

Please ask for: Mrs. W. Rowe
Extension No: 4584
E-Mail: wendyrowe@cannockchasedc.gov.uk

1 February, 2022

Dear Councillor,

Planning Control Committee
3:00pm, Wednesday 9 February 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 26 January 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.

Finding information about an application from the website

- On the home page click on planning applications, listed under the 'Planning & Building' tab.
- This takes you to a page headed "view planning applications and make comments". Towards the bottom of this page click on the text **View planning applications. By clicking on the link I agree to the terms, disclaimer and important notice above.**
- On the following page insert the reference number of the application you're interested in e.g. CH/21/0001 and then click search
- This takes you to a list of all documents associated with the application - click on the ones you wish to read and they will be displayed.

Planning Applications

Application Number	Application Location and Description	Item Number
1. CH/21/0405	<i>McArthurGlen Designer Outlet West Midlands, Mill Green, Eastern Way, Cannock WS11 7JZ</i> - Environmental Impact Development - Outline Planning Application for the construction of a multi storey car park,	6.1 – 6.53

increasing the overall level of car parking spaces up to 2,500 across the McArthurGlen Designer Outlet West Midlands, realignment of existing service road and all other works with all matters reserved except scale

2. CH/21/0339 **33 North Street, Cannock, WS11 0BB** - Erection of 2 no. two storey buildings to create 3 no. flats, 3 no. garages, 1 no. cycle store and associated works (resubmission of CH/15/0385) 6.54 – 6.85
3. CH/21/0081 **139A Hill Street, Hednesford, Cannock, WS12 2DW** - Residential development to site to rear (resubmission of CH/20/210) 6.86 - 6.121

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

Held on Wednesday 26 January 2022 at 3:00 pm
in the Council Chamber, Civic Centre, Cannock

Part 1

Present:
Councillors

Muckley, A. (Vice-Chairman - in the Chair)
Allen, F.W.C. Molineux, G.N. (substitute)
Beach, A. Smith, C.D.
Cartwright, Mrs. S.M. Sutton, Mrs. H.M.
Fitzgerald, Mrs. A.A. Thompson, Mrs. S.L.
Hoare, M.W.A. Wilson, Mrs. L.J.
Jones, Mrs. V. Witton, P.T.
Kruskonjic. P.

80.	<p>Apologies</p> <p>Apologies for absence were received from Councillors P.D. Startin (Chairman), P.A. Fisher and Mrs. V. Jones.</p> <p>Notification had been received that Councillor Molineux would attend as substitute for Councillor Fisher.</p>
81.	<p>Declarations of Interests of Members in Contracts and Other Matters and Restriction on Voting by Members</p> <p>None declared.</p>
82.	<p>Disclosure of details of lobbying by Members</p> <p>Councillor Kruskonjic declared that he had been lobbied in respect of application CH/21/0293, 8-10 Coppice Road, Rugeley, WS15 1LN - Change of use of Caretakers room at rear to residential unit (retrospective)</p>
83.	<p>Minutes</p> <p>Resolved:</p> <p>That the Minutes of the meeting held on 5 January 2022 be approved as a correct record.</p>

<p>84.</p>	<p>Members requests for Site Visits</p> <p>A site visit was requested in respect of Application CH/21/0476, Land off Girton Road, Cannock, WS11 0ED - Erection of two apartment buildings to accommodate 24 no. apartments and associated development, including access, parking and landscaping.</p> <p>Resolved:</p> <p>That a site visit be undertaken in respect of Application CH/21/0476.</p> <p>Reason:</p> <p>To assess the suitability of the development in terms of traffic, road structure and size of the proposed properties.</p>
<p>85.</p>	<p>Application CH/21/0231 - Units 8 & 9 Orbital Retail Park, Voyager Drive, Cannock, WS11 8XP - External alterations to elevations associated with the amalgamation of Units 8 & 9 to accommodate a food store, relaxation of the range of goods currently restricted under Planning Permissions CH/97/0377 and CH/10/0454, to allow the sale of food and drink, other associated works</p> <p>Consideration was given to the report of the Development Control Manager (Item 6.1 – 6.50 of the Official Minutes of the Council).</p> <p>The Development Control Manager outlined the following update that had been circulated in advance of the meeting:</p> <p>“Following publication of the agenda a letter of representation has been received from Mr Neil Denison of Turley’s on behalf of Aldi. In summary the letter takes issue with the use of a condition aiming to restrict the number of product lines that can be sold at any one time from the supermarket. It is claimed that such a condition would fail the tests of need, reasonableness, and enforceability.</p> <p>This condition was recommended to be placed on any permission granted by AlderKing who are acting as retail advisers to the Council. The condition was recommended on the basis that Aldi operate as ‘Limited Assortment Discounter’ and it was on this basis that the applicant submitted the Retail Impact Assessment (RIA) and how that RIA was subsequently appraised by AlderKing.</p> <p>Given that this material issue has been raised by Turley’s, Officers will need to allow AlderKing the opportunity to advise. As such it is recommended that the application be deferred to allow Officers to investigate whether the condition meets the tests for conditions set out in para 56 of the NPPF.</p> <p>Extract of Letter of Representation from Neil Denison of Turley’s, dated 24/01/2022</p> <p>We have been made aware of the discussions between Montague Evans and the LPA regarding proposed conditions on a development at Orbital Retail Park under application ref CH/21/0231. That application involves an amendment to conditions to allow convenience goods to be sold from Units 8/9, the purpose of which is to enable Aldi to occupy those units. We note that Alder King (AK) carried out an audit of the Retail Impact assessment submitted with that application. AK concluded that the proposal would not</p>

result in a significant adverse impact on any designated centre, but nevertheless advised that planning permission should be subject to a number of planning conditions, one of which would seek to impose restrictions on the number of product lines that can be sold from the retail unit.

We note that the LPA have accepted that recommendation and propose the following condition in the Officer Report to Planning Committee:

“Limited Assortment Discounter

7. The development hereby approved shall only be used as a Class E(a) retail food store and shall be restricted to ‘limited product line deep discount retailing’ and shall be used for no other purpose falling within Class E of the Town and Country Planning (Use Classes) Order 1987 (as amended) (or any order revoking or re-enacting or amending that order with or without modification). ‘Limited product line deep discount retailing’ shall be taken to mean the sale of no more than 2,500 individual product lines.”

While the proposed development at Orbital Retail Park is developer led, so that it will be ultimately out of Aldi’s hands whether or not that condition is imposed (subject to planning permission being granted) and accepted, we write on behalf of Aldi stores Ltd to place on record their deep concern about the appropriateness of such a condition and their opposition to it being imposed on the basis that it fails to meet certain ‘tests’ for conditions set out at para 56 of the NPPF, namely those relating to need, reasonableness and potentially, enforceability.

Aldi have made it clear to the applicant that this is an unacceptable condition, and it has been agreed that the applicant will seek to remove the Condition via a S73 application should planning permission be granted as per the recommendation in the Officer’s Report.

Resolved:

That the application be deferred to allow Officers to investigate whether the condition meets the tests for conditions set out in para 56 of the NPPF.

86. Application CH/21/0293 - 8-10 Coppice Road, Rugeley, WS15 1LN - Change of use of Caretakers room at rear to residential unit (retrospective)

Consideration was given to the report of the Development Control Manager (Item 6.51 – 6.67 of the Official Minutes of the Council).

The Development Control Manager outlined the following update that had been circulated in advance of the meeting:

“Following compilation of the report for the Committee agenda, Officers have received an email from Cllr Martin asking for an email to be read out to Members or circulated on her behalf as she is now unable to attend the meeting.

The email reads as follows: -

“I first reported this change of use from storage to multi occupancy in July 2020. The enforcement officer did not visit until, I think, April 2021. The alterations had then been

completed. There is a perfectly good flat above the premises, where all previous managers have lived with their families. Why is extra accommodation needed for a 'caretaker' & where are goods being stored now?

If I had not notified the planning department about this change of use an application would never have been submitted.

I am asking Councillors to refuse retrospective permission for this application"

Your Officers confirm that the application does seek retrospective consent as a consequence of investigations carried out by the Enforcement Officer. Your Officers also confirm that applications are determined based on the material considerations of the individual application and the fact the application is retrospective is not a material planning consideration. The system allows developers to seek to regularise the situation should it transpire that a development requires the express consent of the local planning authority.

In respect to the other points raised, your Officers confirm that there is still a first floor flat at the premises and the 'extra accommodation' is for residential purposes, not necessarily for a caretaker.

Your Officers would also draw your attention to the plans which demonstrate that there is still room retained to the rear of the retail unit for storage".

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

In response to some concern raised by Members the Development Control Manager confirmed that Officers could bring the development to the attention of Building Control Officers so that they could assess whether it was compliant with building control regulations.

Resolved:

- (A) That the applicant be requested to enter into an Agreement under Section 106 of the Town and Country Planning Act, 1990 to secure a financial contribution to mitigate the impact of the development on the Cannock Chase Special Area of Conservation (SAC);
- (B) On completion of the Agreement the application be approved subject to the conditions contained in the report for the reasons stated therein.

(Members requested that Officers bring the development to the attention of Building Control Officers so that they could assess whether it was compliant with building control regulations).

87. Application CH/21/0427, 19 Coppice Road, Rugeley WS15 1LT - Residential Development - Erection of pair of 3-bedroom semi-detached dwellings

The Development Control Manager referred to the update circulated in advance of the meeting. This stated:-

"Following compilation of the report for the Committee agenda, Officers have received an email from the agent instructing that the application be withdrawn".

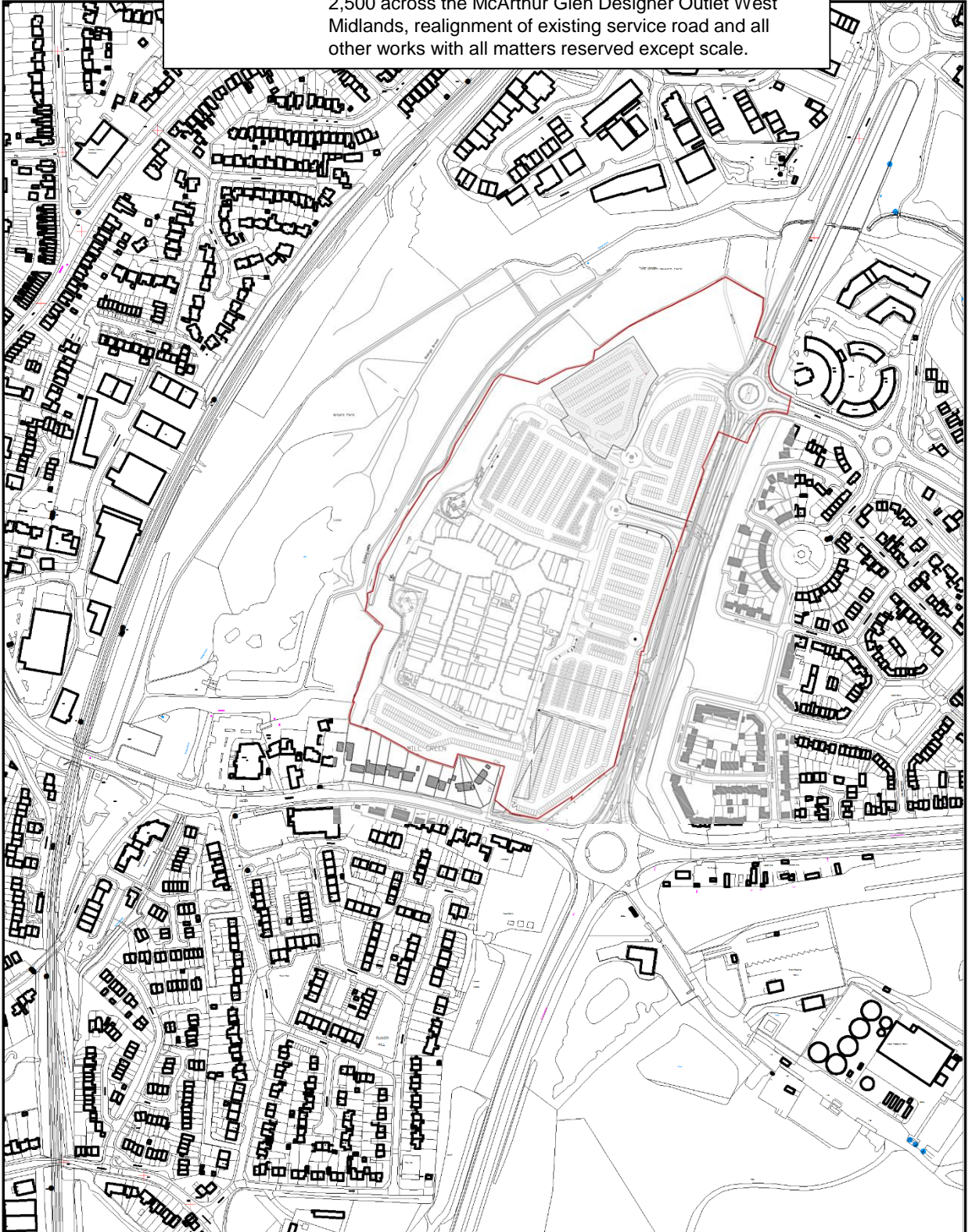
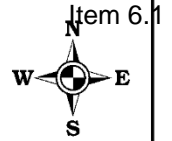
	The Committee noted that the application had been withdrawn.
	The meeting closed at 4:02pm.
	_____ Chairman



Application No: CH/21/0405

Location: McArthur Glen Designer Outlet West Midlands, Mill Green, Eastern Way, Cannock, WS11 7JZ

Proposal: Environmental Impact Development - Outline Planning Application 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.



