle Court, Carlisle Way, Witnesham, Tamworth
 Derbyshire, B77 9JH
 Tel: 01827 285759 Fax: 01827 285766

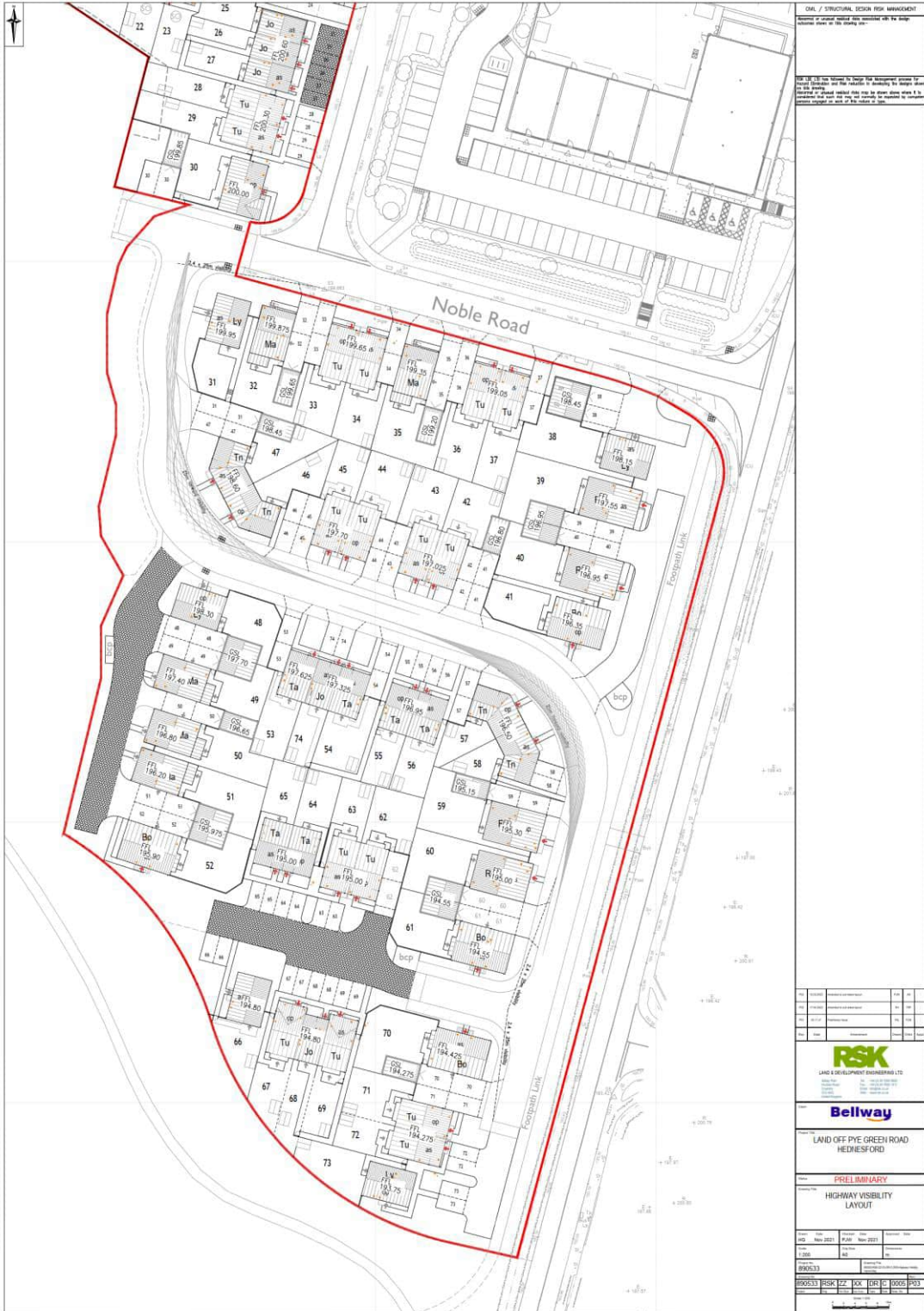
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Site:	Pye Green Road, Hednesford	
Drawing:	Application Boundary - Reserved Matters	
Date:	04.08.21	Drg. No.:
Scale:	1:1250	PGR-AB-RM A
Drawn By:	BWM	

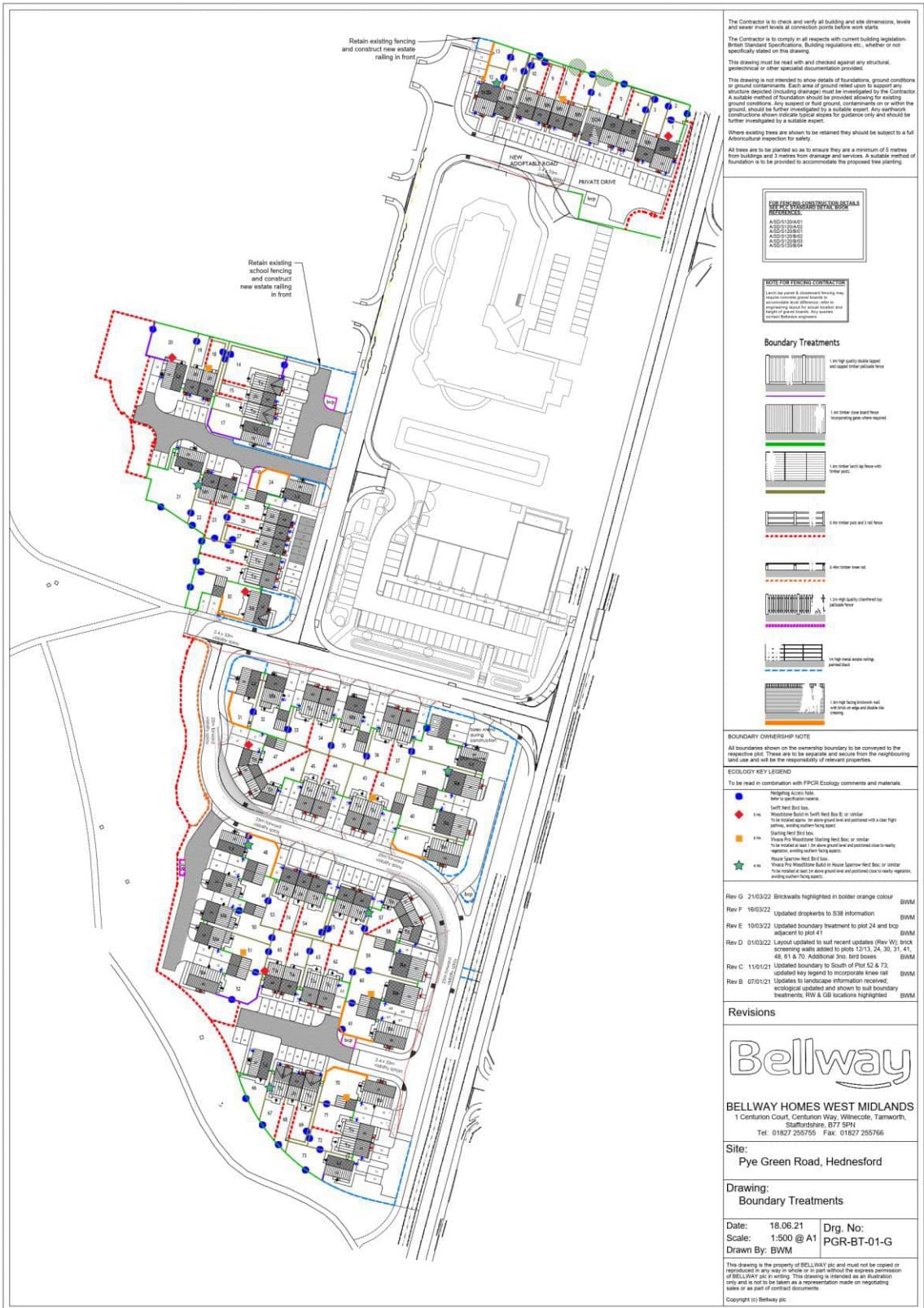
Site Plan



Highway Visibility Layout Plan



Boundary Treatments Plan



Landscape Plan



- KEY**
- Existing vegetation to be retained
 - Existing (deciduous) trees to be removed per the City of Seattle's tree removal ordinance (see City of Seattle's Tree Removal Ordinance)
 - Tree to be removed
 - Tree to be planted
 - Tree to be planted (see notes for species, size, and spacing)
 - Tree to be planted (see notes for species, size, and spacing)
 - Tree to be planted (see notes for species, size, and spacing)
 - Tree to be planted (see notes for species, size, and spacing)
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 - Tree to be planted (see notes for species, size, and spacing)

PLANTING SCHEDULE

Tree	Species	Quantity	Size	Plant Date	Notes
AD1	Amelanchier	20	10-12"	2024	
AD2	Amelanchier	20	10-12"	2024	
AD3	Amelanchier	20	10-12"	2024	
AD4	Amelanchier	20	10-12"	2024	
AD5	Amelanchier	20	10-12"	2024	
AD6	Amelanchier	20	10-12"	2024	
AD7	Amelanchier	20	10-12"	2024	
AD8	Amelanchier	20	10-12"	2024	
AD9	Amelanchier	20	10-12"	2024	
AD10	Amelanchier	20	10-12"	2024	
AD11	Amelanchier	20	10-12"	2024	
AD12	Amelanchier	20	10-12"	2024	
AD13	Amelanchier	20	10-12"	2024	
AD14	Amelanchier	20	10-12"	2024	
AD15	Amelanchier	20	10-12"	2024	
AD16	Amelanchier	20	10-12"	2024	
AD17	Amelanchier	20	10-12"	2024	
AD18	Amelanchier	20	10-12"	2024	
AD19	Amelanchier	20	10-12"	2024	
AD20	Amelanchier	20	10-12"	2024	

Specimen Shrubs

Tree	Species	Quantity	Size	Plant Date	Notes
AD1	Amelanchier	20	10-12"	2024	
AD2	Amelanchier	20	10-12"	2024	
AD3	Amelanchier	20	10-12"	2024	
AD4	Amelanchier	20	10-12"	2024	
AD5	Amelanchier	20	10-12"	2024	
AD6	Amelanchier	20	10-12"	2024	
AD7	Amelanchier	20	10-12"	2024	
AD8	Amelanchier	20	10-12"	2024	
AD9	Amelanchier	20	10-12"	2024	
AD10	Amelanchier	20	10-12"	2024	
AD11	Amelanchier	20	10-12"	2024	
AD12	Amelanchier	20	10-12"	2024	
AD13	Amelanchier	20	10-12"	2024	
AD14	Amelanchier	20	10-12"	2024	
AD15	Amelanchier	20	10-12"	2024	
AD16	Amelanchier	20	10-12"	2024	
AD17	Amelanchier	20	10-12"	2024	
AD18	Amelanchier	20	10-12"	2024	
AD19	Amelanchier	20	10-12"	2024	
AD20	Amelanchier	20	10-12"	2024	

Shrubs

Tree	Species	Quantity	Size	Plant Date	Notes
AD1	Amelanchier	20	10-12"	2024	
AD2	Amelanchier	20	10-12"	2024	
AD3	Amelanchier	20	10-12"	2024	
AD4	Amelanchier	20	10-12"	2024	
AD5	Amelanchier	20	10-12"	2024	
AD6	Amelanchier	20	10-12"	2024	
AD7	Amelanchier	20	10-12"	2024	
AD8	Amelanchier	20	10-12"	2024	
AD9	Amelanchier	20	10-12"	2024	
AD10	Amelanchier	20	10-12"	2024	
AD11	Amelanchier	20	10-12"	2024	
AD12	Amelanchier	20	10-12"	2024	
AD13	Amelanchier	20	10-12"	2024	
AD14	Amelanchier	20	10-12"	2024	
AD15	Amelanchier	20	10-12"	2024	
AD16	Amelanchier	20	10-12"	2024	
AD17	Amelanchier	20	10-12"	2024	
AD18	Amelanchier	20	10-12"	2024	
AD19	Amelanchier	20	10-12"	2024	
AD20	Amelanchier	20	10-12"	2024	

Native Mix Hedgerow - for screening up of existing hedgerow

Tree	Species	Quantity	Size	Plant Date	Notes
AD1	Amelanchier	20	10-12"	2024	
AD2	Amelanchier	20	10-12"	2024	
AD3	Amelanchier	20	10-12"	2024	
AD4	Amelanchier	20	10-12"	2024	
AD5	Amelanchier	20	10-12"	2024	
AD6	Amelanchier	20	10-12"	2024	
AD7	Amelanchier	20	10-12"	2024	
AD8	Amelanchier	20	10-12"	2024	
AD9	Amelanchier	20	10-12"	2024	
AD10	Amelanchier	20	10-12"	2024	
AD11	Amelanchier	20	10-12"	2024	
AD12	Amelanchier	20	10-12"	2024	
AD13	Amelanchier	20	10-12"	2024	
AD14	Amelanchier	20	10-12"	2024	
AD15	Amelanchier	20	10-12"	2024	
AD16	Amelanchier	20	10-12"	2024	
AD17	Amelanchier	20	10-12"	2024	
AD18	Amelanchier	20	10-12"	2024	
AD19	Amelanchier	20	10-12"	2024	
AD20	Amelanchier	20	10-12"	2024	

Balls

Tree	Species	Quantity	Size	Plant Date	Notes
AD1	Amelanchier	20	10-12"	2024	
AD2	Amelanchier	20	10-12"	2024	
AD3	Amelanchier	20	10-12"	2024	
AD4	Amelanchier	20	10-12"	2024	
AD5	Amelanchier	20	10-12"	2024	
AD6	Amelanchier	20	10-12"	2024	
AD7	Amelanchier	20	10-12"	2024	
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AD12	Amelanchier	20	10-12"	2024	
AD13	Amelanchier	20	10-12"	2024	
AD14	Amelanchier	20	10-12"	2024	
AD15	Amelanchier	20	10-12"	2024	
AD16	Amelanchier	20	10-12"	2024	
AD17	Amelanchier	20	10-12"	2024	
AD18	Amelanchier	20	10-12"	2024	
AD19	Amelanchier	20	10-12"	2024	
AD20	Amelanchier	20	10-12"	2024	

Site Notes:

1. All trees to be removed shall be removed in accordance with the City of Seattle's Tree Removal Ordinance (see City of Seattle's Tree Removal Ordinance).

2. All trees to be planted shall be planted in accordance with the City of Seattle's Tree Planting Ordinance (see City of Seattle's Tree Planting Ordinance).

3. All trees to be planted shall be planted in accordance with the City of Seattle's Tree Planting Ordinance (see City of Seattle's Tree Planting Ordinance).

4. All trees to be planted shall be planted in accordance with the City of Seattle's Tree Planting Ordinance (see City of Seattle's Tree Planting Ordinance).

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10. All trees to be planted shall be planted in accordance with the City of Seattle's Tree Planting Ordinance (see City of Seattle's Tree Planting Ordinance).

Registered Professional

Go by + Lark

1000 1st Avenue, Suite 1000, Seattle, WA 98101

Phone: (206) 467-1000

Website: www.goby+lark.com

Site Plan

Scale: 1" = 10'

North Arrow

Site Plan showing building footprints, parking areas, and landscaping elements.

Project Information

Project Name: [Redacted]

Address: [Redacted]

City: [Redacted]

State: [Redacted]

Zip: [Redacted]

Client: [Redacted]

Architect: [Redacted]

Engineer: [Redacted]

Contract No.: [Redacted]

Date: [Redacted]

Scale: [Redacted]

Sheet No.: [Redacted]

Project No.: [Redacted]

Site Plan

Contact Office: Richard Sunter

Telephone No: 01543 464481

Planning Control Committee

6th April 2022

Application No: CH/21/0434

Received: 10 November 2021

Location: 'Parcel I' - Land to the West of Pye Green, Land west of Pye Green Road, Cannock

Parish: Hednesford CP

Ward: Hednesford Green Heath

Description: Approval of Reserved matters following outline approval (CH/19/421)
Appearance, Landscape, Layout, Scale

Application Type Reserved Matters

RECOMMENDATION:

Subject to no adverse comments received from the Highway Authority to approve the application subject to conditions contained within this report and any additional conditions requested by the Highway Authority.

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. Notwithstanding the details of the Boundary Treatment Plan PGR-BT-01-G the walls and, or, fencing separating Plots 18, 19, 20, 21, 22, 23, 28, 29, 30, 66, 67, 68 and 73 from the public open space shall be 2m in height.

Reason

In the interests of promoting safe communities in accordance with paragraph 92(b) and 130(f) of the National Planning Policy Framework and Policy CP3 of the Local Plan.

2. Notwithstanding the details of the Boundary Treatment Plan PGR-BT-01-G all fencing separating the rear garden of one property from another shown as 0.9m timber post and rail fence shall be constructed of 1.8m high timber larch lap fencing with timber posts. All such fences shall be fitted with a Hedgehog Access Hole.

Reason

In the interests of promoting safe communities in accordance with paragraph 92(b) and 130(f) of the National Planning Policy Framework and Policy CP3 of the Local Plan.

3. Notwithstanding the details of the Boundary Treatment Plan PGR-100-SL-01-AA no dwelling on the following mentioned plots shall be occupied until the gates between plots 3 and 4, 10 and 11, Plot 14 and the site boundary, to Plots 16 and 17, Plot 18 and the boundary to the rear of Plot 16, 19 and 20, 27 and 28, 53 and 54, and Plot 65 and the boundary to the rear of Plot 52, have been erected no more than 600mm from the front elevation of the dwelling. Any gate fitted shall be lockable and any Meter installed to those dwellings shall be located forward of the gate.

Reason

In the interests of promoting safe communities in accordance with paragraph 92(b) and 130(f) of the National Planning Policy Framework and Policy CP3 of the Local Plan.

4. No services, including electricity, gas and water shall be provided to any dwelling until a scheme for servicing the development has been submitted to and approved in writing by the Local Planning Authority. Thereafter service provision to the dwellings shall only be provided in accordance with the approved scheme

Reason

In the interests of reducing conflict between the provision of services and the landscaping within the site in accordance with CP3 of the Cannock Chase Local Plan.

5. Notwithstanding the details of the approved plan no tree shall be planted along the northern boundary of the Plots 1-3.

Reason

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

6. No dwelling hereby approved shall be occupied until a scheme for the planting of the trees within the approved landscape plans has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include details of aeration or irrigation pipes and securing methods. Thereafter the landscape scheme shall be implemented in accordance with the approved scheme.

Reason

In the interest of ensuring that the trees planted will survive and contribute to the amenity of the area in accordance with Policy CP3 of the Cannock Chase Local Plan.

7. No trees or hedges shown as retained on Dwg Nos. GL1478 03E, GL1478 04E and GL1478 05E 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.

8. The approved landscape works shown on Dwg. Nos. GL1478 03E, GL1478 04E and GL1478 05E 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.

9. 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.

10. Prior to the occupation/use of any dwelling or building, a Landscape Management Plan to cover all areas of public open space and or communal areas shall be submitted to and approved by the Local Planning Authority. The plan shall stipulate the future management and maintenance 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.

11. 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.

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

.

Application boundary	PGR-AB-RM-A
Site Layout	PGR-100-SL-01-AA
Materials	PGR-MT-01-C
Boundary Treatments (<i>also shows ecological mitigation such as hedgehog holes and bird boxes</i>)	PGR-BT-01-G
Detailed Landscape Proposals – Sheet 1 of 3	GL1478 03E
Detailed Landscape Proposals – Sheet 2 of 3	GL1478 04E
Detailed Landscape Proposals – Sheet 3 of 3	GL1478 05E

Section 38 Agreement Plan	890533-RSK-ZZ-XX-DR-C-7002-P01
Single Garage	A/218/00/CB/R1/01
Double Garage	A/436/00/CB/R1/01
Joiner House Type	20073-JO-01
Tailor House Type	20073-TA-01
Turner House Type	20073-TU-01
Tenterer House Type	20073-TE-01
Lymner House Type	20073-LY-01
Tanner House Type	20073-TN-01
Mason House Type	20073-MA-01
Reedmaker House Type	20073-RE-01
The Milliner (floorplans)	A/1288/00/AT/01
The Milliner (elevations)	MI-4B-2S-CB-E
Bowyer House Type	20073-BO-01
Stationer_Bookbinder House Type	20073- STA_BOO-02
Manciple House Type	20073-MAN-01
Draftsman House Type	20073-DRAFT-01
S04 House Type	20073-S04-01

Reason

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

Notes to the Developer:

Staffordshire Police

The developer's attention is drawn to the comments made by Staffordshire Police in respect to Secured by Design

Staffordshire Education Service

The developer's attention is drawn to the comments made by Staffordshire County Council in respect to the Primary Education Sum" required for this development.

South Staffordshire Water Plc

The developer's attention is drawn to the comments made by South Staffordshire Water Plc in respect to water mains assets affected by this scheme and that this would

need engagement by the developer with South Staffordshire Water Plc_to look to divert/ protect this asset if it is affected by construction works.

Consultations and Publicity

Internal Consultations

Planning Policy Manager

The site is a Strategic Housing Site in the adopted Cannock Chase Local Plan 2014 and also has Outline Planning Approval, both of which permit the principal of housing development on the application site.

Please refer to the Planning Policy comments provided on 18.12.2019 for the Outline Application CH/19/421 which set out the Planning Policy context for the site in terms of the adopted plan and other policy documents. It should be noted that the NPPF was updated on the 20.07.21 and that policy references may have changed.

CIL Officer

Thank you for submitting your Community Infrastructure Levy (CIL) additional form in respect of planning application CH/21/0434.

Based on the form submitted, if permission is granted the chargeable amount for this development would be £342,935.24. Please note this figure is index linked and will differ depending on the year permission is granted.

I note that 1082m² of this development is due to be affordable housing. This floorspace would qualify for social housing relief from CIL, the relief granted would be £55,647.26 (this figure is also index linked). You would need to submit the following forms to apply for this relief:

- Form 2 Assumption of liability
- Form 10: Charitable and/or Social Housing Relief Claim Form

This must be done before commencement of development at the latest, as relief cannot be granted post commencement.

Please follow the link below for further guidance on the CIL process:

<http://www.cannockchasedc.gov.uk/residents/planning-building/development-control/5-guide-cil-process>

Parks and Open Spaces Officer

I have the following comments: -

It appears that despite pre consultation [sic] meetings little of the advice given has been incorporated [sic] into the proposals.

The site falls moderately [sic] to the south however no levels information has been provided. This will be essential to determine [sic] how new levels of roads footpath etc are to tie in with the existing/ adjacent land and features.

No details of any service provision has been provided, so am unable to confirm if various aspects of the proposal are achievable or acceptable.

Layout

The proposed site layout does not contribute to forming an entrance way/ welcoming feature to the development area including the estate, school, care home or open space area. Houses basically abut the main access road with little space for suitable landscaping ie tree planting.

The long strip of frontage parking on Bishops Street creates a very hard and poor visual appearance especially with being on the road to the school/care home and adjacent the local centre.

There needs to be pedestrian access between the drive of 24 and parking area 25 otherwise occupiers of 25 and 26 will be accessing over 24s drive.

Plots 1-13 forms a basic terrace dominated by extensive parking areas to the front which create a very hard visual appearance and pays little respect to the adjacent uses.

Plots 1-13 require revision to the access arrangements and thus landscaping to the care home. Revised details of these need to be provided. How?

Connection to adjacent approved landscape areas -

There is a large area to 'white' land identified on the site layout plan, to the SW of the residential area that has not been included within the SANGS Phase 1 approved scheme. How is this to be dealt with and be landscaped appropriately and not just left derelict?

Refer also to footpath linkages below.

Issue with relationship to allotment area – see below

Footpath linkages

Whilst a footpath connection has been created rear of hedge to Pye Green Road, there is no linkage to the footpath network within the adjacent open space southwards to the south. How is this to be achieved?

Plots 71-73. There needs to be some form of physical separation between the footpath and private access drive i.e., hedge & temp fencing. Plots 39-41 indicate a narrow space only but no details. Essential to have a clear and solid boundary to prevent trespass issues. Move path closer to the hedge (note latter needs bringing back into management inc reducing width wise) o There needs to be a footpath linkage westward from the site than links to the footpath from the eastern side of the play areas. This needs to connect to adopted highway either adjacent the allotment access road/end of Noble Road or via the strip of open space fronting plots 3.

Boundaries

Types of fencing appear appropriate. Construction details spec would be beneficial. Do any utilise concrete gravel boards?

The boundaries plan fails to show any boundaries to rear gardens of plots 2-13, 14-18-20, 21-23, 28-30, 66-69, 73. These needs to be a solid and secure fence especially in relation to the school (Privacy) and open space areas.

All boundaries between any private/sharded drives etc and public open space needs to be separated by hedges that incorporate temporary post and 3 wire fence centrally to the hedge.

Any boundary to the allotment site needs to be needs to be separate and secure from the latter and by the responsibility of the relevant properties.

Party boundaries would not be acceptable to areas of adoptable open space or the allotments.

Boundaries between adopted highway and open space areas – need to incorporate features to prevent unauthorised vehicle access but also cater for maintenance access. The use of bollards (recycled plastic) set within concrete mowing strip and within the highway ownership boundary would be recommended.

