



Please ask for: Mrs W. Rowe

Extension No: 4584

E-Mail: wendyrowe@cannockchasedc.gov.uk

28 February 2023

Dear Councillor,

Planning Control Committee

3:00pm, Wednesday 8 March 2023

Council Chamber, Civic Centre, Cannock

You are invited to attend this meeting for consideration of the matters itemised in the following Agenda.

Yours sincerely,

Tim Clegg
Chief Executive

To Councillors:

Thompson, S.L (Chair)	
Beach, A. (Vice-Chair)	
Cartwright, S.M.	Kruskonjic, P.
Crabtree, S.K.	Muckley, A.M.
Fisher, P.A.	Pearson, A.R.
Fitzgerald, A.A.	Thornley, S.J.
Hoare, M.W.A.	Wilson, L.J.
Jones, V.	1 vacancy
Kenny. B.	

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 meetings held on 8 and 22 February 2023 (enclosed).

5. Members request for Site Visits

6. Report of the Interim 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 Interim 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 Application

Application Number	Application Location and Description	Item Number
1. CH/22/0191	Cannock Ex-Servicemen's Club, 21-23 Walsall Road, Cannock, WS11 0HG Full Planning application for the development of 12 apartments and associated works.	6.1 - 6.25

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

Held on Wednesday 8 February 2023 at 3:00pm
in the Council Chamber, Civic Centre, Cannock

Part 1

Present:
Councillors

Thompson, S.L. (Chair)
Beach, A. (Vice-Chair)

Cartwright, S.M.	Kruskonjic, P.
Fisher, P.A.	Muckley, A.M.
Fitzgerald, A.A.	Pearson, A.
Hoare, M.W.A.	Thornley, S.
Jones, V.	Wilson, L.J.
Kenny, B.	

66. Apologies

No apologies.

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

Nothing declared.

68. Disclosure of Details of Lobbying by Members

Councillors B. Kenny, V. Jones and P. Kruskonjic declared that they had been lobbied in respect of Application CH/22/0413.

69. Minutes

Resolved:

That the Minutes of the meeting held on 11 January 2023 be approved as a correct record.

70. Members Requests for Site Visits

None.

71. Application CH/22/0106, Hagley Park Farm, Jones Lane, Slitting Mill, Rugeley WS15 2UJ - Demolition of existing Farmhouse and replacement with a “new” Farmhouse using existing access of Jones Lane. Demolition of existing two outbuildings to the rear and replacement with two new residential units

Following a site visit consideration was given to the report of the Interim Development Control Manager (Item 6.1 – 6.22) presented by the Development Control Consultant.

The Development Control Consultant then 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, and to the following additional condition:

Details Required for Finished Floor Levels

No development shall take place until details of the finished floor levels of the buildings (in relation to surrounding land) and any other changes to the levels of the land within the site have been submitted to and agreed in writing by the Local Planning Authority. Development shall be implemented in accordance with the agreed details.

Reason:

In the interests of visual amenity and to ensure compliance with Local Plan Policy CP3.

72. Application CH/22/0132, Wyrley Common, Land south of Watling Street, Norton Canes, Cannock WS11 9NA - Change of use of land to mixed outdoor recreational including the construction of go karting circuit with associated infrastructure including erection of buildings, track, altered site access, entrance drive and parking, fencing and earth acoustic bund, parkland and habitat enhancement areas, diversion of 3 public rights of way, provision of cycleway, new drainage system and associated lighting

The Interim Development Control Manager reported that the application had been withdrawn.

73. Application CH/22/0338, Youth and Community Centre, Burnthill Lane, Rugeley WS15 2HX - Proposed Extension and Layout Improvements to existing car park

Consideration was given to the report of the Interim Development Control Manager (Item 6.84 – 6.102) presented by the Principal Development Control Planner.

The Principal Development Control Planner then provided a presentation to the Committee outlining the application showing photographs and plans of the proposals.

Prior to consideration of the application the Principal Development Control Planner reported that a request had been made to read out a statement from Councillor M. Sutherland in support of the application, as he was unable to attend the meeting.

Resolved:

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

74. Application CH/22/0413, 24 Bideford Way, Cannock WS11 1QD - Change of use from Sui Generis Council owned 2x car park spaces to Class C(3) to use as residential garden, extension of side boundary wall adjacent to car park

Following a site visit consideration was given to the report of the Interim Development Control Manager (Item 6.103 – 6.113) presented by the Interim Development Management Team Leader.

The Interim Development Management Team Leader then 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 Staffordshire County Councillor Paul Snape, an objector, speaking against the application and Eamon O'Shaughnessy, the applicant, speaking in support of the application.

Resolved:

That the application be refused for the reasons outlined in the report.

The meeting closed at 4.00 p.m.

Chair

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

Held on Wednesday 22 February 2023 at 3:07pm

In the Council Chamber, Civic Centre, Cannock

Part 1

Present:

Councillors

Thompson, S.L. (Chair)

Cartwright, S.M.	Kenny, B.
Elson, J. (substitute)	Kruskonjic, P.
Fisher, P.A.	Muckley, A.M.
Fitzgerald, A.A.	Pearson, A.
Hoare, M.W.A.	Thornley, S
Jones, V.	

(The start of the meeting was slightly delayed).

75. Apologies

Apologies for absence were received from Councillors A. Beach (Vice-Chair), S.K. Crabtree and L.J. Wilson.

Notification had been received that Councillor J. Elson would be acting as substitute for Councillor S.K. Crabtree.

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

Nothing declared.

77. Disclosure of Details of Lobbying by Members

Nothing declared.

78. Members Requests for Site Visits

None.

79. Application CH/22/0318, Land off Norton Hall Lane, Norton Canes, Cannock WS11 9AA, Full Planning application for the development of up to 55 dwellings with associated landscaping and infrastructure

Following a site visit by Members of the Committee the Interim Development Control Manager explained that, prior to the commencement of the meeting, Officers became aware that the application had not been advertised as a departure from the Local Plan in

accordance with procedure. Legal advice was that the application should not be determined today, and Members should defer the application to allow for the statutory 21 days advertisement of the application as a departure from the Local Plan.

The motion to defer the application was moved and seconded and, following a vote, the motion was carried.

The Principal Solicitor advised that 3 speakers had registered to speak at today's meeting - the applicant's agent and 2 Ward Councillors (Councillors J. Newbury and J. Preece). She asked the speakers whether they wished to speak today or defer their speeches until the application came before the next available Committee. The applicant's agent and Councillor Newbury confirmed they would defer speaking until the next available Committee and Councillor J. Preece indicated he would speak today.

Following this, representations were made by the Ward Councillor, Councillor J. Preece. He raised concern with regards to S106 monies for education provision in respect of other planning applications in the Norton Canes area, rather than this specific Planning application. He indicated that the s106 monies had not yet been spent for education provision and he was concerned that the developers may clawback the contribution.

The Interim Development Control Manager confirmed that he had liaised with the Planning Services Manager and agreed that Officers would raise the concern with Staffordshire County Council (Education).

The Principal Solicitor confirmed that this matter was outside the remit of the Planning Control Committee and the determination of this application. The concern raised by the Ward Councillor was in relation to Staffordshire County Council not dealing with S106 payments quickly enough. However, Officers could inform Members of the response from Staffordshire County Council (Education) once a reply had been received.

Resolved:

That the application be deferred to allow for the statutory 21 days advertisement of the planning application as a departure from the Local Plan.

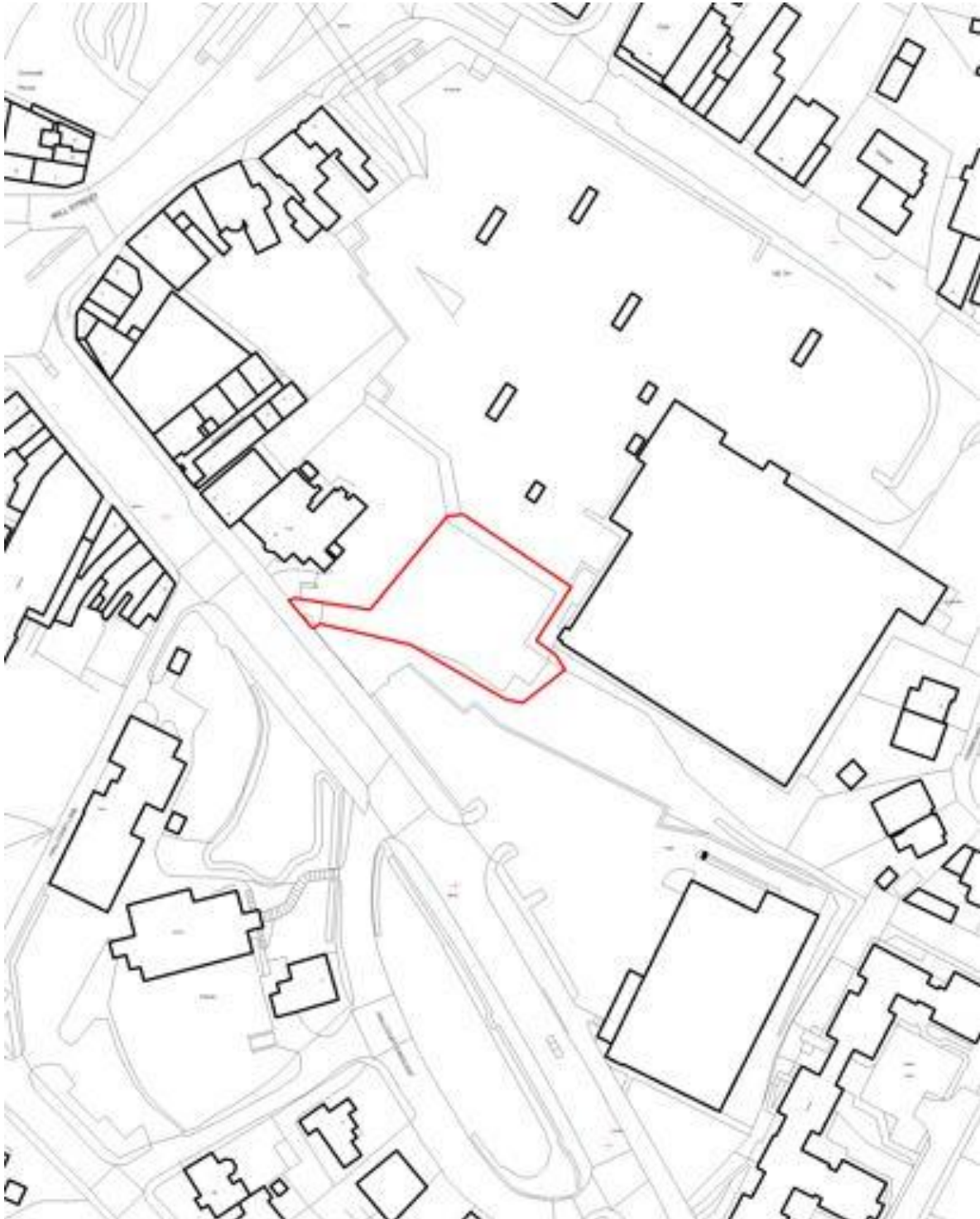
The meeting closed at 3:24pm.