Location Plan

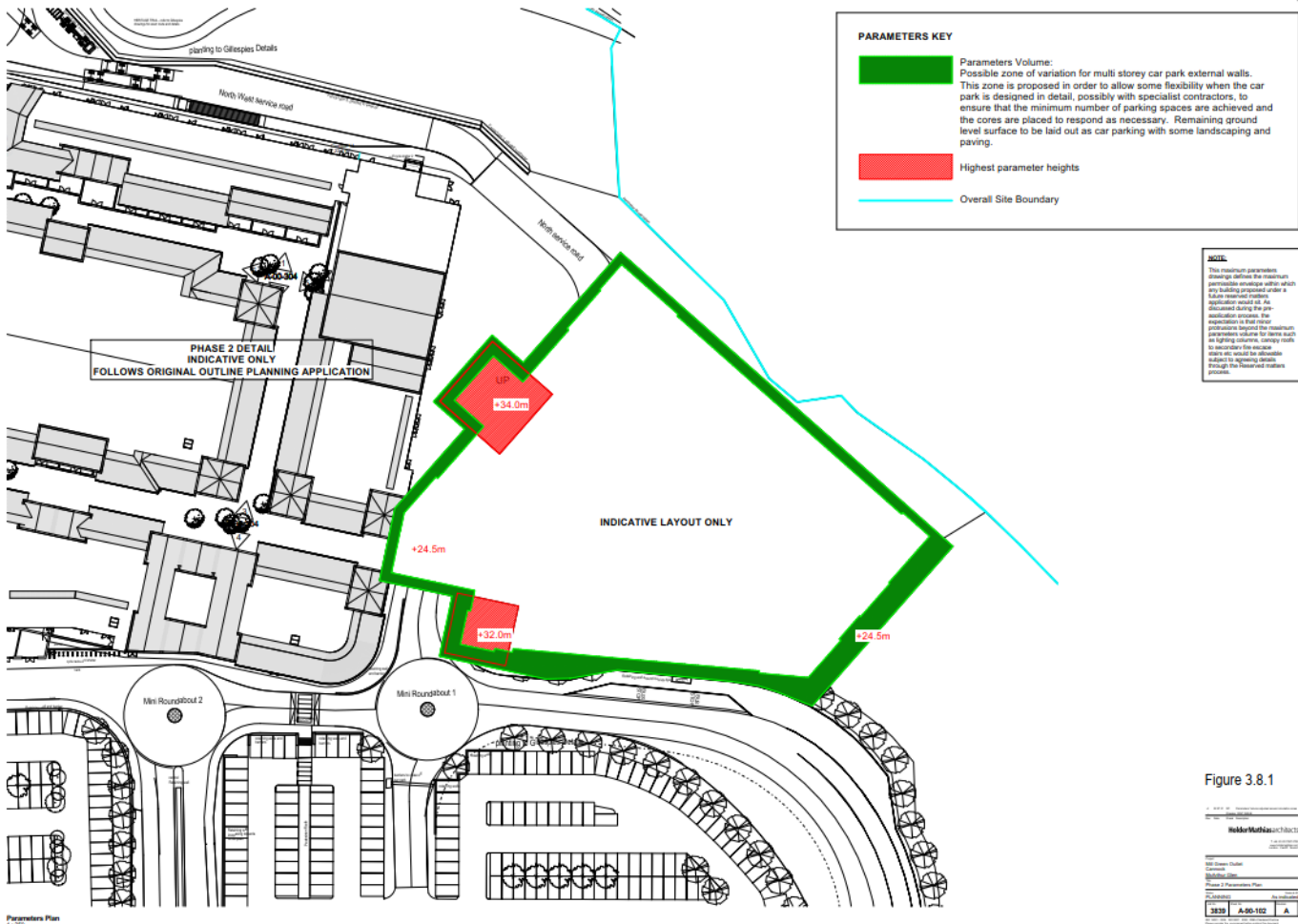


- Application Boundary
- Proposed MSCP location

HolderMathiasarchitects
1111 12th Street, Suite 100
Denver, CO 80202
303.733.1111
www.holdermathias.com

Mill Green Outer Village
Carriock
MSCP - Final Location Plan
Information
3839 A-90-401 B

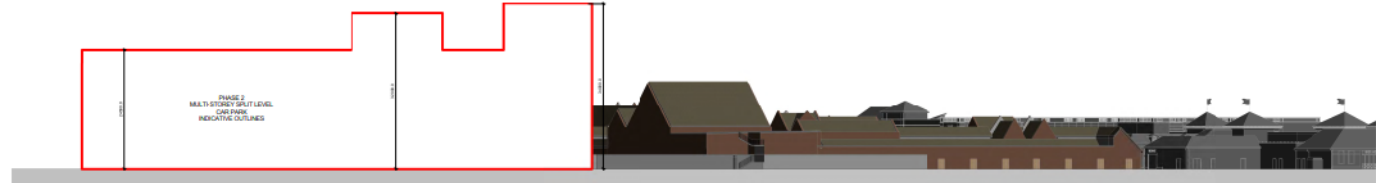
Parameters Plan



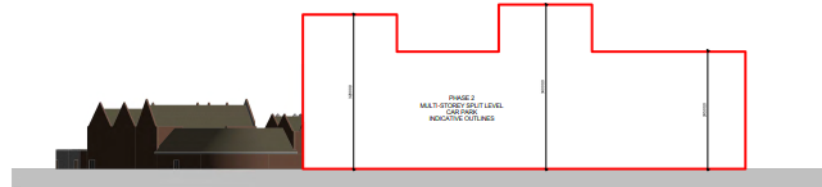
Elevations



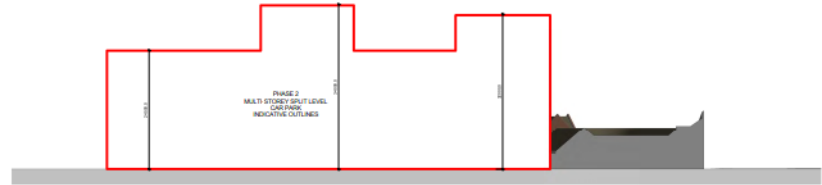
① Phase 2 Overall South-East Elevation, 1:250



② Phase 2 Overall North-West Elevation, 1:250



③ Phase 2 Overall North-East Elevation, 1:250



④ Phase 2 Overall South-West Elevation, 1:250

NOTE:
 This maximum parameters elevation defines the maximum permissible envelope within which any building proposed under a future rezoned system application would sit. As discussed during the pre-application process, the intention is that any proposals beyond the maximum parameters volume for items such as lighting columns, canopy roofs, etc. would be allowed through the rezoned matters process.

Figure 3.8.2

3875 A-05-502 A	
3875	A-05-502
A	A

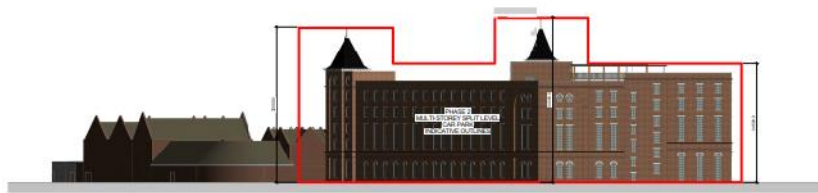
Elevations



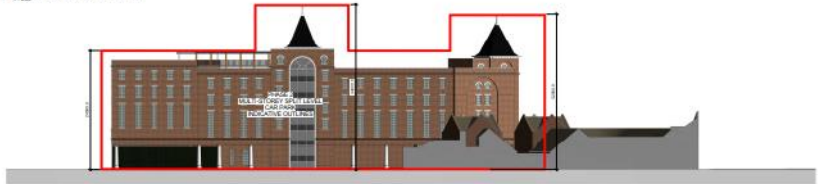
1 Phase 2, Overall South-East Elevation
1:200



2 Phase 2, Overall North-West Elevation
1:200



3 Phase 2, Overall North-East Elevation
1:200



4 Phase 2, Overall South-West Elevation
1:200

NOTE:
These elevation drawings are for informational purposes only and do not constitute a contract. The information provided is for informational purposes only and is not intended to be used for any other purpose. The information is provided for informational purposes only and is not intended to be used for any other purpose. The information is provided for informational purposes only and is not intended to be used for any other purpose.

Figure 3.8.3

<p>3250 A-00-001 A</p>		
<p>3250</p>	<p>A-00-001</p>	<p>A</p>

Contact Officer: Richard Sunter

Telephone No:

Planning Control Committee

9th February 2022

Application No: CH/21/0405

Received: 28-Sep-2021

Location: McArthur Glen Designer Outlet West Midlands, Mill Green, Eastern Way, Cannock, WS11 7JZ

Parish: Heath Hayes and Wimblebury CP/ Norton Canes CP/

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

Description: Environmental Impact Development - Outline Planning Application 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.

Application Type: Outline Planning Major

RECOMMENDATION: Approve subject to conditions.

Reason(s) for Recommendation:

Conditions (and Reasons for Conditions):

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

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

Reason

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

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

Reason

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

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

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

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.

4. No development shall commence until a construction and environmental management plan has been submitted to and approved in writing by the local Planning Authority. The approved plan shall be adhered to throughout the construction period. The statement shall include:

- Details of access
- Arrangements for the parking of site operatives and visitors
- Location of the contractors compounds, cabins and materials storage areas
- Construction hours
- Delivery hours and routeing
- Recorded daily inspections of the private road/ adopted highway leading to the site access
- Measures to remove mud or debris carried onto the private road/ adopted highway
- Measures to protect from and prevent noise, vibration and dust.
- Measures to protect biodiversity
- method of piling should piling be considered necessary.

Reason

In the interest of highway safety in accordance with paragraph 111 of the National Planning Policy Framework.

5. No development shall commence until a scheme for external lighting and the prevention of light-spill from internal lighting onto the adjacent Mill Green Nature Reserve has been submitted to and approved in writing by the Local Planning Authority. No other forms of internal or external illumination shall be used in and around the multi-storey car park.

Reason

In order to protect the biodiversity of the Mill Green Nature Reserve and to prevent glare to neighbouring residential properties in accordance with Policies CP3 and CP12 of the Cannock Chase Local Plan and the National Planning Policy Framework.

6. No development shall commence until a report outlining the methodology, and results of a survey of burrowing protected mammals, together with an assessment of potential impacts on any protected burrowing mammal and mitigation of any impacts identified has been submitted to and approved in writing by the Local Planning Authority. The survey shall encompass all land up to 50m from the edge of the application site.

The development shall thereafter be undertaken in accordance with the mitigation strategy outlined in the report.

Reason

In order to ensure adequate provision is given to conserving protected species of burrowing mammals in accordance with Policy CP12 of the Cannock Chase Local Plan and the National Planning Policy Framework.

7. No development shall commence until a scheme for the provision of nesting and roosting opportunities for bird and bats to be incorporated within the fabric of the building has been submitted to and approved in writing by the Local Planning Authority. The building thereafter shall be constructed in accordance with the approved scheme.

Reason

In order to ensure that the biodiversity value of the site is enhanced in accordance with Policy CP12 of the Cannock Chase Local Plan and the National Planning Policy Framework.

8. The multi storey car park will be operated in accordance with the updated Travel Plan as set out in Appendix 6.2 of Part III of the Environmental Statement.

Reason

In the interests of reducing reliance on the private motor vehicle by promoting sustainable transport options in accordance with Policy CP10 and the National

9. No development shall commence until a scheme for the provision of a quantum of electric vehicle charging points within the Multi-storey car park has been submitted to and approved in writing by the Local Planning Authority. The electric vehicle charging points shall be made available before the multi-storey car park is brought into use and shall thereafter be retained and made available for their intended purpose the lifetime of the development unless otherwise agreed in writing by the Local Planning Authority.

Reason

In the interest of sustainability and tackling the causes of climate change in accordance with Policy CP16 of the Cannock Chase Local Plan and the National Planning Policy Framework.

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

A-90-401 (Rev B) MSCP – Red Line Location Plan

A-90-102 (Rev A) Phase 2 Parameters Plan

A-00-301 (Rev A) Ph 2 External Elevations, Ht Parameters

A-00-302 (Rev A) Ph 2 External Elevations, Ht Parameters

Reason

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

Notes to the Developer:

Severn Trent Water Authority

Severn Trent Water advise that there is a public 675mm combined sewer and a 225mm foul 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.

100mm to 299mm diameter – 3m either side of the pipe, measured from the centreline of the sewer.

300mm to 999mm diameter – 5m either side of the pipe, measured from the centreline of the sewer.

The application for developer enquiry can be found at

<https://www.stwater.co.uk/building-and-developing/new-site-developments/developer-enquiry/> fill out the relevant information and return to the Developer Services Team.

Information, guidance and applications for building and developing can be found on the Severn Trent Website: <https://www.stwater.co.uk/building-and-developing/overview/>

Staffordshire Fire and Rescue Service

The developer's attention is drawn to the comments made by Staffordshire Fire and Rescue Service

Fire Mains, Hydrants and Vehicle Access

Appropriate supplies of water for fire fighting and vehicle access should be provided at the site, as indicated in Approved Document B Volume 2 requirement B5, section 15 and 16.

I would remind you that the roads and drives upon which appliances would have to travel in order to proceed to within 45 metres of any point within the property, should be capable of withstanding the weight of a Staffordshire firefighting appliance (G.V.W. of 17800 Kg).

Automatic Water Suppression Systems (Sprinklers)

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

Staffordshire Fire & Rescue Service (SFRS) would strongly recommend that consideration be given to include the installation of Automatic Water Suppression Systems (AWSS) as part of a total fire protection package to:

- Protect life, in the home, in business or in your care.
- Protect property, heritage, environment and our climate;
- Help promote and sustain business continuity; and
- Permit design freedoms and encourage innovative, inclusive and sustainable architecture.
- Increase fire fighter safety
- The use of AWSS can add significant protection to the structural protection of buildings from damage by fire.

Without this provision, the Fire and Rescue Service may have some difficulty in preventing a complete loss of the building and its contents, should a fire develop beyond the stage where it cannot be dealt with by employees using first aid fire fighting equipment such as a portable fire extinguisher.

SFRS are fully committed to promoting Fire Protection Systems for both business and domestic premises. Support is offered to assist all in achieving a reduction of loss of life and the impact of fire on the wider community.

Early consultation with the Fire Service when designing buildings which incorporate sprinklers may have a significant impact on reducing 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.

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 0800 288 4242.

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

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

Consultations and Publicity

Internal Consultations

Environmental Health

No adverse comments are offered in principle.

As the proposals will not result in an increase in traffic generation, the noise & vibration, and air quality impacts are primarily related to the construction phase. Mitigation will be addressed through a construction environment management plan, which is abbreviated in the construction strategy. The strategy informs that:

- Construction hours limited to
 - 08:00 to 18:00 (M-F)
 - 08:30 to 13:00 (Sat)
 - No work (Sundays, bank holidays & outside construction hours)
- Piling operations will be included. This should be specifically addressed in the CEMP as per the following extract from the supporting documents:
 - Where reasonably practicable, adopt quiet working methods, using plant with lower noise emissions;
 - Where reasonably practicable, adopt working methods that minimise vibration generation;
- A summary of the CEMP, relating to
 - Air quality – site planning, construction traffic, site activities

Noise & vibration – summary of mitigation measures

Waste

No significant effects are envisaged during either construction or operational phases.

Lighting

A detailed lighting plan to be submitted.

Development Plans and Policy Unit

The application site is currently in use as a temporary car park adjacent to the completed Phase one of the Designer Outlet. The land is not protected for a specific use on the Local Plan Policies Map 2014, but it is directly adjacent to a nature reserve that is protected as part of the Green Space Network and as a Site of Biological Interest (SBI).

The National Planning Policy Framework sets out that applications for planning permission should be determined in accordance with the development plan, unless material considerations indicate otherwise. The Cannock Chase Local Plan – Local Plan (Part 1) Policy CP1 also reflects this stance.

Policy CP3 defines the high design standards that will need to be addressed in relation to the development proposal including the expectation that buildings will reflect local identity and enhance the character of the local area. This should include designing out crime and enhancing public open space. The development should successfully integrate within the existing landscape and protect the amenity of existing properties.

Policy CP9 states that support will be given to proposals which contribute to a diversification of the economy including tourism and retail growth, especially where jobs are created. Visitor and recreational facilities will be positively supported where they contribute to the visitor economy.