The allotment layout is subject to major revision as its layout and features are not presently acceptable.

The boundary/ layout arrangements adjacent plots 20 and 21 needs to be revised as previously discussed with all parties. The suggested layout/landscape appears to create areas of open space accessible to all site users. The layout wastes space and

creates contorted boundaries plus imposing large maintenance liabilities on future plot owners.

Landscaping

Reference needs to be made to the various points above

No details of paving material supplied; the materials plan only relates to buildings.

Lack of appropriate landscaping to site entrance way and also to break up and soften the expanse of frontage parking areas.

Treatment of boundaries between private drives and open space areas – refer to boundary notes above.

Existing hedgerow to Pye Green Road, noted as between 2-4m tall and 2-3m wide and unmanaged for some time. The notes state that it should be maintained as such however as its unmanaged it needs bringing back into a good managed state to suit the site. Recommend max 2.0m tall and 1.5m wide plus the bulking up as noted.

The above is key to improving the site access where the new instant hedge needs bringing round to meet up with the new footpath but keeping at a lower height of 1-1.2m

The addition of hedgerow trees would also be recommended to improve the overall habitat but also street scene. These should be set back from the from the hedge to allow clear maintenance of the latter.

Tree species

Generally acceptable.

Would not recommend planting anything above 12-14cms girth on open space areas especially in the forms stated – will not get the necessary maintenance to ensure establishment. If essential to use larger stock, then 14-16cms but use container grown stock.

Specification – no mention of how planted, aeration or irrigation pipes or securing methods.

Shrub planting – generally acceptable

Hedging – generally acceptable

Tree planting should be incorporated in rear gardens via offering purchases a choice from a select list of 6 or so species and that can then be planted at the appropriate

time. This would help to increase site habitat value and aid mitigation for climate change. Such planting would also help to establish veiled screening between properties.

Plots 1-5 frontage landscape & boundary to care home consists of a solid fence. Would benefit from hedge along solid fence line so soften the visual impact for the new residents.

Plots 20-21 -see comments above re layout/allotments

Plot 30- recommend hedge planting extended along all boundary adjacent highway up to allotment site and rear garden fence.

Establishment, management & maintenance
No details provided.

Details of how the proposed landscaping is to establishment will be required.

A management plan will be required to cover all areas of public open space and or communal areas. This should detail the long-term management objectives as well as the regular maintenance. Details of who will carry out the work and how this will be funded, will also be required.

Site biodiversity/habitat value

The provision of just 12 nest boxes within a site of 73 buildings is totally insufficient. All properties need to include inbuilt bird and bat boxes and not attached to building exteriors.

Proposed units on fence lines need to have vegetation adjacent to provide shelter/screening for birds. Thus, their inclusion in rear gardens is not practical as part of the development.

Hedgehog access points noted but how are these incorporated where and if fences utilise concrete gravel boards. Ref to boundary fencing query.

Both bird boxes and hedgehog access points would need to be conditioned for retention and maintenance for the life of the development.

Protective fencing will be required to be installed along the line of the existing hedge to Pye Green Road. This should be installed prior to any site enabling works but after any remedial works to the hedge as noted above. Details of fence type, location and hedge works need to be supplied prior to commencement of any site works, to ensure retention and protection of the hedge, which is a key feature of the street scene of Pye

Green Road.

Summary

A holding objection is made until the above issues, especially the relationship to & with the allotment site are dealt with and or details supplied as appropriate.

Environmental Health

I have no adverse comments to make.

Strategic Housing Officer

I can confirm that the 15 affordable units proposed for this site is policy compliant (20%) and the tenure and bed size mix stated is acceptable.

External Consultations

Staffordshire County Council Highway Authority

No comments received in respect to amended plans provided. Members will updated on the day of Planning Control Committee.

Staffordshire Fire and Rescue

No comments received.

National Grid

No comments received.

Lead Local Flood Authority

We recommend that the Reserved Matters are not approved at this stage, on the following grounds. If you are minded to approve the Reserved Matters contrary to this advice, we request that you contact again to allow further discussion.

Staffordshire County Council Flood Risk Management position.

In the absence of a satisfactory Drainage Strategy, we recommend that the Reserved Matters are not approved at this stage, for the following reasons:

Infiltration Testing Results

In accordance with the Non-Statutory Technical Standards for Sustainable Drainage Systems, (SuDS), development site drainage should be designed in concordance with the hierarchy of surface water discharge receptors. The primary means of disposal of

surface water to be considered should be infiltration to ground. A site-specific infiltration testing report – should be provided to either confirm whether infiltration is an appropriate means of surface water management, or not. Please can evidence of infiltration testing in the form of a site-specific report detailing a procedure in accordance with BRE 365 best practice infiltration testing guidance be provided.

Proposed Site Surface Water Discharge Rate

Should discharge to external third-party drainage infrastructure off-site be proposed, please can the LLFA request detail of the specified surface water discharge rate and evidence of how it had been derived, calculated or agreed. This rate should be derived in accordance with the SCC SuDS Handbook standard- aligned with the Non-Statutory Technical Standards for SuDS.

Detailed Drainage Design

In order to approve the Reserved Matters, a satisfactory detailed drainage design in the form of a plan for the proposed development is required in order to evidence the applicant is proposing an acceptable sustainable drainage system.

The drainage design should include the complete network, and should be fully labelled, including pipe numbers, gradients / slopes, diameters, lengths, node labels including manhole references, with all associated cover levels and invert levels, with associated dimensions.

All impermeable areas should also be identified for the proposed drainage system in order to be reviewed.

Hydraulic Modelling Calculations

Please can the LLFA request that the applicant provides a full range of hydraulic modelling calculations (e.g., MicroDrainage), to support the drainage design. These should include a complete range of simulations, including the 1 in 1, 1 in 2, 1 in 30, 1 in 100 and 1 in 100 plus (40%) climate change return period, critical storm duration events, as a minimum.

Discharge Agreements

Should the applicant be proposing the development to utilise discharge of surface water to off-site, third-party infrastructure, evidence of agreement from the third party is required. For example, for discharge into Severn Trent Water assets, a Section 106 Agreement is required as evidence by the LLFA.

Construction Environment Management Plan

In order to ensure that surface water runoff, and water quality are maintained adequately throughout all stages of the development an adequate and complete Construction Environment Management Plan is required by the LLFA to ensure that appropriate standards are upheld.

Surface Water Runoff Quality Management

As a requirement for all major development, implementation of adequate surface water quality management is required. Evidence, for example by demonstration of how the development proposes to implement the CIRIA SuDS Manual Simple Index Approach, is required to ensure off-site and on-site surface water receptors are not polluted.

The above may list of points may not necessarily be exhaustive. The LLFA recommends re-consultation with amended details and information once the above points have been addressed.

Reason

The proposed development may present risks of flooding on-site and/or off-site if surface water run-off or other external flood risk is not effectively managed.

Education Authority

The relevant Outline Application for this site is CH/19/421.

The REM application details a development which is scheduled to provide 73 dwellings of the 78 dwellings expected from the original outline approval.

A Section 106 Agreement was signed when the Outline Application was granted, and the education contribution amount and terms should be calculated in line with this.

In summary those triggered through this REM are:

Primary Contribution

“the Primary Education Sum” means £526,946.16 Index Linked based on a development of 78 Dwellings provided that the Primary Education Contribution shall be recalculated and increased or decreased by the County in accordance with the current approved policies of the County in place at the date of this Agreement in accordance with the number of Dwellings approved pursuant to the Reserved Matters Approval in the event that the number of Dwellings increases or decreases from 78 (such recalculation to be based on a figure of £6,755.72 per Dwelling) and any such recalculated Primary Education Contribution shall be Index Linked.

“First Instalment of the Primary Education Contribution” to be paid on or before commencement of the development and means a sum equal to 50% of the Primary Education Contribution.

“Second Instalment of the Primary Education Contribution” to be paid on or before commencement of the dwelling that represents 50% of the total number of dwellings and means a sum equal to 50% of the Primary Education Contribution

If you have any queries please do not hesitate to contact us, by e-mail, at the address given below.

Staffordshire Police

The proposal has been reviewed with particular reference to Police CPI's Secured by Design guidance and in accordance with the recognised principles of Crime Prevention Through Environmental Design.

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

- Under the heading Promoting Safe and Healthy Communities, Para 8 (92 b) of the NPPF states “Planning policies and decisions should aim to achieve healthy, inclusive and safe places which are safe and accessible, so that crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion.”
- Under the heading Achieving Well-Designed Places, Para 12 (130 f) of the NPPF 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.”
- Under the heading Planning Should Address Crime Prevention, Design Para 10 of the NPPG states “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 reasonably can to prevent crime and disorder in accordance with Section 17 of the Crime and Disorder Act 1998;
- (Where these proposals require a Design And Access Statement to accompany the application) 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.”

It is important that I take this opportunity to provide the following guidance and recommendations aimed at reducing opportunities for crime and ensuring that high level of physical security is incorporated in this development.

Attention must be paid to reducing opportunities for unwanted access and ‘Bogus Official’ crime through appropriate location of gates and meters between dwellings and promoting natural surveillance over footpaths and from dwelling gables.

1. Design Concerns.

It is important that a high level of physical security is incorporated in these proposals, and that this development conforms to the minimum standard of security outlined within these recommendations.

Location of Meters.

Secured By Design (Section 26.1) recommends that Utility Meters should be located outside the dwelling at the front or as close to the front of the building line as possible. This is necessary to ensure they are visible in order to deter vandalism, to reduce the opportunities for theft by bogus officials by preventing the need for an official to enter the building or access gates to read a meter.

This requirement includes 'Smart Meters', as the service providers will require open access to meters.

Meters should only be located to the side of a dwelling, where they can be accessed within an in-curtilage parking area or where the orientation of dwellings provides a large amount of space and natural surveillance between dwellings. They must be as near to the front of the building line as possible and to the front of any fencing or gates (care should be taken not to provide a climbing aid).

1.1 Footpath Design.

Secured By Design. Homes 2019, Section 8. Layout of roads and footpaths.

Footpath design.

Section 8.8 Routes for pedestrians, cyclists and vehicles should be integrated and assist easy, intuitive wayfinding through the application of inclusive design by increasing activity and therefore natural surveillance, a proven deterrent to crime and anti-social behaviour.

Section 8.9 Public footpaths should not run to the rear of, and provide access to gardens, rear yards or dwellings as these have been proven to generate crime.

Section 8.10 Where a segregated footpath is unavoidable, for example a public right of way, an ancient field path or heritage route, designers should consider making the footpath a focus of the development and ensure that they are:

- as straight as possible;
- wide;
- well lit (see Secured By Design. Homes 2019. paragraphs 8.19 to 8.21);
- devoid of potential hiding places;
- overlooked by surrounding buildings and activities;
- well maintained so as to enable natural surveillance along the path and its borders.

I support the intention to promote the footpath link alongside Pye Green Road and the orientation of Dwellings so that they offer immediate natural surveillance from Dwelling frontages. Wherever possible, views to and from Dwelling frontages should not be hindered by dense landscaping.

Section 8.11 Physical barriers may also have to be put in place where 'desire' lines (unsanctioned direct routes) place users in danger, such as at busy road junctions. It is important that the user has good visibility along the route of the footpath. The footpath should be as much 'designed' as the buildings.

Section 8.12 Where isolated footpaths are unavoidable, and where space permits, they should be at least 3 metres wide (to allow people to pass without infringing personal space and to accommodate passing wheelchairs, cycles and mobility vehicles). If footpaths are designated as an emergency access route they must be wide enough to allow the passage of emergency and service vehicles and have lockable barriers.

Planting next to a footpath.

Section 8.14 In general, planting next to a footpath should be arranged with the lowest growing specimens adjacent to the path, and larger shrubs and trees planted towards the rear. Planting immediately abutting the path should be avoided as shrubs and trees may grow over the path, creating pinch points, places of concealment and unnecessary maintenance.

Section 8.15 Think carefully when selecting tree species to be used adjacent to a footpath or verge, and consider their whole-life growth characteristics. Many trees will grow tall, dense canopies as they reach maturity. If unmaintained, this broad canopy will spread many metres from the trunk of the tree, and overhang paths and may create difficulties in maintaining a clear, accessible route, in addition to creating a sense of enclosure for path users. Routes with overhanging branches can also be a particular issue for people with sight loss. A large canopy may also block natural light and restrict the effectiveness of street lighting.

Section 8.16 Trees with slender or fastigiate forms naturally grow a narrow, tall canopy, and are less likely to over-hang paths regardless of their maturity. Similarly, pleached trees have been trained to produce a narrow canopy above a very straight, clear stem. A variety of species are available with similar growth forms, which provide height and structure without the issue associated with large canopies.

Section 8.17 Where footpaths run next to buildings or roads, the path should be open to view. This does not prevent planting, but will influence the choice of species and the density of planting. Public footpaths should not run immediately next to doors and windows, therefore defensive space should be created to separate a path from a building elevation. This is particularly important in areas with a known graffiti or anti-social behaviour problem.

Lighting of footpaths.

Section 8.19 If a footpath is to be used 24 hours a day it should have all the required attributes as listed at paragraph 8.10 (Above) and be lit in accordance with BS 5489-1:2013. If the footpath does not have these attributes then its use should be deterred during the hours of darkness by not installing lighting.

Section 8.20 It is important that the landscape architect and lighting designers coordinate their plans to avoid conflict between lighting and tree canopies. It is advisable that trees are planted at least 5 metres away from any light source.

Section 8.21 Secured by Design encourages, wherever possible, the use of the most environmentally friendly light sources.

Moreover the Institute of Lighting Professionals (ILP) currently favours the use of good quality LED lighting and other energy effective light sources and advises against the use of fluorescent lighting which is environmentally unsustainable for a variety of reasons (Note 59.5). Further information is available at: www.securedbydesign.com

Note: Wherever possible the layout and orientation of dwellings should be aimed at ensuring that all footpath links run alongside vehicle access routes. Pedestrian routes should be clearly overlooked and not hindered by dense landscaping etc.

Secured By Design. Homes 2019

Through-roads and cul-de-sacs.

Section 8.3 There are advantages in some road layout patterns over others especially where the pattern frustrates the searching behaviour of the criminal and his need to escape. Whilst it is accepted that through routes will be included within development layouts, the designer must ensure that the security of the development is not compromised by excessive permeability, for instance by allowing the criminal legitimate access to the rear or side boundaries of dwellings, or by providing too many or unnecessary segregated footpaths (Note 8.3).

Developments that promote intuitive wayfinding and enhance the passive surveillance of the street by residents within their homes and high levels of street activity are desirable as they have both been proven to deter criminal behaviour, but they are no guarantee of lower crime, which evidence proves is achieved primarily through the control and limitation of permeability.

Note 8.3: The Design Council's/ CABI's Case Study 6 of 2012 states that: "Permeability can be achieved in a scheme without creating separate movement paths" and notes that "paths and pavements run as part of the street to the front of dwellings reinforces movement in the right places to keep streets animated and does not open up rear access to properties".

Section 8.4 A review of available research in this area concluded that: "Neighbourhood permeability... is one of the community level design features most reliably linked to crime rates, and the connections operate consistently in the same direction across studies: more permeability, more crime. Several studies across several decades link

neighbourhood property crime rates with permeability versus inaccessibility of neighbourhood layout. Neighbourhoods with smaller streets or more one-way streets, or fewer entrance streets or with more turnings have lower property crime rates...” Source: Taylor R B 2002 “Crime Prevention Through Environmental Design (CPTED): Yes, No, Maybe, Unknowable, and all of the above” in Bechtel RB (ed) “Handbook of Environmental Psychology”, John Wiley, New York, Pages 413 – 426. Cited by Professor Ted Kitchen Sheffield Hallam University 2007.

Section 8.5 Cul-de-sacs that are short in length and not linked by footpaths can be very safe environments in which residents benefit from lower crime.

Section 8.6 However, research shows that the benefit of a cul-de-sac can be compromised if one or more of the following undesirable features exists:

- backing onto open land, railway lines, canal towpaths etc.
- are very deep (long)
- linked to one another by footpaths (leaks cul-de-sacs);
- poorly lit

Section 8.7 Cul-de-sacs that connect by footpaths to other parts of a development, often referred to as ‘leaky cul-de-sacs’, experienced the highest levels of crime when compared to crime levels within a true cul-de-sac. Crime in this kind of design can be 110% higher than crime in a true cul-de-sac and therefore should be avoided.

1.2 Boundaries.

Secured By Design. Homes 2019. Section 10. Dwelling Boundaries.

Front boundaries.

Section 10.1 It is important that the boundary between public and private areas is clearly indicated. For the majority of housing developments, it will be desirable for dwelling frontages to be open to view, so walls, fences and hedges will need to be kept low or alternatively feature a combination of wall (maximum height 1 metre) and railings or timber picket fence if a more substantial front boundary is required.

Section 10.2 Front garden planting of feature shrubs and suitable trees (e.g. open branched or light foliage or columnar fastigiated habit, etc.) will also be acceptable provided they are set back from paths and placed to avoid obstructing visibility of doors, windows and access gates to the rear of the property. Similarly, planting which allows a clear line of sight to the pavement and road is preferable.

Section 10.3 Plant specimens may be used to discourage access to specific areas of the house frontage. For example, a specimen with thorns may be used to deter access to the base of a window.

Secured By Design. Homes 2019.

Access gates to rear gardens.

Section 10.4 Gates to the side of the dwelling that provide access to rear gardens or yards must be robustly constructed, be the same height as the fence (minimum height 1.8m) and be capable of being locked (operable by key from both sides of the gate). Such gates must be located on or as near to the front of the building line as possible.

Section 13. Rear access footpaths.

Section 13.1 Research studying the distribution of burglary in terraced housing with open rear access footpaths has shown that up to 85% of entries occurred at the back of the house.

Section 13.2 It is preferable that footpaths are not placed to the back of properties. If they are essential to give access to the rear of properties they must be gated. The gates must be placed at the entrance to the footpath, as near to the front building line as possible, so that attempts to climb them will be in full view of the street.

Where possible the street lighting scheme should be designed to ensure that the gates are well illuminated. The gates must have a key operated lock. The gates must not be easy to climb or remove from their hinges and serve the minimum number of homes, usually four or less.

Section 13.3 Gates will generally be constructed of timber when allowing access to the rear of a small number of dwellings. However in larger developments where the rear footpath provides access to a large number of properties then a gate constructed of steel may be required by the DOCO. Substantial purpose made gates meeting LPS 1175 SR 1 or Sold Secure Silver (minimum) standard are available and may be required by the DOCO. Any gate providing access to the rear of dwellings must be designed to resist climbing, forced entry and allow a high degree of surveillance of the footpath from the street.

Note: Where there is access proposed to the rear of 1 or more dwellings, then an initial lockable gate should be erected as described above. The location of boundaries and gates between dwellings must be considered alongside the location of services, to ensure that gates are recessed no more than 600mm and that services are to the front of dwellings and easily overlooked.

Note: This is necessary to reduce the opportunities for theft by bogus officials and unwanted (unobserved) access to property. In addition, this reduces the opportunity and need for an official to enter the building or access gates to read a meter.

Examples of areas that require attention include:

- Between the Dwellings to Plots 3 and 4, where a lockable gate must be erected no more than 600mm from the front elevation of the Dwelling to Plot 3. Meters must be located forward of this gate, preferably to the front elevation of these Dwellings. This gate must include a closing mechanism and be operable by

key from both sides. Installing a metal railing gate will help to promote natural surveillance over this area.

- Between the Dwellings to Plots 10 and 11, where a lockable gate must be erected no more than 600mm from the front elevation of these Dwellings. Meters must be located forward of this gate, preferably to the front elevation of these Dwellings. This gate must include a closing mechanism and be openable by key from both sides. Installing a metal railing gate will help to promote natural surveillance over this area.
- Between Plot 14 and the site boundary (providing access to the rear of Plots 14, 15 and 16), where this gate must include a closing mechanism and be openable by key from both sides.
- Between the Dwellings to Plots 16 and 17, where this boundary must be recessed no more than 600mm from the front elevation of these Dwellings. Meters must be located forward of this boundary, preferably to the front elevation of these Dwellings.
- Between the Dwelling to Plot 18 and the boundary to the rear of Plot 16, where a lockable gate must be erected no more than 600mm from the front elevation of the Dwelling to Plot 18. Meters must be located forward of this gate, preferably to the front elevation of this Dwelling. This gate must include a closing mechanism and be openable by key from both sides.
- Between the Dwellings to Plots 19 and 20, where this boundary must be recessed no more than 600mm from the front elevation of the Dwelling to Plot 19. Meters must be located forward of this boundary, preferably to the front elevation of these Dwellings.
- Between the Dwellings to Plots 27 and 28, where a lockable gate must be erected no more than 600mm from the front elevation of these Dwellings. Meters must be located forward of this gate, preferably to the front elevation of these Dwellings. This gate must include a closing mechanism and be openable by key from both sides. Installing a metal railing gate will help to promote natural surveillance over this area.
- Between the Dwellings to Plots 53 and 54, where this boundary must be recessed no more than 600mm from the front elevation of these Dwellings. Meters must be located forward of this boundary, preferably to the front elevation of these Dwellings.
- Between the Dwelling to Plot 65 and the boundary to the rear of Plot 52, where a lockable gate must be erected no more than 600mm from the front elevation of the Dwelling to Plot 65. Meters must be located forward of this gate, preferably to the front elevation of this Dwelling.

Note: These details are repeated throughout these proposals. Where these is likely to be a high level of use (more than 2 dwellings etc.), it may be beneficial to provide a metal gate that promotes natural surveillance.

Secured By Design. Homes 2019.

Side and rear boundaries.

Section 10.5 Vulnerable areas, such as exposed side and rear gardens, need more robust defensive barriers by using walls or fencing to a minimum height of 1.8m. There may be circumstances where more open fencing is required to allow for greater surveillance. Trellis topped fencing can be useful in such circumstances.

Note: Particular attention must be paid to side and rear boundaries that are easily accessible from public open space and footpaths. Please consider using trellis topping to bring these boundaries to 2m in height.

Additional deterrent features such as increasing the height of fencing or planting thorny shrubs may be considered as an alternative. A wide range of specimens can be planted along the boundary of a property, which offer attractive planting characteristics of colour and form, whilst containing sharp thorns to dissuade intruders. Many species are available which may be trained to any shape, size or height.

From within a garden, specimens such as Hawthorn may be trained to provide an additional physical barrier above the height of the fence with minimal impact on the garden below. Alternatively, ornamental specimens such as rose may be attached to a fence to deter climbing.

Section 10.6 It is expected that developers will install fencing to a high standard to ensure the security and longevity of the boundary.

10.6.5 Fencing panels or railings mounted on a wall should be located as close to the outer (external) face of the wall as possible to eliminate climbing opportunities or use as informal seating.

10.6.6 Fence heights should be of a minimum 1.8m overall and be capable of raking/stepping to maintain height over different terrain.

10.6.7 Pedestrian gates should be of a framed design and employ galvanised adjustable hinges and fixings mounted behind the attack face. On outward opening gates, where the hinges/brace is mounted on the attack face, fixings should be of a galvanised coach bolt design. Hinge systems must not allow the gate to be 'lifted off' and therefore should employ a method to restrict the removal of the gate from the fence post or wall. Gates should be capable of being locked (operable by key from both sides of the gate). The gate construction should have the same design and construction attributes as the fence.

10.6.8 Where entrance/driveway gates are required they should ideally be inward opening, of substantial framed construction and employ galvanised adjustable hinges

and fixings mounted behind the attack face. Hinge systems must not allow the gate to be 'lifted off' and therefore should employ a method to restrict the removal of the gate from the adjoining fence post or wall. Gates should be fitted with a galvanised drop bolts and facility for dedicated gate locking systems, padlocking (manual gates) or electro-mechanical locking (automated gates) and employ mechanical/ electromechanical devices as applicable to hold gate leaves in the open position.

10.6.9 The gate construction should have the same design and construction attributes as the fence.

Refuse Collection.

Recent developments provided with rear access routes to store and move bins for collection have resulted in these bins being left constantly to the front of dwellings. These bins are often misused including use as climbing aids. I recommend accessible bin stores or a dedicated store area be located to the front of Dwellings or to the end of a row.

1.3 Gable End Walls.

Note: Glazing providing unobscured natural surveillance is necessary where a gable is easily accessed (end of Block etc.), and where adjacent garages, parked vehicles and rear access (gates and boundaries) are not immediately overlooked.

The proposed house types that are of greatest concern are semi-detached and terraced houses with no glazing to the gables. Where privacy requirements allow, these Dwellings should include glazing to either kitchens staircases, hallways or landings. This is necessary to provide natural surveillance over parked vehicles or rear boundary access.

Examples of Dwellings requiring attention include:

- House Type S04-01, to Plot 6. Where privacy restrictions allow, this Dwelling should include additional glazing to the Dining Room, to provide valuable natural surveillance over parked cars and access to the rear of this Plot.
- House Type TE-01, to Plot 21. Where privacy restrictions allow, this Dwelling should include additional glazing to the Kitchen or Dining Room, to provide valuable natural surveillance over parked cars and access to the rear of this Plot.
- House Type MAN-01, to Plot 23. Where privacy restrictions allow, this Dwelling should include additional glazing to the Staircase, Landing or Hallway, to provide valuable natural surveillance over parked cars, garage entrances and access to the rear of this Plot.
- House Type TN-01, to Plots 46, 47 and 57. Where privacy restrictions allow, this Dwelling should include additional glazing to the Living Room, to provide

valuable natural surveillance over parked cars, garage entrances and access to the rear of Plots.