Chair

Application Ref: CH/22/0191

Location- 21-23 Walsall Road, Ex Servicemens Club, Cannock

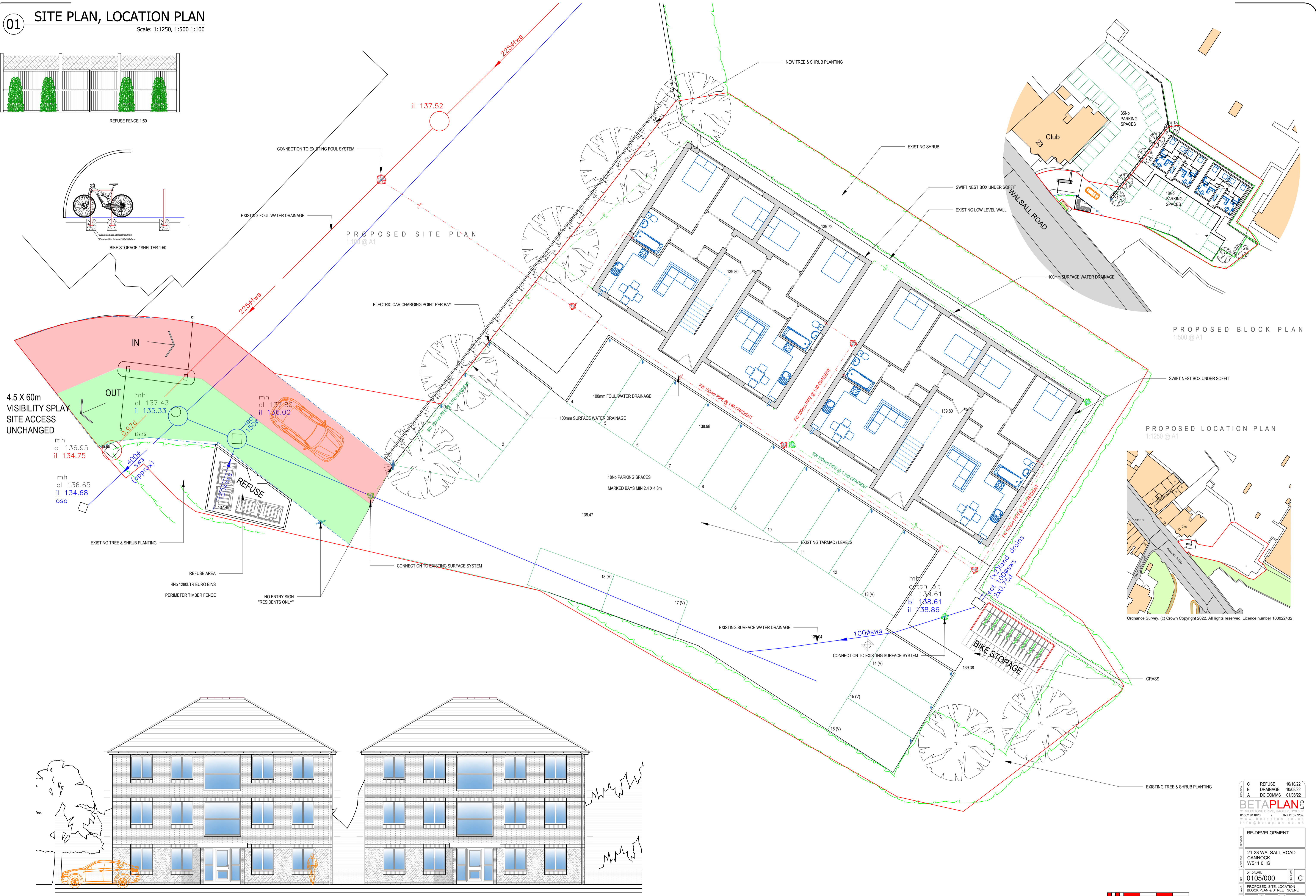
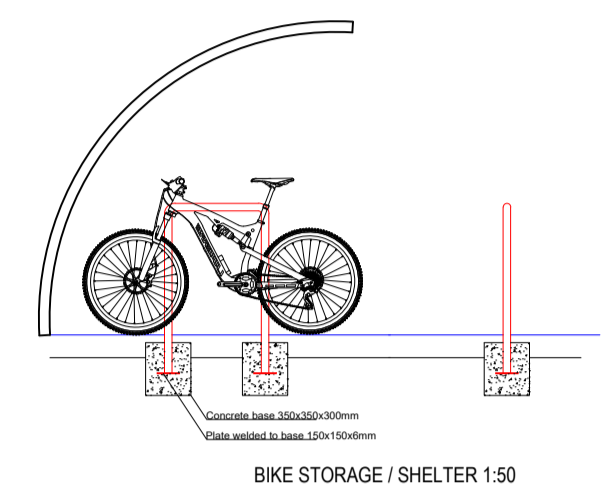
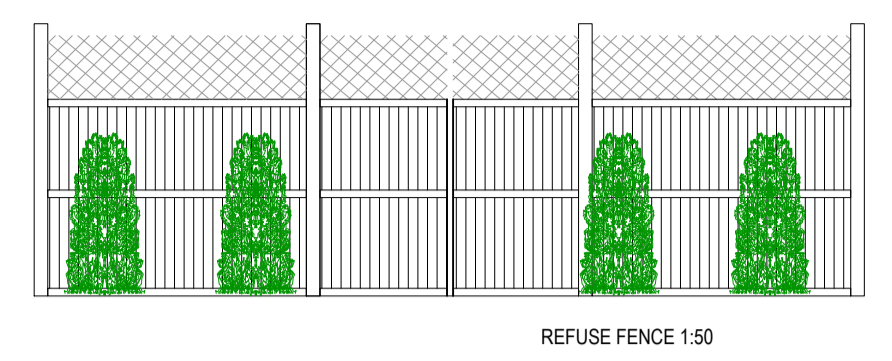
Proposal- Erection of 12 Apartments & Associated Works



Location Plan

01 SITE PLAN, LOCATION PLAN

Scale: 1:1250, 1:500 1:100



4.5 X 60m VISIBILITY SPLAY SITE ACCESS UNCHANGED

IN
OUT

mh cl 137.43
il 135.33

mh cl 137.80
il 136.00

mh cl 136.95
il 134.75

mh cl 136.65
il 134.68
osa

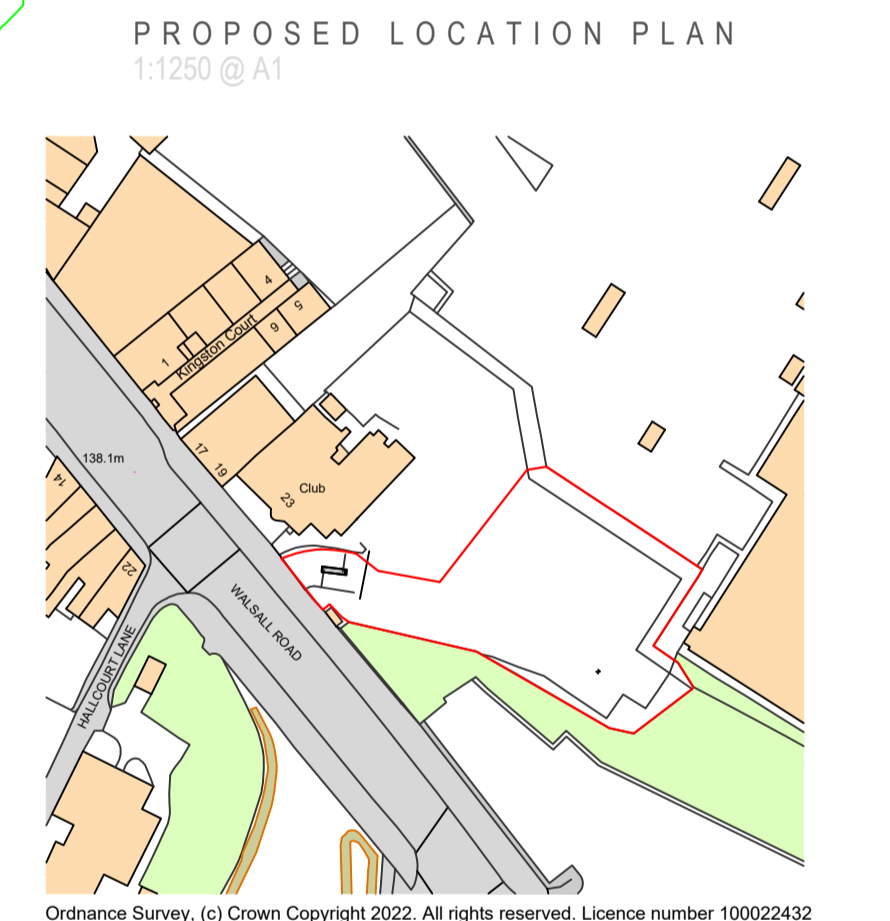
REFUSE

REFUSE AREA
4No 1280LTR EURO BINS
PERIMETER TIMBER FENCE
NO ENTRY SIGN
"RESIDENTS ONLY"