Policy CP10 seeks to develop sustainable transport links and appropriate mitigation measures where a development is likely to generate more traffic movements. It supports the enhancement of the highway network to improve access, improved connections with bus and rail links, and the improvement of walking/cycling routes. The Parking Standards, Travel Plans and Developer Contributions for Sustainable Transport Supplementary Planning Document (July 2005) sets out advisory parking standards for types of development.

Policy CP12 says that key strategic assets including Local Nature Reserves will be managed positively with opportunities for enhancements promoted. Conservation of existing green infrastructure will be supported and planning permission will be refused where developments have an adverse effect upon a locally designated site.

Conclusion

The outline planning permission CH/15/0048 set out the location, suggested maximum height and volume parameters for the multi-storey car park and in October 2020

planning application CH/20/308 was granted to permit the use of the area reserved for the multi-storey car park within Phase II to be used as a temporary car park for 213 spaces for a period of up to five years. Therefore the principle of the development and use for car parking has already been established at the application site.

This new application seeks to increase the scale of car parking provision to reflect the existing demand and increased length of visitor stays from phase one and anticipated demand from phase two, while ensuring enough spaces to prevent inappropriate parking in neighbouring areas outside of the site boundary. The car park will also support the proposed Phase two of the development, which will further benefit the tourism sector and provide further employment opportunities to benefit the local economy. The development is designed to be modern and attractive to shoppers, whilst also taking into account typical heritage features found within the wider West Midlands region.

The existing phase one development already seeks to protect the existing nature reserve and SBI as a key attraction and open space adjacent to the development by including a landscape buffer between the site and reserve. As the proposed car park is within the existing development site boundary covered by the outline planning permission this matter has already been considered under the original planning permission.

The site is considered to be sustainable as it lies within the urban area close to Cannock Chase railway station and local bus routes, within walking distance of Cannock Town Centre and the Heritage Trail. Therefore sustainable transport links and infrastructure are already in place to provide alternative transport choices for visitors and staff.

As the principle for the use has already been established the matter of safe access, sufficient parking and the appearance and impact of the proposal are matters of detail which we are happy to leave to the judgement of the case officer.

Economic Development Service

On behalf of the Economic Development Service and acting as the former land owner representative of the Council - I can confirm acting in both capacities the Council are delighted to see this planning application come forward.

This positive step by the applicant demonstrates the commitment of the owners and operator to proceeding with delivery and construction of the full development of the site as originally proposed.

Comments:

We would be interested in seeing how the construction of the proposed multi-storey car park (MSCP) fits within the overarching delivery program for the Phase 2 development. Having regard to how the MSCP will be viewed in the long term against the built out proposed phase 2 development alleviates my potential concerns around the proposed scale of the MSCP and the proposed increase in height.

The increase in car parking spaces overall is primarily as a response to the positive trading performance of Phase 1. By permitting the increase in car park spaces in the MSCP itself should mitigate overflow parking in the outer lying road network and surrounding residential areas, this increase should therefore be considered positively.

Please can you confirm if the original traffic assessment approved by the Council (as the local planning authority) for the whole development did consider within its scope and parameters the now proposed additional car parking spaces and the inevitable additional traffic flows that this would generate. If the impact of the additional trips generated have already been modelled and there is no material effect on the surrounding road network, then I would be in favour of permitting the increased car park spaces.

I am assuming Landscape colleagues have been consulted on this application (couldn't see them identified as a named consultee on the planning portal). I would anticipate mitigation measures would be needed e.g for the MSCP to alleviate the proposed impact on the adjacent nature park e.g to prevent excessive light pollution into the nature reserve.

Consideration required on the visual impact of the MSCP (viewing from the adjoining nature reserve would be useful. Being able to see a visual interpretation of how the MSCP will sit within the site would be helpful so you can comment upon the relationship within the current and proposed setting.

Regarding the wider phase 2 development itself, I would like to use this consultation opportunity to reiterate the following:

- Ongoing investment is badly needed between the Outlet, Cannock Town Centre and the Cannock Rail Station to enable strong connectivity and promote sustainable travel options to potential outlet visitors.
- The Operator is encouraged to continue to work with the Council to encourage linked trips and visits between the Outlet and other destinations in the District.
- The Council will be looking for the Operator to continue to invest in the delivery of the Retail Skills Academy with Walsall College.
- The Council are positively encouraged by the overall job creation figures achieved for Phase 1 and recognition that recruitment is largely within the local catchment area is supported.
- The Outlet are a key employer in the District and monitoring of the existing Employment and Skills plan should continue and include any construction phase and occupation of Phase 2.

I trust this feedback is helpful, if you require any further clarification, please don't hesitate to contact me.

Parks and Open Spaces

With reference to the additional & revised submitted details and previous memo of 1 November 2021, I have the following comments: -

Noted that corrections made to the inaccuracies within the LVIA and relevant aspects further investigated and reported on.

Whilst all matters are noted as reserved the following comments need to be considered as part of the detailed design: -

Reference is made to mitigation through appropriate landscaping i.e., tree planting but there would be no suitable space within the proposed site to add further tree planting. It appears from that some of the existing/proposed tree planting along the north western side of the access road would be lost which would not aid softening of the lower parts of the structure.

The rear façade of the MSCP facing the Mill Green Local Nature Reserve must incorporate a living green wall.

As all surface water drainage flows into the Mill Green balancing lake within the Local Nature Reserve, interceptors need to be included to prevent possible pollution/contamination of the watercourses and LNR. (Recent incident occurred)

There must be no light spillage from the MSCP towards the Mill Green Nature Reserve

The production of a Construction Environmental Management plan (CEMP) as a way on managing various aspects of the proposed development would be appropriate and essential. This will need to include a timetable of and appropriate detail to cover tree protection, tree works prior to construction, prevention of light spillage onto the Mill Green Nature reserve, protection of water courses and prevention of run off or contamination of the Nature Reserve.

Reference made to badger protection and implementation of a survey within 30m of the development as part of the CEMP. Given the known high level of badger activity within the surrounding area together with the likely use of piling in the construction process, the distance needs to be extended to 50m

The site of the proposed Phase 2 retail area is laid out as a temporary visitor car park whilst the site of the MSCP is also laid out as a car park, chiefly for staff use. Given the proposed MSCP will engulf the whole of the latter temporary car park what provision will be made to accommodate the relocated staff parking coupled with the required space for site compounds & relevant facilities, delivery and storage areas working area and construction staff parking without the need to impact on the temporary visitor parking area and visitor parking requirement as a whole or the (protected) habitat area to the northern area of the site?

As noted previously, the proposed scheme would in general not give rise to materially greater effects in comparison to the existing approved MSCP apart from the increase in height.

Overall, the findings note that the revised proposals would have negligible effects or minimal impact when considering the presence of the existing MGOV

Phase 1 development. Whilst this may be so, the whole process fails to take account of the incremental effects of development, justification being based on the original being deemed as acceptable. This is an inherent flaw in the system that fails to take account of creeping change that can and will ultimately affect an area.

External Consultations

Heath Hayes and Wimblebury Parish Council

No objections.

National Highways

No objections.

National Highways has been appointed by the Secretary of State for Transport as a strategic highway company under the provisions of the Infrastructure Act 2015 and is the highway authority, traffic authority and street authority for the Strategic Road Network (SRN). The SRN is a critical national asset and as such we work to ensure that it operates and is managed in the public interest, both in respect of current activities and needs as well as in providing effective stewardship of its long-term operation and integrity.

Reason

It is understood that the number of car parking spaces is to increase from the consented level of 1,822 to 2,500, resulting in an increase of 678 spaces. We acknowledge that to facilitate the increase in car parking spaces, this application seeks to amend the design of the Multi-Storey Car Park (MSCP) within Phase II.

We have reviewed the information submitted in relation to the parking accumulation assessment. We have undertaken assessments assuming both a 1 hour and 3 hour dwell time, for robustness. Both scenarios indicate that there is a demand for parking.

Our review has shown that if the dwell time is greater than 1 hour, this will suppress the demand due to the lack of parking provision available. Therefore, new trips that will occur during the AM and PM peak will be restricted due to capacity. However, it should be noted that queueing on the local authority highway network could occur. Nonetheless, as the nearest SRN junction is located approximately 1.9km away, it is unlikely to have a significant impact on the A5/A460 junctions.

Previously, National Highways had queries regarding the applicant's methodology in their Air Quality Assessment and, issues of NO₂ exceedance within AQMA No. 2 (which intersects with the SRN) which were dismissed by the applicant in terms of relevance to the current amended proposals. Given that our review has concluded that there will be minimal additional traffic generated by the proposals, we are satisfied that the Air Quality assessment methodology is appropriate and that impact on AQMA No.

2 attributable to the proposals is minimal.

Staffordshire County Council Minerals Planning

The site falls within a Minerals Safeguarding Area for shallow coal and fireclay and for superficial sand and gravel.

Paragraph 206 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.

[The response goes on to refer to Policy 3.2 notes that the site is subject to planning permission for development of the site and concludes that the County Council has no objections to the proposal].

Staffordshire County Council Highway Authority

No objections subject to conditions.

Staffordshire County Council Rights of Way Officer

The County Council's Definitive Map of Public Rights of Way shows that no rights of way cross the proposed application site.

The County Council has not received any application under Section 53 of the Wildlife and Countryside Act 1981 to add or modify the Definitive Map of Public Rights of Way, which affects the land in question.

It should be noted, however, that this does not preclude the possibility of the existence of a right of way at common law, or by virtue of a presumed dedication under Section 31 of the Highways Act 1980.

It may, therefore, be necessary to make further local enquiries and seek legal advice in respect of any physically evident route affecting the land, or the apparent exercise of a right of way by members of the public.

Severn Trent Water Ltd

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

I can confirm that we have no objections to the proposals subject to the inclusion of the following condition:

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

- The scheme shall be implemented in accordance with the approved details before the development is first brought into use. This is to ensure that the development is provided with a satisfactory means of drainage as well as to prevent or to avoid exacerbating any flooding issues and to minimise the risk of pollution.

Severn Trent Water advise that there is a public 675mm combined sewer and a 225mm foul 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.

100mm to 299mm diameter – 3m either side of the pipe, measured from the centreline of the sewer.

300mm to 999mm diameter – 5m either side of the pipe, measured from the centreline of the sewer.

The application for developer enquiry can be found at <https://www.stwater.co.uk/building-and-developing/new-site-developments/developer-enquiry/> fill out the relevant information and return to the Developer Services Team.

Information, guidance and applications for building and developing can be found on the Severn Trent Website: <https://www.stwater.co.uk/building-and-developing/overview/>

Severn Trent subsequently clarified the position in an email dated 1 December 2021 stating that “the drains are well away from the MSCP. I think the issue is that the redline is for the whole site and Severn Trent have been advised of the location of the car park”.

Historic England

On the basis of the information available to date, we do not wish to offer any comments. We suggest that you seek the views of your specialist conservation and archaeological advisers, as relevant.

It is not necessary for us to be consulted on this application again, unless there are material changes to the proposals. However, if you would like detailed advice from us, please contact us to explain your request.

County Flood Risk Management (SUDS)

We are now satisfied with the submitted proposals and have no objection to the

Staffordshire Fire & Rescue Service

I refer to the planning application dated 11th October and the enclosed drawings numbered depicting the proposed development at the above address.

Fire Mains, Hydrants and Vehicle Access.

Appropriate supplies of water for fire fighting and vehicle access should be provided at the site, as indicated in Approved Document B Volume 2 requirement B5, section 15 and 16.

I would remind you that the roads and drives upon which appliances would have to travel in order to proceed to within 45 metres of any point within the property, should be capable of withstanding the weight of a Staffordshire firefighting appliance (G.V.W. of 17800 Kg).

Automatic Water Suppression Systems (Sprinklers)

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

Staffordshire Fire & Rescue Service (SFRS) would strongly recommend that consideration be given to include the installation of Automatic Water Suppression Systems (AWSS) as part of a total fire protection package to:

- Protect life, in the home, in business or in your care.
- Protect property, heritage, environment and our climate;
- Help promote and sustain business continuity; and
- Permit design freedoms and encourage innovative, inclusive and sustainable architecture.
- Increase fire fighter safety

- The use of AWSS can add significant protection to the structural protection of buildings from damage by fire.

Without this provision, the Fire and Rescue Service may have some difficulty in preventing a complete loss of the building and its contents, should a fire develop beyond the stage where it cannot be dealt with by employees using first aid fire fighting equipment such as a portable fire extinguisher.

SFRS are fully committed to promoting Fire Protection Systems for both business and domestic premises. Support is offered to assist all in achieving a reduction of loss of life and the impact of fire on the wider community.

Early consultation with the Fire Service when designing buildings which incorporate sprinklers may have a significant impact on reducing 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.

Natural England

Natural England has no comments to make on this application.

Natural England has not assessed this application for impacts on protected species. Natural England has published Standing Advice which you can use to assess impacts on protected species or you may wish to consult your own ecology services for advice.

Natural England and the Forestry Commission have also published standing advice on ancient woodland and veteran trees which you can use to assess any impacts on ancient woodland.

The lack of comment from Natural England does not imply that there are no impacts on the natural environment, but only that the application is not likely to result in significant impacts on statutory designated nature conservation sites or landscapes. It is for the local planning authority to determine whether or not this application is consistent with national and local policies on the natural environment. Other bodies and individuals may be able to provide information and advice on the environmental value of this site and the impacts of the proposal to assist the decision making process. We advise LPAs to obtain specialist ecological or other environmental advice when determining the environmental impacts of development.

We recommend referring to our SSSI Impact Risk Zones (available on Magic and as a downloadable dataset) prior to consultation with Natural England. Further guidance on when to consult Natural England on planning and development proposals is available on gov.uk at <https://www.gov.uk/guidance/local-planning-authorities-get-environmental-advice>

Coal Authority

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The Coal Authority is a non-departmental public body sponsored by the Department of Business, Energy & Industrial Strategy. As a statutory consultee, the Coal Authority

has a duty to respond to planning applications and development plans in order to protect the public and the environment in mining areas.

The Coal Authority Response: Material Consideration

I have reviewed the site location plans and the proposals and supporting information submitted and available to view on the LPA website and can confirm that the wider McArthurGlen Designer Outlet West Midlands site falls partly within the defined Development High Risk Area.

The Coal Authority records indicate that there are a number of coal mine entries present within/adjacent to the wider McArthurGlen site. The nearest of these to the proposed multi storey car park are previously treated mine shafts 399310-004 (to the north) and 399310-005 (to the north east). However, the potential zones of influence of these features do not extend to the part of the site where development is currently proposed.

As such, the part of the site where the development is proposed lies outside of the defined HighRisk Area. Therefore, we do not consider that a Coal Mining Risk Assessment is necessary to support this proposal and we do not object to this planning application.

Although the proposed development will be located outside the defined Development High Risk Area, as the site lies within an area where coal mining activity has taken place, it is requested that the following wording is included as an Informative Note on any planning permission granted:

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 0800 288 4242.

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

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

Cannock Chase AONB Unit

No comments received.