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Section 12. Gable end walls.

Section 12.1 It is important to avoid the creation of windowless elevations and blank walls immediately adjacent to public spaces; this type of elevation, commonly at the end of a terrace, tends to attract graffiti, inappropriate loitering and ball games.

The provision of at least one window above ground floor level, where possible, will offer additional surveillance over the public area.

Section 12.2 Where blank gable walls are unavoidable, one of the following methods should be used to protect them;

12.2.1 Provide a 1m buffer zone using either a 1.2 – 1.4m railing (with an access gate) or a 1m mature height hedge with high thorn content. Hedging will have to be protected with a fence until it becomes established.

The hedge shall be contained within the boundary of the adjacent building to increase the likelihood that it will be maintained.

12.2.2 Where there is insufficient room to create defensible space between public and private space, an appropriate (non-destructive) climbing plant should be planted adjacent to the wall, or a finish applied to the wall that will allow easy removal of graffiti.

Note: 'Handing' of the proposed dwellings may be necessary, so that unobscured glazing to staircases, or landings and hallways can be provided. Where privacy distance restrictions apply, then unobscured glazing will still help to reduce misuse of gables and provide some natural surveillance.

1.4 Design Features and Climbing Aids.

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Section 15. Climbing aids.

Section 15.1 Boundary walls, bins and fuel stores, street furniture, trees, low flat roofs, car ports or balconies should be designed to remove climbing aids to gain access into the property.

1.5 Car Parking and Vehicle Security.

In-curtilage car parking arrangements are preferred. Where it is not possible to park within an owner's direct view, this can lead to obstruction of footpaths and highways and damage to landscaping etc.

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Section 8. Layout of roads and footpaths.

Section 8.1 Vehicular and pedestrian routes should be designed to ensure that they are visually open, direct, well used and should not undermine the defensible space of neighbourhoods.

Design features can help to identify the acceptable routes through a development, thereby encouraging their use, and in doing so enhance the feeling of safety. Where it is desirable to limit access/use to residents and their legitimate visitors, features such as rumble strips, change of road surface (by colour or texture), pillars, brick piers or narrowing of the carriageway may be used. This helps to define the defensible space, psychologically giving the impression that the area beyond is private.

I support the intention to provide changes in road surfaces, as this helps to create defensible space and to define an area as being private.

Section 8.2 Defensible space has the simple aim of designing the physical environment in a way which enables the resident to control the areas around their home. This is achieved by organising all space in such a way that residents may exercise a degree of control over the activities that take place there.

Landscaping Adjacent to Parking Bays.

I recommend that any planting adjacent to parking bays should preferably be berberis or thorny and should have a mature or maintained growth height of 500mm to help prevent people from hiding in those areas.

Secured By Design. Homes 2019.

Section 16. Vehicle Parking.

Section 16.5 Where dedicated garages are provided within the curtilage of the dwelling the entrance should be easily observed from the street and neighbouring dwellings.

Section 16.6 Where parking is designed to be adjacent to or between units, a gable end window should be considered to allow residents an unrestricted view over their vehicles.

Lighting To Parking Areas and Facilities.

Secured By Design. Homes 2019.

Section 55. Car Parking.

Section 55.2 Lighting must be at the levels recommended by BS 5489-1:2013.

Section 16. Vehicle Parking.

Section 16.7 Communal parking facilities must be lit to the relevant levels as recommended by BS 5489-1:2013.

Section 16.9 Lighting is required to meet 'Street Lighting' standards.

Luminaires should be vandal resistant and not mounted below 2.5 metres from the ground and out of reach for those wishing to cause interference.

Bollard lighting is not appropriate as it does not project sufficient light at the right height and distorts the available light due to the 'up-lighting' effect; making it difficult to recognise facial features and as a result causes an increase in the fear of crime.

1.6 Planting and Landscaping.

Landscaping must not impeded natural surveillance and must not create potential hiding places for intruders, especially where it is adjacent to footpaths, public open space or where it may obscure views of and from doors and windows. This is valuable in helping to maintain a clear field of vision around a site, and in reducing fear of crime and opportunities for crime

Secured By Design. Homes 2019.

Section 17. Planting in new developments.

Section 17.1 The planting of trees and shrubs in new developments to create attractive residential environments will be supported provided that:

17.1.1 The layout provides sufficient space to accommodate specimens once they have reached maturity, clear of access routes and required circulation areas;

17.1.2 Future maintenance requirements and budgets are considered at the planting design stage and management programmes are put in place to ensure the landscape fulfils the aims of the original design;

17.1.3 The planting design takes full account of all other opportunities for crime.

1.7 Street Lighting.

Street lighting should be carefully designed to cover all vulnerable areas without creating shadows. This can significantly reduce potential danger spots and reduce the fear of crime. Landscaping, tree planting and lighting schemes must not be in conflict with each other.

Secured By Design. Homes 2019.

Section 18. Street lighting.

Section 18.1 All street lighting for adopted highways and footpaths, private estate roads and footpaths and car parks must comply with BS 5489-1:2013.

Section 18.3 Bollard lighting is purely for wayfinding and can be easily obscured. It does not project sufficient light at the right height making it difficult to recognise facial features and as a result causes an increase in the fear of crime. It should be avoided.

Section 18.4 Trees may restrict the performance of street lighting by blocking light or causing damage through collision with branches and should not be located within 5 metres of a lighting source.

Section 18.6 Secured by Design encourages, wherever possible, the use of the most environmentally friendly light sources.

Moreover the Institute of Lighting Professionals (ILP) currently favours the use of good quality LED lighting and other energy effective light sources and advises against the use of fluorescent lighting which is environmentally unsustainable for a variety of reasons

Secured By Design. Homes 2019.

Section 59. Private External lighting and dwelling lighting.

Private external lighting to common areas.

Section 59.1 Where possible the lighting requirements within BS 5489-1:2013 should be applied.

Section 59.2 SBD requires that only luminaires with suitable photometry serving to reduce light spill and light pollution may be used. Reducing light spill from inefficient luminaires into areas where lighting is not required is extremely important

Section 59.3 External public lighting must be switched using a photo electric cell (dusk to dawn).

Dwelling lighting.

Section 59.4 Lighting is required to illuminate all elevations containing a doorset, car parking and garage areas and footpaths leading to dwellings and blocks of flats.

Bollard lighting is not appropriate as it does not project sufficient light at the right height making it difficult to recognise facial features and as a result causes an increase in the fear of crime.

2. Further Information and Guidance.

Further help and information can be gained from the following web sites:

- www.securedbydesign.com

(The official Police Security Initiative and Police Preferred Specified security product scheme).

- www.bsi-global.com

(Standards, Training, Testing, Assessment and Certification).

- www.bregroup.com

(Offer quality of performance and protection certification for fire, security and environmental products and services).

If I can be of any further assistance, please do not hesitate to contact me on doco@staffordshire.pnn.police.uk.

The Secured by Design Website (www.securedbydesign.com) provides valuable information regarding police and home office recognised standards and licensed component manufacturers.

Crime prevention design advice is given free without the intention of creating a contract. The Police Service and the Home Office does not take any legal responsibility for the advice given. However, if the advice is implemented, it will reduce the opportunity for crimes to be committed.

Severn Trent Water

No comments received.

Environment Agency

No comments received.

South Staffordshire Water Plc

I have viewed the application and from our existing asset records we appear to have a water mains assets affected by this scheme, this would need engagement by the developer with ourselves to look to divert/ protect this asset if it is affected by construction works.

Additionally we would look to install any 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.

Staffordshire County Council Archaeology Service

I note that an archaeological evaluation was required as a condition of the outline application CH/19/421. I have previously reviewed the submitted Written Scheme of Investigation (WSI) as part of discharge of condition request CH/19/421, however I will take this opportunity to remind the applicant that the archaeological works outlined in the WSI should be satisfactorily carried out in advance of any enabling or construction commencing.

Hednesford Town Council

HTC objects to the approval of this application. The layout now proposed fails to preserve as agreed access from the green space serving the new estates to the school and services centre. As a result of less pedestrian access, congestion will be caused by vehicles accessing the school and the shops area - which is already a traffic pressure point.

It has previously been confirmed to us that construction of pedestrian pathways on the new estates would ensure that residents could access the school without crossing busy roads. Pedestrian access from the new estates should therefore be preserved.

Preserving and maintaining pedestrian access amounts to a safer and healthier environment - as opposed to encouraging more vehicular traffic.

Response to Publicity

The application has been advertised by site notice and neighbour letter. 10 letters of representation have been received. These have raised the following issues: -

There is no path being built between the existing Limes estate and the shops and school through this new estate. It's dangerous to go along Pye Green Road with small children and hard to cross roads on Lime Pit Lane as not even a path on both sides or a safe crossing point.

It's a 17min walk when it could be 5 from my house and significantly safer for our children. I expect a lot of parents would rather drive that due to time constraints and safety concerns which could so easily be avoided through a change in planning.

I would like to raise concerns regarding the lack of foot path from The Limes estate to access the school and shops on Noble Street and Bishop Street. I am hoping to send my children to Poppyfields and seeing this has made me question the safety aspects of walking my children to school. Surely we're not expected to walk along Lime Pit Lane crossing the busy road with no crossing then crossing back over at the public house to cross again on to busy Pye Green Road due to being no foot path on the one side, then crossing again opposite Noble Street? This would be quite a challenge with small children and I don't agree that I should have to drive them to school each day. There is surely a safety issue. I also object to walking across a wet muddy field so they arrive at school with dirty clothes and shoes. The obvious thing to do would be to create a path from the Limes estate to Noble Street/ Bishop Street. This would be safe and sensible for everyone. Unless a path was included in the plans I would strongly object to this.

There needs to be a pathway from The Limes estate through to the co-op and the school. This was promised by Barratt Homes upon house purchase and makes absolutely no sense to not put a pathway in place. If not put in place, a way through will be created and will not be an easy access route for families with pushchairs trying to access the school, it needs dealing with in the correct manner.

The submitted plans show the northern end of the development site extending over my boundary fence onto my land. This will not be possible. This has not been corrected in the amended plans.

The plans show two trees planted on the northern edge boundary which when grown would substantially overhang on to my back garden causing unacceptable shading. At least one of these trees is within 3.8m of the house at 521. I believe the minimum distance should be 5m.

The development contains 13 affordable rented units, all of which are located on the small area at a density of over 20 per acre.. This area is totally isolated from the main

development and is clearly in contravention of the National Policy Guidelines which stress inclusivity and promoting social interaction in the location of affordable housing creating an isolated enclave of affordable rented properties which will most likely have a much higher turnover of residents when compared with owner occupied houses is a return to some of the bad housing practices of the 1950s. In my view this is very bad planning and is a serious example of stigmatising social housing and disregard of the community and social effects of planning.

The current boundary between my garden and the development is one metre high fence. As far as I can see the application does not give any indication of landscaping or fencing. No indication given of fencing.

I have serious concerns regarding the amount of overlooking from the proposed development onto my front and back gardens. Even if a 6ft fence or wall was erected along my boundary there would still be about 17 first floor windows overlooking my house and gardens. Some of this could be improved by an improved layout and design.

If the housing plot was rotated by 90 degrees, most of the over looking problems could be avoided whilst retaining the same number of housing. See above.

I note that each housing unit has a garden shed/ building located at the end of the garden and accessed by footpaths which are ungated and locked. If these units are used for storing cycles, lawnmowers or other valuable items they will soon become easy targets for thieves and lead to an increase in crime. Garages and garden sheds located away from a house frequently become vandalised and a source of anti-social behaviour. This is a prime example of this on the older estate off Limepit Lane.

The plan proposes to fill in the gaps in the hedgerow along Pye Gren Road. Most people living in affordable housing are likely to make use of the good bus service along this road. For people living on the northern plot there is a bus stop within 150m by going through the hedge. Walking via Noble Road is a walk of 750m. Why not make a pedestrian entrance via the hedge. No attempt to improve access to public transport

A further link to the footpath network to the west has been indicated on the layout drawing, however its alignment doesn't make physical sense based on existing ground levels and doesn't run through the identified area of Public Open Space. The existing link that is currently in place near the play area has a length already constructed to enable the footpath to be extended to provide a link, orientated in the direction of the proposed Plots 51 – 52. It makes sense to utilise this length already constructed for this purpose and provide a link via the POS to the access road, in the vicinity of Plot 48.

A footpath link from the western edge of Noble Road has been indicated but runs through the proposed allotment area (and crossed by the allotment access road). How will this work in practical sense, noting many allotments are secured areas? What will

be the design of the allotments and who. Some further observations I have noted are as follows:

A further link to the footpath network to the west has been indicated on the layout drawing, however its alignment doesn't make physical sense based on existing ground levels and doesn't run through the identified area of Public Open Space. The existing link that is currently in place near the play area has a length already constructed to enable the footpath to be extended to provide a link, orientated in the direction of the proposed Plots 51 – 52. It makes sense to utilise this length already constructed for this purpose and provide a link via the POS to the access road, in the vicinity of Plot 48.

A footpath link from the western edge of Noble Road has been indicated but runs through the proposed allotment area (and crossed by the allotment access road). How will this work in practical sense, noting many allotments are secured areas? What will be the design of the allotments and who is responsible?

The Public Open Space is described as being 'by others'. Who is designing this? Who is responsible for its implementation and also ongoing management (i.e. costs), noting that local residents of the Limes Estate already pay a yearly management charge for their areas of open space and will not be accepting to these areas being added. Confirmation is required of the method of funding and the legal responsibilities of residents to 'Plot 1' for paying management fees.

The current scheme is designed in isolation and the key element here is the requirement for joined up thinking between the existing situation on the ground (i.e. what has already been built) and the proposed development, enabling a considered and practical footpath network to be in place – otherwise residents will use cars to take children to the local schools. In addition, confirmation that Bellway Homes will implement these footpath links as an element of this development, and for them to not be left as unconsidered elements. As a local resident of The Limes, we have had almost 6 years of being in a situation of poor or non-existent management on the open spaces that surround our Site (and the highways) and feel that the current lack of co-ordination and/or methods to ensure these works are implemented in accordance, will lead to these issues continuing.

Thank you for this opportunity to review the revised layout that has been submitted in support of this application, and to provide further comments/observations on the revised layout (Drg. PGR-100-SL-01-T).

Layout

Despite previous observations, the developer has still retained a high-density layout to maximise the build space. Whilst this approach is understood, this does not reflect the locality and proximity to the Cannock Chase AONB, where a more 'spacious' development layout would be more suited, providing a transition from the developed areas to the east of Pye Green Road to the open space to the west. Across the

proposals, plots and parking are shoe-horned in at every opportunity and landscaping reduced to incidental areas.

The north-east corner of the layout shows an area of housing, presumably social housing, that is accessed via the access road to the care home. The proposed layout does not tie in with the form or orientation of the housing to the north and would appear at odds with the street scene. I reiterate my previous comments that housing in this area surrounding by either school or care home facilities, is inappropriate with space better suited meeting the needs of the school / care home.

The developer is relying on the landscaping provided by the Local Centre to create a sense of arrival which isn't sufficient. Noble Road provides access to the school, care home, local centre and also the proposed allotments (in addition to the proposed residential development) and therefore a higher degree of treatments needs to be considered in this location. Plots are circa 4m back from the back of footpath providing insufficient room to plant even a small tree under the NHBC guidance. This should be a tree lined avenue that clearly demonstrates this Site's transitional location between urban and rural areas (inc. of the AONB).

A footpath link has been shown connecting the proposed footpath alongside Pye Green Road (the development side of retained hedgerow) to the footpath that is located to the south around the balancing

pond. The layout states 'Potential for connection to existing footpath network (by others).' This doesn't make practical sense as the footpath is either proposed or not – and the developer should provide this footpath link as an element of their development, not leave 'to others'. If this link is not provided by the developer, it will never be installed and the 'footpath link' proposed to run parallel with Pye Green Road is useless as it provides no connection with existing footpath networks.

No footpath connection is proposed that links with the footpath network already installed in the POS to the west – with particular reference to the section of footpath that has already been installed to aid the linkage, to the east of the games court. This is a fundamental connection to provide formal access between developments, to the local school. The developer needs to provide this as an element of this proposed development, noting similar issue of not providing as outlined in Point 4. This layout as proposed does not therefore show any formal links between this Site and other areas, contradicting the layouts as initially proposed in the Outline Approval for the entire development on this land. Several annotations on the drawings state 'Potential for connection to proposed footpath (by others)' but this does not provide a guarantee these links will be provided and if they are, who will pay for them? This developer needs to provide these links in full, not rely on 'others' otherwise footpaths will not be provided.

The blue line to the rear of plots 24-30 appears to indicate the boundary of the allotments, yet the development extends into this area – indicating that there will be a

loss in allotment area. Is this the case? Surely the developer can't 'massage' boundaries to facilitate more developable area for themselves?

This needs clarifying.

The over-use of tandem parking is becoming an issue on new housing developments, with homeowners leaving vehicles parked on the main access roads. This is evident on nearby developments such as 'The Limes' where primary roads have numerous vehicles parked along their length that restrict visibility and access and provide safety concerns and issues for refuse services gaining access. This same issue will exist on this development – noting tandem parking provision is proposed along the main access road (Noble Road). A further example of this are Plots 46-47 where a single vehicle parked on this road will cause an obstruction in the key visibility splay lines and force vehicles into the middle road on a bend without clear visibility. The developer needs to review their design to eliminate all these issues as far as feasibly possible.

Landscaping

No updated landscape proposals have been provided to reflect the changes in the layout. There were a number of observations previously noted – including the lack of provision of street trees and space within the development to incorporate these key elements;

The landscape treatment of the western edge of the development is of concern to nearby residents, and a soft landscape approach is required in these locations to provide a degree of visual screening, with particular reference to rear garden fences adjacent the existing footpath network.

This location is on the edge of the Cannock Chase AONB, and therefore more effort is needed to provide tree planting as an element of the proposals, particularly to access roads and the perimeter of the development. This is one of the main failures of the Bilberry Chase, Dear's Rise and The Limes developments where little tree planting has been provided and the developments are harsh and do not reflect their location adjacent the AONB.

Relevant Planning History

CH/19/421: Residential development up to 78 dwellings, open space landscaping & associated infrastructure, access (All other matters reserved). Outline Planning Permission Approved 30-Sep-2021 subject to a section 106 agreement to secure: -

- The provision of 20% affordable housing.
- The provision of an Education Contribution.
- The provision of funding for the implementation of the Travel Plan.
- Provision of a Bus shelter and extension of footpath to connect with the bus shelter.
- Provision of cycle parking at Hednesford Train Station.

CH/19/421B: Discharge of Condition Application No 11 (Archaeological Evaluation). Not yet determined.

Ch/21/0426: - Delivery of vehicle access to adjacent allotments and dropped kerb crossing. Not yet determined.

In respect to the planning history for the wider Land West of Pye Green Road, site.

CH/11/0395: - Mixed use development. Outline-Approval With Conditions 06/24/2014.

CH/11/0395/A: - Partial discharge of condition 11: Ground Risk

CH/11/0395/B: - Discharge of Condition 21: Ecology and nature conservation mitigation measures. Discharge of Conditions - Full Approval 11/27/2015.

CH/11/0395/C: - Discharge of Conditions 2 (Site Details), 4 (Landscaping), 6 (off-site Highway Works)

CH/17/262 : - Application for reserved matters approval for outline planning permission CH/11/ Res Mat - Approved with Conditions 12/05/2017.

CH/18/080: - Reserved Matters application for phases 2 and 3 comprising 481 dwellings with as Full - Approval with Conditions 09/13/2018.

CH/19/224: - Non Material Amendment to Reserved Matters consent (CH/18/080) for alteration of Approved 07/23/2019

CH/19/304: - Suitable Accessible Natural Greens Space (SANGS) Phase 2 for development of site. Not yet determined.

[Members should note that it is the plans under application CH/19/304 that will provide the link between the application site and the Limes that has been raised as an issue of concern by members of the community.]

1.0 Site and Surroundings

1.1 The application site is comprised of a vacant plot of land and an existing vehicular/ pedestrian access road on a wider area of land situated west of Pye Green Road and north of Limepit Lane that is allocated as a 'Strategic Housing Site' in the Cannock Chase Local Plan Part 1 (2014) and which is subject to a Development Brief (March 2011).

1.2 The wider site West of Pye Green Road benefits from outline planning permission for a 'mixed use development involving the erection of up to 700

dwellings; local centre consisting of retail/ commercial (A1, A2, A3, A4, A5), and use class D1; a primary school; formal and informal open space, equipped play areas and allotments; new highway infrastructure onto Pye Green Road and Limepit Lane; and associated engineering, ground modelling works and drainage infrastructure.

- 1.3 Access to the site would be provided by the new vehicular access serving Poppyfields School, a local service centre (nearing completion) and a 66 bed care home which has been recently constructed.
- 1.4 To the east the site bounds Pye Green Road across which is a residential area and the area designated as a local service centre and the care home. To the north the site borders Fuschia World Garden Centre and a dwelling, and to the west the site borders Poppyfields School, and an area set aside for allotments and an area set aside for public open space.
- 1.5 This area approximately corresponds to Phase 2 of the housing development as shown on the original masterplan to the outline planning permission for the wider area. However, the exact boundaries have been amended to take into account the presence of fissures that were found to exist following the grant of the outline consent.
- 1.6 The application is located within the Forest of Mercia, a Mineral Safe Guarding Area and is located in an area covered by the Hednesford Neighbourhood Plan.

2.0 Proposal

- 2.1 The Applicant is seeking consent for the approval of the reserved matters of Appearance, Landscape, Layout, Scale following outline approval (CH/19/421).
- 2.2. Outline approval granted consent for a residential development of up to 78 dwellings, open space landscaping & associated infrastructure and the means of access. That consent was subject to conditions in respect to the provision of a Construction Environmental and Traffic Management Plan, drainage plans for the disposal of foul and surface water flows, electric charging points for electric vehicles , a scheme of intrusive site investigations in respect to the fissures on the site and archaeology. Furthermore, it was subject to a section 106 agreement which provided a mechanism to deal with the provision of 20% affordable housing an education Contribution, funding for the implementation of the Travel Plan, provision of a bus shelter and cycle parking at Hednesford Train Station. As such it is not necessary to revisit these elements within the context of this application.
- 2.3 The applicant is proposing a residential development comprising 74 dwellings, comprising a mix of 1 bed, 2 bed, 3 bed and 4 bed units of which 59 would be

Open Market its, 13 would be Affordable Rent and 2 would be for Affordable Housing-Shared Ownership.

- 2.4 The main entrance into the site would be taken from Noble Road and Bishop Street, which also serve the local centre and Poppyfields School. The main spine roads would then serve several cul-de-sacs in the form of private drives.
- 2.5 It is proposed that Noble Road would be extended to form an access into the public open space area, across which a series of footpaths would provide a pedestrian link to the estate known as 'The Limes', which would enable those residents a pedestrian access to Poppyfields School and the Local Centre. Similarly, a footpath link would be provided along the frontage of the site running parallel to Pye Gren Road. This path would stop at the southern boundary of the site but would enable the site to be linked up to other footpaths on the public open space beyond.

3.0 Planning Policy

- 3.1 Section 38 of the Planning and Compulsory Purchase Act 2004 requires planning applications to be determined in accordance with the provisions of the Development Plan, unless material considerations indicate otherwise.
- 3.2 The Development Plan currently comprises the Cannock Chase Local Plan Part 1 (2014), the Hednesford Neighbourhood Plan and the Minerals Local Plan for Staffordshire (2015 – 2030).

Cannock Chase Local Plan Part 1

- 3.3 Relevant policies within the Local Plan include: -
- CP1: - Strategy – the Strategic Approach
 - CP3: - Chase Shaping – Design
 - CP10: - Sustainable Transport

Minerals Local Plan for Staffordshire

- 3.4 Relevant Policies within the Minerals Plan Include: -
- Policy 3: - Safeguarding Minerals of Local and National Importance and Important Infrastructure

Neighbourhood Plan

- 3.5 Relevant policies within the Hednesford Neighbourhood Plan include: -
- Policy ROW 1: Rights of Way
 - H1: Support for Bungalows

National Planning Policy Framework

- 3.6 The NPPF (2021) 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 (2021) 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 |
| 92, 98, 100: | Promoting healthy and safe communities |
| 111, 112: | Highway Safety and Capacity |
| 119, 124, 125: | Making effective use of land |
| 126, 130, 132, 134: | Achieving Well-Designed Places |
| 218, 219 | Implementation |
- 3.9 Other relevant documents include: -
- (i) Design Supplementary Planning Document, April 2016.
 - (ii) Cannock Chase Local Development Framework Parking Standards, Travel Plans and Developer Contributions for Sustainable Transport.
 - (iii) Manual for Streets
 - (iv) Land West of Pye Green Road Development Brief (March 2011)
 - (v) Developer Contributions and Housing Choices SPD

4.0 Determining Issues

4.1 Principle of the Development

- 4.2.1 The principle of housing on this site was firmly established under planning permission CH/19/421 which granted outline permission with access for up to 78 dwellings and the means of access.
- 4.2.2 Issues, such as, affordable housing, impacts on the local highway network, education, drainage and flood risk, contamination and cumulative air quality impacts and archaeology were considered at the outline stage.