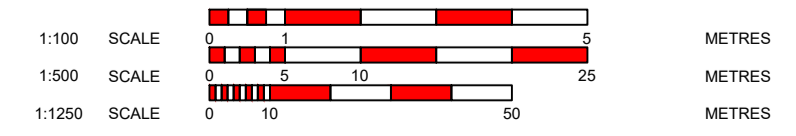
BIKE STORAGE



PROPOSED STREET SCENE 1:100 @ A1



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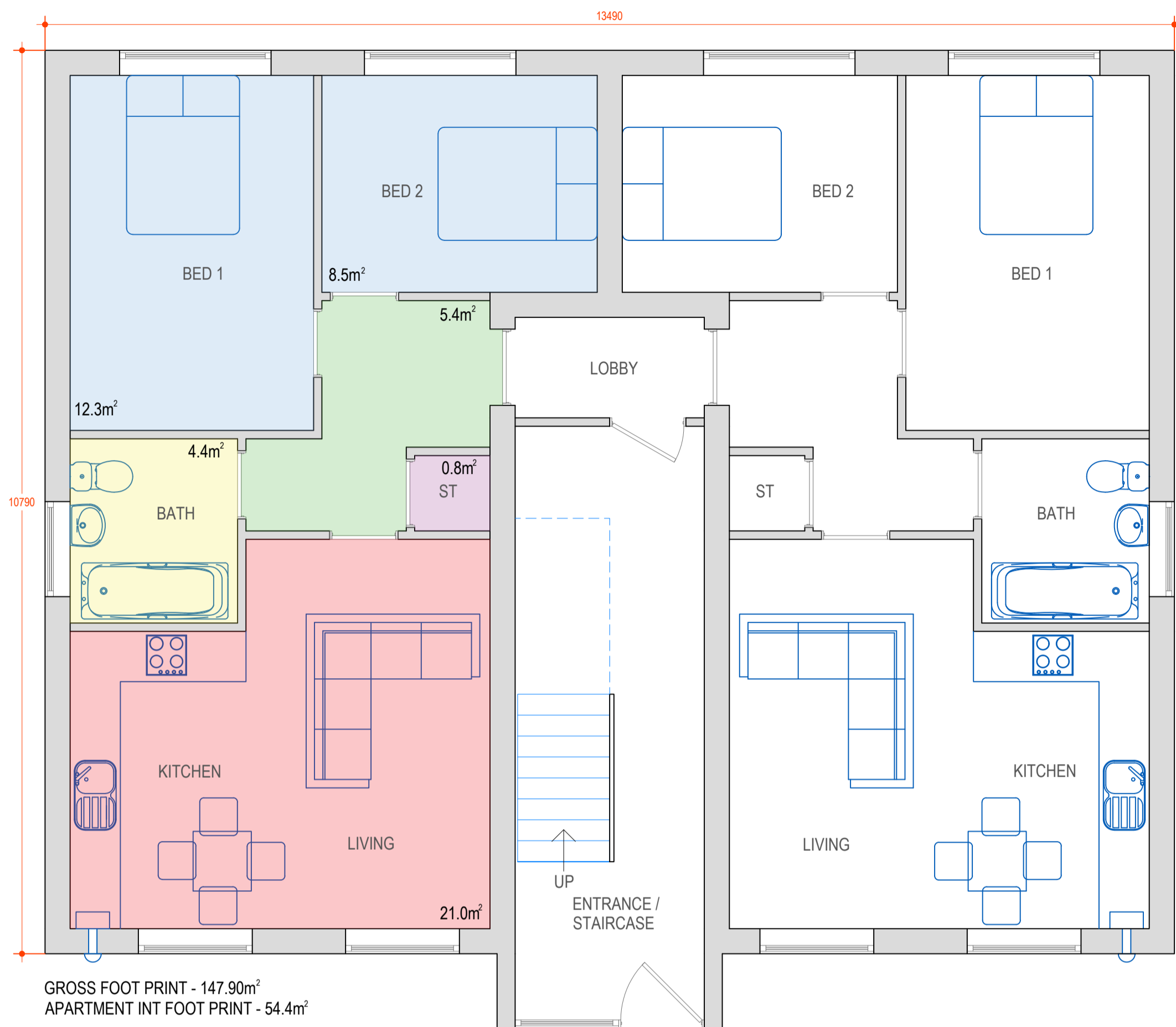


REVISION	DATE	BY
C REFUSE	10/10/22	
B DRAINAGE	10/08/22	
A DC COMMS	01/08/22	

BETAPLAN LTD
11 HALLS ROAD, BRIDGEMAN, WALSALL, CHES, WV11 1JG
01562 911020 / 07711 527239
info@betaplan.co.uk

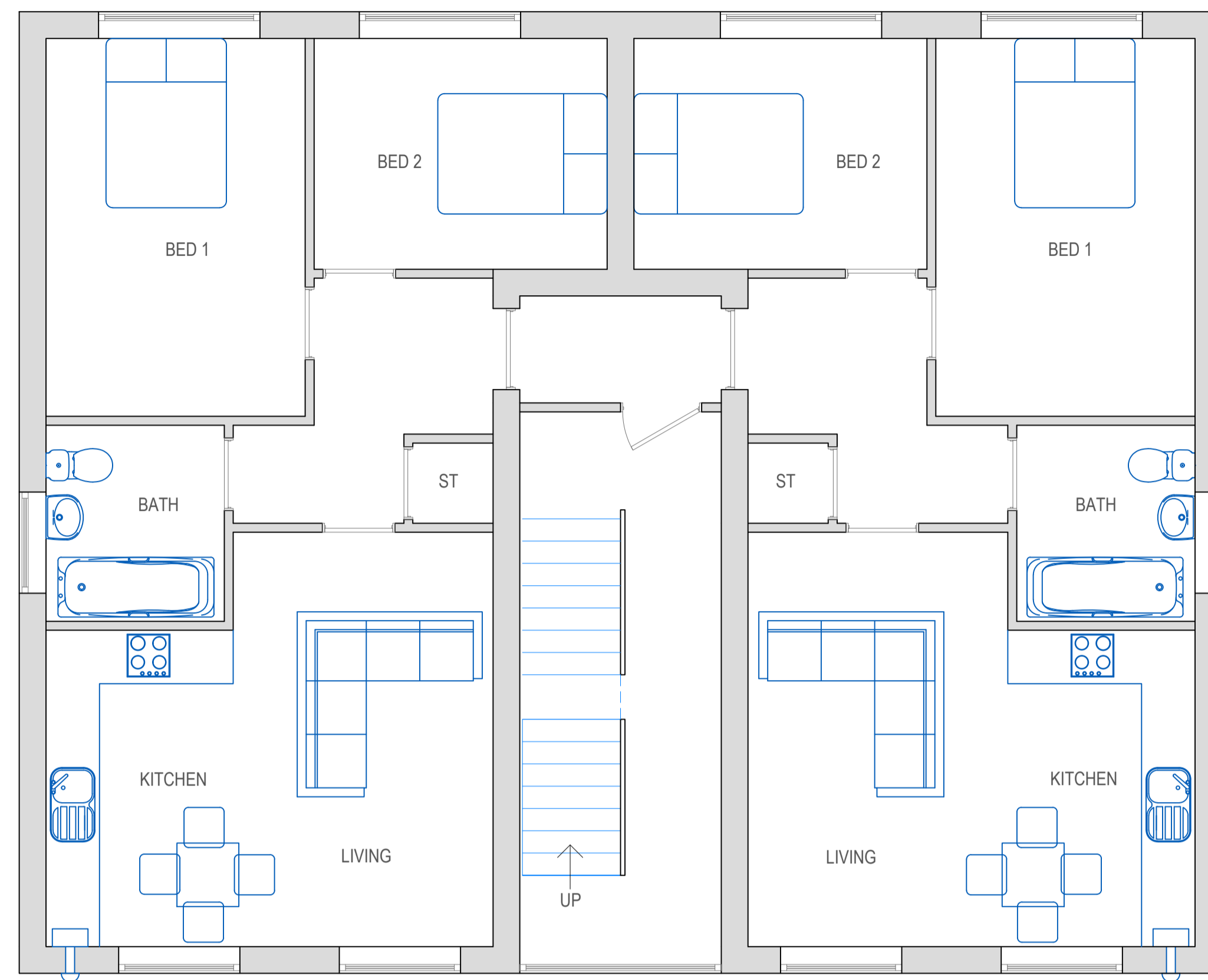
PROJECT	RE-DEVELOPMENT
ADDRESS	21-23 WALSALL ROAD CANNOCK WS11 0HG
DATE	21-23/20/22
PROJECT NO.	0105/000
SCALE	1:500 1:100 1:1250
DATE	MAR22
DRN	SRB

These drawings will produce an urban planning and building regulations approval only and approval of the design, all drawings to be checked on site.