Staffordshire Wildlife Trust

No comments received. Should comments be received members will be updated at Planning Committee.

South Staffordshire Water

We appear to have a water-mains assets affected by this scheme (taken as the red boundary), this would need engagement by the developer and ourselves n 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 installation for new construction processes.

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

Environment Agency

No comments received. Should comments be received members will be updated at the meeting of Planning Control Committee.

Response to Publicity

The application has been advertised by site notice and neighbour letter. Two letters of representation have been received.

Letters of Support

On behalf of Five Guys, I write to confirm our support for the outline planning application recently submitted (application number CH/21/0405) at the McArthurGlen Designer Outlet West Midlands ('MGDOWM') by Cannock Designer Outlet (GP) Limited (acting as a General Partner for and on behalf of the Cannock Designer Outlet Limited Partnership as the 'Joint Venture').

We have reviewed the plans and the justification and consider the proposed level of car parking is appropriate to ensure McArthur Glen Designer Outlet West Midlands is best placed to thrive and positively contribute to enhancing the visitor economy in Cannock.

Letters of Objection

Having read the application and supporting documents, I am aware that it is suggested that the addition of 678 car parking spaces is in response to longer than anticipated visit times and therefore will have little impact on the number of cars visiting the site, however I feel it is inevitable that traffic on residential roads which are already busy will be affected. Since the opening of the retail park we have found it more difficult to pull out from our property onto Lichfield Road. I have also noticed an increase in the number of vehicles cutting through Rumer Hill estate to avoid congestion around the outlet centre. Also of concern is the safety of the existing road network and its ability to cater to additional vehicles. I am aware of two serious accidents which have occurred recently and it has become common place to see minor collisions at the Mill Green roundabout. I would therefore question whether the slight increase in traffic which is projected in the application is suitable for the road network.

Furthermore, the addition of parking spaces in a new development seems to conflict with the Staffordshire local transport plan, the Cannock Chase development plan and the Government's wider agenda regarding sustainable transport. Whether the proposed scheme is to cater for more vehicles or to make life easier for existing drivers visiting the site, I would suggest that perhaps there is a need to look at investing in facilities for cyclists and public transport users rather than focussing on encouraging car travel. Whilst increasing people visiting the site by car benefits the designer outlet, there seems to be very little economic benefit to the wider area which draws economic sustainability of the scheme into question.

Within the application, reference is made to the fact that the proposed multistorey car park exceeds the building height consented in the wider MGDOWM scheme. Since the site opened, numerous planning applications have been submitted to make material changes and it seems little regard is being paid to the original constraints which were put in place. For example we were originally informed that the parking area at the back of our property would be barrier controlled, staff only parking area however in reality it is open to the public. It therefore concerns me that by allowing the consented height to be exceeded, a precedent may be set for future applications to increase the height of the existing development. I feel the potential for this to occur is demonstrated in the vague statement regarding “potential parking, layby and landscaping rearrangements, the extent of which is not confirmed at various locations” which is included in the application. Having experienced significant disruption during the first phase of building I am reluctant to see permission granted for a scheme which could potentially result in further disruptive building works and endless applications and amendments.

Relevant Planning History

The relevant planning history is as follows: -

CH/15/0048: Hybrid planning application for a designer outlet village development. Full - Approval with Conditions. 07/26/2016

CH/15/0048/A: Discharge of condition 21 (outline construction management plan) etc

CH/17/279: Application (under Section 73 of the Town and Country Planning Act 1990 (as amended). Full - Approval with Conditions. 10/11/2017. Of particular note this permission included a package of measures to promote sustainable transport including:

-
provision of signage to direct visitors to the site and toward other key local destinations

a pedestrian/cyclist shared path along the Eastern Way site frontage

multiple pedestrian entrance points:

shared paths

End of trip facilities for cyclists in the form of parking for customers together with more secure parking and changing areas for staff.

a Section 106 agreement included financial contributions to provide the following:

- replacement/installation of new bus shelters on Lichfield Road
- installation of real time passenger information displays at Lichfield Road bus stops

- Resurfacing and upgrading of surrounding footways to the south of Lichfield Road adjacent to the rail station car park
- upgrade existing walk/cycle signage between site and Cannock town centre to include distance to key locations
- upgrade informal dropped kerb crossing on Lichfield Road adjacent to Hednesford Street
- upgrade and install dropped kerbs and tactile paving on Mill Street route including the crossing point with the A34
- relaying of cycle markings at Lichfield Road Toucan crossing located adjacent to Girton Road
- relaying on-road cycle markings on ramp between Lichfield Road and Mill Street and on Mill Street to clearly delineate shared surface
- contributions towards a bus service linking the application site to Cannock Railway Station and Cannock bus station/town centre. The service operates with a frequency of 30 minutes in both directions and will start an hour before the opening times of the development and run until 30 minutes after the closing time.
- A financial contribution was also sought towards the improvements to the passenger waiting and general station facilities at Cannock railway station, as well as improving accessibility to the station for all users.
- highway infrastructure improvements.

CH/17/279/A:	Discharge of conditions 26, 27 & 41 for planning permission
CH/17/279:	Discharge of Conditions - Full Approval . 11/06/2017.
CH/17/279/B:	Application to discharge condition 17 pursuant to planning permission CH/17/279.
CH/17/279/C:	Discharge of condition 9 for planning permission CH/17/279
CH/17/279/D:	Application CH/17/279/D: Application to discharge conditions 6 (Phasing of Landscape) et al.
CH/17/279/E:	Application to discharge conditions 21 (CEMP), 24 (Disposal of Surface Water) et al.
CH/17/279/F:	Application to discharge conditions 2, 3, 5 and 28
CH/17/279/G:	Application to discharge condition 10 pursuant to planning permission CH/17/279. Discharge of Conditions - Full Approval 06/08/2018
CH/17/279/H:	Application to discharge condition 31a (acoustic screens) pursuant to planning p Discharge of Conditions - Full Approval 07/24/2018

CH/17/279/I:	Application to discharge condition 21 (construction environmental management plan)
CH/17/279/K:	Application to discharge Condition No's. 14 & 15 (Cannock Heritage Trail & Play Discharge of Conditions - Full Approval 03/17/2020.
CH/18/009:	Non-material amendment to planning permission CH/17/279 for the realignment of the. Approved. 01/29/2018
CH/20/308:	Application for the use of the area of land proposed for the Phase II Multi-stor Full - Approval with Conditions. 10/27/2020.
CH/20/308/A:	Application to discharge conditions 3 & 4 (details of external environment, exte. Discharge of Conditions - Full Approval. 02/26/2021.
CH/20/435:	Minor Material Amendment to alter Condition 35 (Q) of Planning Permission CH/17/ Full - Approval with Conditions. 02/02/2021.
CH/20/435/A:	Application to discharge conditions 19 (Car Park Management Regime), 25 (Waste M Discharge of Conditions - Full Approval. 03/04/2021.
CH/20/435/B	Application to discharge Condition No.37 (extraction & filtration for Unit FB01) Discharge of Conditions - Full Approval. 03/30/2021
CH/20/435/C:	Application to discharge Condition No.37 (Extraction & Filtration) for unit FB03 Discharge of Conditions - Full Approval. 05/18/2021.
CH/21/0065:	Submission of details pursuant to Schedule 7 of the Deed of Variation.
CH/21/0197:	Application Under Section 73 of the 1990 Town and Country Planning Act for a Mi Full - Approval with Conditions. 05/26/2021
CH/21/0314:	Non Material Amendment to CH/21/0197 - changes to elevational treatment of units Approved. 08/26/2021.

1.0 Site and Surrounding

- 1.1 The application site broadly corresponds with the boundary of the McArthurGlen Designer Outlet West Midlands (MGDOWM), which is situated approximately 1km east of Cannock Town Centre and which covers an area of 11.94 hectares. and its boundary broadly aligns with that of the wider MGDOWM scheme. The application site is bounded to the east by Eastern Way

(A460), with residential properties located beyond. Mill Green and Hawks Green Valley Nature Reserve, incorporating Ridings Brook watercourse, and its associated reservoir, forms the application site's northern and western boundaries. Lichfield Road and the rear gardens of residential properties fronting on to Lichfield Road are located to the south of the application site. The wider context of the application site is mixed but largely residential in character.

- 1.2 The application site currently comprises the recently completed and operational Phase 1 of the consented MGDOWM development, including commercial units, pedestrian and vehicle access routes, car parking and landscaping, as well as areas that have been cleared and aggregate laid, vegetated site peripheries, and the junction with Eastern Way at the entrance to the site in the north east.
- 1.3 Phase 2 area of MGDOWM would be located in the northern part of the application site. This area has been cleared and an aggregate surface put down as part of the wider MGDOWM construction works. This part of the site is in temporary use as further car parking under planning consent CH/20/308, which will cease prior to commencement of construction of Phase 2 of the MGDOWM scheme in due course. The proposed multi-storey car park (MSCP) included under the current application would be located within this area, which is approximately the same location as that for the MSCP in the consented outline consent.
- 1.4 The site is located in a minerals safeguarding area for superficial sand and gravel, a coal High Risk Area, Historical Contaminated Land and in part in Flood Zone 2. It is also near the former Poplars Open Cast Site now used as the Poplars Landfill Site Off Lichfield Road and adjacent to the Mill Green Nature Park which is a Site of Biological Interest.

2.0 Proposal

- 2.1 The Applicant is seeking outline planning permission for the construction of a multi storey car park with all matters reserved except scale. This would result in the increase in the overall level of car parking spaces up to 2,500 across the whole of the Outlet West and the realignment of the existing service road serving Phase 1 within the outlet.
- 2.2. The full proposals would also include potential vehicle access, parking, layby and landscaping rearrangements, the extent of which would not be confirmed until the reserved matters stage, but which could potentially take place at various locations within the application site. No changes to the retail elements of Phases I or II of the MGDOWM scheme are proposed under this application.
- 2.3 In respect to car parking provision the proposed MSCP would increase the overall level of car parking spaces across the outlet from the 1,822 (previously consented) to up to 2,500 spaces, which would represent an increase of up to 678 spaces over and above the original consented scheme.

- 2.4 In respect to the proposed building's scale and form it should be noted that the layout of the proposed MSCP is reserved for future determination, and therefore the final form of the MSCP cannot be confirmed at this stage.
- 2.5 The maximum proposed building height across the majority of the MSCP is 24.5m above ground level (up to 161.65m Above Ordinance Datum (AOD), based on the MGDOWM Phase 1 unit Finished Floor Level (FFL) of 137.150m AOD); with the exception of two taller roof features. These roof features would have an increased maximum height of 7.5m above the main structure (32m above ground level and 169.15m AOD, based on the MGDOWM Phase 1 unit FFL of 137.150m AOD) and an increased maximum height of 9.5m above the main structure (34m above ground level and 171.15m AOD, based on the MGDOWM Phase 1 unit FFL of 137.150m AOD) respectively.
- 2.6 The change from the MSCP design included within the consented MGDOWM scheme comprises an increase in height of the structure from up to 15m above ground level to:
- up to 24.5m above ground level for the main structure (an increase of 9.5m);
 - up to 32m above ground level for the smaller spire (an increase of 17m); and
 - up to 34m above ground level for the taller spire located on the focal south east corner (an increase of 19m).
- 2.7 In respect to the vehicular access to the MSCP this is proposed to be via a new internal access linked to the existing internal road network with the MGDOWM scheme. It is intended that full details would be agreed at the reserved matters stage in due course.
- 2.8 Drainage would include discharge to a Sustainable Urban Drainage System (SuDS) and then into the Mill Green Reservoir to the west of the application site.
- 2.9 Landscaping proposals would be submitted at reserved matters stage and are not for consideration at this stage.
- 2.10 In order to facilitate how the final proposal could look an illustrative form of the proposed MSCP has also been prepared by the project architects, Holder Mathias Architects. This illustrates how the scheme details that are reserved for future determination at the reserved matters stage could potentially come forward. The architectural approach adopted for the illustrative MSCP takes its cues from the existing nature and form of the as built phase 1 of MGDOWM and the yet to be built phase 2 of MGDOWM and the aim is that once all phases are complete, the built form would read as a consistent whole with inspiration taken from the grand industrial buildings that are typical of the Staffordshire and Midlands region.

2.4 The application has been deemed as Environmental Impact Assessment (EIA) development in respect to its impacts on Highway safety and capacity and in respect to landscape and visual impacts. It is therefore accompanied by an Environmental Statement and ES Addendum, dated 02 December 2021, and is subject to the Environmental Impact Assessment Regulations 2017(as amended in 2018 and 2020). In order to inform the determination of the proposal the application is accompanied by the following documents: -

Environmental Statement and ES Addendum by CBRE Ltd

Planning Statement

Phase 1 and 2 Environmental Assessment (= contamination report)

Flood Risk Assessment (Part 1 and “)

Air Quality Assessment

Tree Report

Travel Plan

Transport Statement and subsequent Technical Note

Historic environment Statement

Construction Strategy

TVIA Assessment

Noise Impact Assessment

External Elevations Height Parameters Plan

Phase 2 Parameters Plan

2.5 This ES is comprised of the following:

- (i) Volume I: Non-Technical Summary (NTS), which provides a concise, accessible overview of the information contained in Volume II to make it readily comprehensible to non-specialists.
- (ii) Volume II: Main Volume of the ES, which describes the proposals, the alternative options considered, the baseline environmental conditions, the likely significant effects of the proposed development alone and in combination with the identified cumulative schemes, the proposed mitigation measures and the residual environmental effects.
- (ii) Volume III: Technical Appendices containing technical reports that have informed the assessments contained in Volume II, as well as assessments of topics not considered to require a stand-alone chapter within Volume II.

- 2.6 The applicant has stated that subject to planning permission, approval of reserved matters and other development matters, work potentially could commence in 2023. The anticipated construction period is approximately 12 months with completion by 2024.

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), 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
- CP5: - Social Inclusion and Healthy Living
- CP9: - A Balanced Economy
- CP10: – Sustainable Transport
- CP12: - Biodiversity and Geodiversity
- CP13: - Cannock Chase Special Area of Conservation (SAC)
- CP14: - Landscape Character and Cannock Chase Area of Outstanding Natural Beauty
- CP15: - Historic Environment
- CP16: - Climate Change and Sustainable Resource Use

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

- 3.5 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
111:	Highway Safety and Capacity
126, 130, 132, 134:	Achieving Well-Designed Places
174, 180:	Biodiversity
183, 184, 185:	Ground conditions and pollution
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

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 and capacity.

- v) Air quality
- vi) Impact on nature conservation
- vii) Impact on heritage assets
- viii) Drainage and flood risk
- iv) Mineral safeguarding
- x) Waste and recycling facilities
- xi) Ground conditions and pollution

4.2 Principle of the Development

4.2.1 Both paragraph 11 of the NPPF (2021) and Cannock Chase Local Plan 2014 Policy CP1 state that there should be a presumption in favour of sustainable development.