4.2.3 Therefore all issues relating to the principle of the development and the consented quantum of development (that is up to 78 dwellings) have already been approved and are not for consideration in the determination of this application.

4.2.4 Therefore the only matters that are for consideration are the proposed layout, appearance, scale and landscaping of the development and any material consideration in so far as it relates to those reserved matters.

4.3 Layout

4.3.1 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 126, 130, 132 and 134. Paragraph 126 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 130 of the NPPF 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 134 states

‘Development that is not well designed should be refused, especially where it fails to reflect local design policies and government guidance on design, taking into account any local design guidance and supplementary planning documents such as design guides and codes. Conversely, significant weight should be given to:

- a) development which reflects local design policies and government guidance on design, taking into account any local design guidance and supplementary planning documents such as design guides and codes; and/or
- b) outstanding or innovative designs which promote high levels of sustainability or help raise the standard of design more generally in an area, so long as they fit in with the overall form and layout of their surroundings.’

4.3.5 In addition to the above Appendix B of the Design SPD sets out clear expectations and guidance in respect to space about dwellings in order to achieve a high standard of amenity.

4.3.6 The layout of a development can also have important role to play in promoting sustainable modes of travel, social inclusion and access to open space and recreational facilities. The specific policies on these issues will be set out below under their respective topic areas.

4.3.7 Having had regard to the above it is considered that the main issues in respect to layout are: -

- (i) Layout, parking and highway safety and capacity within the proposed estate, improving access to public open space and promoting sustainable modes of travel.
- (ii) Layout and standard of amenity of existing and future occupiers in respect of space about dwellings.
- (iii) Layout and impact on nature conservation interests.
- (iv) Layout and impact on drainage.
- (vi) Layout and designing out crime.
- (vii) Layout and the provision of affordable housing.

Layout, Parking and Highway Safety and Capacity within the Proposed Estate.

4.3.8 Paragraph 111 of the NPPF states ‘development should only be prevented or refused on highways 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 112: -

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.

4.3.9 The layout of a development has a role to play in creating healthy communities by encouraging walking through the provision of attractive and accessible environments. In this respect paragraph 92 of the NPPF states: -

'Planning policies and decisions should aim to achieve healthy, inclusive and safe places which:

- (a) promote social interaction, including opportunities for meetings between people who might not otherwise come into contact with each other – for example through mixed-use developments, strong neighbourhood centres, street layouts that allow for easy pedestrian and cycle connections within and between neighbourhoods, and active street frontages;
- (b) are safe and accessible, so that crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion – for example through the use of attractive, well-designed, clear and legible pedestrian and cycle routes, and high quality public space, which encourage the active and continual use of public areas; and

- (c) enable and support healthy lifestyles, especially where this would address identified local health and well-being needs – for example through the provision of safe and accessible green infrastructure, sports facilities, local shops, access to healthier food, allotments and layouts that encourage walking and cycling.

4.3.10 Finally paragraphs 98 go on to state: -

‘Access to a network of high quality open spaces and opportunities for sport and physical activity is important for the health and well-being of communities, and can deliver wider benefits for nature and support efforts to address climate change’;

whilst paragraph 100 states: -

‘Planning policies and decisions should protect and enhance public rights of way and access, including taking opportunities to provide better facilities for users, for example by adding links to existing rights of way networks including National Trails.’

4.3.11 As stated previously the access to the site and impacts arising from the quantum of development were considered and approved under the outline consent. Therefore, the only consideration in respect to the determination of this reserved matters application in relation to highway considerations is whether the parking provision and estate roads are adequate in respect to their intended function and would allow the serving of the estate by refuse vehicle and emergency vehicles; and whether the lay out would promote sustainable modes of travel.

4.3.12 In respect to the layout and traffic and transport considerations it is noted that the accesses would be gained from Pye Green Road via Noble Street and Bishop Street, both of which have been constructed to serve Poppyfields School, the care home, the local service centre and this Phase of residential development, whilst providing vehicular access to the proposed allotments to the west of the application site. In order to demonstrate that the estate roads can accommodate large service vehicles the applicant has submitted 'Refuse Vehicle' and 'Fire Tender Vehicle' Tracking plans. These plans have been forwarded to Highway Authority and it is anticipated that the Highway Authority will accept these plans. Members will be updated at the meeting of Planning Committee on the response from the Highway Authority.

4.3.13 In respect to parking provision guidance is provided in the Cannock Chase Local Development Framework Parking Standards, Travel Plans and Developer Contributions for Sustainable Transport (2005). This provides guidance for the maximum number of car parking spaces (which is an out dated

approach) and states that for dwelling where all parking is provided within the curtilage, including garages there should be

Two and three bedroom dwellings	2 spaces per dwelling
Four and more bedrooms	3 spaces per dwelling
And where there is Communal Parking	
Three bedrooms	2 spaces per dwelling
One and two bedrooms	1.5spaces per dwelling

4.3.14 It is confirmed that the proposal meets the Council's guidance for parking and that the parking provision within the site is considered acceptable.

4.3.15 In respect to the layout and the promotion of sustainable modes of transport it is noted that the layout makes provision for safe pedestrian access to Pye Green Road and to the western and southern boundaries of the site. The comments made by local residents in respect to the pedestrian links to The Limes are noted. However, it is crucial to note that this a reserved matters application and therefore can only make provision for access within the confines of the application site. The pedestrian links to the west across the public open space would be dealt with under separate planning applications, namely CH/21/0426 which is for the delivery of vehicle access to adjacent allotments and dropped kerb crossing and CH/19/304 for the provision of Suitable Accessible Natural Greens Space (SANGS) Phase 2. It is under the provisions of the latter application where the footpath linking the current application site to the Limes will be considered. However, it can be confirmed that the current application makes provision for those links within the confines of the application site and therefore does not prejudice the delivery of the overall footpath scheme across the wider site.

4.3.16 In addition to the above it is noted that the site is immediately adjacent to a school and a local centre (bearing completion) and therefore a variety of local services are within walking distance. Furthermore, there is a bus stop just north of the entrance of the site which is in easy walking distance from all dwellings on the estate, including the affordable units situated in the northern portion of the site.

4.3.17 It has been stated that a hole should be cut in the hedgerow in the vicinity of the affordable housing units to allow them quicker access to the bus stop. However, there is pavement along the western side at this point of Pye Green Road and no pedestrian crossing. As such it would in effect be promoting an unsafe route and is not supported by officers.

4.3.18 Having had regard to all the above it is considered that subject to no objections being received from the Highway Authority, and subject to any conditions that Highway Authority recommend the proposal would not have an unacceptable impact on highway safety, nor would the residual cumulative impacts on the road network would be severe. Furthermore, the proposal would promote sustainable modes of transport and healthy lifestyles and as such would accord with the thrust of Policy CP10 and paragraphs 92, 98, 100, 111 and 112 of the National Planning Policy Framework.

Layout and Standard of Amenity of Existing and Future Occupiers

4.3.19 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.

4.3.20 Paragraph 130(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.

4.3.21 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.

4.3.22 However, the Design Guide recognises that the distances set out are in the nature of guidance and that 'variations to the recommended minimum distance will be considered dependent upon the particular circumstances and type of development'.

4.3.23 In this respect it is noted that the layout in general meets the recommended distances for space about dwellings and outdoor amenity areas, and in some cases exceeds the guidelines. However, there are several instances where the layout does not achieve some part of the space about dwellings guidelines. Of particular note is the relationships between units 42-45 and those opposite at 53-56 which is 19m rather than the 21.3m set out in the Residential Design Guide. Notwithstanding this, the illustrative cross section contained within the Adopted Development Brief (March 2011) indicates that a separation distance of 14m across secondary roads within the site could be acceptable. It is therefore

considered that this marginal deficiency in respect to the above units would not result in a poor standard of amenity.

4.3.24 Objections have been raised in respect to the relationship between the dwellings at units to 13 at the northern edge of the site and the dwelling at 251 and in particular the level of overlooking. Officers can confirm that the proposed dwellings would be set back 11m from the common boundary with No251 Pye Green Road. This is the standard distance for the length of a rear garden and is considered sufficient in planning terms to protect the amenity of the occupiers of No 251 and to maintain a high standard of residential amenity.

4.3.25 On balance it is considered that the proposal layout, by virtue of the space about dwellings, would provide a good standard of residential amenity for all future and existing occupiers of properties within the site and abutting it. Therefore, having had regard to Policy CP3 of the Local Plan, the NPPF and the Design Guide the layout of the proposal is considered acceptable in this respect.

Layout and Impact on Nature Conservation Interests

Cannock Chase SAC

4.3.26 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. Proposals which would lead to a net increase in dwellings are therefore required to mitigate their adverse impact on the SAC, which is normally in the form of a payment as part of the Community Infrastructure Levy or if CIL .

4.3.27 As the proposal is CIL liable, the SAC element would be topped slice and as such this would ensure that impacts on the SAC would be adequately mitigated.

Nature Conservation Interest on Site

4.3.28 Policy in respect of impacts on biodiversity is provided by Policy CP12 of the Local Plan and Section 15 of the NPPF.

4.3.29 Policy CP12 states (amongst other things) 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)."

4.3.30 In addition to the above Paragraph 174 of the NPPF states (amongst other things) when determining planning applications, local planning authorities should aim to conserve and enhance biodiversity by applying the following principles

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

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

4.3.31 In addition to the above paragraph 180 of the NPPF goes on to state When determining planning applications, local planning authorities should apply the following principles:

- (a) if significant harm to biodiversity resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused;
- (b) development on land within or outside a Site of Special Scientific Interest, and which is likely to have an adverse effect on it (either individually or in combination with other developments), should not normally be permitted. The only exception is where the benefits of the development in the location proposed clearly outweigh both its likely impact on the features of the site that make it 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 improve biodiversity in and around developments should be integrated as part of their design, especially where this can secure measurable net gain

4.3.32 In respect to the impact of the proposed development on local nature conservation interests it is noted that currently the site comprises an area of open ground, which was formerly used for agriculture. It does not support any rare or vulnerable habitats and the only feature of interest is the hedgerow along the frontage which where practicable will be retained and brought back under appropriate management. As rough, open ground the site has the potential to support breeding skylark. Indeed, during the officer site visit skylark could be heard singing in the close vicinity but it is not known whether it was attempting to breed on the site. The issue of breeding skylark could be adequately dealt with by way of an informative attached to any permission granted bringing the matter to the applicant's attention and informing them that under the provisions of the 1981 Wildlife and Countryside Act (as amended) the disturbance of breeding birds and the destruction of nests, when occupied, or eggs is an offence.

4.3.33 Although the loss of Skylark habitat cannot be compensated for within the scheme, the proposal does provide an opportunity to enhance the provision of breeding habitat of other species of common British birds. To this end the applicant is proposing 4 No Swift nest boxes, 4 No Starling Nest Boxes and 4 No House sparrow nest boxes. The boundary treatments also have provision for hedgehog access holes to enable this species to move between gardens and forage.

4.3.34 Having had regard to the above it is considered that the proposal, subject to the attached conditions, would be in accordance with Policy CP12 and paragraphs 174 and 180 of the NPPF.

Layout and Impact on Drainage

4.3.35 Drainage is not a reserved matter and was therefore dealt with at outline stage where it was made subject to conditions requiring a scheme to be submitted.

4.3.36 The Local Lead Flood Authority and Severn Trent Water Authority were consulted on this application. Whilst Severn Trent have not responded that the LLFA has requested further information required to discharge the drainage condition before they are willing to comment. However, given that the proposed layout in respect to the provision of POS and roads has not significantly changed from the indicative scheme that informed the outline stage and which

enabled the imposition of the drainage condition it is considered that the current layout should not prejudice the delivery of the drainage scheme.

- 4.3.37 It is therefore considered that the proposal would not compromise the drainage of the site and that it is consequently acceptable in respect to Policy CP16 (1) (g) and (2) (e) of the Local Plan and the NPPF.

Layout and Designing out Crime

- 4.3.38 Legislation, policy and guidance in respect of crime and the fear of crime is provided by Section 17 of the Crime and Disorder Act 1998, paragraph 92(b) and 130(f) of the NPPF and Policy CP3 of the Local Plan. In this respect the comments made by Staffordshire Police are noted. However, much of the content either reiterates generic policy and guidance, or provides guidance that fall outside of the scope of planning controls (e.g. street lighting which falls under highway controls) rather than assesses details of the proposal that is for consideration.

- 4.3.39 In respect to footpath design it is noted that the only footpath proposed that does not follow a highway is the one to the front which would be overlooked by the front elevations of the building fronting onto Pye Green Road and which would be straight thus conforming to design guidance. Indeed, the Police have stated that they support the 'intention to promote the footpath link alongside Pye Green Road and the orientation of Dwellings so that they offer immediate natural surveillance from Dwelling frontages. It is also clear looking at the Landscape Plans that views of this footpath from the dwellings would not be obscured by tall dense vegetation. The proposed footpath would also be 3m wide and therefore would allow people to pass without infringing personal space and to accommodate passing wheelchairs, cycles and mobility vehicles). In respect to lighting it is noted that for much of its length the footpath runs parallel with an estate road that would be adopted by the County Highway Authority and subject to its lighting requirements.

- 4.3.40 Staffordshire police have advised that

'There are advantages in some road layout patterns over others especially where the pattern frustrates the searching behaviour of the criminal and his need to escape. Whilst it is accepted that through routes will be included within development layouts, the designer must ensure that the security of the development is not compromised by excessive permeability, for instance by allowing the criminal legitimate access to the rear or side boundaries of dwellings, or by providing too many or unnecessary segregated

Developments that promote intuitive wayfinding and enhance the passive surveillance of the street by residents within their homes and high levels of street activity are desirable as they have both been proven to deter criminal behaviour, but they are no guarantee of lower crime, which evidence proves is achieved primarily through the control and limitation of permeability’.

4.3.41 In the main the proposed development would be in the form of a series of cul-de-sacs which would have good natural surveillance. Where there is a through route for example on Noble Road, this road would be subject to frequent activity with people visiting the school, care home and the local centre, providing a vibrancy and level of activity which would deter criminality and anti-social behaviour.

4.3.42 Comments have been made of the poor design of the affordable housing units and a suggestion has been received that the units should be turned round by 90 degrees to reduce overlooking of No251 and that a footpath should be created through the hedge to enable people to access the bus stop. However, the properties have been aligned in such way to provide an active frontage to the highway so as to provide high degree of natural surveillance. It is also considered inappropriate that the proposal be amended to provide a pedestrian access to Pye Green Road at this point as this would create an easy escape to persons involved in criminality.

4.3.43 In respect to the boundaries the comments made by the police in respect to hinges and locks fall outside of the scope of planning controls. However, it is proper that the height and locations of fencing and walls is given proper consideration. In this respect it is noted that the applicant has indicated that the rear garden of several properties throughout the estate are to be separated by 0.9m high timber post and rail fencing. This is not considered acceptable and that a fence with a minimum height of 0.8m should be erected. This amendment to the design could be controlled through an adequately worded condition attached to any permission granted.

4.3.44 The Police have advised that ‘gates to the side of the dwelling that provide access to rear gardens or yards must be robustly constructed, be the same height as the fence (minimum height 1.8m) and be capable of being locked (operable by key from both sides of the gate). Such gates must be located on or as near to the front of the building line as possible’. The police go on to state that ‘Examples of areas that require attention include:

- Between the Dwellings to Plots 3 and 4, where a lockable gate must be erected no more than 600mm from the front elevation of the Dwelling to Plot 3. Gates must be located forward of this gate, preferably to the front elevation of these Dwellings. This gate must include a closing mechanism and be openable by key from both sides. Installing a metal railing gate will help to promote natural surveillance over this area.

- Between the Dwellings to Plots 10 and 11, where a lockable gate must be erected no more than 600mm from the front elevation of these Dwellings. Meters must be located forward of this gate, preferably to the front elevation of these Dwellings. This gate must include a closing mechanism and be openable by key from both sides. Installing a metal railing gate will help to promote natural surveillance over this area.
- Between Plot 14 and the site boundary (providing access to the rear of Plots 14, 15 and 16), where this gate must include a closing mechanism and be openable by key from both sides.
- Between the Dwellings to Plots 16 and 17, where this boundary must be recessed no more than 600mm from the front elevation of these Dwellings. Meters must be located forward of this boundary, preferably to the front elevation of these Dwellings.
- Between the Dwelling to Plot 18 and the boundary to the rear of Plot 16, where a lockable gate must be erected no more than 600mm from the front elevation of the Dwelling to Plot 18. Meters must be located forward of this gate, preferably to the front elevation of this Dwelling. This gate must include a closing mechanism and be openable by key from both sides.
- Between the Dwellings to Plots 19 and 20, where this boundary must be recessed no more than 600mm from the front elevation of the Dwelling to Plot 19. Meters must be located forward of this boundary, preferably to the front elevation of these Dwellings.
- Between the Dwellings to Plots 27 and 28, where a lockable gate must be erected no more than 600mm from the front elevation of these Dwellings. Meters must be located forward of this gate, preferably to the front elevation of these Dwellings. This gate must include a closing mechanism and be openable by key from both sides. Installing a metal railing gate will help to promote natural surveillance over this area.
- Between the Dwellings to Plots 53 and 54, where this boundary must be recessed no more than 600mm from the front elevation of these Dwellings. Meters must be located forward of this boundary, preferably to the front elevation of these Dwellings.
- Between the Dwelling to Plot 65 and the boundary to the rear of Plot 52, where a lockable gate must be erected no more than 600mm from the front elevation of the Dwelling to Plot 65. Meters must be located forward of this gate, preferably to the front elevation of this Dwelling.

4.3.45 Officers would report that following discussions with the applicant the location of the gates have been designed so to allow the fitting of meters to their front in accordance with the guidance of the Police. The position of the meters is

dictated by the internal arrangement of the dwellings. As such the applicant has conformed to the guidance of the police as far as it is practicable to do so.

4.3.46 Staffordshire Police have stated that ‘Vulnerable areas, such as exposed side and rear gardens, need more robust defensive barriers by using walls or fencing to a minimum height of 1.8m. There may be circumstances where more open fencing is required to allow for greater surveillance. Trellis topped fencing can be useful in such circumstances’ adding ‘Particular attention must be paid to side and rear boundaries that are easily accessible from public open space and footpaths. Please consider using trellis topping to bring these boundaries to 2m in height.’ Officers can confirm that the Boundary treatment Plan shows fencing and walling of 1.8m high to joint boundaries with the areas of public open space to the west and south of the application site. Whilst the detailing of the fence in respect to materials and construction is considered acceptable it is note that these do not conform to the 2m height requirement recommended by Staffordshire Police. Similarly, the Boundary Treatment Plans often show rear gardens between plots separated by 0.9m high timber and post rail fencing. Offices recommend that these are replaced by 1.8m high lap larch fencing. Both elements can be adequately controlled through the use of adequately worded conditions, as follows: -

Notwithstanding the details of the Boundary Treatment Plan PGR-100-SL-01-AA the walls and, or, fencing separating Plots 18, 19, 20, 21, 22, 23, 28, 29, 30, 66, 67, 68 and 73 from the public open space shall be 2m in height.

Reason

In the interests of promoting safe communities in accordance with paragraph 92(b) and 130(f) of the National Planning Policy Framework and Policy CP3 of the Local Plan.

Notwithstanding the details of the Boundary Treatment Plan PGR-100-SL-01-AA all fencing separating the rear garden of one property from another shown as 0.9m timber post and rail fence shall be constructed of 1.8m high timber larch lap fencing with timber posts.

Reason

In the interests of promoting safe communities in accordance with paragraph 92(b) and 130(f) of the National Planning Policy Framework and Policy CP3 of the Local Plan.

4.3.47 As to the construction of the gates in terms of hinges and bolt design this detail falls outside of the scope of planning controls. It is therefore recommended that

the most appropriate way of dealing with this issue is to bring to the developer's attention the comments of the Police by way of placing an informative on any permission granted.

4.3.48 Staffordshire Police have commented that 'glazing providing unobscured natural surveillance is necessary where a gable is easily accessed (end of Block etc.), and where adjacent garages, parked vehicles and rear access (gates and boundaries) are not immediately overlooked..... The proposed house types that are of greatest concern are semi-detached and terraced houses with no glazing to the gables. Where privacy requirements allow, these Dwellings should include glazing to either kitchens staircases, hallways or landings. This is necessary to provide natural surveillance over parked vehicles or rear boundary access. The Police response then goes on to mention various examples where additional fenestration is desirable. These are as follows: -

- House Type S04-01, to Plot 6. Where privacy restrictions allow, this Dwelling should include additional glazing to the Dining Room, to provide valuable natural surveillance over parked cars and access to the rear of this Plot.

Officers would comment that the dining room is to the rear of the property overlooking the private garden. It does not overlook the car parking area which is to the front. To the side of the house there would be a pedestrian access which would be gated. The passageway would be used not only by the occupiers of Plot 6 but also by the occupiers of Plot 7. The insertion of a window to the dining room would allow the occupiers of Plot 7 to look directly into the dining room of Plot 6. Therefore, any additional window in this elevation would not be acceptable on protection of privacy grounds

- House Type TE-01, to Plot 21. Where privacy restrictions allow, this Dwelling should include additional glazing to the Kitchen or Dining Room, to provide valuable natural surveillance over parked cars and access to the rear of this Plot.

Officers would comment that this dwelling is at the end of a cul-de-sac and the car parking of Plot 21 would be directly overlooked from the properties at Plots 19 and 20. As such there would be sufficient natural surveillance and it is not considered necessary to have a window in the side elevation.

- House Type MAN-01, to Plot 23. Where privacy restrictions allow, this Dwelling should include additional glazing to the Staircase, Landing or Hallway, to provide valuable natural surveillance over parked cars, garage entrances and access to the rear of this Plot.

Officers would comment that this dwelling is within a cul-de-sac and the car parking of Plot 23 would be directly overlooked from the property at Plot 17. As such there would be sufficient natural surveillance and it is not considered necessary to have a window in the side elevation.

- House Type TN-01, to Plots 46, 47 and 57. Where privacy restrictions allow, this Dwelling should include additional glazing to the Living Room, to provide valuable natural surveillance over parked cars, garage entrances and access to the rear of Plots.

Officers would comment that the parking associated with these plots and that of the neighbouring dwellings would allow the neighbours to have clear views into the habitable rooms of those plots should they be fitted with windows in the side elevations. As such any additional windows in these side elevations would not be acceptable on protection of privacy grounds.

4.3.48 In respect to street lighting members are advised that this would be controlled through the street adoption process and therefore be a matter for the Highway Authority to determine.

4.3.49 In conclusion having had regard to the provisions of the Crime and Disorder Act 1998, paragraph 92(b) and 130(f) of the NPPF and Policy CP3 of the Local Plan it is considered that, subject to the attached conditions, the layout of the proposal, on balance, would create a place which is safe and accessible, so that crime and disorder, and the fear of crime, would not undermine the quality of life or community cohesion

Layout and the Provision of Affordable Housing

4.3.50 Affordable housing provision was looked at and incorporated into the section 106 agreement attached to the outline consent. However, it is still pertinent to assess whether the layout of the affordable housing units is acceptable.

4.3.51 The Council's Developer Contributions and Housing Choices Supplementary Planning Document (July 2015) states

'The Council will expect 80% of the 20% affordable housing requirement to be social rented housing and the remaining 20% to be intermediate housing.

The Council will require the following size mix of new affordable housing on each development site, rounded to the nearest whole number of units. The preferred housing mix has been determined by Cannock Chase Council's Housing Management Team and is based on information on the needs of applicants from the Cannock Chase Homes Lettings Data.

1 bed = 10%
 2 bed = 60%
 3 bed = 25%
 4 bed = 5%

The affordable housing provision should be pepper-potted throughout the development and be indistinguishable from the market housing.'

4.3.51 The applicant has submitted a plan showing the proposed distribution of affordable housing which would be located in the north eastern portion of the site (plots 1- 13. The proposed mix is as follows: -

Affordable Housing-Rent

<u>House Type</u>	<u>No. of Beds</u>	<u>No of units</u>
Stationer	1	2
Bookbinder	1	2
Manciple	2	6
Draftsman	3	2
S04	4	1

Affordable Housing-Shared Ownership

<u>House Type</u>	<u>No. of Beds</u>	<u>No of units</u>
Manciple	2	2

4.3.52 The Strategic Housing Officer has confirmed that the 15 affordable units proposed for this site is policy compliant (20%) and the tenure and bed size mix stated is acceptable.

4.3.53 However, the concentration of affordable housing in the north eastern corner of the site is contrary to guidance within the Council's Developer Contributions and Housing Choices Supplementary Planning Document. Notwithstanding this Registered Providers do prefer to have their portfolio in on place rather than spread about an estate. Furthermore, the wider layout around the local service centre and the proximity of the school would allow and promote social interaction, including opportunities for meetings between people who might not otherwise come into contact with each other.