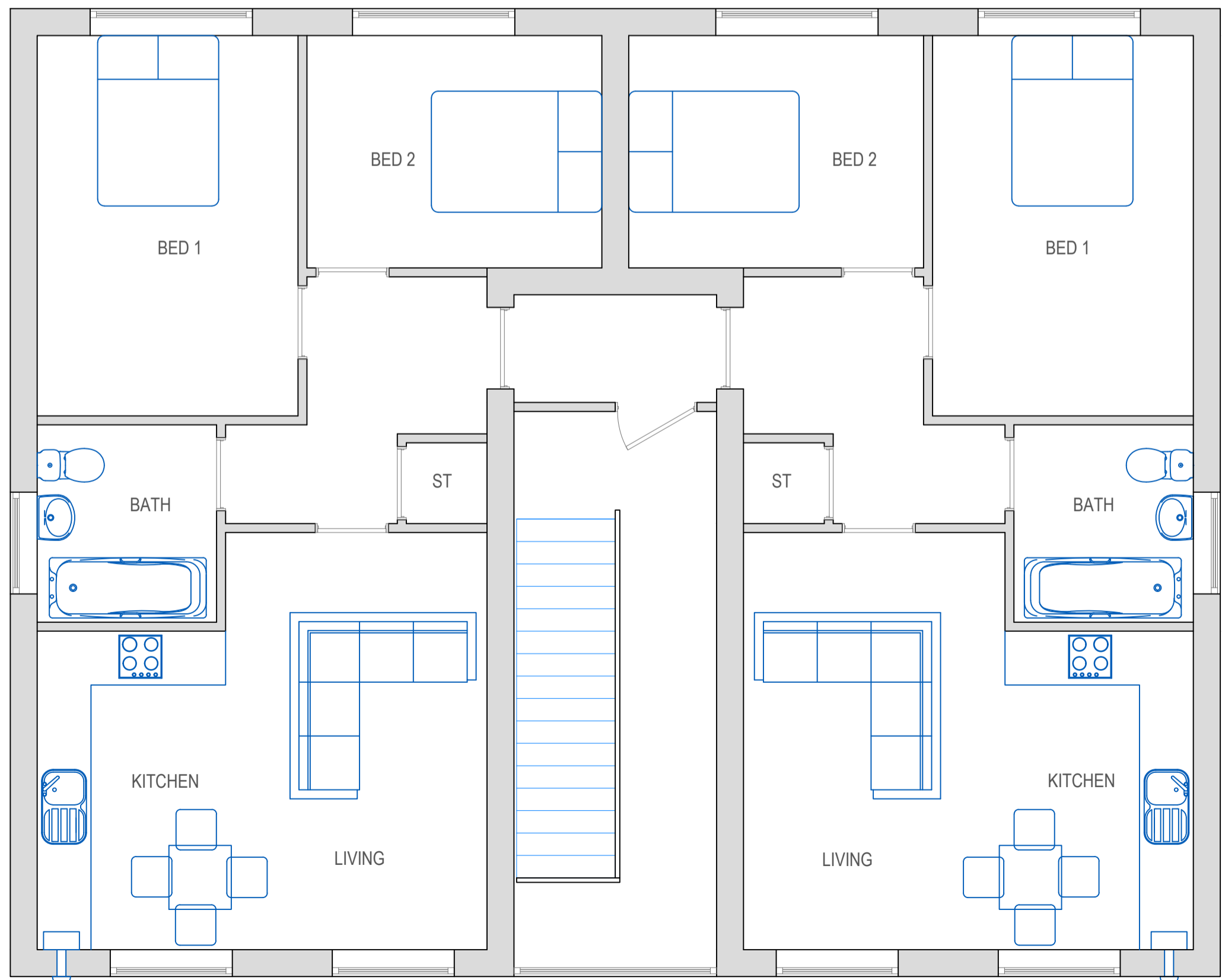


GROSS FOOT PRINT - 147.90m²
 APARTMENT INT FOOT PRINT - 54.4m²

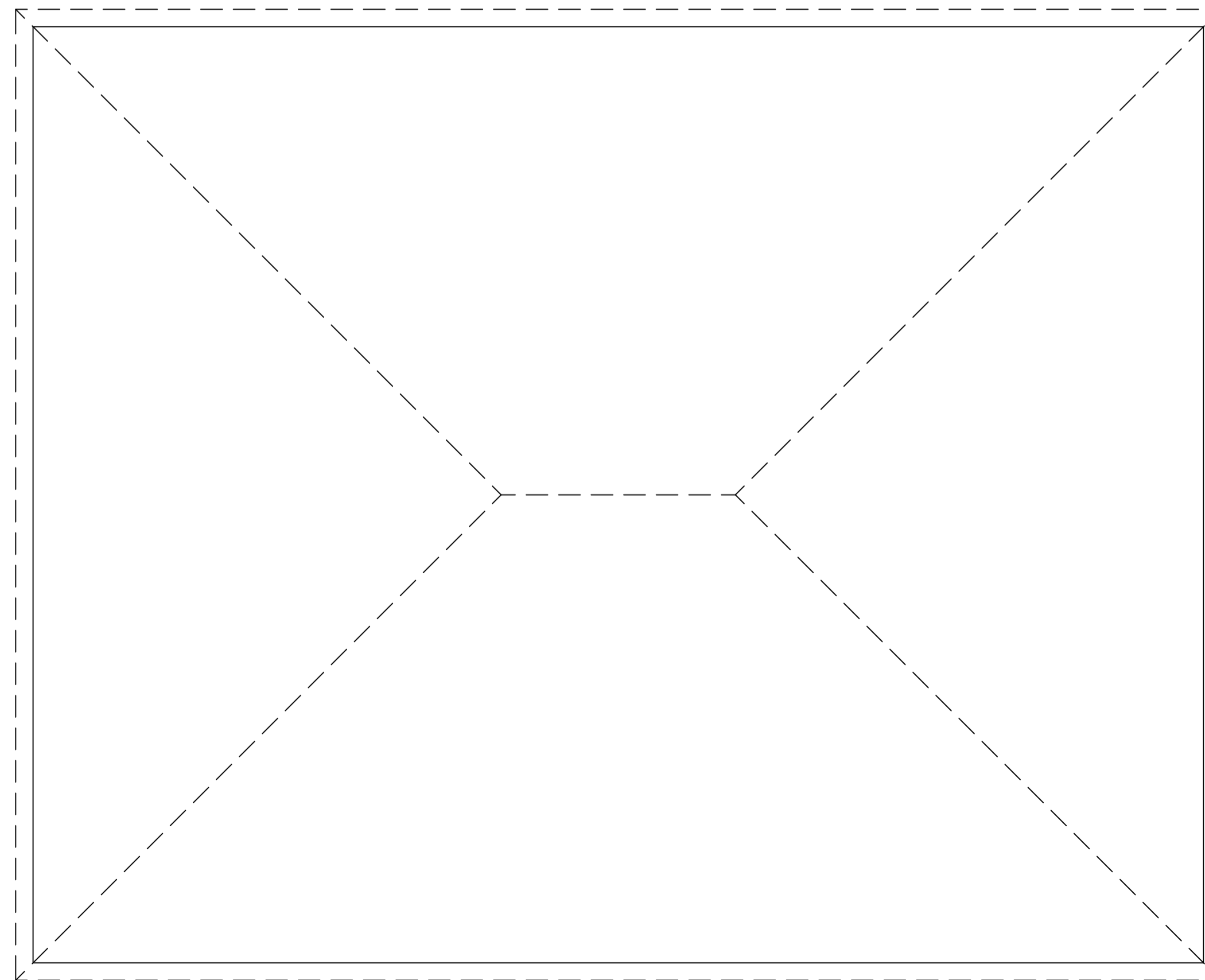
PROPOSED GROUND FLOOR PLAN
 1:50 @ A1



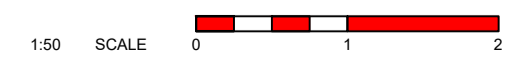
PROPOSED FIRST FLOOR PLAN
 1:50 @ A1



PROPOSED SECOND FLOOR PLAN
 1:50 @ A1



PROPOSED ROOF PLAN
 1:50 @ A1



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 11 MABLESTONE DRIVE, WALSALL, CHESHIRE, WV7 7JF
 01562 911020 / 07711 527239
 info@betaplan.co.uk