4.2.2 The presumption in favour of sustainable development as set out in paragraph 11 of the NPPF states: -

‘For decision taking this means:

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

4.2.3 The starting point of the assessment is therefore whether the proposal is in accordance with the development Plan and whether that plan is up to date. In that respect it is noted that Policy CP1 of the Local Plan states: -

“In Cannock Chase District the focus of investment and regeneration will be in existing settlements whilst conserving and enhancing the landscape of the AONB, Hednesford Hills, Green Belt and the green infrastructure of the District. The urban areas will accommodate most of the District’s new housing and employment development, distributed broadly in proportion to the existing scale of settlement.”

- 4.2.4 In this respect the proposal, by virtue of the site being in an urban area is in general conformity with the thrust of policy CP1 of the Local Plan. Furthermore, it is considered that Policy CP1 in focussing investment and regeneration will in existing settlements and urban areas which can be accessed by a variety of modes of transport, including excellent public transport services, is up-to-date with current Government policy and guidance and in particular is in general conformity to the NPPF.
- 4.2.5 Furthermore, the principle of a multi storey car parking serving the West Midlands Designer Outlet was firmly established in 2015 under hybrid planning permission CH/15/0048 which consented full permission for Phase 1 of eth Outlet and outline consent for Phase 2 and the multi-storey car park. AS such it is considered that the application proposal is acceptable in principle.
- 4.2.6 However, proposals that are acceptable in principle are still subject to all other policy tests. This report will now go on to consider the proposal in the slight of these policy tests.

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

‘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 respect to impacts on the character and form of the area it is worth reiterating that the current application is for outline consent only with all matters reserved except scale. Therefore, details of the design such as window detailing, external materials, landscaping, access points are not for consideration at this outline stage. This approach enables the issue of scale to be determined, which if approved gives the applicant confidence to develop more detailed proposals to be brought forward in the future.

4.3.6 In order to inform the application the applicant has submitted an Environmental statement and Addendum. The ES at Chapter 7 of Volume II deals specifically with ‘Townscape and Visual Impacts’.

4.3.7 The assessment at Chapter 7 of Volume II of the ES focusses on the likely effects of the enlarged MSCP on a number of townscape and visual receptors. These include: -

Local townscape receptors comprising:

- The MSCP area and wider application site;
- The character area within the study area (DU 26a –
- Mill Green Cannock (formally UR27));

Local visual receptors comprising:

- Visual Receptor Group 1: McArthurGlen Designer Outlet West Midlands; A460 and A5190 (Users of the A460 (Eastern Way) and within existing MDGOWM car parking areas);

Visual Receptor Group 2:

- Mill Green and Hawks Green Valleys Local Nature Reserve (LNR) and
- Lichfield Road (Users of the LNR and residents / visitors using public locations along Lichfield Road);
- Visual Receptor Group 3: Hawks Green (Residents / visitors using public locations within the Hawks Green residential development);
- A460 (Eastern Way);
- A5190 (Lichfield Road); and
- Chase Heritage Cycle Trail.

4.3.8 The assessment also splits potential impacts into the 'construction phase' and operational phase' of the development

4.3.9 In respect to the 'construction phase' the ES Non-Technical Summary states:

-

'there would be no discernible change / loss of the existing physical features of the MSCP area, although there would be the gradual introduction of the new MSCP, external spaces, access routes, and new planting within the surroundings of the MSCP area and the wider application site which would be in keeping with the existing MGDOWM development', adding -

- (i) 'The construction phase will result in little to no modification of landscape / townscape character; and
- (ii) Visual receptors will experience views of construction activity, compounds and the movement of vehicles and plant.

and concluding

'The effects of the scheme on townscape and visual receptors during the construction phase are expected to range from Negligible to Minor Neutral.'

4.3.10 In respect to the operational phase of the development the Non-Technical Summary states: -

'Once the proposed MSCP is complete and operational, effects on landscape character would be at their greatest within the MSCP area itself, where the change would be of Low magnitude, Minor significance and Neutral at most.

The proposed MSCP maintains the character of the wider application site and its immediate surroundings and is appropriate in scale and form in comparison to already constructed buildings within the wider MGDOWM scheme (Phase I). Effects beyond the MSCP area would rapidly reduce with distance due to the limited visibility of the proposed MSCP, such that effects would be Negligible beyond the application site's boundaries.

Visual Effects

Effects on visual receptors would be at their greatest on users of the car parking areas of Phase 1 of the MGDOWM scheme and those using the A460. From these locations, visual effects would be at most of Low magnitude and Minor significance. Effects would be Neutral given the limited visibility of the proposed MSCP beyond its immediate context; and the influence of other commercial / retail development – such as Phase 1 of the MGDOWM scheme; the Park Plaza; and the Hawks Green Industrial Estate – in close proximity to the MSCP area that would be similar in height, scale, form and materiality. Beyond the immediate context of the MSCP area and application site, visual effects would rapidly reduce with distance as a result of intervening vegetation.'

4.3.11 The Parks and Open Spaces Officer has reviewed the ES and stated: -

'Overall, the findings note that the revised proposals would have negligible effects or minimal impact when considering the presence of the existing MGOV Phase 1 development. Whilst this may be so, the whole process fails to take account of the incremental effects of development, justification being based on the original being deemed as acceptable. This is an inherent flaw in the system that fails to take account of creeping change that can and will ultimately affect an area.'

4.3.12 It is noted that the Parks Officer appears to be in general agreement with the findings of the ES, with criticism reserved for the EIA 'process' and 'inherent flaw[s] in the system'. Members are advised that it is not the role of the local planning authority in the determination of a planning application to question the EIA process. However, it is appropriate for the LPA to determine whether the EIA process has been correctly followed and whether the conclusions derived at by the applicant are reasonable. It is considered that no evidence has been put forward that would challenge the conclusions of the applicant's Townscape and Visual Impacts' assessment with the Environmental Statement. As such the conclusions of the assessment are accepted

4.3.13 It is therefore concluded that the proposed development would be well-related to existing buildings and their surroundings in terms of its scale and therefore would not conflict with Policy CP3 of the Local Plan and the NPPF

4.4 Impact on Residential Amenity

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

4.4.2 Paragraph 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 In this respect it is noted that impacts on residential amenity could arise during the construction and operational phases of the development. However, although the application site area is quite large encompassing the whole of the outlet, construction activities would be mainly confined to the northern edge of the site. It is noted that this is approximately 140m from the nearest residential properties at Partridge Close, across the A46 Eastern Way. Properties facing Lichfield Road are 339m away the proposed multi-storey car park and separated in the main by the buildings comprising Phase 1 of the outlet. Given these distances it is considered that the proposed multi-storey car park would not give rise to any significant degree of overlooking or overshadowing and would not appear oppressive to the occupants of the neighbouring residential properties.

4.4.4 The Environmental Health Officer has advised that

‘As the proposals will not result in an increase in traffic generation, the noise & vibration, and air quality impacts are primarily related to the construction phase. Mitigation will be addressed through a construction environment management plan, which is abbreviated in the construction strategy. The strategy informs that:

- Construction hours limited to
 - 08:00 to 18:00 (M-F)
 - 08:30 to 13:00 (Sat)
 - No work (Sundays, bank holidays & outside construction hours)
- Piling operations will be included. This should be specifically addressed in the CEMP as per the following extract from the supporting documents:
 - Where reasonably practicable, adopt quiet working methods, using plant with lower noise emissions;
 - Where reasonably practicable, adopt working methods that minimise vibration generation;

4.4.5 It is therefore considered that impacts arising during the construction phase can be adequately mitigated by the imposition of a condition on any approval granted for the submission, approval and implementation of a construction and environmental management plan.

4.4.6 During the operational phase of the development potential impacts on residential amenity could arise from lighting and glare, noise, and impact on air quality. Impacts arising in respect to lighting and glare could be adequately controlled through a combination of assessing the detailed design at the

reserved matters stage and the imposition of a condition in respect to external means of lighting.

4.4.7 The issue of air quality is dealt with in section 4.6 of this report.

4.4.8 Given the above it is considered that the proposal would maintain a high standard of amenity for all existing and future occupants of the surrounding residential properties.

4.5 Impact on Highway Safety and Capacity

4.5.1 The application proposes to increase parking provision at the West Midlands Designer Outlet to a maximum of 2,500 spaces, which would constitute an increase of 678 spaces from the number of spaces included within the consented proposals. The proposals therefore include for the construction of a larger multi-storey car park in the north of the application site, which would increase the overall level of car parking spaces across MGDOWM from up to 1,822 (previously consented) to up to 2,500 spaces, which represents an increase of up to 678 spaces. No changes to the retail elements of Phases I or 2 of the MGDOWM scheme are proposed.

4.5.2 Objective 5 of the Cannock Chase Local Plan is to 'encourage sustainable transport infrastructure'. Paragraph 4.65 of the Local Plan states: -

'It is necessary to manage demand and develop transport policies that are sustainable. Transport policies help deliver sustainable development but are also important in contributing to economic and social prosperity and health objectives, such as addressing respiratory diseases linked to air pollution. Local transport objectives must therefore be met within the overall principles of environmental sustainability. Reducing dependence on the car and promoting attractive and realistic alternatives, including public transport, walking and cycling are therefore priority objectives, together with the need to travel.

4.5.3 The above objective is supported by Policy CP10 'Sustainable Transport' of the Local Plan which states that

'Developments will be expected to promote sustainable transport and where appropriate, developer contributions will be sought to support sustainable transport solutions elaborated in a Supplementary Planning Document and a Community Infrastructure Levy (CIL) charging schedule. Transport Assessments, Transport Statements or Travel Plans, will be prepared in accordance with DfT and LTA guidance for all developments that are likely to generate significant amounts of movement, to determine the measures required on the surrounding highway network to ensure necessary access by all transport modes'.

4.5.4 National policy and guidance in respect to transport is provided by paragraphs 111 and 112 of the NPPF and the relevant sections of the

Planning Practice Guidance. 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.

4.5.5 Paragraph 112 of the NPPF goes on to state that ‘applications for development should:

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

4.5.6 Staffordshire County Council's (SCC), Local Transport Plan (LTP) (2011) sets out the Council's strategy, vision and objectives for transport provision in the region, including walking, cycling and public transport up to 2026. Policy 3.1 states that ‘We will support the adoption of sustainable land-use planning policies and reduce the impact of development where it negatively affects the highway network. This will be achieved by working with local planning authorities and developers through the Local Development Framework process to:

- Encourage the design and layout of new development that maximises access by smarter travel models, especially in urban areas.
- Improve street design to create inclusive environments, especially in town centres whilst reconciling safety issues.
- Promote the retrofit of existing developments in order to maximise access by smarter travel modes, especially in urban areas.
- Seek development mixes and patterns that are accessible to a broad range of services and facilities, which reduce the need to travel by private motor vehicle’.

- 4.5.7 In order to demonstrate compliance with the above policy context the applicant has submitted an Environmental Statement and Addendum, a Transport Statement (as amended by the subsequent Technical Note) and a Travel Plan. The Transport Statement sets out, amongst other things the background and rationale for the current proposal. This is important as the proposed multi-storey car park is not a stand-alone development but rather an intrinsic part of the wider West Midlands Designer Outlet, which at Phase 1 mitigated its impact on the highway network and which also included a comprehensive package of measures to promote sustainable transport which have been implemented.
- 4.5.8 In terms of the rationale for the proposed increase in parking provision the Transport Statement states: -

‘Following the grant of hybrid planning permission in July 2016, a joint venture led by McArthurGlen, the leading factory outlet operator in Europe, acquired the Mill Green Designer Outlet Village and renamed it to be the MGDOWM.

One of its first actions was to test various aspects of the proposed scheme. One of the aspects tested was the anticipated parking demand based on empirical information on the length of time shoppers stay at existing McArthurGlen outlets in the UK. The average dwell time at existing McArthurGlen managed outlets is circa 3 hours. This is 50% longer than the 2 hour dwell time that was assumed in the original planning application.

The longer dwell time reflects the presence of upper-scale brands, the vibrant and engaging experience for customers and high-quality ancillary food and beverage offer that are key components of a McArthurGlen outlet. Due to the increased dwell time, additional car parking spaces are required, as customers will be parked at the MGDOWM for longer resulting in a lower turnover and higher demand for spaces

It is anticipated that the parking provision at the MGDOWM should be increased to a maximum 2,500 spaces, which would constitute an increase of up to 678 spaces from the number of spaces included within the consented proposals.

The Applicant considers that this increase in parking capacity is necessary to serve MGDOWM to ensure the quality of the facility that McArthurGlen require. Adequate provision of customer parking will minimise the potential for queuing on the local highway network as customers try to find a parking space. It will also ensure shoppers do not attempt to park in surrounding streets when they cannot find a space in the car parks on site.

In order to facilitate this increase in the number of parking spaces at the site, the design of the MSCP included within Phase 2 of the consented scheme has been amended to increase its capacity. These design

amendments include an increase in height of the structure, in exceedance of the consented maximum building height parameter of 15m (at lift core) above ground level.'

4.5.9 In respect to the comprehensive package of measures to promote sustainable transport which were approved under planning permission CH/17/279 these included: -

provision of signage to direct visitors to the site and toward other key local destinations

a pedestrian/cyclist shared path along the Eastern Way site frontage multiple pedestrian entrance points:

- via the nature reserve, west of the site
- opposite Hayes Way, adjacent the vehicle access point
- via the proposed underpass beneath Eastern Way
- along the proposed shared pedestrian/cyclist path
- along Lichfield Road near Eastern Way

a shared path connecting from Hayes Way to the path within the underpass

a shared path through on a north-east/south-west diagonal through the nature reserve

a shared path between Lichfield Road and Hobby Way, east of Eastern Way.

End of trip facilities for cyclists in the form of parking for customers together with more secure parking and changing areas for staff.

a Section 106 agreement included financial contributions to provide the following:

- replacement/installation of new bus shelters on Lichfield Road
- installation of real time passenger information displays at Lichfield Road bus stops
- Resurfacing of the footway to the south of Lichfield Road adjacent to the rail station car park
- upgrade and improvement of existing walk/ cycle signage between site and Cannock town centre to include distance to key locations
- upgrade of informal dropped kerb crossing on Lichfield Road adjacent to Hednesford Street
- upgrade and install dropped kerbs and tactile paving on Mill Street route including the crossing point with the A34
- relaying of cycle markings at Lichfield Road Toucan crossing located adjacent to Girton Road

- relaying on-road cycle markings on ramp between Lichfield Road and Mill Street and on Mill Street to clearly delineate shared surface
- contributions towards a bus service linking the application site to Cannock Railway Station and Cannock bus station/town centre. The service operates with a frequency of 30 minutes in both directions and will start an hour before the opening times of the development and run until 30 minutes after the closing time.
- A financial contribution was also sought towards the improvements to the passenger waiting and general station facilities at Cannock railway station, as well as improving accessibility to the station for all users.
- Highway infrastructure improvements.
- A Travel Plan and a financial contribution towards its monitoring.