4.3.54 As such the location of the affordable housing units in the north east corner of the site is considered insufficient to warrant refusal of the application.

4.4 Appearance

4.4.1 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;

4.4.2 However, Paragraph 127 of the NPPF states: -

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;

4.4.3 The proposal includes the provision of 74 dwellings which would be of traditional design using a mix of facing brick and render under tiled pitch roofs and with decorative cills and headers to windows and typically 8.5m in height. They would be constructed from Terca Tuscan and Terca Caldera facing brick under Russell Galloway Slate Grey tiles.

4.4.4 In this respect they would be similar to other dwellings that have been constructed to date at the other phases of the development across the wider site. In addition, they would lie adjacent to an established area of mid to late C20th housing developments typically found in sub urban areas across the country.

4.4.5 Comments have been received that the housing density of the proposal is too high, the site is irregularly shaped and the development disjointed. However, in respect to density it should be noted that paragraph 4.7.8 of the Adopted Development Brief (March 2011) for the wider site states

‘The transitional nature of the site from the more ‘urban’ existing settlement edges on Pye Green Road and Limepit Lane to the more ‘rural’ woodland edges to the north and west require a response in the proposed built form. Across the development as a whole, an average indicative residential density of 30 dwellings per hectare is achieved as indicated on the illustrative Masterplan. This area includes a range of

densities across the site as stated below and incorporates children's play areas. In essence, higher densities and building heights (up to three storeys maximum for focal buildings and short terraces) will be located around the central mixed use centre and towards the southeast of the development area, avoiding three storey along Pye Green Road and Limepit lane frontages. Higher densities along the main street and around the local centre will also ensure a higher proportion of the residents live within very close walking distance of the communal facilities. Lower densities and building heights (predominantly two storey detached and semi-detached) will be located towards the western and northern edges of the scheme.'

- 4.4.6 Officers can confirm that the proposed layout and density reflects the aspirations of the Design Brief with the higher density areas fronting onto the main spine road immediately adjacent to the local centre or near to the school in respect to the affordable housing provision. This would help in some small way in reducing the reliance on the private car as a range of facilities and goods and services would be within walking distance.
- 4.4.7 It should also be taken into consideration that the layout of the site is heavily constrained by the presence of fissures that run through site and hence need to be avoided by buildings.
- 4.4.8 In addition it should also be taken into account that paragraph 119 of the NPPF, states 'Planning policies and decisions should promote an effective use of land in meeting the need for homes and other uses, while safeguarding and improving the environment and ensuring safe and healthy living conditions' whilst paragraph 124 goes on to state

'Planning policies and decisions should support development that makes efficient use of land, taking into account:

- (a) the identified need for different types of housing and other forms of development, and the availability of land suitable for accommodating it;
- (b) local market conditions and viability;
- (c) the availability and capacity of infrastructure and services – both existing and proposed – as well as their potential for further improvement and the scope to promote sustainable travel modes that limit future car use;
- (d) the desirability of maintaining an area's prevailing character and setting (including residential gardens), or of promoting regeneration and change; and
- (e) the importance of securing well-designed, attractive and healthy places.'

4.4.9 It is officer opinion that the proposal conforms to the requirements of both the Design and Guide and paragraphs 119 and 124 of the NPPF in promoting efficient use of land by making use of appropriate densities across the site whilst providing a variety of house types and promoting sustainable travel modes that limit future car use

4.4.10As such it is considered that the proposal by virtue of the appearance of the dwellings, including design and materials and the density of the layout would be well-related to existing buildings in the wider area and as such would be in accordance with Policy CP3 of the Local Plan and the design section of the NPPF.

4.5 Scale

4.5.1 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

4.5.2 Having had regard to the above it is noted that the scale of the development in respect to the number of dwellings (74 dwellings) was accepted at the outline stage. The only other matter in respect to scale is the size of the proposed dwellings. There are a range of dwelling types on the Site, ranging from 2 bed flats to 4 bedroom houses. These are standard house types that are found on a variety of developments built out by volume house-builders.

4.5.3 Officers can confirm that these heights are fairly standard in nature and reflect the range of house types typically found within the wider area, which also incorporates flats and large sized modern commercial units. As such it is considered that the scale of the proposed dwellings would be well-related to existing buildings and their surroundings and therefore in accordance with Policy CP3 and the NPPF.

4.6 Landscaping

4.6.1 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.

- 4.6.2 The applicant has submitted detailed landscaping plans which have been reviewed by the Landscape officer and commented upon by members of the public.
- 4.6.3 Turning to the issues raised Officers can confirm that the services (gas , water etc) to the dwellings could be controlled through the use of an adequately worded condition. This would ensure that they would not significantly conflict with the landscaping of the site.
- 4.6.4 In respect to the layout not contributing to the forming of an entrance way/ welcoming feature to the development area including the estate, school, care home or open space area it should be taken into consideration that the entrance already exists and is built out. With the local service centre nearing completion. Th entrance is considered acceptable as it is proposed and the lack of further embellishment would not be of sufficient reason to warrant refusal.
- 4.6.5 As to the long strip of frontage parking on Bishops Street and Units 1-13 creating a very hard and poor visual appearance it has also to be taken into account that the higher density at this location was envisaged in the Design Brief. Furthermore, it is a feature that can be found throughout t the wider development. As such any perceived harm to visually amenity is outweighed by the need to make efficient use of land and to promote accessibility and reduce the reliance on the private car.
- 4.6.6 As to large area of 'white' land identified on the site layout plan, to the SW of the residential area that has not been included within the SANGS [Sustainable Alternative Natural Green Space] Phase 1 approved scheme it is considered that the management of this site could be adequately dealt with by its inclusion in a maintenance and management schedule, which would then be maintained by a management company. This would not preclude its incorporation into the wider SANGS site if that is required at a later date.
- 4.6.7 Revised plans have been submitted that show the provision of a 1m high metal estate fencing painted black to separate the footpath running along the site s eastern edge and the private access drive to Plots 71-73. Furthermore, revised plans have been submitted showing timber close boarded fencing to the boundaries at plots 2-13, 14-18-20, 21-23, 28-30, 66-69, 73.

4.6.8 Revised plans show that the boundary to the allotment site would be separate and secure from the latter.

4.6.9 The issue of party boundaries areas of adoptable open space or the allotments. Would be a private civil matter. However, the revised plans indicate that any such fence erected proposed would be on land owned by the applicant and presumably transferred with the title deeds to any new owner.

4.6.10 Although the allotment layout may be subject to major revision this is on land outside of the application site and subject to separate planning obligations attached to the outline permission for the wider site.

4.6.11 The applicant has confirmed that the materials for the paving and car parking areas would be as follows: -

Private Car parking & non-adoptable roads: Asphalt or similar road surface;
Colour Grey

Private Car parking & non-adoptable roads: Permeable block paving laid herringbone pattern; Colour red Brindle (where shown on drawing roads to front 62 – 69; 48 – 52; 18 – 24 & 14 – 17)

Footpaths within plots : 600 x 600 mm paving flags,
Colour Grey

These details are considered acceptable.

4.6.12 Details as to how trees would be planted, including aeration or irrigation pipes or securing methods and subsequent establishment, management & maintenance and a management plan to cover all areas of public open space and or communal areas can be controlled by condition.

4.6.13 Officers consider that tree planting in rear gardens is a matter of personal choice for the respective owner and should not be imposed on future owners.

4.6.14 The owner of 251 Pye Green Road has objected to the planning of two trees along the northern boundary of the site represented by shaded circles on the submitted plans, as he considers that they will affect light to his garden. However, on inspection of the Landscape Plan it does not appear that the shaded circles represent trees to be planted. The applicant has confirmed that the circles have resulted from the topographical survey and actually represent existing trees that would be retained. For the purposes of clarity it is considered necessary to attach a condition stating that no tree planting should take place along the northern boundary of Plots 1-13. This would remedy the issue.

4.6.15 Having had regard to the above it is considered that subject to the attached conditions the proposed landscaping scheme is acceptable and in conformity with Policy CP3 of the Local Plan.

4.7 Other Issues Raised by Objectors

4.7.1 The majority of issue raised by objectors have been dealt within the main body of the officer report. However, the following issues have not and will be dealt with here

4.7.2 The owner of 251 Pye Green Road has stated that the red line boundary includes land within his ownership and that he would not allow encroachment. This matter has been raised by officer with the applicant who has clarified that they have reviewed their proposals against the boundaries of both the outline permission and the Title for the land acquired from St Modwen and they can confirm that their proposals are wholly within both of these boundaries and do not encroach onto any 3rd party land. Officer can also confirm that it is not for a local planning authority to adjudicate on matter of land ownership.

5.0 **Human Rights Act**

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

6.0 **Equality Act 2010**

6.1 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

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

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

7.0 **Conclusion**

7.1 The principle of up to 78 dwellings on this site, as well as the means of access, was determined to be acceptable on the granting of the outline planning permission. This current application is only for the determination of the reserved matters namely, the layout, appearance, scale and landscape of the proposal. Only considerations related to these reserved matters should be taken into account.

7.2 Issues in respect of the quantum of development, wider traffic issues, educations etc. were dealt with at the outline stage. Issues about the connectivity of the site to the Limes is subject to another planning application.

7.3 In respect to all matters of acknowledged interest the proposal, subject to the attached conditions, the proposal is considered, on balance, to be acceptable.

7.4 The proposal would deliver 20% affordable housing which is subject to the provisions set out in the section 106 agreement attached to the outline consent and is considered acceptable at this stage.

7.5 Impacts on the Cannock Chase SAC would be mitigated through top slicing the CIL contribution.

7.6 As such it is concluded that any adverse impact of granting planning permission would be significantly and demonstrably outweighed the benefits of the proposal, when assessed against the policies in the National Planning Policy Framework, taken as whole.

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

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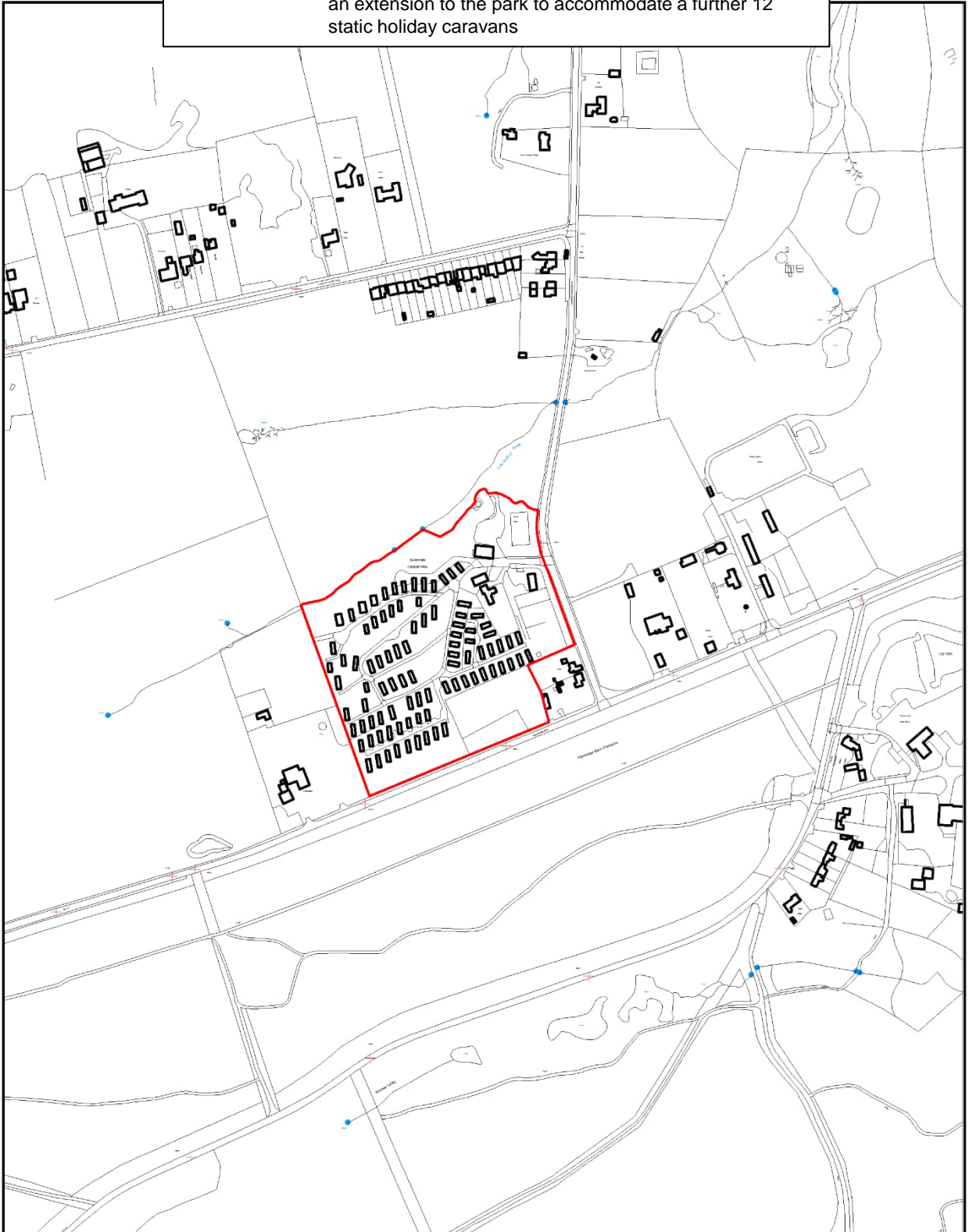


Application No: CH/22/0052

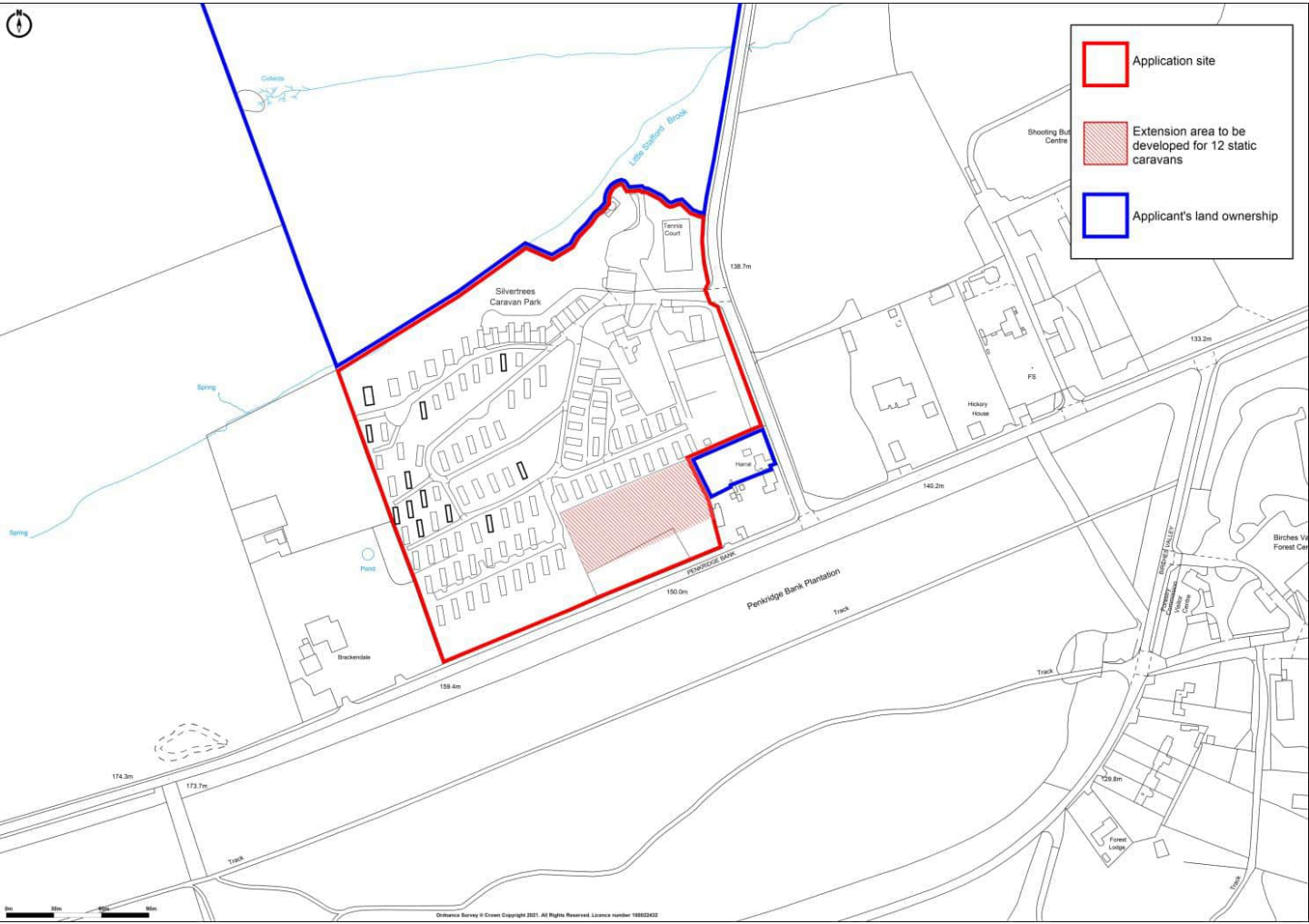
Location: Silver Trees Caravan And Chalet Park, Stafford Brook Road, Rugeley, WS15 2TX

Proposal: The re-layout of Silver Trees Holiday Park to accommodate 103 static caravans instead of 100 static caravans in lieu of 40 touring caravans (retrospective) and an extension to the park to accommodate a further 12 static holiday caravans

Item 6.113



Location Plan



Existing Site Plan



Proposed Site Plan

PLANTING SCHEDULE:

Tree Planting Mix:
Standard trees to be planted in a row to form canopy layer, with underplanting of remaining species

Species	Specification
Quercus robur (22%)	Girth 10-12cm, Height 300-350cm, RR
Sorbus aucuparia (10%)	40-50cm, BR, 1+1, Transplant
Acer campestre (22%)	Girth 10-12cm, Height 300-350cm, RD
Morus nigra (10%)	40-50cm, BR, 1+1, Transplant
Ilex aquifolium (15%)	2 litre pot, container grown
Crataegus monogyna (11%)	40-60cm, BR, 1+1, Transplant
Corylus avellana (10%)	40-60cm, BR, 1+1, Transplant



KEY

Site Boundary

Existing Landscape:

- Woodland/Tree Block
- Grass
- Hedge/row
- Single Trees
- Hardstanding
- Static caravan
- Loggia

Proposed Landscape:

- Access road with 1no. parking space per plot
- 13 x 40ft (4m x 12m) static caravans
- Tree planting (please see planting schedule for details)

Services:

- Connection to foul drainage and water supply
- Connection to electricity supply
- Electric Vehicle Charging Points

Plan of services (not to scale): All excavation to enable the installation of services within the trees/hedge/row areas to be hand dug to maximum depth of 500mm.



REVISIONS

No.	Description	Date	By	Checked
A	Initial design and plan	08/11/23	AKG	AKG
B	Final design and plan	08/12/23	AKG	AKG
C	Final design and plan	08/12/23	AKG	AKG
D	Final design and plan	08/12/23	AKG	AKG

This drawing is the property of land studio and the information is only to be used for the purposes of the project.

PLANNING
land studio
SILVER TREES HOLIDAY PARK
PROJECT
SILVER TREES HOLIDAY PARK
DRAWING TITLE
PROPOSED SITE PLAN

land studio
SCALE: @ A3 1:1000
DATE: 08/12/2023
DWT: 1374
DWG: BR

002
D

Contact Officer: Audrey Lewis

Telephone No: 01543 464528

Planning Control Committee

6 April 2022

Application No: CH/22/0052

Received: 10-Feb-2022

Location: Silver Trees Caravan And Chalet Park, Stafford Brook Road, Rugeley, WS15 2TX

Parish: Brindley Heath CP

Description: The re-layout of Silver Trees Holiday Park to accommodate 103 static caravans instead of 100 static caravans in lieu of 40 touring caravans (retrospective) and an extension to the park to accommodate a further 12 static holiday caravans -

Application Type: Full Planning Application

RECOMMENDATION:

Refuse for the following reason:-

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

The proposed development by virtue of its siting and design comprises inappropriate development, which would erode the openness of the Green Belt and the landscape qualities of Cannock Chase Area of Outstanding Natural Beauty and therefore would be contrary to paragraph 148 of the NPPF and Policy CP14 of the Local Plan.

The case that 'very special circumstances' exist asserted by the applicant on the basis of the economic and social benefits of the proposal is considered to attract only very limited weight.

As such it is concluded that the harm to the Green Belt and to the character of the area is not clearly outweighed by other considerations and that very special circumstances to justify approval of the application have not been demonstrated to exist. As such in accordance with paragraph 148 of the National planning Policy Framework the application is refused.

Reason(s) for Recommendation:

Reason for Refusal of Planning Permission

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

Notes to the Developer:

N/A

Consultations and Publicity**Internal Consultations**Development Plans and Policy Unit

The application site is located within the Cannock Chase Area of Outstanding Natural Beauty (AONB) and the Green Belt. It is adjacent to an SSSI (Site of Special Scientific Interest) and within close proximity to the Cannock Chase SAC (Special Area of Conservation).

The National Planning Policy Framework (P4) states that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise. There should be a presumption in favour of sustainable development, unless specific policies indicate that development should be restricted; this includes Areas of Outstanding Natural Beauty such as Cannock Chase, an SSSI and Green Belt (p6). In order to support a prosperous rural economy planning policies and decisions should enable the sustainable growth and expansion of all types of businesses (p23).

The NPPF (P50-51) sets out that great weight should be given to conserving and enhancing landscape in the A.O.N.B. Paragraph 177 notes the considerations that should be assessed when considering applications for development.. The NPPF (p43-44) states that inappropriate development is harmful to the Green Belt and should not be approved except in very special circumstances. Paragraphs 147-151 in the NPPF set out the purpose of the Green Belt and what types of development are not inappropriate within it.

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 Preferred Options having been undertaken, therefore limited weight can be afforded to it. The starting point for the determination of planning applications remains the adopted development plan (Local Plan (Part 1)).

The following Cannock Chase Local Plan – Local Plan (Part 1) 2014 policies are considered relevant to the application:

- Policy CP1 reflects the position in the NPPF by permitting sustainable development, unless material considerations indicate otherwise.
- Policy CP3 in the Local Plan requires high quality design and integration with the existing environment. The proposal should show how it forms appropriate development within the Green Belt to a design in keeping with its surroundings and preserve the landscape and character of the AONB. The Design SPD should be consulted for additional design guidance.
- Policy CP9 says that tourist accommodation and visitor facilities will be supported where they comply with national Green Belt policy and other Core Strategy (Local Plan) policies.
- Policy CP12 safeguards biodiversity and protected habitats from harmful development states that planning permission will be refused for developments resulting in adverse effects upon designated sites, even where the impacts are indirect.
- Policy CP13 says that development will not be permitted where it would directly or indirectly lead to an adverse effect on the integrity of the SAC.
- Policy CP14 states that the landscape character of the AONB and sense of place will be protected, development proposals must be sensitive to the landscape character and that their setting must not have an adverse impact on the location.

The development is close to the Cannock Chase SAC (Special Area of Conservation). Natural England and the Cannock Chase SAC Officer can provide further advice on these issues if required.

Conclusion

In terms of visual impact as the site is relatively well screened. However the extension of the park and additional static caravans will introduce fixed/permanent development within the site and materially larger caravans. The visual impact from within the AONB and any impact on the Green Belt will need to be considered when determining the application.

Environmental Health

Thank you for referring these plans for consideration. I have no adverse comments to make.

Ecological Officer

No response received.

Economic Development

No objection. The application is deemed as a modest increase of 12 static holiday caravans and tidies up previous applications.

Waste & Engineering

No comments received.

Landscaping Officer

No comments received

External Consultations

Cannock Chase AONB Unit

Thank you for consulting the AONB on the above application. I wish to make the following comments on behalf of the Cannock Chase Area of Outstanding Natural Beauty (AONB) Joint Committee. The status of the AONB in relation to the national legislation and guidance and the local planning and decision-making context is set out in the annexe.

CONDITIONAL OBJECTION

Proposed site and development

The Silver Trees Holiday Park lies within the AONB and in the Green Belt. The Holiday Park's southern boundary is alongside Penkrige Bank Road, a main route running east west through the AONB. The Holiday Park lies adjacent to the Cannock Chase SAC in the north. Views to the site are filtered by surrounding vegetation and views are limited, but there are views from Penkrige Bank Road. South of Penkrige Bank Road there is a network of well used paths and cycle tracks on Forestry England estate that have views towards the site.

The proposed extension area is to the south of the established Holiday Park in a field next to Penkrige Bank Road. Adjacent, to the west of the proposed extension, existing caravans are set back approximately 20 metres from the highway, and views towards these are mainly filtered by a buffer of vegetation approximately 10 metres wide consisting of established trees and a conifer hedge. There is a gap in the conifer hedge that allows some views into the Holiday Park.

Part of the application is retrospective to accommodate static caravans instead of touring.

The proposed extension area is bounded on the south side by hedgerow on the highway boundary. Currently the hedge is approximately 3 – 4 metres high and quite open in places. The site is at a slightly higher elevation than the road, and there appears to be some patchy gorse in the field, possibly associated with some heather. The proposal includes landscape mitigation, as submitted for Application CH/21/0055.