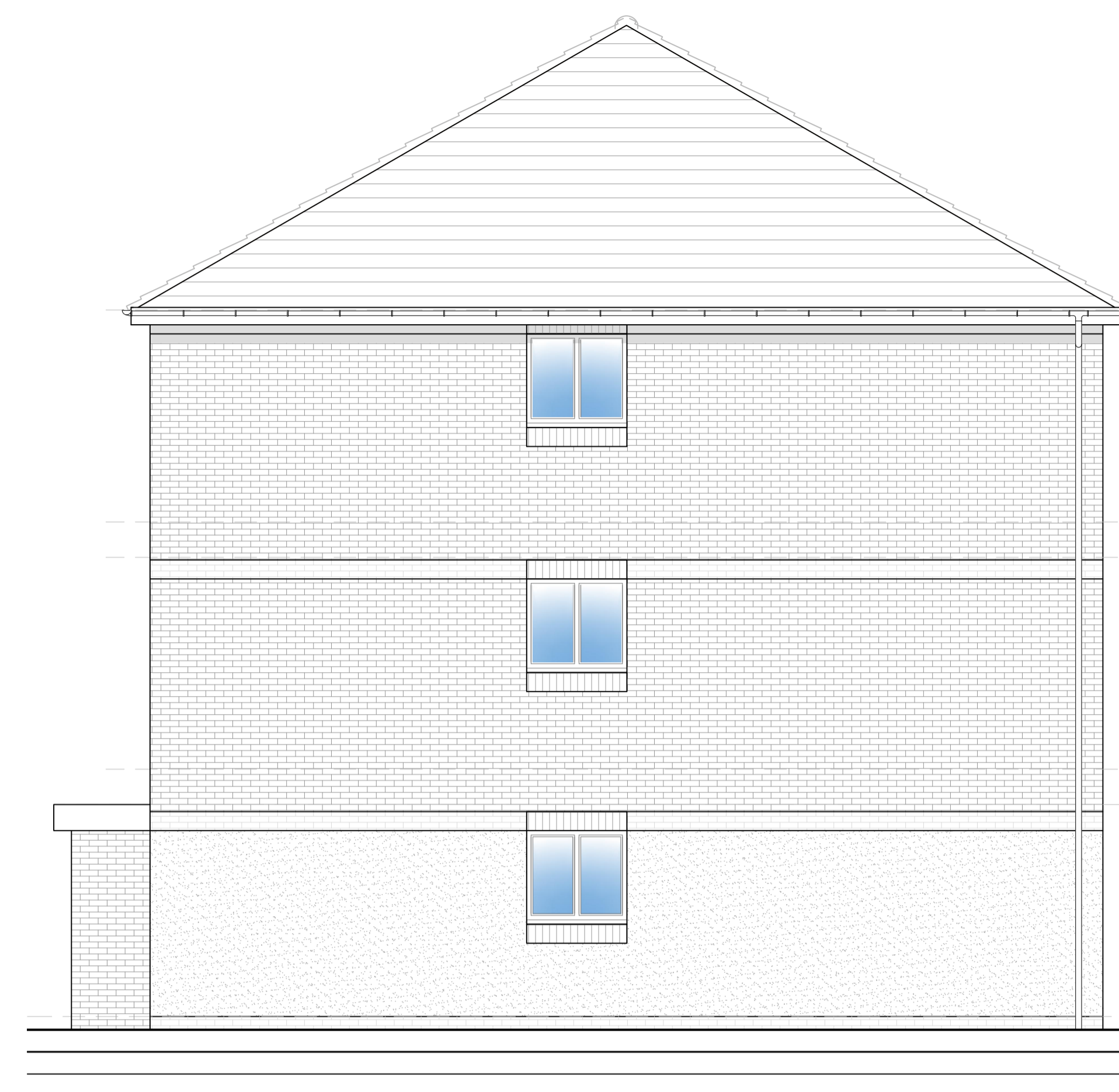
PROJECT: RE-DEVELOPMENT
 ADDRESS: 21-23 WALSALL ROAD, CANNOCK, WS11 0HG
 DRAWING NO: 21-23WR/0105/001
 PROPOSED FLOOR PLANS
 DATE: MAR22
 DRAWN BY: SRB
 SCALE: 1:50 @ A1

These drawings will produce a correct planning and building regulation approval only and are not to be used for any other purpose. All dimensions to be checked on site.

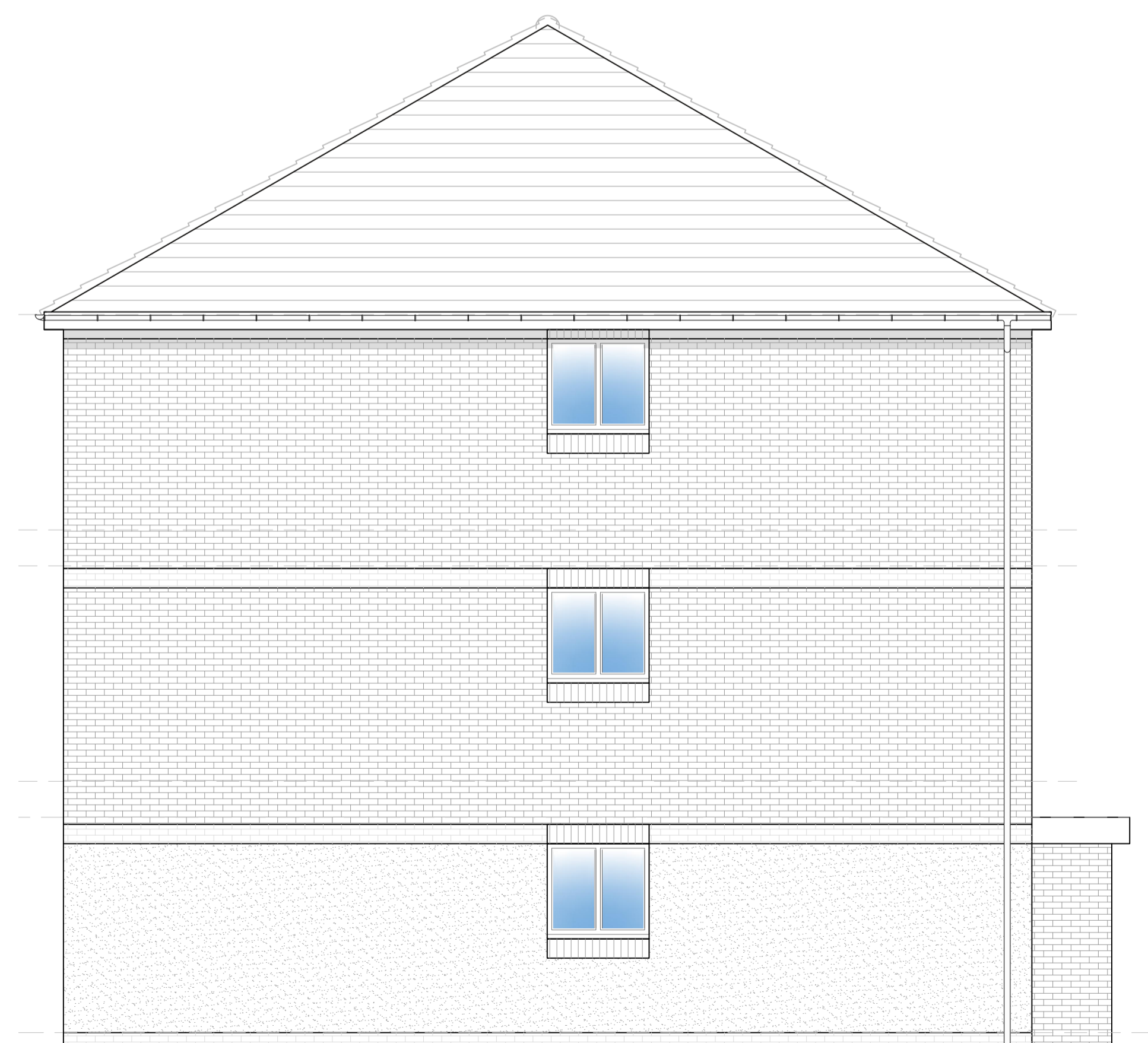
METRES



PROPOSED FRONT ELEVATION
1:50 @ A1



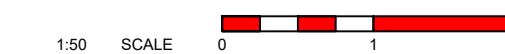
PROPOSED SIDE ELEVATION
1:50 @ A1



PROPOSED SIDE ELEVATION
1:50 @ A1



PROPOSED REAR ELEVATION
1:50 @ A1



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 info@betaplan.co.uk

PROJECT: RE-DEVELOPMENT
 ADDRESS: 21-23 WALSALL ROAD, CANNOCK, WS11 0HG
 DRAWING NO: 21-23WR/0105/003
 DATE: 15 MAR 22
 SCALE: 1:50 @ A1

These drawings are produced to comply with the Building Regulations and Planning Requirements and are not to be used for any other purpose without the written consent of the architect. All dimensions to be checked on site.

METRES

Contact Officer:	Claire Faulkner
Telephone No:	(01543) 464 337

<p>Planning Control Committee 8 March 2023</p>
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Application No:	CH/22/0191
Received:	11-Oct-2022
Location:	Cannock Ex-Servicemen's Club, 21-23 Walsall Road, Cannock, WS11 0HG
Parish:	Non-Parish
Ward:	Cannock South
Description:	Full Planning application for the development of 12 apartments and associated works
Application Type:	Full Planning Application

This application is being reported to Committee because of the viability issues of developing the site whilst providing the S106 financial contributions as requested below.

Recommendation:

It is recommended that the application be approved subject to the recommended conditions without the requirement to enter into a S106 agreement for the provision of a financial contribution towards affordable housing or the requirement of a financial contribution towards the NHS.

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 hereby permitted shall be carried out in accordance with the following approved plans:

21-23 WR/0105/000 Rev C Proposed Site, location , Block Plan & Street Scene

21-23 WR/0105/001 Proposed Floor Plans

21-23 WR/0105/003 Proposed Elevation

Reason

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

2. 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.

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

Reason

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

4. No trees or hedges shown on Dwg No.21-23 WR/0105/000 C, 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. No part of the development hereby approved shall be completed above ground level until a scheme detailing the external environment-landscape, including planting, fencing, walls, surface treatment & construction details for the site has been submitted to and approved by the Local Planning Authority. The details shall be in the form as specified in Annex C of the Supplementary Planning Guidance 'Trees, Landscape and Development'.

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

Reason

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

6. The development hereby permitted shall not be occupied until the mitigation measures as detailed within the Environmental Noise Survey, Noise Break-in Assessment and Sound Insulation Scheme carried out by Nova Acoustics dated 22/8/21 have been provided.

Reason

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

7. The development hereby permitted shall not be occupied until the window(s) indicated on the approved plan which will serve the bathrooms to the apartments are obscure glazed. The window(s) shall be non-opening unless the parts of the window

which can be opened are more than 1.7m above the floor of the room in which the window is installed.

Thereafter the window(s) will be retained and maintained as such for the life of the development.

Reason

To ensure that the development does not give rise to overlooking of adjoining property injurious to the reasonable privacy of the occupiers and to ensure compliance with Local Plan Policies CP3 Chase Shaping - Design, and the NPPF.

8. Prior to the commencement of the development hereby permitted, a written scheme of archaeological investigation ('the Scheme') shall be submitted for the written approval of the Local Planning Authority. The Scheme shall provide details of the programme of archaeological works to be carried out within the site, including post-excavation reporting and appropriate publication.

The archaeological site work shall thereafter be implemented in full in accordance with the approved written scheme of archaeological investigation.