4.5.10 It should be noted that the above measures were considered sufficient to make the development accessible by sustainable modes and to mitigate the impact of the development traffic. In addition the applicant has provided an updated Travel Plan (Appendix 6.2 of Part III of the ES) to reflect the change in ownership of the site since the original Travel Plan was produced and to provide an update on the previously agreed Framework Travel Plan and the measures implemented prior to the outlet opening in April 2021.

4.5.11 The applicant has stated: -

‘Traffic data from another of the McArthurGlen’s sites has been used to calculate the increased dwell time at the MGDOWM. The updated assessment has identified that the maximum parking accumulation would be 1,469 on a Friday and 2,212 on a Saturday. The calculated Saturday parking demand equates to circa 88% of the proposed parking provision of up to 2,500 spaces.

This demonstrates that the increased parking provision would be sufficient to accommodate the increased demand associated with a 3 hour dwell time and would also avoid congestion within the car park whilst visitors look for a space during the busiest periods on a weekend.

A comparison of the previously agreed peak hour traffic generation with the revised assessment has been undertaken. This has identified that the increased duration of stay and increased parking demand would not result in a significant change in peak hour traffic movements compared to those previously assessed.

In conclusion the additional parking would be sufficient to accommodate the anticipated demand and would not result in any off-site highway impacts.’

4.5.12 The evidence within the Environmental Statement and its Addendum, Transport Statement and Travel Plan have been considered by National Highway and the County Council's Highway Authority, neither of which has any objections to the proposal.

4.5.13 As such it is considered that the proposal would not result in unacceptable impact on highway safety, and that the residual cumulative impacts on the road network would not be severe. As such the proposal is in accordance with paragraph 111 of the NPPF and the broad thrust of Policy CP10 of the Local Plan.

4.6 Air Quality

4.6.1 Air quality is often determined by emissions from traffic and as such policy in respect to air quality can be found both under the topics of 'transport' as well as 'pollution/ dealing with climate change'. As such planning policy in respect to air quality is provide by paragraphs 105, 174 and 185 of the NPPF and CP10 and CP16 of the Cannock Chase Local Plan.

4.6.2 Paragraph 105 of the NPPF states

'The planning system should actively manage patterns of growth in support of these objectives. Significant development should be focused on locations which are or can be made sustainable, through limiting the need to travel and offering a genuine choice of transport modes. This can help to reduce congestion and emissions, and improve air quality and public health. However, opportunities to maximise sustainable transport solutions will vary between urban and rural areas, and this should be taken into account in both plan-making and decision-making.'

4.6.3 Paragraph 174 also goes on to state: -

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

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

4.6.3 Finally Paragraph 185 of the NPPF states

‘Planning policies and decisions should also ensure that new development is appropriate for its location taking into account the likely effects (including cumulative effects) of pollution on health, living conditions and the natural environment, as well as the potential sensitivity of the site or the wider area to impacts that could arise from the development’.

4.6.4 In addition Policy CP10 ‘Sustainable Transport’ of the Local Plan states: -

“Development proposals will need to take into account traffic generation and any implications for the Bridgetown Air Quality Management Area (AQMA) and for the Churchbridge junction, including appropriate

4.6.3 Policy CP16 ‘Climate Change and Sustainable Resource Use’ also states: -

“The Council, working with partners, will tackle climate change and ensure sustainable resource use via the promotion and positive consideration of initiatives and development proposals that:

- d. reduce or mitigate all forms of pollution, based upon air quality modelling where necessary, and having regard to strategic local issues including air quality”

4.6.4 To this end the applicant at Appendix 3.2 of the ES has included an Air Quality Assessment. The assessment states: -

‘The MGDOWM scheme was granted planning permission by Cannock Chase District Council (CCDC) in July 2016 (Application Reference: CH/15/0048), which comprises proposed retail units, MSCP, surface car park and associated infrastructure, which included an Air Quality ES Chapter.

UK-AIR background concentrations and local air quality monitoring results have been used to establish baseline air quality. This review shows that exceedances of the annual mean National Air Quality Objective for nitrogen dioxide are consistently monitored in the Air Quality Management Areas across the study area, but there have been no monitored exceedances at the closest monitoring locations to the application site and modelled background concentrations are also well below the exceedance thresholds across the study area for nitrogen dioxide and particulate matter (PM10 and PM2.5).

Construction phase effects will be short-term and temporary and can be mitigated through the use of best practice measures on site, which will be detailed within the CEMP in due course. The original 2015 ES concluded that, with the implementation of these mitigation measures, construction of the Proposed Development is not expected to result in significant air quality effects on surrounding receptors during construction. As set out in the EIA

Scoping Report (CBRE, January 2021), no further assessment of construction phase impacts has been undertaken.

With regard to the Proposed Development traffic flows, there are no anticipated changes in development-only flows due to the change in capacity. Accordingly, a semi-quantitative analysis (agreed in advance with CCDC's Pollution Control Officer on 8th April 2021) has been undertaken,

No existing high-sensitivity receptors have been identified within 50m of the location of the MSCP. As such, no further assessment has been undertaken, as impacts would not be significant.

From the evidence presented, the proposed change in capacity at the MSCP is expected to comply with all relevant air quality policy. As such, it is considered that there is no reason for refusal of planning permission on air quality grounds.'

- 4.6.5 The Environmental Health officer has reviewed the Air Quality Assessment and has no objections subject to a condition to ensure that the mitigation measures set out in the submitted 'Construction Strategy' are secured by condition.
- 4.6.6 Furthermore, it is considered appropriate to attach a condition on any approval granted to secure the provision of a scheme for a quantum of electric vehicle charging points to be fitted to the proposed multi storey car park.
- 4.6.7 It is therefore concluded that subject to the above conditions the proposal would be compliant with the above policies and acceptable in terms of air quality.

4.7 Impact on Nature Conservation Interests

- 4.7.1 Policy and guidance in respect to development and nature conservation is provided by Policy CP12 of the Local Plan and paragraphs 174 and 180 of the NPPF.
- 4.7.2 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.'

4.7.3 Paragraph 174 of the NPPF states [amongst other things] that

'Planning policies and decisions should contribute to and enhance the natural and local environment by:

- 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;'

4.7.4 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.

4.7.5 The applicant has carried out an ecological assessment which is contained within Appendix 3 of Volume III of the ES. This sets out the purpose and methodology of the assessment, evaluates the ecological features in and around the site and identifies potential impacts and finally provides a package of mitigation measures.

4.7.6 The Ecological Assessment concludes that: -

No ecological features that would affect the principal of development of the site have been identified to date.

With the implementation of the mitigation measures outlined above, in-line with the recommendations made in the 2015 ES14, no impacts to any designated sites are anticipated in the construction or operational phase of the development.

There is potential to improve the biodiversity of the site through native species planting and the provision of bat / bird boxes. Enhancement recommendations are made in line with planning policy which should contribute to local biodiversity targets, the specifications of which are anticipated to be provided as part of a detailed landscape strategy for the MSCP development.

As a certain vulnerable protected species has been formerly recorded badgers in the vicinity of the site and can make new refugia it is recommended an update survey is undertaken up to 30m from the MSCP boundary prior to commencement of construction works, to confirm the continued absence of any new refugia. No further survey work related to any other protected species is recommended at this time.

With the implementation of the mitigation and enhancement strategy described in this assessment (outlined in Section 3), it is considered that the proposed development would be in conformity with local planning policies.'

4.7.7 The proposed mitigation measures include

Mill Green and Hawks Green Valleys Nature Reserve (MGHGVNR) should be protected through the adoption of an appropriate management scheme and construction methods in line with best practice guidance (CIRIA 2015), this could include:

Installation of temporary fencing to protect important areas;

Ensure vehicle re-fuelling areas, material storage and site compounds are located a minimum of 10m from sensitive features (e.g., ditches, trees);

Ensure vehicles are well maintained and turned off when not in use;

Ensure dampening down of road surfaces and wheel washes are in use when necessary;

Ensure appropriate distances are employed (10m minimum) to prevent surface water runoff into ditches; and

Ensure a detailed Pollution Incident Response Plan is in place.

The retained woodland and trees should be protected from pollutants and run off through the adoption of an appropriate management scheme and construction methods in line with best practice (CIRIA 2015) and to be controlled by a CEMP. Tree protection fencing should also be erected in line with BS5837 to protect the above and below-ground structures of retained trees, in line with British Standard BS5837: 2012 'Trees in Relation to Design, Demolition and Construction'

Fence protection will be required for retained trees. The fencing must comprise of Heras fencing and will be based on Figure 2 'Default Specification for Protective Barrier' as recommended within the

British Standard 5837:2012. Where appropriate the fencing will be braced to withstand impacts.

Prior to the commencement of any construction activities a tree pruning works schedule to facilitate the proposal must be clarified. Where pruning works to trees are required, trees must be pruned in accordance with British Standard 3998:2010 'Tree Works - Recommendations'.

The MSCP area is considered unsuitable for burrowing mammals due to being primarily aggregate hard surface. However, as certain burrowing mammals can readily dig new burrows, prior to works commencing, an updated survey up to 30m from the MSCP development footprint, will be conducted by a suitably experienced ecologist to confirm that no new burrows have been excavated within 30m of the MSCP area, to avoid triggering legislation relating to the protection of certain vulnerable species. The report should be submitted to CCDC in due course.

Measures should be taken to protect a protected vulnerable species during the construction phase of the development, such as:

Covering all exposed trenches before works stop at night, to prevent animals from falling in and injuring or killing themselves;

Where trenches must be left open overnight, adding an escape route, i.e. a plank of wood, to allow animals to escape; and

Capping any temporarily exposed pipes before works stop at night to prevent animals from accessing them.

Construction phase lighting should be designed to minimise effects beyond the site (particularly on trees/shrubs) and should not light up the retained habitat on the site boundary and beyond. This is so that bat activity levels are not compromised and bats are able to fly around the application site in the construction phase.

Any removal of woody vegetation or pruning works to trees should be timed to avoid the nesting season (March to August inclusive) or preceded by a check for active nests by a suitably experienced ecologist. Should any active nests be found, an appropriate buffer would be maintained until such time as the nest is deemed to be no longer in supporting young, as confirmed by the ecologist on site

- 4.7.8 Natural England and the Council's Parks and Open Spaces Officer has looked at the proposals. Natural England has confirmed that it has no comments to make and has merely alluded to its standing advice on protected species.
- 4.7.9 However, it is note that the Open Spaces Officer has made comments in respect to (i) surface water runoff and pollution, (ii) light spillage from the MSCP towards the Mill Green Nature Reserve, (iii) tree protection and the (iv) the extension of the burrowing mammal survey to 50m. All these matters can be addressed either at the reserved matters stage or the imposition of conditions at the outline stage where it is appropriate to do so.
- 4.7.10 Therefore having had regard to the above it is considered that the proposal, subject to the attached conditions would have no significant impact on nature conservation interests and indeed through the incorporation of bats and bird boxes could enhance the biodiversity in the area.

4.8 Drainage and Flood Risk

- 4.8.1 The site is located in Flood Zone 1 on the Environment Agency's Flood Zone Maps.
- 4.8.2 Policy in respect to drainage and flood risk is provided by 159-169 of the NPPF. Of particular note is paragraph 167 which states

'When determining any planning applications, local planning authorities should ensure that flood risk is not increased elsewhere. Where appropriate, applications should be supported by a site-specific flood-risk assessment. Development should only be allowed in areas at risk of flooding where, in the light of this assessment (and the sequential and exception tests, as applicable) it can be demonstrated that:

- a) within the site, the most vulnerable development is located in of lowest flood risk, unless there are overriding reasons to prefer a different location;

- b) the development is appropriately flood resistant and resilient such that, in the event of a flood, it could be quickly brought back into use without significant refurbishment;
- c) it incorporates sustainable drainage systems, unless there is clear evidence that this would be inappropriate;
- d) any residual risk can be safely managed; and
- e) safe access and escape routes are included where appropriate, as part of an agreed emergency plan.'

4.8.3 The applicant has provided a Flood Risk Assessment (FRA) which notes that the site lies within Flood Zone 1 which is the category at least risk of flooding. However, a FRA is still considered appropriate as the proposal is for a major development over 1ha, has proximity to the Ridings Brook which is designated by EA as a main river and have the Riding Brook Culvert running under the site.

4.8.4 The Lead Local Flood Authority and Severn Trent have considered the proposal and have no objections subject to conditions.

4.8.5 It is therefore considered that subject to the attached conditions the proposal is acceptable in respect to drainage and flood risk and is in accordance with the requirements of the NPPF.

4.9 Mineral Safeguarding

4.9.1 The site falls within a Mineral Safeguarding Area (MSAs). Paragraph 212, of the National Planning Policy Framework (NPPF) and Policy 3 of the Minerals Local Plan for Staffordshire (2015 – 2030), both aim to protect mineral resources from sterilisation by other forms of development.

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

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

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

4.9.3 The County Council Minerals Planning Authority has noted that the site falls within a Minerals Safeguarding Area for shallow coal and fireclay and for superficial sand and gravel. However, the Minerals Planning Authority has also noted that the site is subject to planning permission for development of the site and concludes that it has no objections to the proposal.

4.9.4 It is therefore concluded that the proposal would not conflict with the purpose of Policy 3.2 of the Minerals Local Plan and therefore is acceptable in this respect.

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 The multi-storey car park, by its very nature, would not generate significant quantities of waste and would be adequately served by the waste and recycling facilities that serve Phase 1 of the development. As such the proposal would not conflict with Policy CP16(1) of the Local Plan.

4.11 Ground Conditions and Contamination

4.11.1 The application site is subject to ground contamination/ land stability issues

4.11.2 Paragraph 183 of the NPPF states

'Planning policies and decisions should ensure that:

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

4.11.3 Furthermore, paragraph 184 goes on to state

'Where a site is affected by contamination or land stability issues, responsibility for securing a safe development rest with the developer and/or landowner'

4.11.4 In this respect it is noted that the applicant has submitted a Coal Mining Report and that the Coal Authority has no objections on the grounds of risk from past mining activities. Furthermore, the Environmental Health Officer has no objections on the grounds of ground contamination.

4.11.5 As such it is concluded that the proposal is in accordance with of 183 of the NPPF.

4.12 Other Issues Raised by Objectors

4.12.1 Issues in relation to highway capacity and safety are dealt with above and so are not dealt with separately here.

4.12.2 In respect to the perceived conflict with the 'Government's wider agenda regarding sustainable transport', the 'Staffordshire local transport plan' and the 'Cannock Chase development plan' it should be noted that none of these strategies or plans envisage that the private car will not be catered for. Rather they aim to reduce reliance on the need of the private car not to eliminate it all together. Members' attention is drawn to the package of measures that have been implemented to achieve such an outcome.

4.12.3 As to the 'numerous planning applications [that] have been submitted to make material changes' to the development it is noted that the original application was submitted by a different applicant than the current owners, MacArthur Glenn, who wish to make changes in the light of their experience of running such retail outlets. Furthermore, it would be unusual for a development of this size not to be subject to amendments as circumstances will continue to change after planning permission is granted due to a combination of economic, social and environmental factors in additions to changes brought about by customer demands and the demands of numerous firms that will be present in the outlet.