Some mature trees would be felled to access the site.

AONB Issues: The main issues for the AONB is:

- The impact of the proposed development on the landscape and scenic beauty of the AONB
- Loss of trees and woodland in the AONB

The AONB has no concerns regarding the part of the application that is retrospective.

Regarding the proposed extension, the proposal to set the caravans back from the road is welcomed, and the AONB had previously commented on an amended landscape mitigation plan associated with Application CH/21/0055, considering that this would be acceptable.

Overall, based on the application documents, I consider the proposals would not give rise to substantial unacceptable impacts on the landscape and natural beauty of the AONB. I am however concerned to note the response on the Authority's website from the Police for a requirement for CCTV for shared spaces and lighting to support CCTV. I request clarity on this requirement as whilst this might be able to be accommodated within the main site without detrimental effect on landscape, natural beauty and the tranquillity of the AONB, hence the conditional objection. Lighting within the extension area, if required, might be difficult to achieve sensitively and would give rise to concerns.

Advice to LPA

We recommend that planning permission is not granted on the following grounds. If you are minded to approve the application contrary to this advice, we request that you contact us again to allow further discussion.

Staffordshire County Council Flood Risk Management position

In the absence of an acceptable Flood Risk Assessment (FRA) and Drainage Strategy, we recommend that planning permission is not granted on this basis for the following reasons:

Infiltration Testing

As the primary means of surface water discharge from the proposed site is via infiltration to ground (soakaway), the LLFA requires that the applicant provides evidence of adequate and appropriate infiltration testing.

Please can the LLFA request that the applicant carries out infiltration testing at appropriate locations on the site, in accordance with BRE 365 best practice guidance.

The results of this testing should be submitted by the applicant for our review, with the derived infiltration rates calculated from the testing results clearly presented.

Topographical Survey

In order to fully evaluate and determine the relief, topography and changes in elevation on the proposed development site, please can the LLFA request that a topographical survey is carried out. The survey should then be presented for our review.

Impermeable Area Plan

Please can the LLFA request that a fully labelled and annotated impermeable area plan is submitted by the applicant. This will greatly assist the LLFA in reviewing the site drainage characteristics. All impermeable and permeable areas should be clearly annotated and labelled.

Detailed Drainage Plan

A more fully detailed drainage plan is required by the LLFA. Please can we request that the applicant provides a detailed drainage plan with all dimensions of drainage features- including volumes, as well as associated infiltration rates of corresponding soakaways- derived from location specific infiltration testing.

Management and Maintenance

In order to establish adequate provision for the management and maintenance of the site's drainage systems the LLFA requires specific detail as to the name of the party/(ies), and or body/(ies), responsible for the management and maintenance for the proposed development site for the entire duration of its lifespan. Evidence of the specific funding mechanism for this management, maintenance and upkeep is also required.

The above points may not necessarily be exhaustive. Once these points have been addressed by the applicant, we would welcome re-consultation for our further review.

Crime Prevention Officer

The proposal has been reviewed with particular reference to Police CPI's Secured by Design guidance and in accordance with the recognised principles of Crime Prevention Through Environmental Design.

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

- Under the heading Promoting Safe and Healthy Communities, Para 8 (92 b) of the NPPF states Planning policies and decisions should aim to achieve healthy, inclusive and safe places which are safe and accessible, so that crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion.
- Under the heading Achieving Well-Designed Places, Para 12 (130 f) of the NPPF 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.

- Under the heading Planning Should Address Crime Prevention, Design Para 10 of the NPPG states 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 reasonably can to prevent crime and disorder in accordance with Section 17 of the Crime and Disorder Act 1998;
- (Where these proposals require a Design And Access Statement to accompany the application) 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.

Whilst I understand that the owners live on site, and this potentially offers the best level of security anyone could ask for, as the site is expanding, I recommend that these proposals include a CCTV system covering communal areas and facilities and the vehicle and pedestrian access points. This system should be recorded in a secure location. I recommend that it be possible to limit the access to this site to legitimate users when it is not in use because of seasonal limitations etc.

1. Design Concerns.

1.1 C. C. T. V. (Recommended minimum guidance.)

I recommend that these proposals include a CCTV system covering communal areas and facilities and the vehicle and pedestrian access points. This system should be recorded in a secure location.

I recommend that it be possible to limit the access to this site to legitimate users when it is not in use because of seasonal limitations etc.

Secured By Design Commercial Development 2015.

Section 49. Closed circuit television (CCTV).

Section 49.1 (As part of a Security Plan and Security Management)

CCTV is not a universal solution to security problems. It can help deter vandalism or burglary and assist with the identification of offenders once a crime has been committed, but unless it is monitored continuously and appropriately recorded, CCTV will be of limited value in relation to the personal security of staff and visitors. That being said, the provision and effective use of CCTV fits well within the overall framework of security management and is most effective when it forms part of an overall security plan.

Section 49.2 (Operational Requirement document)

Developers of new commercial premises and managers of existing premises that are considering the use of CCTV must be very clear about the objectives they wish to meet and establish a policy for its use and operation before it is installed. It is important to seek independent advice before approaching an installer and to develop a comprehensive operational requirement for the system, which can be supplied to installers during the tendering process. An operational requirement will be used for the design, performance specification and functionality of the CCTV system. In effect, it is a statement of problems, not solutions and will highlight the areas that must be observed by the system and the times and description of activities giving cause for concern. A useful reference to help achieve this goal is the CCTV Operational Requirements Manual 2009 ISBN 978-1-84726-902-7 Published April 2009 by the Home Office Scientific Development Branch

Section 49.3

The CCTV system must have a recording capability, using a format that is acceptable to the local police. The recorded images must be of evidential quality if intended for prosecution. Normally this would require a full 'body shot' image of a suspect. It is recommended that fixed cameras are deployed at specific locations for the purpose of obtaining such identification shots. An operational requirement must take account of this fact and decisions made as to what locations around the building are suitable for obtaining this detail of image. The recording of vehicle licence plates may also be practical and useful.

Section 49.5 (Required Minimum Standard for installation)

CCTV systems must be installed to BS EN 50132-7: 2012+A1:2013 CCTV surveillance systems for use in security applications

Section 49.6 (Lighting must support the proposed CCTV system)

The design of a CCTV system should be co-ordinated with the existing or planned lighting system for the buildings and the external grounds, to ensure that the quality of the lighting is sufficient to support the CCTV.

Section 49.9 (CCTV Management and Operation Code of Practice and Best Practice in relation to use of data as evidence)

For guidance on the use of CCTV images as legal evidence see also BS 7958: 2009 Closed circuit television (CCTV). Management and operation. Code of practice. This document provides guidance and recommendations for the operation and management of CCTV within a controlled environment where data that may be offered as evidence is received, stored, reviewed or analysed. It assists owners of CCTV systems to follow best practices in gaining reliable information that may be used as evidence.

Section 49.10 (Installation standard for detector operated systems)

Remotely monitored detector activated CCTV systems must be installed in accordance with BS 8418: 2015 Installation and remote monitoring of detector operated CCTV systems - Code of practice

1.2 Lighting (Recommended minimum guidance.)

The proposed lighting layout should be aimed at removing opportunities for criminals to act unobserved during the hours of darkness. Particular attention should be paid to lighting vulnerable areas including pedestrian and vehicle site access points.

Secured By Design. Commercial (2015 V2).

Security Lighting. Section 39. External Lighting.

Section 39.2 In terms of security, the objective of lighting commercial units after dark is to deter or detect an intruder (See Section 2 paragraphs 48 for standards and values).

Section 39.3 Lighting design should be co-ordinated with a CCTV installation (when specified) and the landscape designed to avoid any conflicts and to ensure that the lighting is sufficient to support a CCTV system. Light fittings should be protected where vulnerable to vandalism.

39.4 A lighting scheme should provide uniformed lighting levels with good colour rendition and be sufficient to cater for lawful after dark activity around the industrial or warehouse unit and site. It should not cause glare or light pollution and should support both formal and informal surveillance of the site.

Section 39.5 External illumination when the building is unoccupied is recommended for entrance gates and routes to the main entrance and doors, car parks (if occupied by vehicles) and observable building elevations.

Section 39.6 In some circumstances, and especially where security guards are monitoring the building from outside, it may be useful to direct lighting at the building to aid intruder detection.

Section 39.7 The use of bollard lights may be useful for way finding, however bollard lights fail to properly model the facial features of

Staffordshire County Highway Authority Travel Management and Safety

Recommendation Summary: Conditional

Personal Injury Collisions; Current records show that there were no Personal Injury Collisions on Stafford

Brook Road or Penkridge Bank Road within 50 metres either side of the property accesses for the previous five years.

Background; Stafford Brook Road is an unclassified unlit 7m wide road. It has footway provision to the south only leading to Penkridge Bank Road. It lies approximately 2.4 miles south east of Rugeley Town Centre.

Comments on Information Submitted; The application is for the re-layout of the holiday park to accommodate 103 statics and 40 touring caravans and an extension to the park to include a further 12 static caravans. Given the existing use this will generate similar amounts of traffic therefore I have no objection on highway grounds to the proposal subject to condition to layout and sustainably drain the parking and access as shown on Drawing Number 002 D, prior to the first occupation of the caravans.

Severn Trent Water Ltd

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.

Natural England

No objections.

Parish Council

Members of the Planning Committee wish to forward the following observations:

Silver Trees is a long established and well-run caravan and chalet park. They have an awareness regarding the protection of wildlife and the surrounding landscape. The relationship between the site and residents has always been excellent. We feel the proposed siting of a further twelve static caravan plots in this well screened area of the park would have a minimal visual impact. No new access is required as the existing access to the site would be used.

The Parish Council has no objections to the plans and supports the development proposal.

Historic England

We suggest that you seek the views of your specialist conservation and archaeological advisers.

Wildlife Trust

No comments received.

Response to Publicity

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

Relevant Planning History

1. CH/11/85 Intensification of use of caravan site approved with conditions 1985
2. CH/00/0504 Variation of condition 2 on planning permission CH/11/85 to allow the siting of 140 caravans (comprising 100 static and 40 tourers). Full - Approval with conditions 05/09/2001
3. CH/96/0253 Amendment of condition 3 on planning permission CH/11/85 Full - Approval with conditions 08/07/1996
4. CH/96/0610 Amendment of condition 3 planning permission CH/96/0253 Full - Approval with 3 conditions 01/08/1997
5. CH/21/0055 The change of use of two areas within Silver Trees Holiday Park to accommodate static caravans in lieu of touring caravans (retrospective) and an extension to the park limits to accommodate a further 12 static holiday caravans. Full - Refusal on 18/08/2021 on the following grounds:

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

The proposed development by virtue of its siting and design comprises inappropriate development, which would erode the openness of the Green Belt and the landscape qualities of Cannock Chase Area of Outstanding Natural Beauty, and therefore contrary to Policy CP14 of the Local Plan.

Aldene, 7, Stafford Brook

CH/21/0260 Change of use of a portion of the garden area to utilise an existing static cara Full - Refusal on 22/09/2021 on the following grounds:

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

The proposed development by virtue of it's siting and design would fail to preserve the openness of the Green Belt and would, by reason of encroachment, conflict with the purposes of including land within it and hence constitutes inappropriate development. As such the proposal is harmful to the Green Belt and, in accordance with paragraph 148 of the NPPF, substantial weight should be afforded to that harm.

The harm to the character of the area would be limited and localised and therefore should likewise be given limited weight.

The case that 'very special circumstances' exist asserted by the applicant on the basis of the economic and social benefits of the proposal is considered to attract only very limited weight.

As such it is concluded that the harm to the Green Belt and to the character of the area is not clearly outweighed by other considerations and that very special circumstances to justify approval of the application have not been demonstrated to exist. As such in accordance with paragraph 148 of the National planning Policy Framework the application is refused.

1 Site and Surroundings

- 1.1 The application site is comprised of the Silver Trees Holiday Park, which is an area comprising 4.9 ha, containing 103 static caravans (in breach of planning permission CH/00/0504 that allows 100 static caravans). It lies within the Cannock Chase AONB and West Midlands Green Belt. The Holiday Park extends alongside Penkrige Bank Road, a main route running east west through the AONB. The Holiday Park lies adjacent to the Cannock Chase SAC in the north.
- 1.2 Existing caravans are set back approximately 20 metres from the highway, and views towards these are mainly filtered by a buffer of vegetation approximately 10 metres wide consisting of established trees and a conifer hedge.
- 1.3 There is a network of well used paths and cycle tracks on Forestry England estate that have views towards the site.
- 1.4 The application site is designated as an Area of Outstanding Natural Beauty and Green Belt. It lies within a Mineral Safeguarding Area, Coal Authority Low Risk Boundary. It is adjacent to a Site of Special Scientific Interest and subject to a Tree Preservation Order.

2 Proposal

- 2.1 The applicant is seeking consent for the change of use of two areas within Silver Trees Holiday Park to accommodate 103 static caravans instead of 100 static caravans and in lieu of touring caravans (retrospective) and an extension to the park boundary limits to accommodate a further 12 static holiday caravans (a total of 115 static caravans).
- 2.2 The extension element comprises an area of 0.6 ha. The Design and Access Statement says this has been driven by high demand for larger modern units which cannot be accommodated on the existing site due to the constrained pitch sizes.

- 2.3 The 12 caravans will sit in a linear layout, with the units slightly offset from one another. The larger static units will measure 11m x 3.8m x 3.3m and would be sited 0.6m above ground level. They would comprise a pitched pentile roof sheet design and clad sides, with UPVC windows and doors - which would vary in colour according to customer requirements.
- 2.4 There would be direct vehicular access to each caravan with one private parking space next to each caravan. The access road and parking spaces would be laid with a natural crushed stone top layer in line with the existing park.
- 2.5 The proposal description has been slightly amended, in order to clarify that it would not include tourer caravans.
- 2.6 The application is accompanied with:
- Tourism Need & Economic Statement
 - Planning, Design & Access Statement
 - Flood Risk Assessment & Drainage Strategy
 - Ecological Report
 - Arboricultural report
 - Visual Appraisal & Landscape Strategy
- 2.7 The application is also accompanied with Appendix No.3, which contains 6 letters of support from local groups and 3 No. individuals from the caravan park. In summary:
- Private owners voice support the requirement for more modern, comfortable and spacious static caravans/plots, with improved energy performance ratings.
 - Private owners commend the professionalism and running of the caravan park, by the owners (applicants) who also provide support to the caravan community.
 - Private owners state that the site is quiet and tranquil and previous changes have not disrupted the peace and quiet of residents, or wildlife.
 - The park has been a long-time winner of the David Bellamy Conservation Scheme Gold Award. The scheme's team have undertaken regular visits to the park and found it to be well maintained, well managed and developed to attract local wildlife. With the launch of the new David Bellamy Pledge for Nature, the park has also; committed itself to improving its existing habitats for wildlife; creating new habitats; managing the greenspace in as environmentally friendly way possible; involving guests and staff in wildlife conservation and engaging with local conservation bodies and projects.
 - The site provides not only a wonderful setting for holidays, but also to educate and inform the public about the local wildlife and natural world.
 - The proposals would utilise grassland and make improvements to landscaping and provide new habitat projects to encourage birds such as Redstarts, Lesser Spotted Woodpecker, Flycatchers, Little Owl and Hawfinch.

- 2.8 Of particular note is the applicant's Tourism Need & Economic Statement which, in large part underpins the applicant's assertion that very special circumstances exist to justify approval of the application. The highlights of the reports include the following: -

The 'Staffordshire Hotel and Visitor Accommodation Development Strategy' concludes that there is potential for the support and development of existing hotels & visitor accommodation businesses in terms of:

Up-grading to meet ever rising market expectations, attract new markets, improve trading performance and extend the season;

Expansion to meet peak period demand currently being turned away;

The development of additional facilities such as spas, leisure and functions space, or alternative accommodation units, to provide additional income streams, attract new markets, extend the season, and attract off-peak demand.

The Holiday Park Industry

The UK holiday park and campsite sector makes a substantial contribution to the UK tourism economy, generating £9.3bn in visitor expenditure, equivalent to £5.3bn GVA and supporting 171,448 FTE jobs.

The UK holiday park and campsite sector accounted for 8% of the tourism sector's GVA.

Visitors to UK holiday parks and campsites stayed up to 74% longer and spent up to 60% more than the national tourism average. (UKCCA, 2019)

England's holiday park and campsite sector makes a substantial contribution to England's tourism economy, generating £6.81bn in visitor expenditure, equivalent to £3.88bn GVA and supporting 126,098 jobs.

The English holiday park and campsite sector accounted for 5% of the tourism sector's GVA.

Visitors to English holiday parks and campsites stayed up to 73% longer and spent up to 59% more than the national tourism average. (UKCCA, 2019)

Silver Trees Holiday Park and the Proposed Development

The vast majority of caravans on site are privately owned, with a fleet of 13 caravans retained by the park for letting purposes. The park operates on an approved holiday season of 1 March in any one year to 15 January of the following year.

The park is currently laid out for 103 static caravan pitches. Due to the popularity of the static caravans, the applicant made the decision in 2003 to cease operating the permitted touring aspect of the park and focus on the static caravan side of the business.

The current layout of the site for the 105 pitches (5 of these unused) has now encompassed the original touring caravan area and the applicant seeks to regularise this layout via the submitted planning application.

The reason for the touring area having been incorporated into the static caravan development is due to the increasing size of modern static caravans, in large driven by consumer demand as highlighted at paragraph 3.4 of this Statement. The original, permitted layout of the park allowed for static caravans at a size of 35x12 feet (or in some cases 28x12 feet), as was the standard size at the time of approval in 2001.

Modern static caravans, however, are typically around 40x13 feet or larger in size. This increasing size of modern static caravans has meant that some of the original static pitches on the existing site are now too small to accommodate the newer, larger caravans.

The Caravan Site Licence also prescribes minimum spacing requirements between pitches, again meaning fewer larger units can be accommodated in the approved locations whilst still maintaining the required spacing. As a result it has been necessary for the static caravan development to spread out over a wider area of the park.

Having already utilised the 'vacant' touring pitch area within the existing park to accommodate the static caravans, the existing park is constrained in its development potential to accommodate larger plots that cater to modern demand. To provide larger pitches within the existing boundaries of the park would require a full re-layout, which would be costly for the applicant, and disruptive to current caravan owners.

Though there are small areas of green space within the park, these constitute valuable amenity spaces within the park layout, and indeed provide important habitat for the resident herd of deer on site; a unique feature of this park. To develop within these areas would result in a very high density of development which would be contradictory to the ethos of the business to create a quiet, peaceful site that exists alongside, instead of dominating, its natural surroundings. To intensify the existing level of development on site would be detrimental to the unique selling point of Silver Trees Holiday Park.

As a result of this situation within the existing park, the applicant seeks to expand the approved boundaries of the site into a small paddock adjacent to the park to allow for the siting of twelve 40x13 feet static caravans that otherwise could not be accommodated on the main site

Site-Specific Need

Since purchasing the park, the applicant has aimed to improve the standard of facilities on site to create a high quality destination, and as a result the park has been awarded 5-star status by Visit England for many years.

As a result of the site's location, its high standard of accommodation and facilities, and the fact that there are no comparable alternative sites for static caravan accommodation in the locality, Silver Trees Caravan Park experiences very high demand for pitches. At present, all of the 87 privately-owned static caravan units on the park are occupied as holiday homes, with the 13 remaining fleet hire caravans experiencing strong demand. This demand is demonstrated by the park's trading history below:

Static caravan sales – Silver Trees

<u>Year</u>	<u>Number</u>
2021	22
2020	9
2019	19
2018	24
2017	15

Whilst 2020 was restricted as a trading year due to the period of time the country spent in lockdown, the remaining data demonstrates the clear demand in place for accommodation at the park, particularly so during 2021. On top of the above sales, the applicant also took 13 enquiries regarding potential caravan sales during 2021, however due to lack of vacant pitches, these enquiries could not be converted to sales.

Static caravan sales provide crucial revenue to holiday parks which allows them to invest in their facilities on site; this being especially important for parks which need to maintain 5 star ratings. The extension to the site to allow for 12 pitches to be created will contribute significantly to the park's income in this respect, both in the short term, through an injection of capital into the business, and in the long term, through income generated by annual pitch fees. This additional revenue will be re-invested into the wider park, including on essential maintenance and upkeep of drainage systems, services, facilities and landscaping. In addition, the park has its own Nature Reserve (designated as a Site of Special Scientific Interest) to the north, which is solely maintained and managed by the park through their own funding and contributes significantly to the biodiversity and ecological value of Cannock Chase. This further demonstrates the wide-reaching positive impacts that Silver Trees Holiday Park has for the local area.

Economic Analysis

Contribution to the Economy

This section provides an overview of the economic benefits which could be generated from the proposals at Silver Trees Holiday Park. We have extensively researched various reports and figures on holiday parks, such as this, and calculate that the visitor spend into the local economy from the 12 additional static caravans, should this application be approved, will be in the region of £151,716 per annum. This is on top of the £1,302,229 that Silver Trees Holiday Park already contributes to the economy each year.

The figure of £1,302,229 per annum is very much a conservative estimate and is based upon the methodology from the UKCCA Economic Impact of Holiday Parks 2019. The UKCCA 2019 report is considered to be the leading source of information in calculating the off-site spend from holiday caravan visitors. It provides robust data on the contribution holiday and camping parks make to the UK economy and this is broken down into individual accommodation types.

According to this report, owned holiday accommodation creates a visitor spend of £92 per group per day through on-site and off-site expenditure in England (UKCCA, 2019). The average stay per holiday group is 5.2 nights with an average spend per stay of £482. Silver Trees Holiday Park currently operates on a holiday season of 10.5 months from 1 March in any one year to 15 January the following year. This is a period of 320 days in each year when the caravans at Silver Trees can be occupied; thereby creating income into the local economy.

Using the data provided within the report and basing this upon a (conservative) average annual occupancy level of 40% across the holiday season, Silver Trees, as currently developed to 103 static caravans, creates an estimated total of £1,212,928 per annum in terms of direct tourism spend into the local economy (based on a calculation of 128 nights occupancy per year per caravan, multiplied by £92 spend per night's stay). This calculates to £11,776 per caravan per annum.

In addition to this figure is the maintenance and upkeep costs associated with the park that are borne by the park operator (i.e. using park employees and local tradesmen as part of this process) which calculate to £867 per caravan per year (UKCCA, 2019). This results in a total of £1,302,229 in direct financial contribution created by Silver Trees Holiday Park each and every year, as presently developed ((£867 x 103 pitches = £89,301) + £1,212,928). This calculates to a total contribution of £12,643 per developed static caravan pitch per annum.

The figure of £1,302,229 is a conservative estimate in terms of the annual financial contribution from Silver Trees Holiday Park into the local area as this

is solely the direct (on- and off-site) financial spend contribution that visitors to the holiday park make. This figure does not include the indirect economic contribution provided by the operation of the park. This indirect economic contribution has been reflected to a certain extent in the £867 maintenance costs detailed above, but this is not the full position with regard to the indirect economic contribution.

The indirect economic contribution to the wider area also includes, for example, wages paid to staff, employees and contractors associated with Silver Trees which are paid to individuals or businesses, and then re-distributed into the wider economy through general household expenditure, goods and services.

Turning to the proposed development to increase the number of units to 115, and on the basis that the park retains its current holiday season of 10.5 months from 1 March in any one year to 15 January the following year, this again allows for 320 days per annum where Silver Trees is creating direct visitor spend into the local economy.

Again, using the same data within the report and basing this upon a conservative average occupancy level of 40% across the holiday season (which equates to 128 nights occupancy per year per caravan), multiplied by £92 spend per night, Silver Trees Holiday Park, developed to a revised total of 115 holiday caravans will create an estimated total of £1,318,912 per annum in terms of direct tourism spend into the local economy (based on £11,776 per caravan per annum).

The total direct economic contribution of the full 115 static caravans, should this application be approved, would amount to £1,453,945 per annum.

The extension of Silver Trees Holiday Park for 12 static caravans will therefore provide a significant contribution to the local economy of £151,716 per annum in solely visitor spend.

With regards to employment, Research published by VisitBritain in 2013 states that every £54,000 spent by tourists in the local economy sustains 1 FTE job in the UK. Tourism is one of the biggest industries in Britain, with rural businesses being major employers in areas where there is often little alternative employment.

In this particular scenario, Silver Trees Holiday Park is a family-owned and operated business with all family members involved in the day-to-day operation. At present, the park supports jobs for 4 full-time partners of the business within the family.

The family are now in a position where younger members of the family are learning the ropes, with a view of taking over the business in the future. The expansion of the park for the proposed 12 static caravans will contribute to the long term sustainability and security of the family business.

In addition, the business supports jobs in the local area, for example the park support 2 contractors who deal with maintenance, upkeep and gardening on the park, 4 (contracted) cleaning staff to clean the rental units, and annual tree surgeon services to ensure safety on site.

The park therefore makes a clear and significant contribution to the economy and jobs market in the local area.

2.9 The Applicant's Tourism Need & Economic Statement concludes that: -

The UK holiday park and campsite sector makes a substantial contribution to the UK tourism economy, generating £9.3bn in visitor expenditure, equivalent to £5.3bn GVA and supporting 171,448 FTE jobs.