Reason

To ensure that archeological interests are properly secured and to ensure compliance with Local Plan Policy CP15 and the NPPF.

9. The development hereby permitted shall not be occupied until the site investigation and post-excavation assessment has been completed in accordance with the written scheme of archaeological investigation approved under condition 8 and the provision made for analysis, publication and dissemination of the results and archive deposition has been secured."

All archaeological works* must be undertaken by an appropriately experienced archaeological organisation (with suitably experienced personnel) working to the requirements of a brief prepared by this office and/or an approved Written Scheme of Investigation, the Chartered Institute for Archaeologists (CIfA) Code of Conduct and the relevant CIfA Standards and Guidance.

Reason

To ensure that archeological interests are properly secured and to ensure compliance with Local Plan Policy CP15 and the NPPF.

10. The development hereby permitted shall not be commenced above ground floor level until a scheme for the provision of bat roosts has been submitted to and approved in writing by the Local Planning Authority. The submitted scheme shall provide the specification for integrated into the roof or elevations and their height and location provided.

The development shall thereafter be completed in accordance with the approved scheme and retained for the lifetime of the development.

Reason

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

11. The development hereby permitted shall not be commenced above ground floor level until a scheme for the provision of bird boxes has been submitted to and approved in writing by the Local Planning Authority. The submitted scheme shall provide the

specification for integrated boxes into the roof or elevations of the building together with their height and location.

The development shall thereafter be completed in accordance with the approved scheme and retained for the lifetime of the development.

Reason

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

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

Reason:

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

13. The development hereby approved shall not commence until a detailed surface water drainage scheme for the site has been submitted to and approved in writing by the Local Planning Authority.

The scheme shall thereafter be implemented in accordance with the approved details before the development is completed.

The scheme to be submitted shall demonstrate:

- Surface water drainage system(s) designed in full accordance with the Non-Statutory Technical Standards for Sustainable Drainage Systems, (SuDS), (DEFRA, March 2015), and;
- Surface water drainage systems designed in full accordance with all standards, policies and criteria as specified within the Staffordshire County Council Flood Risk Management Team (LLFA) SuDS Handbook.
- That a satisfactory, full, and complete CCTV condition survey of any existing surface water drainage infrastructure to be utilised on the site has been submitted to and approved by the LLFA. Structural integrity and absence of blockages should be evidenced to ensure optimal condition and performance going forward.
- Ground investigation and soak-away testing in full accordance with BRE 365 best practice guidance, in order to corroborate the viability of infiltration to ground as the primary means of surface water discharge for the site, and;
- If soakaway-to-ground is indeed proven unviable, an alternative means of surface water discharge should be evidenced, as appropriate in the detailed design.
- Limiting any positive surface water discharge from the site by all return period critical duration storm events, up to and including the 1 in 100 year plus 40% (for climate change), return, so that it does not exceed 2.8 l/s.
- Provision of adequate surface water attenuation storage in accordance with the requirements of 'Science Report SC030219 Rainfall Runoff Management for Developments'.

- The incorporation of adequate surface water treatment in accordance with CIRIA C753 – particularly, The Simple Index Approach, to mitigate surface water quality pollution and maintain water quality.
- Detailed design (plans, network details and calculations), in support of any surface water drainage scheme, including details of any attenuation system and the outfall arrangements. Calculations should demonstrate the performance of the designed system for a range of return periods and storm durations, inclusive of the 1 in 1 year, 1 in 2 year, 1 in 30 year, 1 in 100 year and 1 in 100 year plus (40%) climate change allowance, return periods, critical storms only.
- Formal (Section 106), agreement with Severn Trent Water (Plc), that confirms surface water discharge it to be accepted into the proposed downstream network that falls under STW ownership.
- Plans illustrating flooded areas and flow paths in the event of exceedance of the drainage system.
- Provision of an acceptable management and maintenance plan for surface water drainage to ensure that surface water systems shall be maintained and managed for the lifetime of the development.

Reason

To prevent flooding by ensuring the satisfactory storage and disposal of surface water from the site.

14. If during development, contamination not previously identified is found to be present at the site, no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until either;

A site investigation has been designed and undertaken in accordance with details approved in writing by the Local Planning Authority, a risk assessment has been produced and a method statement detailing remediation requirements using the information obtained from the site investigation has been approved by the Local Planning Authority; or

If the above has been previously undertaken, the developer has submitted and obtained written approval from the Local Planning Authority for an addendum to the method statement detailing how this unsuspected contamination shall be dealt with.

Reason

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

15. The car parking hereby approved shall be provided prior to the first occupation of the development in accordance with Drawing No. 21-23WR/0105/000 Revision C.

The approved facilities shall thereafter be retained in perpetuity.

Reason

In the interests of Highway Safety

16. Prior to first occupation of the development hereby approved, the secure, covered, and safe cycle parking facilities shall be provided in accordance with Drawing No. 21-23WR/0105/000 Revision C.

The approved facilities shall be retained in perpetuity.

Reason

In the interests of Highway Safety

17. The development hereby permitted shall not commence until a Construction Environmental Management Plan has been submitted to and approved in writing by the Local Planning Authority. The statement shall provide for:-

- A site compound with associated temporary buildings
- The parking of vehicles of site operatives and visitors
- Times of deliveries including details of loading and unloading of plant and materials and hours of construction
- Storage of plant and materials used in constructing the development

Thereafter the approved Statement shall be adhered to throughout the construction period.

Reason:

To comply with paragraph 111 of the NPPF and in the interest of Highway Safety.

Notes to the Developer:***Designing Out Crime Officer***

No objection

Recommend building to Secured by Design Standards

Coal Authority

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

Further information is also available on the Coal Authority website at:

www.gov.uk/government/organisations/the-coal-authority

Severn Trent Water

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

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

timescales of your project if it transpires diversionary works need to be carried out by Severn Trent.

Staffordshire Fire Service

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

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

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

Further information can be found at www.bafsa.org.uk - the website of the British Automatic Fire Sprinklers Association Ltd.

Consultations and Publicity

External Consultations

Fire Safety NSDG Group Manager

No objection subject to informative being included on any decision notice issued.

County Flood Risk Management (SUDS)

No objection subject to the recommended condition

School Organisation, Staffordshire County Council

No objection and no financial contribution required.

South Staffordshire Water Plc

No objection

Travel Management and Safety

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

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

Crime Prevention Officer

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

The development should be constructed to Secure By Design Standards.

Severn Trent Water Ltd

No objections to the proposals subject to the inclusion of the recommended condition.

Environment Agency

No comments to make.

Staffordshire Minerals Authority

No objection

The site lies in an urban area and whilst exempt from the requirements to consider safeguarding any underlying Superficial Sand and Grave, the same exemption does not apply for Shallow Coal . However in this case, the site is small and constrained by neighbouring development so it is unlikely that extraction of any underlying shallow coal would be practicable or environmentally acceptable in the foreseeable future.

Natural England

No objection subject to SAC mitigation measures being secured.

Staffordshire Historic Environment Officer

No objection subject to condition

NHS ICB

A financial contribution to support the development of primary care services in either Cannock North or Cannock Villages is sought.

Internal Consultations

CIL Officer

The proposal is CIL Liable.

Environmental Health

No objections.

The applicant has provided both contaminated land and noise assessments. Officers accept the conclusions and recommendations for both. Recommend conditions to secure the mitigation measures as stipulated within the noise report.

Strategic Housing

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

Development Plans and Policy Unit

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

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

Environmental Services

Objection :-

Insufficient amount of useable amenity space

Further clarification is also required for all landscaping (soft and hard), long term management Plan, bin access in relation to parking and inbuilt bat / bird boxes required.

Waste and Engineering Services

No response to date.

Environmental Health

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

Response to Publicity

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

Relevant Planning History

CH/20/128 - Outline application for the erection of 12 apartments and associated works.

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

Further to planning committee on 30th September 2020 the applicant asserted that the proposal would not be viable with the affordable housing requirement. The applicant submitted a viability assessment with which to demonstrate the impact of the affordable housing provision on the proposed scheme and this was re-presented to Members on 3rd February 2021. Members approved the scheme without the S106 requirement for an off-site contribution for affordable housing provision.

For clarity, the previous application was submitted in outline with layout and access only. Since this permission was granted, the applicant has reconsidered the layout of the site. For ease, the applicant has submitted a new full application instead of seeking to amend the extant outline permission and then submit a subsequent Reserved Matters.

1 Site and Surroundings

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

- 1.3 The application site is bounded to the northeast and east by a landscaped strip and a retaining wall which supports the ground beyond the site boundary. Further landscaping and trees are located along the southeast and southwest boundaries which slope down to an Aldi car park. There is low retaining wall at the base of the slope and a further retaining wall within the slope.
- 1.4 The main part of the site gently falls towards the northwest (site access) while slopes and/or retaining walls are located to the northeast, east, southeast, and southwest of the site due to the difference in levels between the site and surrounding land.
- 1.5 The site falls within the Town Centre Boundary in the current local plan. The site lies within a Mineral Safeguarding Area and is designated as being within a low-risk development boundary by the Coal Authority.

2 Proposal

- 2.1 The applicant is seeking consent for the erection of 12 apartments & associated works.
- 2.2 The proposed development would of a bespoke design and comprise of 2 separate blocks, 3 storey in height under a tiled roof. Each unit would provide a total of 6 individual flats. The parking area associated with the proposed flats would be to the front and would provide 18 spaces in total. A small amount of amenity space would be provided within the site.
- 2.3 The proposed development would be accessed by means of a private driveway running off Walsall Road, shared with the existing former working mens club. The applicant is not the landowner for the adjacent club however this site would retain 35 no. off-street parking spaces on a separate car park to the proposed development.

3 Planning Policy

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

3.5 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
126, 130, 132, 134:	Achieving Well-Designed Places
189- 208	Heritage Assets
218, 219:	Implementation

3.6 Other relevant documents include:-

Design Supplementary Planning Document, April 2016.