4.12.4 As to the assertion that the submitted plans, in part, are vague Members are reminded that this application is in outline form with the matter of scale to be considered at this stage. All other matters such as details of access, appearance, landscaping and layout are reserved for future consideration and will be submitted and considered at a later stage.

5.0 Human Rights Act 1998 and Equalities Act 2010

Human Rights Act 1998

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

Equalities Act 2010

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

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

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

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

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

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

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

6.0 Conclusion

- 6.1 The application site broadly corresponds with the boundary of the McArthurGlen Designer Outlet West Midlands (MGDOWM), which is situated approximately 1km east of Cannock Town Centre and which covers an area of 11.94 hectares
- 6.2 The Applicant is seeking outline planning permission for the construction of a multi storey car park with all matters reserved except scale. This would result in the increase in the overall level of car parking spaces up to 2,500 across the whole of the Outlet West and the realignment of the existing service road serving Phase 1 within the outlet.
- 6.3 The full proposals would also include potential vehicle access, parking, layby and landscaping rearrangements, the extent of which would not be confirmed until the reserved matters stage, but which could potentially take place at various locations within the application site. No changes to the retail elements of Phases I or II of the MGDOWM scheme are proposed under this application.
- 6.4 In respect to car parking provision the proposed MSCP would increase the overall level of car parking spaces across the outlet from the 1,822 (previously consented) to up to 2,500 spaces, which would represent an increase of up to 678 spaces over and above the original consented scheme.
- 6.5 In respect to the proposed building's scale and form it should be noted that the layout of the proposed MSCP is reserved for future determination, and therefore the final form of the MSCP cannot be confirmed at this stage.

- 6.6 The application has been deemed as Environmental Impact Assessment (EIA) development in respect to its impacts on Highway safety and capacity and in respect to landscape and visual impacts. It is therefore accompanied by an Environmental Statement and ES Addendum, dated 02 December 2021, and is subject to the Environmental Impact Assessment Regulations 2017(as amended in 2018 and 2020
- 6.7 In respect to townscape and visual impacts it is considered that the proposed MSCP would maintain the character of the wider application site and its immediate surroundings and is appropriate in scale and form in comparison to already constructed buildings within the wider MGDOWM scheme
- 6.8 In respect to impacts on highway safety and capacity it is considered that the proposal would not result in unacceptable impact on highway safety, and that the residual cumulative impacts on the road network would not be severe. As such the proposal is in accordance with paragraph 111 of the NPPF and the broad thrust of Policy CP10 of the Local Plan.
- 6.9 In respect to all other impacts on acknowledged interest it is considered that the proposal is in accordance with the development plan and all relevant national policy identified within the above report.
- 6.10 It is therefore recommended that the application be approved subject to the attached conditions.

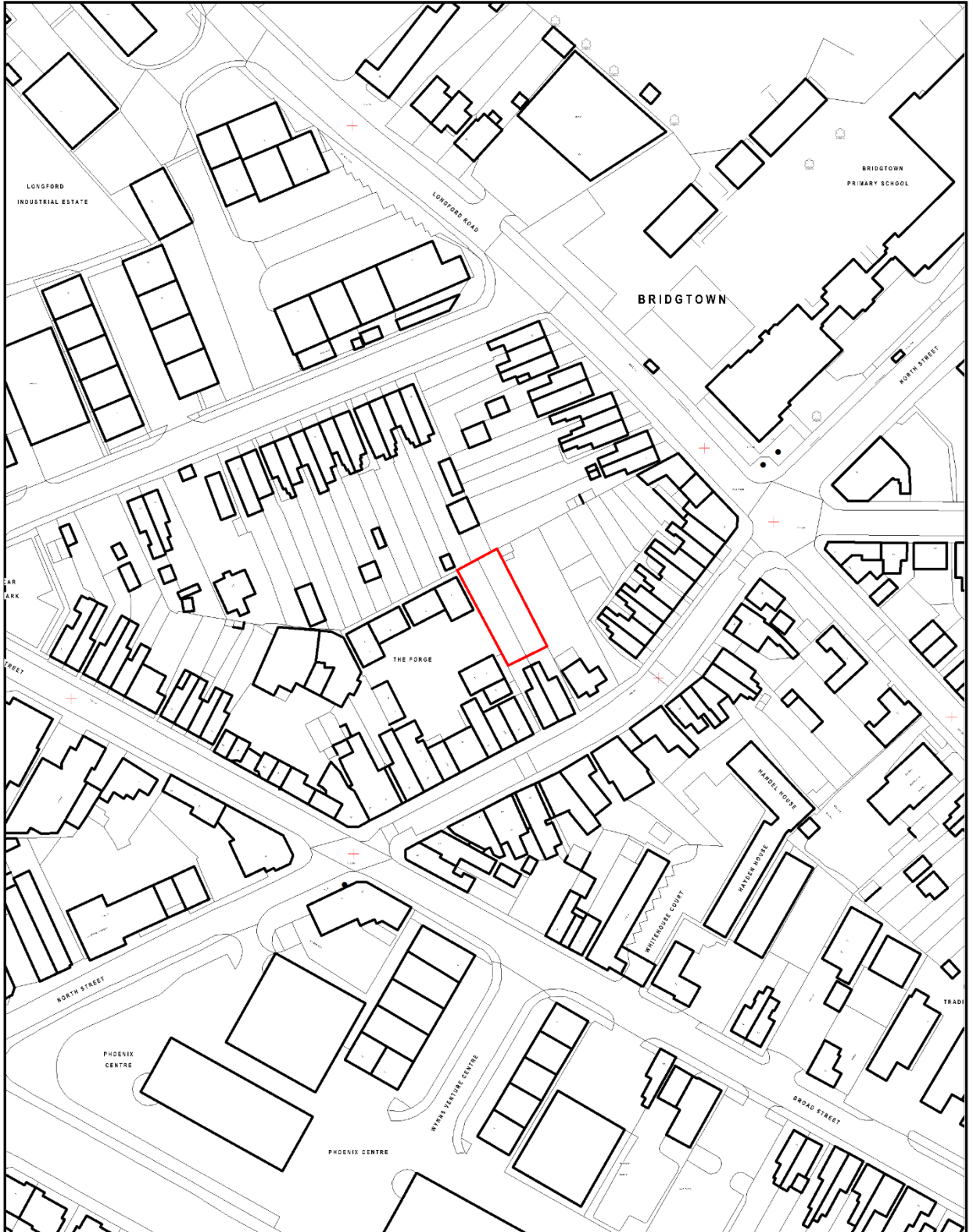


Application No: CH/21/0339

Location: 33, North Street, Cannock, WS11 0BB

Proposal: Erection of 2 No.two storey buildings to create 3 no flats, 3 no.garages,1 no cycle store and associated works, (resubmission of CH/15/0385)

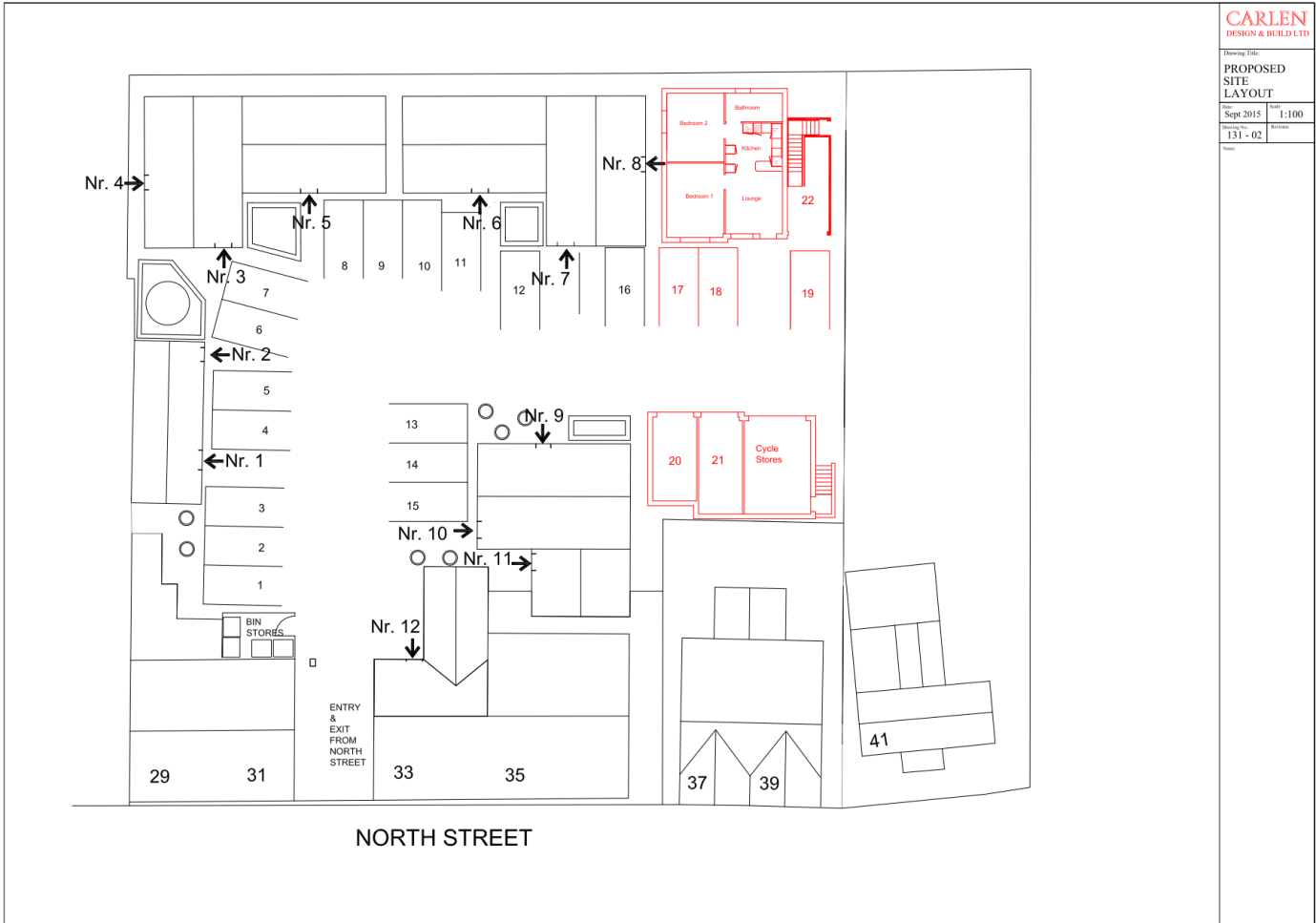
Item 6.54



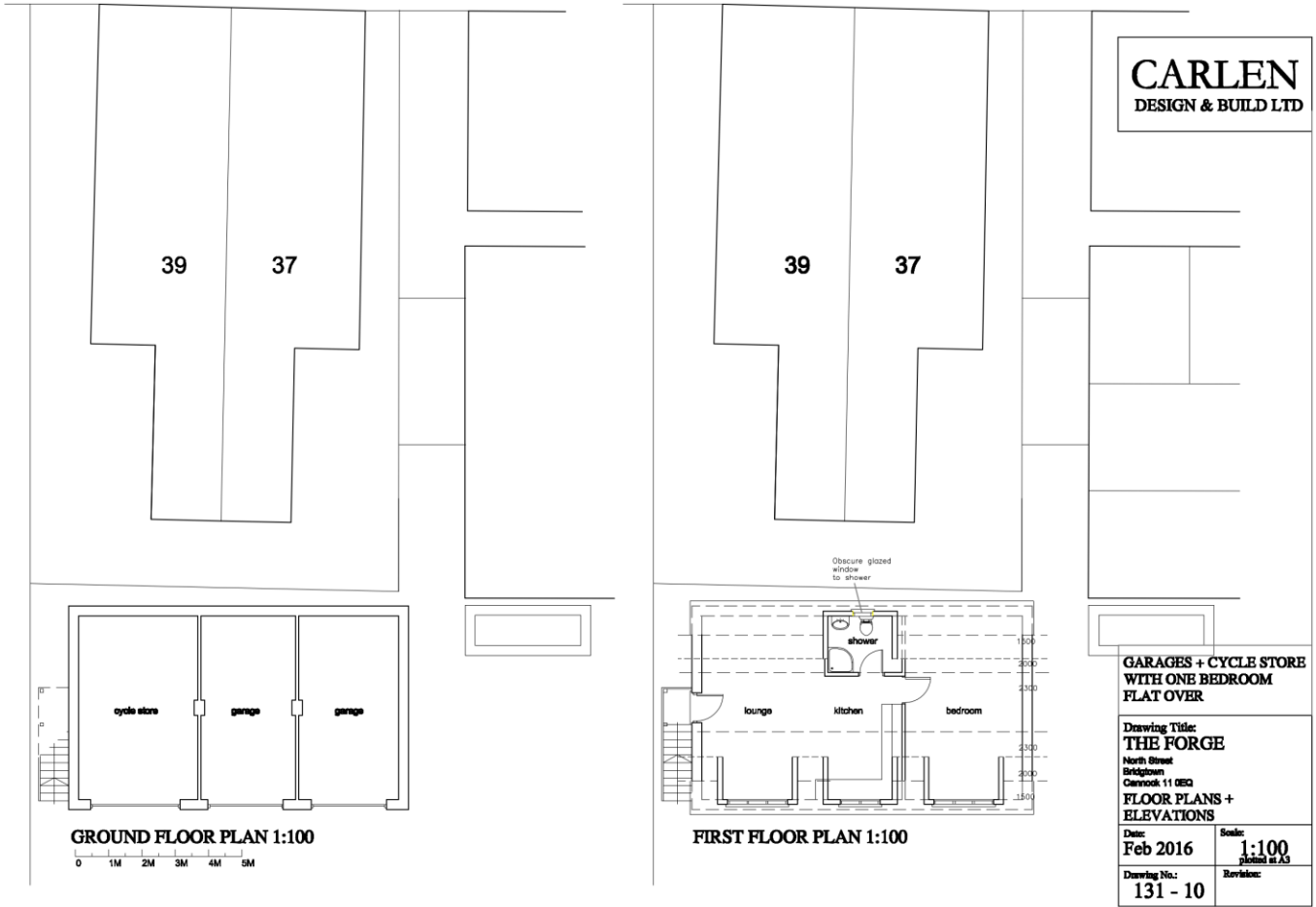
Location Plan



Site Plan

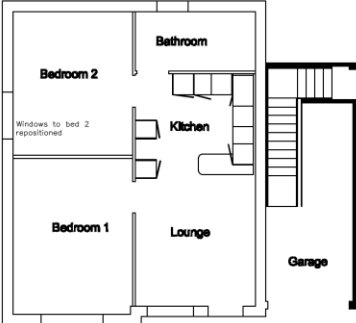


Floor Plans

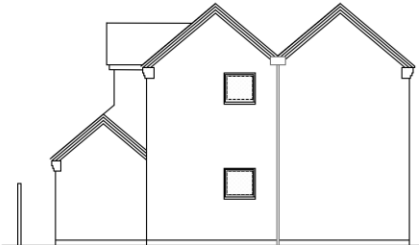


Plans and Elevations

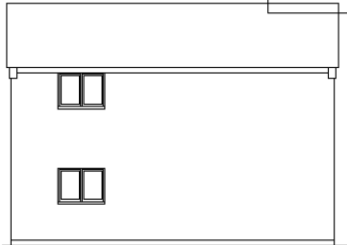
EXISTING FLAT No 8
Orig. bath room windows