Visitors to English holiday parks and campsites stayed up to 73% longer and spent up to 59% more than the national tourism average.

There is a demonstrable need for additional holiday accommodation in Staffordshire, particularly where it extends the tourism season and improves the quality of the visitor accommodation offering.

The extension of Silver Trees Holiday Park is vital in order for the park to be able to provide larger caravan units to meet modern consumer demand.

The proposals will result in an additional £151,716 into the local economy per annum.

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
CP2 -	Developer contributions for Infrastructure
CP3 -	Chase Shaping-Design
CP5: -	Social Inclusion and Healthy Living
CP9 -	Balanced Economy
CP12 -	Biodiversity and Geodiversity
CP13 -	Cannock Chase Special Area of Conservation (SAC)

- CP14 - Landscape Character and Cannock Chase Area of outstanding Natural Beauty
- CP16 - Climate Change and Sustainable Resource Use

3.3 National Planning Policy Framework

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

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

3.6 Relevant paragraphs within the NPPF include paragraphs: -

- | | |
|-------------|--|
| 8: | Three dimensions of Sustainable Development |
| 11-14: | The Presumption in favour of Sustainable Development |
| 47-50: | Determining Applications |
| 111: - | Highway safety and capacity |
| 84(c): - | Sustainable rural tourism and leisure developments |
| 126-136: | Achieving Well-Designed Places |
| 147-151: - | Green Belt |
| 174-178: - | Areas of Outstanding Natural Beauty |
| 179 -182: - | Biodiversity |

3.7 Other relevant documents include: -

Design Supplementary Planning Document, April 2016.

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

Manual for Streets.

The AONB Management Plan 2019-2024

4 **Determining Issues**

4.1 The determining issues for the proposed development include: -

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

- iv) Impact on highway safety
- v) Impact on nature conservation interests
- vi) Drainage and flood Risk
- vii) Contribution to the Tourist Economy

4.2 Principle of the Development

4.2.1 The proposed development is located within land designated as an Area of Outstanding Natural Beauty and Green Belt, wherein the case of the latter, there is a presumption against inappropriate development, which should only be approved in 'very special circumstances'. Paragraph 147 of the NPPF states that the Government attaches great importance to Green Belts, adding that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open. As such the essential characteristics of Green Belts are their openness and permanence.

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

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

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

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

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

4.2.4 Whether a proposal constitutes inappropriate development is set out in Paragraphs 149 & 150 of the NPPF. Paragraph 149 relates to new buildings (which is not relevant in this case) whereas Paragraph 150 relates to other forms of development, including the making of material changes of use of land.

4.2.5 The proposals for the siting of caravans constitute the making of a material change in the use of land. As such the proposal engages paragraph 150 of the NPPF which states: -

'Certain other forms of development are also not inappropriate in the Green Belt provided they preserve its openness and do not conflict with

the purposes of including land within it. These are [amongst other things]:

- e) material changes in the use of land (such as changes of use for outdoor sport or recreation, or for cemeteries and burial grounds);'

4.2.6 With regards to the above it is noted that the application is in two parts namely

- (i) the change of use of two areas within Silver Trees Holiday Park to accommodate static caravans in lieu of touring caravans (retrospective) and
- (ii) an extension to the park boundary limits to accommodate a further 12 static holiday caravans

4.2.7 In order to not constitute inappropriate development each part must demonstrate that it would preserve the openness of the Green Belt and not conflict with the purposes of including land within.

4.2.8 The purposes of including land within the Green Belt are set out in paragraph 138 of the NPPF, which states: -

'Green Belt serves five purposes:

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

4.2.9 In this respect, it is noted that the extension of the caravan park to accommodate 12 statics (the equivalent of at-least 12 modest sized bungalows) onto an undeveloped open paddock would significantly reduce the openness of that paddock and therefore of this Green Belt location and the extension of the park would result in encroachment of built form into the countryside. As such it is concluded that the proposal would fail to preserve the openness of the Green Belt and conflict with the purposes of including land within it.

4.2.10 The site benefits from planning permission for the siting of 100 static caravans and 40 touring caravans under planning permission CH/00/0504 dated 5 September 2001. The proposal seeks to amend this to regularise the existing situation whereby 103 static caravans and no tourers are sited within the camp.

This would in effect reduce the total number of caravans within the confines of the current site by 35 tourer units.

- 4.2.11 Notwithstanding the above, the impact of the reduction in numbers of tourers would be off-set by the increase in the number of statics (3 units) on the current site which are larger than the tourers and the additional 12 statics that would be accommodated on the adjoining paddock, that is a total increase of 15 statics spread across a wider area).
- 4.2.12 The applicant has stated that each static caravan would measure 11.2m by 3.8 by 3.3m high and therefore have a volume of 140m³, meaning that the proposed 15 statics would have a combined volume of 2100m³.
- 4.2.13 Under UK law the maximum width for a trailer is 2.5 and many touring caravans are between 2.2 to 2.3m wide. Furthermore, there is a maximum length of 7 metres for a trailer towed by a vehicle weighing up to 3,500 kilograms. Given that tourers will have a similar height to statics one would expect that the maximum volume of tourer caravan would be 2.3m by 7m by 3.3m high, that is 53m³. Therefore, the maximum combined volume of 35 tourers can reasonably assumed to be 1860m³.
- 4.2.14 It is quite clear that the proposal would result in an increase in volume of 240m³ (2100m³-1860m³). Furthermore, this additional volume would be spread out over an additional 0.6 ha of open, undeveloped paddock. As such it can only be reasonably concluded that the proposal will have some harm to the openness of the Green Belt, albeit that harm may be limited. However, even limited harm is sufficient to mean that a proposal will fail to preserve the openness of the Green Belt.
- 4.2.15 In respect to the issue of conflicts with the purposes of including land in the Green Belt the most relevant purpose in respect to this application is to 'assist in safeguarding the countryside from encroachment'. The siting of 12 static caravans with a combined volume (140m³ x 12) 1680m³ on an area of 0.6ha of undeveloped paddock land can only reasonably be concluded to constitute an encroachment into the countryside.
- 4.2.16 As such it is concluded that the proposal would fail to preserve the openness of the Green Belt and that it would conflict with the purposes of including land within the Green Belt. Therefore, it is also concluded that the proposal must constitute inappropriate development in the Green Belt and a departure from the development plan.

4.2.17 Paragraph 147 of the NPPF states that ‘Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances’. Furthermore, paragraph 148 goes on to make it clear that ‘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 resulting from the proposal, is clearly outweighed by other considerations’.

4.2.18 In accordance with paragraph 148 it is considered that substantial weight should be afforded to the harm to the Green Belt. The next part of this report will go to consider the impacts of the proposal on acknowledged interests to determine whether there are any other harms that should be added to the harm to the Green Belt. It will then move on to outline the case made by the applicant that there are other considerations which in their opinion clearly outweigh the harm to the Green Belt, an officer assessment of the those considerations and finally a weighing exercise to determine whether very special circumstances exist.

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

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

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

4.3.2 Relevant policies within the NPPF in respect to design and achieving well-designed places include paragraphs 127, 130, 131 and 133. Paragraph 127 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 130 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 134 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 AONB officer has raised a conditional objection to the amendments recommended by the Architectural Liaison Officer, for shared spaces to include additional lighting to support CCTV. This requirement might be able to be accommodated within the main site without detrimental effect on landscape and the AONB. However, lighting within the extension area, might be difficult to achieve sensitively and would give rise to concerns without further clarification and details. The applicant's agent has confirmed that no CCTV/lighting would be installed within the extension area and the AONB comments will be provided prior to the Committee meeting relating to this issue.

4.3.6 However, the change of use land extension relates well to the rest of the site being sited between the existing site and existing dwellings fronting the road. The static caravans and hardstanding would be sensitively sited, so as not to appear visually prominent within the streetscene, or from wider views.

4.3.7 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 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 and AONB.

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 130(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 No neighbour objections have been received to the proposal.
- 4.4.4 A facing distance of at least 40m would be preserved between the nearest caravans and the existing surrounding dwellings.
- 4.4.5 Given the above it is considered that subject to the attached conditions, a high standard of residential amenity would be achieved for all existing neighbouring properties and the proposal is considered in accordance with Policy CP3 and paragraph 130(f) of the NPPF.
- 4.5 Impact on Highway Safety
- 4.5.1 Paragraph 111 of NPPF states that development should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.
- 4.5.2 The County Highways Authority has raised no objections to the proposal. The access into the site would remain the same and dedicated parking provision for each static caravan would be provided.
- 4.5.3 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 111 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 179-182 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 179 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 180 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 In order to inform the application the applicant has submitted a Preliminary Ecological Assessment. This concludes: -

Statutory and non-statutory sites

It is unlikely for the development to have a significant adverse effect on the statutory or non-statutory sites that lie within 2km, as the development site is not linked physically or hydrologically to have an indirect effect.

Habitats

The construction of the access road in the northwest corner of the site will result in the loss of six semi-mature trees from the broad-leaved plantation. Five of the trees are beech, which are not a locally native species and due to their small size are considered not to be of significant conservation value.

The static caravans are to be located on approximately 0.27ha of species-poor semi-improved grassland. The habitat has a low conservation value due to a lack of herb and grass species and regularly mowing has resulted in a uniform structure.

Great crested newts

Due to the lack of water bodies within 250m of the site, and the regularly mown grassland on much of the site, it is considered that disturbance to this species by development works is considered to be very low.

Bats

It is not proposed to remove any mature trees within the site boundary that might have potential roost features for bats. Proposed works will involve the removal of approximately six semi-mature trees from the plantation on the western side of the site to allow access, but due to the lack of potential roost features in these trees, disturbance to roosting bats is considered negligible.

Birds

Clearance of some six semi-mature trees and vegetation will be required during development works which potentially could cause disturbance to nesting birds. Clearance works should be ideally conducted outside the main bird nesting season (March – August inclusive). If works are carried out during the nesting season then a suitably qualified ecologist should make a check for nesting birds immediately before works commence. 4.3.4 Reptiles The unmanaged fenced off area along the southern side of the site offers greatest potential for supporting reptile species. It is not proposed to locate caravans in this area and instead the site will be managed as a wildlife habitat as mitigation/ enhancement for the tree felling required to access the site.'

- 4.6.6 Officers note that habitats present on the extension site are broadleaved plantation, hedgerow, semi improved acid grassland and species poor semi improved grassland. The construction of the access road in the north west corner of within the site would result in the loss of 6 No. semi mature trees from the broad leaved plantation (5 of which comprise small sized Beech species).
- 4.6.7 Species present within 2 km of the extension site are great crested newts, bats, badgers, woodland and hedgerow birds and reptiles. The Ecology report considers that there will be 'negligible' to 'very low' impact on these species as a result of the proposed development. Tree felling would take place outside of nesting season to avoid disturbance to birds. Due to the lack of potential root features on the trees to be felled, the impact on bats is considered to be negligible.
- 4.6.8 No objections were received from the Council's Ecology Officer on the previous application. The application site does not support any rare or protected habitats or species given special protection. It is recommended to impose conditions for clearance of site to be undertaken in accordance with the Ecology Report and shall take place outside of bird breeding season.
- 4.6.9 Subject to the imposition of suitable conditions, it is therefore considered that the proposal would not have a significant adverse impact upon ecological interests.

Impact on Cannock Chase SAC

- 4.6.10 Under Policy CP13 development will not be permitted where it would be likely to lead directly or indirectly to an adverse effect upon the integrity of the European Site network and the effects cannot be mitigated. Given the proposed number of caravans would be below the total number already permitted on the site the proposal would not lead to an increase in visitors to

the SAC and as such there is not likely to be an adverse impact on the DASAC by visitor pressure.

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 159 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 169 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 Staffordshire Water and Severn Trent have no objections. However, the LLFA (SUDS) have objected subject to further information to include a suitable Flood Risk Assessment & Drainage Strategy, infiltration tests on soak aways and a topographical survey being undertaken, then require re-consultation following receipt of further information.

4.7.5 The agent has requested this can be treated in the same way as CH/21/0055, where it was agreed with the LLFA these aspects could be subject to conditions, if the application is approved due to the cost implications to the applicant. This has been queried with the LLFA and the Local Authority await their response. An officer update will be provided prior to Committee. If this approach is agreed, 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 Contribution to the Tourist Economy

4.8.1 Policy CP9 supports a balanced economy within the District. It states the proposals which contribute positively to the visitor economy (including tourist accommodation, visitor and recreational facilities) will be supported provided that they comply with national Green Belt policy and other Local Plan policies.

4.8.2 Furthermore, paragraph 84(c) of the NPPF states that planning decisions should enable sustainable rural tourism and leisure developments which respect the character of the countryside.

In this respect it is noted:

- The additional business is likely to create a number of new jobs within the area.
- With the Cannock Chase hosting the 2022 Common Wealth Games Mountain Biking events – Increased accommodation will be utilised.

4.8.3 As such the proposal has some potential for generating positive benefits to the local tourism economy in accordance with Local Plan and NPPF requirements.

4.9 The Applicant's Case that Very Special Circumstances Exist

4.9.1 In support of the application the applicant has submitted a Planning Statement within which are outlined the considerations that the applicant believes outweighs the harm to the Green Belt and any other harm such that 'very special circumstances' exist to warrant approval of the application. These are summarised as: -

1. Site Characteristics
2. Scale of Development
3. Impact of Development
4. Sustainability, rural economy and tourism demand

Taking each consideration in turn: -

Site Characteristics

4.9.2 The agent's submission appears to be arguing that as the site is 'exceptionally well screened' and is enclosed by Penkridge Bank Road that it lends itself to be 'incorporated into the existing holiday park'. Furthermore, the agent argues that the site 'does not contribute significantly to the purposes of including land within the green belt. It is therefore not considered to demonstrate true and unconstrained 'openness' in order to contribute significantly to this specific green belt quality'.

Scale of Development:

4.9.3 The agents argues that

'The proposed development is small-scale and involves an extension to Silver Trees Holiday Park to accommodate 12 static holiday caravans'.

‘The existing caravan park is developed to accommodate 103 static caravans with the touring caravan element having ceased, which is also sought to be regularised as part of this planning application’.

‘The total number of static caravans that will be accommodated at Silver Trees Caravan Park should this planning application be approved will be 115. This must be compared with the approved number of 140 mixed static and touring pitches permitted under planning permission CH/00/0504. Although touring and static caravans differ slightly as forms of accommodation, both types were permitted under CH/00/0504 to remain on site for the full 12 months of the year, with no requirement to remove the touring caravans whilst not occupied. In this respect their ‘permanence’ could be considered equal.

Impact of the Proposal

4.9.4 The agent asserts that : -

‘The visual impact of the extension land will be very limited, even without the proposed landscape planting. Views are restricted from all directions as demonstrated within the Visual Appraisal and Landscape Strategy report.’

Sustainability, Rural Economy and Tourism Demand

4.9.5 The applicant’s Tourism Need & Economic Statement summarises the economic factors which support the application as follows: -

- The UK holiday park and campsite sector makes a substantial contribution to the UK tourism economy, generating £9.3bn in visitor expenditure, equivalent to £5.3bn GVA and supporting 171,448 FTE jobs.
- Visitors to English holiday parks and campsites stayed up to 73% longer and spent up to 59% more than the national tourism average.
- There is a demonstrable need for additional holiday accommodation in Staffordshire, particularly where it extends the tourism season and improves the quality of the visitor accommodation offering.
- The extension of Silver Trees Holiday Park is vital in order for the park to be able to provide larger caravan units to meet modern consumer demand.
- The proposals will result in an additional £151,716 into the local economy per annum.

4.10 Officer’s Assessment of the Applicant’s Case

Site Characteristics

- 4.10.1 The applicant's submission argues that as the site is "exceptionally well screened" and is enclosed by Penkridge Bank Road that it lends itself to be" incorporated into the existing holiday park". Furthermore, the agent argues that the site "does not contribute significantly to the purposes of including land within the green belt and that it does not demonstrate true and unconstrained 'openness' in order to contribute significantly to this specific green belt quality.
- 4.10.2 Officers would point out that openness in terms of Green Belt means the absence of built form. In this respect it is noted that the area to be extended into is an open paddock, free from built form. It may be abutted to by the existing caravan park along its northern boundary, however the caravans within the park to the west only come down one third of the western boundary and the dwellings to the east are set well away from the boundary and near to Stafford Brook Road. To the south across Penkridge Bank Road is open countryside dominated by the wooded landscape of the Chase. As such it is officers' opinion that the site does have the key characteristic of the Green Belt, that is of being permanently open.
- 4.10.3 The fact that the proposal to extend the site into the paddock, constitutes inappropriate development, (a circumstance that the applicant's agent concedes), demonstrates that the paddock has the essential attributes of Green Belt of being open and contributes to the purposes of including land within it; because in order to constitute inappropriate development the proposal must fail to preserve the openness of Green and conflict with the purposes of including land within it (in this case to prevent encroachment).
- 4.10.4 It should also be noted that harm to the openness of the Green Belt can exist irrespective of whether, or not, a site is observable from the public realm, or whether it is well screened. Large parts of the Green Belt benefits from screening, an excellent example of which is the wooded part of the Chase itself, yet it still contributes to the purposes of the Green Belt.
- 4.10.5 As such it is considered that this part of applicant's argument has very little merit and should consequently be given no weight.

Scale of Development

- 4.10.6 The applicant argues that the proposed extension of Silver Trees Holiday Park to accommodate 12 static holiday caravans is 'small scale'. Officers would point out that it is questionable as to whether a proposal of this nature and size this could be described as 'small scale'. Officers would also point out that static caravans are the size of modest bungalows and 12 bungalows would not be considered a small-scale development. Furthermore, officers note that if the proposal was for bricks and mortar houses it would be considered a major planning application.

- 4.10.7 In addition to the above officers would point that the assertion that the proposed extension is small scale does not of itself lend any weight in favour of a proposal. At best it may indicate that harm to openness, or to the character of the area or by reason of encroachment would be limited. However, harm to the Green Belt would still exist and in accordance with the NPPF substantial weight should be afforded to that harm. As such the 'small-scale' of the proposal cannot be a factor that lends weight in support of the proposal.
- 4.10.8 As to the applicant's assertion the total number of static caravans that will be accommodated at Silver Trees Caravan Park should this planning application be approved will be 115; far below the approved number of 140 mixed static and touring pitches permitted under planning permission, it has already been demonstrated that any potential benefit to openness by the reduction in numbers of caravans would at best be counterbalanced and at worse be outweighed by the overall increase in built form by the accommodation of larger statics and the fact that they would be distributed across a wider area than the existing park.
- 4.10.9 Having had regard to the above officers conclude that there is little merit in this part of the applicant's argument and that no weight should be attributed to it.

Impact of the Proposal

- 4.10.10 As to the applicant's assertion that the 'visual impact of the extension land will be very limited, even without the proposed landscape planting and that views are restricted from all directions as demonstrated within the Visual Appraisal and Landscape Strategy report' Officers would point out that although this may be so, such a factor only means that there is no harm to the character of the area to add to the harm to the Green Belt by reason of inappropriateness.

Sustainability, Rural Economy and Tourism Demand

- 4.10.11 The applicant asserts that 'In economic terms, the extension to the site to allow for 12 further pitches to be created will contribute to the economic sustainability of Silver Trees Holiday Park as a rural tourism business, in a way that respects the setting in which it is located. This is supported by paragraphs 84-85 of the NPPF and is a material consideration in determining this planning application. On top of this, the expansion of this park will have positive financial impacts on the local economy both directly and indirectly.'
- 4.10.12 Officers would point that although the NPPF and the Local Plan offer support to rural tourism that support has to be taken in the wider context of policy, including the presumption in favour of sustainable development and the presumption against inappropriate development in the Green Belt. However,

any additional tourism units have the potential to contribute to the local economy and the economic profitability of a caravan park business.

- 4.10.13 Officers do not dispute the assertion that, as a whole, the UK holiday park and campsite sector makes a substantial contribution to the UK tourism economy, generating £9.3bn in visitor expenditure, equivalent to £5.3bn GVA and supporting 171,448 FTE jobs. Nor do officers dispute that the proposal would add an additional £151,716 into the local economy per annum. However, this has to be put into context in order to attribute weight to this economic benefit. In this case it is noted that Cannock Chase's total Gross Value Added (GVA) amounted to £2057m (figures in rounded millions) in 2018. Gross Value Added is the value of goods and services produced by an industry, sector, manufacturer, area or region in an economy. It is the total value of output produced, without including the intermediary costs that went into producing them. It is a critical value used to calculate the GDP of the economy. It is also the source from which the first incomes of the System National Accounts (SNA) are counted as primary incomes for the manufacturer. Therefore, the £151,716 that the applicant asserts would be put into the local economy per annum would represent ($\frac{£151,716}{£2957,000,000} \times 100$) 0.0074% of the District's Gross Value Added per annum. As such, although any positive contribution to the economy is welcome the contribution can only be considered to be at best modest and therefore only limited weight can be attached to it
- 4.10.14 As to the applicant's assertion that there is 'a demonstrable need for additional holiday accommodation in Staffordshire, particularly where it extends the tourism season and improves the quality of the visitor accommodation offering' this again is accepted by officers. However, Staffordshire is a large rural county and much of its rural areas are not subject to restrictive designation such as Green Belt, AONB or National Park status. As such there is no imperative that the need for holiday accommodation has to be situated within the Green Belt.
- 4.10.15 As to the applicant's assertion that the extension of Silver Trees Holiday Park is vital in order for the park to be able to provide larger caravan units is disputed. The applicant had already taken the decision to replace mobile caravans with 3 larger statics some time before the paddock became available. Furthermore, no evidence has been produced in the form of indicative drawings that a certain quantum (not necessarily all 12 proposed statics) of larger statics could be accommodated on the site to provide the customers with a choice of caravan sizes. By the applicant's own admission there is considerable demand for caravans at the park and it is clear that the size of caravan currently available at the park is not deterring potential customers. Nor as the applicant provided any evidence that the site is currently unviable with the current level of caravans at the park.
- 4.10.16 As to the applicant's argument that "In environmental (and economic) terms, the extension of an existing caravan park is more sustainable than the creation

of a new caravan site officers note that this is not supported by any empirical data or evidence base. In addition, although this may be the case there are no other proposals for a caravan park and any such proposal would have to be considered on its own individual merits. As such it is officer's opinion that this part of the applicant's argument does not lend any significant weight in favour of the proposal.

4.10.17 Given the above it is considered that although some economic benefits would arise from the proposal this would be modest and therefore should only be given limited weight.

4.11 Conclusion:

4.11.1 The proposal constitutes inappropriate development in the Green Belt. Such development is harmful by definition and the NPPF states that LPAs should ensure that substantial weight should be afforded to any harm to the Green Belt. Furthermore, such development should only be allowed in very special circumstances which will only exist where any harm to the Green Belt and any other harm is clearly outweighed by other considerations.

4.11.2 Most of what the agent is arguing is that there is no other significant harm to other interests. This does not weigh in favour of the proposal although the agent seems to be under the impression that it does.

4.11.3 The only consideration which weighs in favour of the proposal is the benefit to the local economy which would only be modest and which only limited weight should be attached to it.

4.11.4 As such, it is considered that the case that very special circumstances exist has not been made out. Therefore, the proposal is contrary to Paragraph 149 of the NPPF and should be refused on these grounds.

5 **Human Rights Act 1998 and Equality Act 2010**

Human Rights Act 1998

5.1 The recommendation to refuse the application on the grounds of the conflict with the adopted policies in the Development Plan and the National Planning Policy Framework which aim to secure the proper planning of the area in the public interest balances the duties under the Human Rights Act 1998 with the duties the Council has to have regard to the provisions of the Development Plan and to protect acknowledged public interests.

. Equality 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 Equality Act.