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

4 Determining Issues

4.1 The determining issues for the proposed development include:-

- i) Principle of development
- ii) Design and impact on the character and form of the area
- iii) Impact on residential amenity.
- iv) Impact on highway safety.
- v) Impact on nature conservation
- vi) Drainage and flood risk
- vii) Mineral safeguarding
- ix) Waste and recycling facilities
- x) Ground conditions and contamination
- xi) S106 requirements

4.2 Principle of the Development

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

4.2.2 In respect to the principle of the proposal it is noted that the site is within the Cannock Town Centre Boundary. The Cannock Chase Local Plan (part 1) 2014 Policy CP11 seeks to maintain the roles of the Districts centres including the town centre retail uses and permits uses including retail and offices. It sets out that new retail development will be directed towards the Primary Retail Area. Other uses will be permitted where they do not detract from the primary retail function of the town centre. In this instance, the application site is not allocated

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

- 4.2.3 The application site has good access by public transport, walking and cycling to a range of goods and services to serve the day to day needs of the occupiers of the proposed development. The site is not located within either Flood Zone 2 or 3, and it is not designated as a statutory or non- statutory site for nature conservation nor is it located within a Conservation Area (CA).
- 4.2.4 Notwithstanding the above, the history of the site is a material consideration in the determination of any planning application. In this instance, the principle of residential development on this site, in the form of 2 blocks of 12 units with associated parking and amenity has already been established with the grant of permission for CH/20/128.
- 4.2.5 However, although a proposal may be considered to be acceptable in principle it is still required to meet the provisions within the development plan in respect to matters of detail. The next part of this report will go to consider the proposal in this respect.

4.3 **Design and the Impact on the setting of a Listed Building**

- 4.3.1 The application site is located within close proximity to 8-10 Mill Street, which are grade II Listed buildings. These buildings sit approx. 70m distant from the application site. The properties adjacent to Nos. 8-10 Mill Street (4 – 6 & 12 Mill Street) are denoted within The Cannock Town Centre Conservation Area Appraisal as being significant buildings with positive impact. The north-western side of Mill Street is sited within a Cannock Town Centre Conservation Area and includes St. Lukes Church and graveyard which is also a Listed Building.
- 4.3.2 In this respect, it is noted that The Planning (Listed Buildings and Conservation Areas) Act 1990 sets out the local planning authority's duties:- S.66 in considering whether to grant planning permission for development which affects a Listed Building or its setting the local planning authority shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. Further, S.72 the local planning authority has a duty to pay special attention to the desirability of preserving or enhancing the character or appearance of a Conservation Area. While the duty may only require that no harm should be caused, it nonetheless creates a special presumption and considerable weight, and attention should be given to any harm found to arise regarding the character or appearance of the Conservation Area.
- 4.3.3 To this effect the Local Plan contains Policy CP15 does not preclude development in Conservation areas. However, it does seek development proposals to be sensitive to and inspired by their context and add value to the existing historic environment, landscape, and townscape character.
- 4.3.4 The Cannock Town Centre Conservation Area Appraisal refers to Mill Street as being one of the main historic routes leading out of the town centre towards Cannock Mill and beyond to Lichfield and has been significantly affected by the

layout of The Ringway resulting in its physical separation from the rest of the town centre (which falls within the Cannock Town Centre Conservation Area). It originally led from the possible old Market Place north-east a little in front of a range of buildings, including two listed late 18th Century double-fronted buildings, then turned sharply south-eastwards in the direction of Cannock Bridge and Mill. Historically Mill Street was gradually built up with cottages, pubs, a corner shop, a primitive Methodist church and Sunday School. A few groups of these buildings survive, giving an indication of the former character of the street, but most of the smaller cottages have been demolished - the last of Cannock's thatched cottages was demolished in 1949 - and partly replaced by modern infill, but also rather isolated from their historic context by highway and car parks. Most of these remaining historic buildings are well decorated and detailed, some with very flamboyant ornamental work including carved stone window and door surrounds, elaborate projecting gable features, polychrome brickwork patterns, a timber shopfront and decorative finials and eaves.

- 4.3.5 Given the above, the applicant has submitted a Historic Assessment with which to inform the application. This states that the two buildings in Mill Street are considered to be of interest because of their age being remnants of a previous age. The assessment continues that it is the age and construction which is considered the main significance and their group value in facing Mill Street provide an aesthetic value. No 10 is noted in the HER as retaining its garden and outbuildings.
- 4.3.6 The Historic Assessment continues that the purpose of historic buildings is also of relevance to their significance and the use of the buildings has changed over time, being now in retail use. The location close to the Church means that this location would have been high status in the past. In assessing the Impact of the proposed development on the significance of the assets, the report continues that the historical significance of the Listed Buildings relates primarily to the age of the buildings noted in the listing as late 16th century and late 18th century. The rear boundary to the listed buildings also appears to have been retained over time.
- 4.3.7 In line with para 202 of the NPPF it is necessary to weigh this harm against any public benefit. In line with the Planning (Listed Building and Conservation Area) Act 1990 special regard is given to preserving the heritage asset. In this instance, Officers have assessed the proposal and it is considered that the proposed development would make a very modest contribution to the housing supply and the local economy. Further, it is considered that the proposal would have no impact on historic fabric nor on the Mill Street streetscene due to its distance from these properties. The existing modern buildings and car parks at supermarkets has changed the building pattern to larger building units. The impact of the proposal for 12 apartments as set out in the planning application and drawings has been shown through this brief assessment to have very low impact on the setting of the identified heritage assets in Mill Street which are over 70 m away as measured to the rear boundary (if harm any at all) and not to cause any significant harm to the significance of heritage assets by impact on their setting.
- 4.3.8 The design of the apartments does not impact on views of or from the Listed buildings in Mill Street and so preserves the character of the area. The height of

the proposed apartments is seen in relation to the supermarket buildings which are large buildings.

- 4.3.9 As such, the harm to the heritage asset would be less than substantial and the public benefit of the proposal would be the use of a windfall brownfield site that would make a very modest contribution to the housing supply and the local economy. Therefore, having regard to the provisions of Section 72 of the Planning (Listed Building and Conservation Areas) Act 1990, it is recommended that the proposal would preserve the setting and significance of the Listed Building and Conservation Area in accordance with Local Plan Policy CP15 and the relevant paragraphs within the NPPF.

Archaeology

- 4.3.10 The application site is located within an area of historical interest and therefore may have some archaeological potential within. As such, Paragraph 205 of the NPPF is relevant. This makes it clear that in determining applications local planning authorities should require developers to record and advance understanding of significance of any heritage asset to be lost (wholly or in part) in a manner proportionate to their importance and the impact, and to make this evidence (and any archive generated) publicly accessible.'
- 4.3.11 According to the Historic Environment Register the proposed scheme has been identified as lying within an area of significant archaeological potential. The site lies within the study area of the Cannock Extensive Urban Survey (EUS) and sits in Historic Urban Character Area (HUCA) 2: Walsall Road and Mill Street. HUCA 2 is considered to have high archaeological potential being associated with the earliest phase of settlement at Cannock during the medieval period.
- 4.3.12 The site lies approximately 130m to the southeast of the medieval church and 75m to the west of what has been identified as the original marketplace formed by the junction of Mill Street and Walsall Road. Cannock belonged to the Bishop of Lichfield's estates in the medieval period, and it is likely that Mill Street formed the original route to Lichfield during this period.
- 4.3.13 Extant listed buildings stand on Mill Street dating to the late 18th century; these buildings may stand on the site of earlier settlement. The proposal site lies to the rear of these within known medieval burgage plots, and archaeological evidence associated with earlier settlement in the form of domestic and/or industrial activity (e.g., waste pits, property boundaries etc) may be survive as below ground.
- 4.3.14 Staffordshire County Archeology Officer was consulted on the application and raised no objection to the proposed subject to conditions should any permission granted as required under NPPF paragraphs 194 and 205.
- 4.3.15 It is therefore considered that subject to an appropriately worded condition the proposal would be acceptable in respect to its impacts on archaeological interests.

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

- 4.4.1 The application site currently comprises of part of a parking area associated with the former Working mens club. The applicant states that the Ex-servicemen's

Club has seen a significant fall in numbers of members and as such no longer requires the full size of the parking area. An area for the provision of parking for the Ex-servicemen's Club would be retained.

- 4.4.2 In respect to the proposed development, it is noted that the two blocks of three storey flats would sit in an elevation position within a mixed-use location and viewed against the adjacent large commercial units to the east and south. The proposed dwellings would be of a high-quality bespoke design and appropriate scale and therefore would not appear unduly incongruous in terms of the relationship with the adjacent dwellings. Furthermore, it is considered that the bespoke and traditional designs of the proposed buildings would sit comfortably within their already varied architectural setting.
- 4.4.3 The landscaping to the boundaries would be retained by the proposed development. The application site is predominantly hardstanding and there are low boundary walls along a number of the boundaries which separate the landscaping. As such, the proposed development would unlikely impact on any of the existing landscaping. Notwithstanding this, the landscaping is not protected and could be removed at any time by the applicant.
- 4.4.4 Therefore, having had regard to Policy CP3 of the Local Plan and paragraph 130 of the NPPF it is considered that the proposal would be well-related to existing buildings and their surroundings, successfully integrate with existing features of amenity value, maintain a strong sense of place and visually attractive such that it would be acceptable in respect to its impact on the character and form of the area.