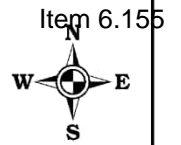
6 Conclusion

- 6.1 The site is in the West Midlands Green Belt wherein there is a presumption against inappropriate development. Inappropriate development is, by definition, harmful to the Green Belt and should only be allowed where very special circumstances have been demonstrated to exist. Very special circumstances can only exist where the harm to the Green Belt and any other harm is clearly outweighed by other considerations.
- 6.2 The proposed development by virtue of its siting and design would fail to preserve the openness of the Green Belt and would, by reason of encroachment, conflict with the purposes of including land within it and hence constitutes inappropriate development. As such the proposal is harmful to the Green Belt and, in accordance with paragraph 148 of the NPPF substantial weight should be afforded to that harm.
- 6.3 No harm to other acknowledged interests has been found to exist
- 6.4 As to the considerations advanced by the applicant in respect to the Site Characteristics', the 'Scale of the Development' and the 'Impact of the Proposal' it is considered that these lend no weight in favour of the proposal. As to the economic and social benefits of the proposal it is considered that only very limited weight should be afforded to these factors.
- 6.5 As such it is concluded that the harm to the Green Belt is not clearly outweighed by other considerations and that very special circumstances to

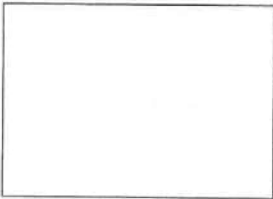
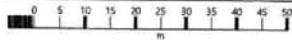
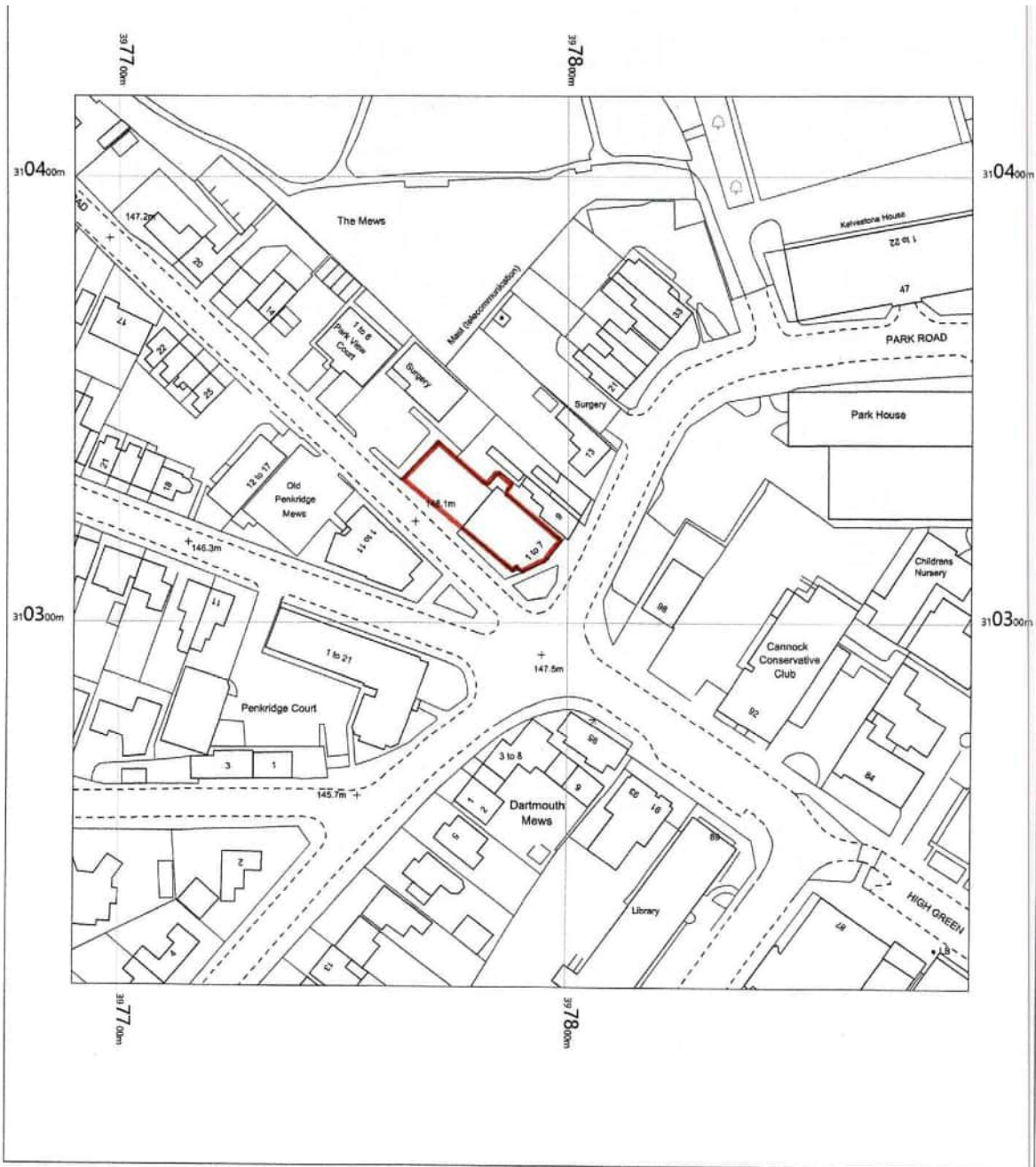
justify approval of the application have not been demonstrated to exist. It is recommended that the application be refused.



Application No: CH/22/0078
Location: 1-7, Park Road, Cannock, WS11 1JN
Proposal: Installation of external air conditioning units
(re-submission of CH/21/0407)



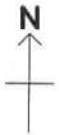
Location Plan



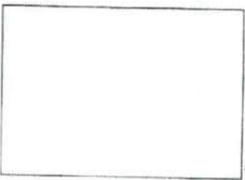
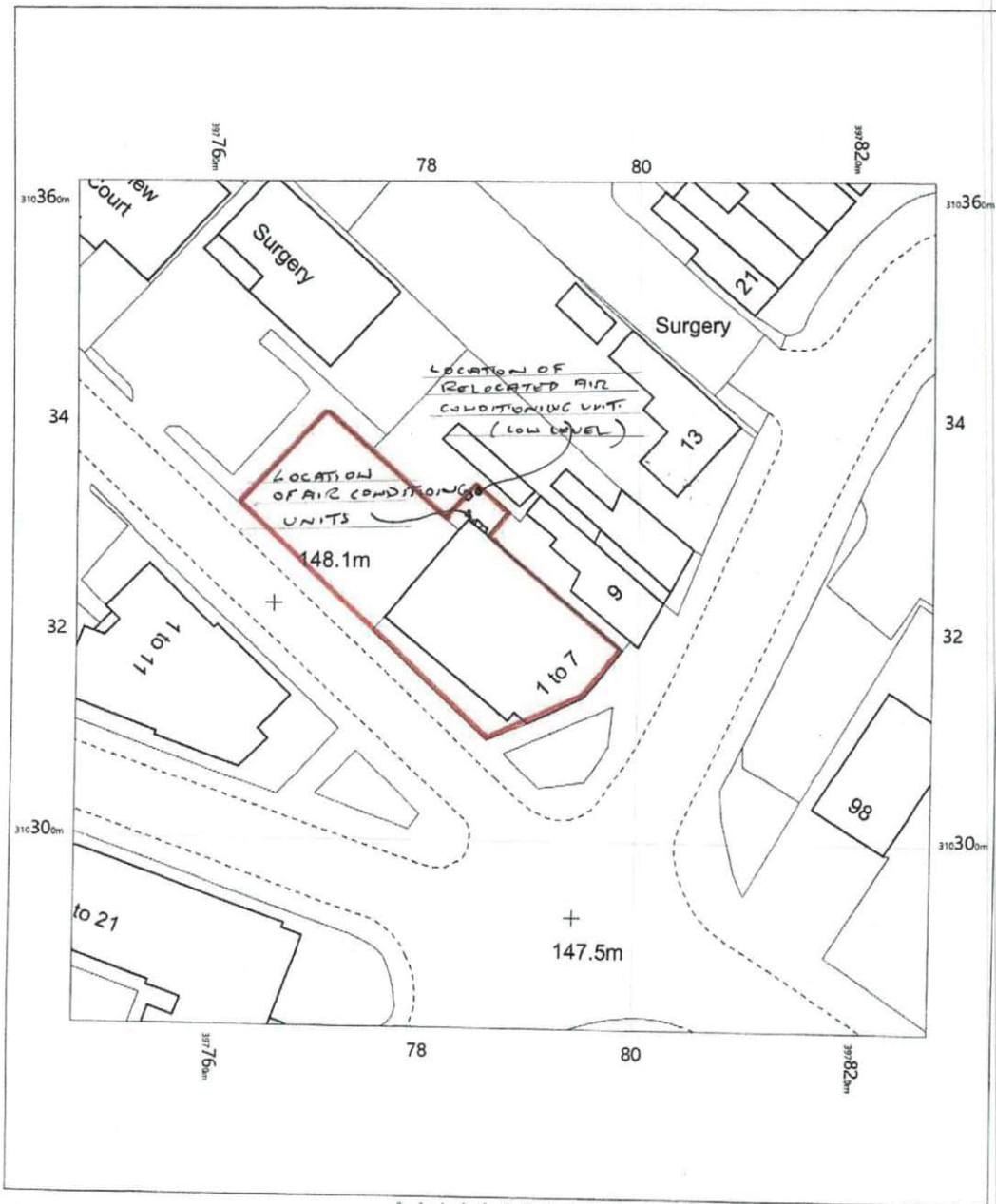
OS MasterMap 1250/2500/10000 scale
Thursday, September 23, 2021, ID: CM-00992247
www.centremapslive.co.uk

1:1250 scale print at A4, Centre: 397790 E, 310318 N

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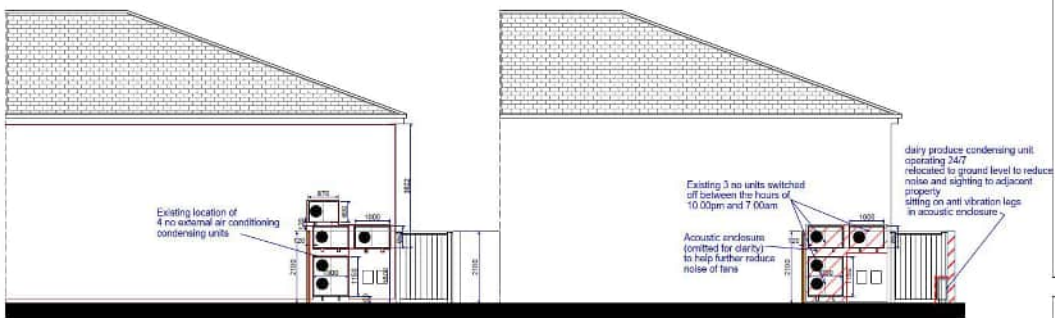
Block Plan



OS MasterMap 1250/2500/10000 scale
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Plans and Elevations

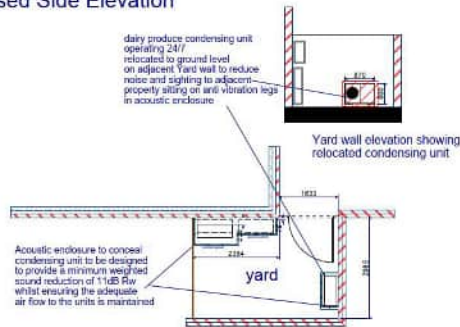


Part Existing Side Elevation

Proposed Side Elevation



Site photographs of existing Air conditioning units condensing units and relationship to adjacent building



Existing yard area showing amended location of air conditioning units condensers and acoustic housing

Notes



Project
Existing and Proposed Elevations
(air conditioning units)

London
1-7 Park Road
Carnock
WS11 1JN

Client
Haran Retail Ltd

Drawing No
DPM838/01 rev A

Date Scale
February 2022 1:100

Page Size - A3



Contact Officer: Samuel Everton

Telephone No: 4514

Planning Control Committee

6th April 2022

Application No: CH/22/0078

Received: 28-Feb-2022

Location: 1-7, Park Road, Cannock, WS11 1JN

Parish: None.

Description: Installation of external air conditioning units (re-submission of CH/21/0407)

Application Type: Full Planning Application

RECOMMENDATION:

Approve Subject to Conditions

Reason(s) for Recommendation:

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

Conditions (and Reasons for Conditions):

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

Location Plan
Block Plan
Drawing No. DPM838/01 Rev A

Reason

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

3. Within 21 days of the date of this permission the acoustic enclosures shall be erected around the Air Conditioning Condenser Units. The acoustic enclosures shall thereafter be retained for the lifetime of the permission

Reason

To enable the mitigation measures set out in the submitted Noise Survey Report to be carried out and to ensure that they have achieved the desired reduction in sound levels generated from the Units. This is so as to ensure that the proposed development does not prejudice the enjoyment by neighbouring occupiers of their properties and to ensure compliance with the Local Plan Policy CP3 - 'Chase Shaping, Design' and the NPPF.

4. This permission shall expire on 6th October 2022. On, or before, that date the Air Conditioning Condenser Units shall be removed unless otherwise agreed in writing by the Local Planning Authority*.

Reason

To enable the mitigation measures set out in the submitted Noise Survey Report be carried out and to ensure that they have achieved the desired reduction in sound levels generated from the Units. This is so as to ensure that the proposed development does not prejudice the enjoyment by neighbouring occupiers of their properties and to ensure compliance with the Local Plan Policy CP3 - Chase Shaping, Design and the NPPF.

5. The 3 No. Air Conditioning Condenser Units on the northern elevation of the building as shown on the approved plans shall not operate outside of the hours between 7.00am and 10.00pm on any day.

Reason

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

Notes to the Developer

* A new application for planning permission to the Council will be required for the installation of the Air Conditioning Units hereby approved beyond this period. The applicant is therefore advised to use this period to undertake robust surveying of the noise generated by the units and the mitigating impact of the acoustic enclosure.

Consultations and Publicity

Internal Consultations

Environmental Health

Thank you for referring this matter for consideration. No adverse comments are offered in principle. The proposal describes measures to mitigate against the modelled noise impact of existing air conditioning units on local residential receptors. The measures include:

- Relocation of the dairy unit to a ground level location in the courtyard, and provision of acoustic enclosure (11dB Rw). This was described as an alternative mitigation measure in the accompanying noise assessment (if the unit could not be relocated to the rear of the building). Never-the-less, the modelled noise impact is predicted to be NOEL - No Observed Effect Level, and therefore acceptable.

- The three remaining a/c units to be provided within an acoustic enclosure and operated within the hours 0700 to 2200.

External Consultations

None.

Response to Publicity

The application has been advertised by site notice and neighbour letter. One email has been received from a neighbour in objection to the proposal and raises the following concerns: -

- Questions the validity of re-submitting almost identical plans which were refused by the Planning Committee, and why this is being allowed to proceed rather than go through the appeal process
- The relocation of one unit does not adequately address the reasons for refusal, which specifically stated that the noise cannot be mitigated through the fitting of an acoustic enclosure. The remaining units remain in situ directly adjacent

to the neighbours boundary, which is next to an amenity space for the occupants of the residential flat. The units are located in the worst possible location, i.e. the brick enclosure directs and reflects sound through a thin fence towards 9 and 9A Park Road.

- Constant noise adjacent to an amenity space during the summer months will affect the quality of life of the residents of the flat by preventing them from quiet enjoyment of their outside space.
- The proposal to turn off the units between the hours of 10pm and 7am, is an acknowledgement that the units will still cause noise and disturbance, yet no consideration has been given to the adjoining amenity space
- The Environmental Health Officers comments are inconsistent with the previous comments made for CH/21/0407 which do not recommend a further Noise Assessment following installation to ensure that the acoustic barriers have worked
- The dimensions and design of the acoustic enclosures have not been provided, therefore it has not been adequately demonstrated how an acoustic enclosure can be installed in the limited space surrounding the units or how effective they will be.
- The one unit to be relocated is stated to be constructed on an anti-vibration mount, yet no mention is made of anti-vibration mounts for the remaining double and two single units (which was recommended in the noise assessment)
- Questions why they are not being located on the rear car park, in a well screened purpose built acoustic enclosure.
- The waste bins will be displaced from the existing designated bin area, which will add to the already unsightly paper and cardboard waste which can be seen by residents of Old Penkridge Road on daily basis

Relevant Planning History

CH/21/0407

Installation of external air conditioning units (retrospective application). Refused 23/02/2022 for the following reasons:

1. The external air conditioning units, by virtue of their stark utilitarian design, their height on the building and their proximity to the boundary with the adjoining property at 9 and 9A Park Road, which contains a residential flat at first floor and its associated outdoor amenity area to the rear, constitute an unsightly and overpowering addition which detracts from the visual amenity of the immediate area to the detriment of the amenity of the occupiers of that flat contrary to Policy CP3 of the Cannock Chase Local Plan and paragraphs 130(a),(b)and(f) of the National Planning Policy Framework.

2. The external air conditioning units by virtue of the noise that they generate detract from the residential amenity of the occupiers of the residential flat at 9A Park Road contrary to Policy CP3 of the Cannock Chase Local Plan and paragraphs 130(f) and 185 of the National Planning Policy Framework. Furthermore, whilst it may be possible to mitigate this noise by the fitting of an acoustic enclosure around the units, this would add to the overall bulk of the units and therefore further exacerbate the existing harm to visual amenity identified above. As such it is considered that the harm by virtue of noise cannot be satisfactorily mitigated through the fitting of an acoustic enclosure.

1 Site and Surroundings

- 1.1 The application site comprises a two-storey building and associated car park and yard area, used as a 'Londis' shop located on the corner of Park Road and Old Penkridge Road.
- 1.2 The application building comprises a brick construction with a hipped roof, and features recently installed signage on its east, south and western elevations in connection with the shop. There is an existing 2.1m brick wall on the northern boundary of the site and enclosing the yard area.
- 1.5 The application site is located within the Cannock Town Centre boundary, with the area comprised of a mix of retail and other commercial uses associated with the town centre as well as residential uses including two storey dwellings and apartments. To the northeast of the site there is a two-storey building divided into a beauty and massage clinic at ground floor level with a flat at first floor level at No's. 9 and 9A, with the rear area used as a patio for the flat. There is also a dwelling at No. 11 and a row of two storey dwellings further along Park Road and to the northwest there is a doctor's surgery.
- 1.6 The site is also located within a Mineral Conservation Area and a Coal Mining Low Risk area.

2 Proposal

- 2.1 The application seeks retrospective planning permission for the installation of 3 No. Air Conditioning (AC) Units on the northern elevation of the building and relocation of 1 No. unit to the ground within the enclosed yard area (4 No. Units in total).
- 2.2 The AC units comprise a typical design, with the highest unit measuring 2.2m above ground level at its highest point.

- 2.3 The application proposes the use of an acoustic enclosure on the units to reduce the sound level generated when the units are operational.
- 2.4 The application also proposes three of the existing units on the northern elevation to be switched off between the hours of 10.00pm to 7.00am. The unit relocated to the ground would however operate 24 hours a day.

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

Relevant policies within the minerals plan include: -

Policy 3 - Safeguarding Minerals of Local and National Importance and Important Infrastructure

3.3 National Planning Policy Framework

- 3.4 The NPPF (2021) sets out the Government's position on the role of the planning system in both plan-making and decision-taking. It states that the purpose of the planning system is to contribute to the achievement of sustainable development, in economic, social and environmental terms, and it states that there should be "presumption in favour of sustainable development" and sets out what this means for decision taking.
- 3.5 The NPPF (2021) confirms the plan-led approach to the planning system and that decisions must be made in accordance with the Development Plan unless material considerations indicate otherwise.
- 3.6 Relevant paragraphs within the NPPF include paragraphs: -

8: Three dimensions of Sustainable Development
11-14: The Presumption in favour of Sustainable Development

47-50: Determining Applications
 126, 130, 132, 134: Achieving Well-Designed Places
 218, 219: Implementation

3.7 Other relevant documents include: -

Design Supplementary Planning Document, April 2016.

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

Manual for Streets.

4 Determining Issues

4.1 The determining issues for the proposed development include:-

- i) Principle of development.
- ii) Design and impact on the character and form of the area.
- iii) Impact on residential amenity.
- iv) Impact on highway safety.
- v) Minerals safeguarding.

4.2 Principle of the Development

4.2.1 The AC units are located on the side of an existing retail premises in connection with the retail land use. As such the development is considered acceptable in principle subject to the considerations outlined 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; 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 126, 130, 132 and 134. Paragraph 126 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 130 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 134 states planning permission should be refused for development that is not well designed, especially where it fails to reflect local design policies and government guidance on design, taking into account any local design guidance and supplementary planning documents such as design guides and codes. 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. Conversely, significant weight should be given to:

- a) development which reflects local design policies and government guidance on design, taking into account any local design guidance and supplementary planning documents such as design guides and codes; and/or
- b) outstanding or innovative designs which promote high levels of sustainability, or help raise the standard of design more generally in an area, so long as they fit in with the overall form and layout of their surroundings.

- 4.3.5 The AC units are of a typical utilitarian design, comprising a grey metallic box structure with associated black wiring visible against the brickwork. Indeed, the reasons for refusal of the previous application are noted, wherein the Council viewed that the height of the units on the building and proximity to No. 9A Park Road and its amenity area would constitute an unsightly and overpowering addition. However, the unit which is most visible over the neighbours fence is proposed to be relocated to ground level. Therefore, leaving only the very tops of the units visible from the neighbours rear amenity area, even with the additional bulk created by the acoustic enclosures. Thus, greatly reducing the overpowering impact they have at present.
- 4.3.6 Moreover, whilst it is accepted that the units would not present an aesthetically pleasing addition to the host building given their stark and utilitarian design, the units are in an enclosed area and not readily visible from the wider street scene. As such, any impact on visual amenity would be minimal and therefore the proposal would not, on balance, significantly harm the character as viewed from of the wider area.
- 4.3.7 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 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 130(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 The material considerations in this case are the potential for noise and disturbance to neighbours.
- 4.4.4 The AC units are located in close proximity to the flat at No. 9A Park Road, which given its residential use would be susceptible to any significant degree of noise generated by the proposed air conditioning units. The rear windows of the flat would be within 10m of the AC units and the rear amenity space would be directly adjacent to the units. As such, the application is supported by a Noise Survey Report, which found that the units would generate 11dB above

the night-time background sound level, therefore indicating a potential for a significant adverse impact on neighbours at No's. 9-11 Park Road. Therefore, the Report makes two recommendations to mitigate this impact, either move the unit to the rear elevation of the shop or house the condenser units within an acoustic enclosure. The application presented proposes to keep the units within the yard area and house the units within acoustic enclosures.

- 4.4.5 As such, the Report details that the condenser units would need to be housed within acoustic enclosures that achieve a minimum weighted sound reduction of 11dB, so as to reduce the noise levels generated to below the night-time background sound level. According to the findings of the Report, this would then achieve a no observed effect to the nearest noise receptors such as the first floor flat at No. 9A Park Road. The Council's Environmental Health Officer was consulted on the proposal and has not raised any objections to the proposal given the findings of the report. Therefore, based on the information provided it is clear that the noise generated by the units could be reduced to an acceptable level following the installation of the proposed acoustic enclosures.
- 4.4.6 Notwithstanding this, given that the application is partly retrospective and the comments received from neighbours, it is recommended that a temporary permission be granted for 6 months so as to enable the applicant to install the acoustic enclosures and carry out further acoustic testing to confirm that the enclosures have achieved the desired reduction in noise generation. After this period, the permission would expire, and the applicant would need to reapply and support the application with a new noise report outlining the findings of the testing. If it is found that the mitigation measures have not achieved the desired results after this period, the Council would be able to require their removal or to investigate whether there are other options available to resolve the issue.
- 4.4.7 Finally, to further ensure the protection of neighbour's amenity, it is also recommended that a condition be attached on the decision notice should the Council be minded to grant permission to restrict the hours of operation of the 3 No. units on the northern elevation to between 7.00am and 10.00pm as proposed by the applicant.
- 4.4.8 Therefore, having had regard to paragraph 185 of the NPPF, Policy CP3 of the Cannock Chase Local Plan it is considered appropriate in this instance to grant a temporary permission to allow the applicant the opportunity to mitigate potential noise issues and to assess the efficacy of those measures.

4.5 Impact on Highway Safety

- 4.5.1 Paragraph 111 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.

- 4.5.2 The AC units do not alter any access arrangements or visibility splays and therefore would not have any significant adverse impact on highways safety and would be in accordance with Paragraph 111 of the NPPF.

4.6 Mineral Safeguarding

- 4.6.1 Part of the site falls within a Mineral Safeguarding Area (MSAs) for Superficial Sand and Gravel and Coal Fireclay. Paragraph 212, of the National Planning Policy Framework (NPPF) and Policy 3 of the Minerals Local Plan for Staffordshire (2015 – 2030), aim to protect mineral resources from sterilisation by other forms of development.

- 4.6.2 Policy 3.2 of the 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.

- 4.6.3 The development would fall under Item 2 within the exemption list as an application development to an existing building and is therefore permitted. As such the proposal is compliant with Policy 3 of the Minerals Local Plan.

4.7 Other Issues

- 4.7.1 In response to neighbours concerns as to why the application has not gone through the appeal process. Officers would advise that whilst the proposal is an amended scheme over the previous scheme that was refused under application Ref No. CH/21/0407. Therefore, the applicant has the right to submit an amended application to the Council to address the reasons for refusal. The applicant also has the right to appeal the decision to the Planning inspectorate should they wish to do so.

- 4.7.2 In response to the neighbours comments that the dimensions and design of the acoustic enclosure have not been shown, officers would advise that the submitted drawings do show the outline of the enclosure. The efficacy of the enclosures could be confirmed by requiring further testing to be carried out following the installation of the enclosures as recommended above.
- 4.7.3 In response to the neighbours concerns regard why the units are not proposed to be located within the car park within a purpose built enclosure. Officers would advise that the Council can only consider the proposal presented before it.
- 4.7.4 In response to the neighbours comments regarding the displacement of waste bins, officers would advise that the yard area with the proposed AC Units would retain sufficient proportions to house several waste bins. Moreover, there is no requirement in the previous permissions relating to the application property for this area to be retained as waste bin storage.

5. Human Rights Act 1998 and Equality Act 2010

5.1 Human Rights Act 1998

- 5.1.2 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.

5.2 Equality Act 2010

- 5.2.1 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.
- 5.2.2 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

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

5.2.4 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 Equality 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 proposed mitigation measures, 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 granted temporary approval for a six-month period, subject to the attached conditions.