4.5 **Impact on Residential Amenity**

- 4.5.1 In general the Design SPD sets out guidance for space about dwellings as well as setting out minimum rear garden areas, recommending 30sqm of communal space per flat.
- 4.5.2 Although the Design SPD sets out guidance in respect to space about dwellings it does not contain guidance in respect to space about other uses. Of particular significance in this respect is the relationship between the application site and the commercial uses to the sides as well as the Ex-Servicemen's Club. Paragraph 185 of the NPPF seeks new development to take into account the likely effects of pollution on health, living conditions and natural environment.
- 4.5.3 In this respect the proposed development may be impacted by noise from the surrounding uses (car parking and superstore). As such, the applicant has submitted a Noise Assessment with which to inform the application. The assessment concludes that the proposed development would not be subject to noise issues with the incorporation of the mitigation measures contained within.
- 4.5.4 Environmental Health Officers were consulted on the application and concurred with the findings of the Noise Assessment. Officers raised no objection to the proposal subject to a condition to secure the proposed mitigation measures.
- 4.5.5 The comments of the Landscape Officer are noted in respect to lack of amenity space. The Design SPD seeks adequate levels of amenity space to be provided for residential development, in this instance 30m² per flat would be required, a

total of 360m². The application would provide some degree of useable amenity space, sited to the rear of the units however there would be a significant shortfall in comparison to the requirement. As the application site relates to the development of a land locked site, there is little means to provide further private amenity space for the future occupiers. However, in this instance, Cannock Park, a pleasant and landscaped town park with fenced play area, grass landscaped areas, formal annual bedding display, is located within 500m of the application site. Blackcrofts Park & Garden which is a small-town centre park is located 160m from the application site and the Mill Green Nature Reserve located within 400m. The lack of amenity space is typical of town centre living and not at odds with nearby residential flats above commercial premises, which also offer no private amenity space. Furthermore, the outlook from the proposed flats would be onto mature landscaped boundaries which would give a green and pleasant outlook.

- 4.5.6 Given the above, it is concluded that the proposal would protect the "amenity enjoyed by existing properties" and would maintain a high standard of amenity for existing and future users and therefore complies with Policy CP3 of the Local Plan and paragraphs 130(f) and 185 of the NPPF.

4.6 Impact on Highway Safety

- 4.6.1 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.
- 4.6.2 In this respect, the proposed access to the site would use the existing access off Walsall Road which would continue serving the wider parking area. This access is currently controlled by a barrier.
- 4.6.3 The Council's Supplementary Planning Document: Parking Standards, Travel Plans and Developer Contributions for Sustainable Transport, states that new residential development should have sufficient space for the parking of 1.25 spaces per unit if within a town centre and near to public parking. In this instance 15 spaces would be required for the 12 flats. The Block Plan indicates that there is sufficient room for the parking of 18 spaces which exceeds the number required by the Parking SPD.
- 4.6.4 The Highway Authority was consulted on the application and raised no objection to the proposal in terms of highway safety.
- 4.6.5 As such, the proposed development provides adequate parking for the proposed development. Therefore, it is concluded that the residual cumulative impacts of the proposal would not be severe.

4.7 Impact on Nature Conservation Interests

- 4.7.1 The application site is not subject to any formal or informal nature conservation designation and is not known to support any species that are given special protection, or which are of particular conservation interest.
- 4.7.2 As such the site is not known to have significant ecological value and therefore no obvious direct harm to nature conservation interests is considered to result.

A condition has been recommended for the proposed buildings to be completed with bat and bird boxes to enhance the biodiversity of the site.

- 4.7.3 Under Policy CP13 development will not be permitted where it would be likely to lead directly or indirectly to an adverse effect upon the integrity of the European Site network and the effects cannot be mitigated. Furthermore, in order to retain the integrity of the Cannock Chase Special Area of Conservation (SAC) all development within Cannock Chase District that leads to a net increase in dwellings will be required to mitigate adverse impacts. The proposal would lead to a net increase in dwellings and therefore is required to mitigate its adverse impact on the SAC. Such mitigation would be in the form of a contribution towards the cost of works on the SAC and this would be provided through CIL.
- 4.7.4 Given the above it is considered that the proposal would not have a significant adverse impact on nature conservation interests either on, or off, the site. In this respect the proposal subject to the recommended condition, would not be contrary to Policies CP3, CP12 and CP13 of the Local Plan and the NPPF.

4.8 **Drainage and Flood Risk**

- 4.8.1 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'.
- 4.8.2 The site is located in Flood Zone 1 on the Environment Agency's Flood Zone Maps which is the least at risk from flooding. Severn Trent and the Local Lead Flood Authority were consulted on the application and raised no objection to the proposal subject to the imposition of the recommended conditions. It is noted that the application site is located within an urban area wherein drainage already serves existing buildings.
- 4.8.3 Given the above, it is considered that the proposal, subject to the attached condition, would be acceptable with regard to drainage and flood-risk and would not exacerbate the existing problems in accordance with paragraph 159 of the NPPF.

4.9 **Mineral Safeguarding**

- 4.9.1 The site falls within a Mineral Safeguarding Area (MSAs). Paragraph 209, of the National Planning Policy Framework (NPPF) and Policy 3 of the Minerals Local Plan for Staffordshire (2015 – 2030), both aim to protect mineral resources from sterilisation by other forms of development.
- 4.9.2 The application site is located within an area identified within the Local Plan as a Mineral Safeguarding Area. Exemptions to Policy 3.2 apply in cases of small-scale development within the boundary of urban areas. However, given that the site is small and constrained by existing commercial development on all sides, it is unlikely that it would be either practicable or environmentally acceptable to extract any underlying minerals in the foreseeable future. The Mineral Authority was consulted on the application and raised no objection to the proposal.

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

4.10 **Waste and Recycling Facilities**

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

4.10.2 It is noted that the proposed development would provide a linear bin collection point adjacent the access to the development. The final design of the bin store would reflect that of a typical residential boundary treatment comprising of 1.8m high close board fencing. It is noted that the location of the bin store would largely be screened from the adjacent highway and where visible would appear as a typical residential boundary treatment. As such, the proposed location and design of the bin store is considered acceptable.

4.11. **Ground Conditions and Contamination**

4.11.1 The site is located in a general area in which Coal Authority consider to be a development low risk area. As such, the Coal Authority does not require consultation on the application. The applicant did however submit a Site Investigation Report for ground contamination given the close proximity of the site to a Historic Landfill Site.

4.11.2 The site history shows a building in the western corner of the site which is presumed to be residential. The remainder of the site is occupied by parts of several gardens. Buildings are located to the northwest of the site, although beyond all other boundaries there is no development shown. A possible sand pit is recorded 20m to southwest of the site on the other side of Walsall Road.

The site is unchanged on the 1902 OS Plan, although a possible excavation or sand pit is indicated to the southeast of the site adjacent to Walsall Road. In addition, a small "Sand Pit" is marked 130m to the northeast of the site.

4.11.3 Historic plans show predominantly residential and garden areas for the site. However, the 1962 OS Plan shows the central section of the site forming part of a larger Builder's Yard. This use is considered to be potentially contaminative. This use is no longer recorded on the 1974 OS Plan.

4.11.4 The assessment concluded that the potential for the site to be impacted by ground gases for coal seams or abandoned mine workings is assessed to be low given that seams and workings are at considerable depth. The Council's Environmental Health Officer was consulted on the application and raised no objection to the proposal.

4.12 **S106 Requirements**

4.12.1 Under Policy CP2 the proposal would be required to provide a contribution towards affordable housing. Policy CP2 seeks, on sites of 10-14 units, a financial

contribution based on the formula contained in the Developer Contributions and Housing Choices Supplementary Planning Document. The NHS Integrated Care Board has also requested a financial contribution to support the development of primary care services in either Cannock North or Cannock Villages. It is noted that the NHS Integrated Care Board didn't request a financial contribution from the extant permission.

4.12.2 In respect to this application, the applicant has raised concerns regarding the viability of the proposal in light of the required s106 contributions. Paragraph 3.9 of the Council's Developer Contributions and Housing Choices Supplementary Planning Documents set out considerations in respect to situations where there are concern about viability. This states: -

“CIL charges are non-negotiable unless a specific request is made for relief in accordance with the Council's relief and exceptions policy. The Council's CIL guidance clearly sets out the circumstances where this can be applied and the process for applicants. Planning Obligations are negotiated on a case by case basis.

For clarity the proposal would be CIL Liable, and no exemption has been sought in this case.

4.12.3 The guidance as set out in the Planning Practice Guidance states that where a developer/landowner believes that viability is an issue in relation to a specific Planning Obligation, applicants will need to make a submission to the Council which should include the following:

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

4.12.4 In this respect the applicant has submitted a viability assessment with which to demonstrate the impact of the affordable housing provision on the proposed scheme. Your Officers note that the request for a financial contribution for the NHS was submitted subsequent to the submission of the viability assessment and as such only references the affordable housing contribution. Your Officers commissioned Griffin Land to provide an independent assessment of the proposed development.

4.12.5 Griffin Land concluded that:-

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

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

- 4.12.6 The independent assessment concluded that they agreed with the applicant's conclusion that the Site is unviable with the inclusion of a S106 contribution. If S106 contributions are not sought by the Council, then viability will improve and hence there is more likelihood of the proposed development being delivered.
- 4.12.7 Whilst the NHS requirement for s106 contribution is not included within either assessment referenced above, on the basis that the applicant has demonstrated the site would not be viable based on the figures and conclusions within the submitted reports, your Officers consider the additional implications of the NHS requirement would further reduce the viability of the site.
- 4.12.8 As such, your Officers recommend that given the above, the site would not be viable with the inclusion of the s106 financial provision for affordable housing or the NHS financial contribution. Furthermore, the development for 12 apartments was granted permission by Planning Committee on 3rd February 2021 at which time the scheme was demonstrated to not be viable and as such Members approved the scheme without the S106 requirement for an offsite contribution for affordable housing provision.
- 4.12.9 As such, your Officers recommend that the application be approved without the s106 requirement in accordance with the Planning Practice Guidance on Viability (2014).

5 Human Rights Act 1998 and Equalities Act 2010

Human Rights Act 1998

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

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