FIRST FLOOR



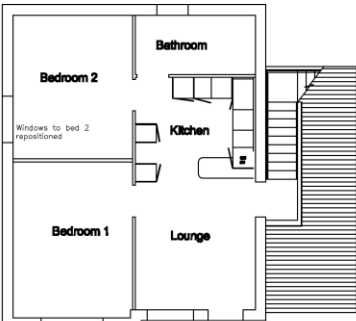
REAR ELEVATION




SIDE ELEVATION

CARLEN
DESIGN & BUILD LTD

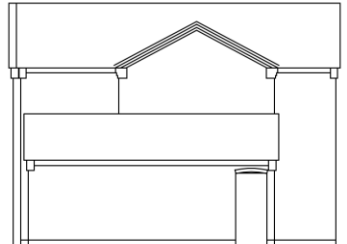
EXISTING FLAT No 8
Orig. bath room windows



GROUND FLOOR



FRONT ELEVATION



SIDE ELEVATION

REV A.
Windows to bed 2
repositioned
03 02 16

Facing Brickwork:
Hanson Kirton Sherwood
Red Mixture or similar
Roof Tiles:
Forticrete Gemini Interlocking
Plain Tiles Slate Grey
Windows:
White UPVC
Doors:
Black Composite

2No TWO BEDROOM FLATS

Drawing Title:
THE FORGE
North Street
Bridgton
Carrook 11 082

FLOOR PLANS + ELEVATIONS

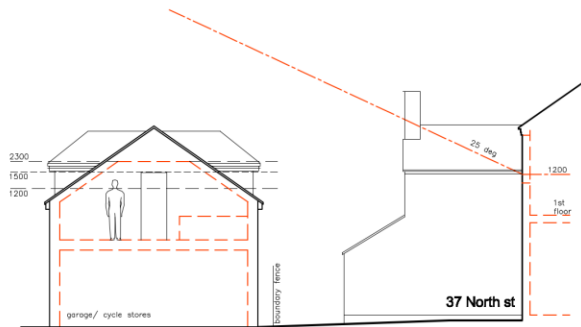
Date:	Scale:
SEPT 2015	1:100 <small>(shown as A3)</small>
Drawing No.:	Revision:
131 - 03	A

Elevations

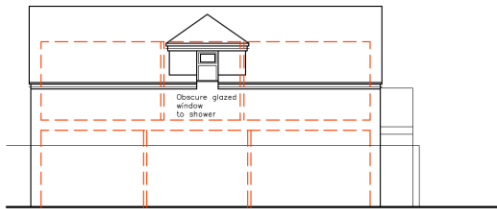
CARLEN
DESIGN & BUILD LTD



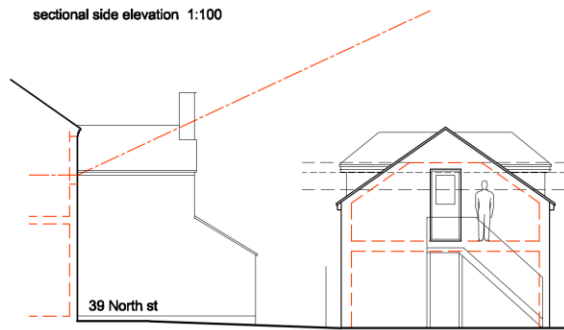
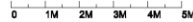
front elevation 1:100



sectional side elevation 1:100



rear elevation 1:100



sectional side elevation 1:100

Facing Brickwork:
Hanson Kirton Sherwood
Red Mixture or similar

Roof Tiles:
Forticrete Gemini Interlocking
Plain Tiles Slate Grey

Windows:
White UPVC

Doors:
Black Composite

**GARAGES + CYCLE STORE
WITH ONE BEDROOM
FLAT OVER**

Drawing Title:
THE FORGE
North Street
Bridgton
Carnock 11 DEJ
**FLOOR PLANS +
ELEVATIONS**

Date: Feb 2016	Scale: 1:100 <small>(shown as A3)</small>
Drawing No.: 131 - 11	Revision:

Contact Officer: Claire Faulkner

Telephone No:

Planning Committee Report

9th February 2022

Application No: CH/21/0339

Received: 05-Aug-2021

Location: 33, North Street, Cannock, WS11 0BB

Parish: Bridgtown CP

Description: Erection of 2 No.two storey buildings to create 3 no flats, 3 no.garages, 1 no cycle store and associated works, (resubmission of CH/15/0385)

Application Type: Full Planning Application

RECOMMENDATION: Refuse for the following reason:-

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

1. The proposed development would result in development out of character with the historic layout of the Bridgtown, North Street, Conservation Area by virtue of the amalgamation of historic plot divisions through the extension of existing backland development. As a result, the proposal would fail to preserve or enhance the character or appearance of the Conservation Area. The proposal would therefore fail to safeguard the historic environment from developments harmful to its significance. Such public benefits that would result from the proposed development (delivering housing choice in a sustainable location) fail to outweigh the harm to the significance of the Conservation Area. As such, the proposal would be contrary Local Plan Policy CP15 and paragraphs 194 & 202 of the National Planning Policy Framework.

2. Due to its design the proposed development would provide a poor level of amenity for future occupiers by failing to provide any amenity space or a satisfactory outlook from habitable rooms. As such the proposal is considered contrary to Local Plan Policy CP3 and paragraph 130 (f) of the National Planning Policy Framework.

Consultations and Publicity

Internal Consultations

Landscape Officer

The site lies within the is a Bridgtown North Street Conservation Area and consists of the rear gardens of No. 37 & 39 North Street. Both gardens have not been maintained for a considerable time and consists of dense natural regeneration.

The proposed development basically creates one large area of hard paving and buildings. There is no recreational or amenity space for the proposed units, it simply extends the form of the adjacent back garden development.

The development of the adjacent rear garden area creating 'The Forge' removed numerous long narrow rear gardens, a characteristic feature of the development pattern of this part of Bridgtown. The proposed development further reduces this characteristic feature to the overall detriment of the Conservation Area.

The site would have a relatively high biodiversity value being unmanaged and naturally regenerating garden. The proposal removes all this and thus has a very high negative biodiversity loss.

The proposal, by its totally hard nature would not aid climate mitigation but rather add to the issues. Overall it would not be a sustainable development.

No details of the existing site or levels (proposed or existing) have been provided.

Summary

- The proposal has a negative impact on the character and nature of the conservation area.
- The proposal creates a high negative biodiversity impact.
- Negative impact on climate change.
- No recreational or amenity space for residents.
- An objection in made to the proposals based on the above.

CIL Officer

Based on the form submitted, if permission is granted the proposal would be CIL liable. The figure is index linked and will differ depending on the year permission is granted.

Environmental Health

The site is within 250 metres of a former landfill site. As such, I recommend the following conditions:

1. A desktop study/Phase 1 Contamination Report shall be prepared and submitted for approval. This should document the previous history of the site and surroundings, identifying the potential sources of contamination and the impacts on land and/or controlled waters relevant to the site. A Conceptual Site Model should be produced for the site which should identify all plausible pollutant linkages.
2. Where the phase 1 report has identified potential contamination, an intrusive site investigation shall be carried out to establish the full extent, depth and cross-section, nature and composition of the contamination. Ground gas, water and chemical analysis, identified as being appropriate by the desktop study, should be carried out in accordance with current guidance using UKAS/MCERTS accredited methods. The details of this investigation (including all technical data) shall be submitted to the Council, as a phase 2 report, for approval prior to any site demolition, remediation or construction works.
3. In those cases where the phase 2 report has confirmed the presence of contamination, a Remediation Method Statement shall be submitted to this Department (for approval prior to works) detailing the exact manner in which mitigation works are to be carried out. The Statement should also include details of validation testing that will be carried out once works have been completed.
4. If during remediation works, any contamination is identified that has not been considered within the Remediation Method Statement, then additional remediation proposals for this material shall be submitted to this Department for written approval. Any approved proposals should, thereafter, form part of the Remediation Method Statement.
5. The development shall not be occupied until a validation/phase 3 report has been submitted to and approved in writing by this Department. A Validation Report is required to confirm that all remedial works have been completed and validated in accordance with the agreed Remediation Method Statement.

ADVISORY INFORMATION TO APPLICANT

Typical Gas Protection Measures

Should gas protection measures be required, they must be designed in accordance with current UK guidance and best practice. The type of gas protection measures required at a site will vary depending on the specific circumstances of the site in question. As an example situation, typical gas protection measures complying with Characteristic Situation 2 in CIRIA C665 are outlined below for information.

The applicant should have regard to current UK guidance and best practice before designing and installing any gas protection measures.

Measures typically complying with Characteristic Situation 2 as outlined in CIRIA C665 are as follows:

For Residential Development

:

- Reinforced concrete cast in situ floor slab with at least 1200 g DPM and underfloor venting, or
- Beam and block or pre-cast concrete and 2000 g DPM/reinforced gas membrane and underfloor venting.
- All joints and penetrations sealed.

Demolition

The demolition of the existing building should be undertaken under the usual controlled provisions afforded by The Building Act 1984 with the appropriate specialist attention being paid should the construction of same incorporate any asbestos containing materials.

Development Plans and Policy Unit

Thank you for consulting me on this proposed residential development at 33 North Street, Cannock. I can advise that the site is situated within the Bridgtown North Street Conservation Area and abuts the Bridgtown Business Area (Existing Employment Area). I can also advise that the site forms SHLAA 2020 site C385 (6-15year).

The site does not fall within any other designated areas shown on the Local Plan Policies Map. National Planning Policy Framework (NPPF) and the presumption in favour of development.

In terms of national guidance, the NPPF advises that the purpose of the planning system is to contribute to the achievement of sustainable development. It identifies that there are three overarching objectives – economic, social and environmental which are interdependent and need to be pursued in mutually supportive ways so that opportunities can be taken to secure net gains across each of the different objectives. The NPPF advises in Chapter 11; Making effective use of land, that 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.

Paragraph 124 of the NPPF identifies that planning policies and decisions should support development that makes efficient use of land.

Of particular relevance to this proposal is, paragraph a) the identified need for different types of housing and other forms of development, and the availability of land suitable for accommodating it; paragraph c) the availability and capacity of infrastructure and services – both existing and proposed – as well as their potential for future improvement and the scope to promote sustainable travel modes that limit future car use; paragraph d) the desirability of maintaining an area's prevailing character and setting (including residential gardens), or of promoting regeneration and change; and paragraph e) the importance of securing well-designed, attractive and healthy places. The NPPF advises that the creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities.

The NPPF at para 130 identifies factors which planning policies and decisions should ensure that developments achieve.

Of particular relevance to this proposal are, paragraph 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; paragraph b) are visually attractive as a result of good architecture, layout and appropriate and effective landscaping; paragraph 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;); paragraph d) establish or maintain a strong sense of place, using the arrangements of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit and paragraph f) create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.

Chapter 16 of the NPPF; Conserving and enhancing the historic environment states that heritage assets are an irreplaceable resource, and should be conserved in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of existing and future generations.

Paragraph 199 of the NPPF advises that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.

Development Plan

The development plan comprises the Cannock Chase Local Plan (Part 1) and the Staffordshire County Council Waste and Minerals Local Plan. The views of Staffordshire County Council as the waste and minerals authority should be considered, as necessary.

The Cannock Chase Local Plan (Part 1) was adopted in 2014. Policy CP3 of the Local Plan supports high standards of design, and for development to be well-related to existing buildings and their surroundings, in terms of layout, density, access, scale, appearance, landscaping and materials based upon an understanding of the context of the site and appropriate professional expertise.

Policy CP3 requires development proposals to consider design imaginatively in its context, complementing and enhancing the character and appearance of the local area and reinforcing local distinctiveness, and to protect the amenity enjoyed by existing properties [...].

The Local Plan (Part 1) at Policy CP3 also requires development to conserve and enhance the local historic environment [...] using the historic environment as a stimulus to high quality design and enhancing local character and distinctiveness.

Policy CP15 of the Local Plan (Part 1) advises that the District's historic environment will be protected and enhanced including; the safeguarding of all historic sites, buildings, areas, archaeological remains, their settings and their historic landscape and townscape context according to their national or local status from development harmful to their significance in order to sustain character, local distinctiveness and sense of place; and supporting and promoting development proposals that are sensitive to and inspired by their context and add value to the existing historic environment, landscape and townscape character by virtue of their use, layout, scale, appearance, landscaping and materials to ensure that the historic environment acts as a stimulus to high quality design based upon guidance set out in the Design SPD. The Council's Design SPD 2016 provides design guidance relating to new dwellings and that development should normally respect the established density of the neighbourhood with higher density development close to town/centres/public transport interchanges, reducing to lower density at the edges of settlements.

The Design SPD continues to state that higher density developments close to inner urban areas will rely on a formal pattern of development where buildings contain and enclose spaces by use of continuous building frontages. There may be a varied building line and a harmonised range of materials and architectural details.

Further design considerations including spatial separation and garden space should refer to Appendix B of the Design SPD: Residential Development Guidelines including garden sizes, ensuring gardens provide health, social and physical benefits for

occupiers and contribute to sustainable development (e.g. drying clothes, cycle storage, composting etc.). New Residential Development should provide for private outdoor garden space of a usable size and shape, fit for purpose, in proportion to the size of the dwelling and its locality, particularly where garden size is important to distinctive local character.

With regards to the further detailed design of the scheme, regard should also be paid to Policy CP16 and the Parking Standards, Travel Plans and Development Contributions for Sustainable Transport SPD (2005) (contains parking standards).

Other Comments

The Highways Authority should also be consulted with regards to the proposed parking provision and access from the highway.

Conservation Comments

The site is within Bridgtown North Street Conservation Area.

Local Plan policy CP15 seeks to protect the District's historic environment including historic areas by safeguarding them from developments harmful to their significance.

Character and appearance of the Conservation Area is defined in the Conservation Area Appraisal. This refers in spatial analysis to the area as compact and small scale, built in a linear pattern with buildings closely fronting the street. All plots include a moderate amount of land/garden at the rear, many with small attached and detached outbuildings close to the rear of the main frontages with the small amount of modern development confined to some backland commercial development at the rear of 29-35 North Street where several adjoining rear plots have been combined. On the Appraisal Plan these modern buildings are defined as having a 'neutral impact' Recommendations for management include –future development to take account of the special interest of the area as set out in the Appraisal, acknowledging the relationship of buildings to spaces, maintain historic street patterns and urban grain and respect historic plot boundaries. This is translated in the Draft Management Plan to require proposals for new infill development to adhere to well established good urban design principles, reinforce existing strong frontages with buildings abutting streets and smaller ancillary buildings to the rear, respecting the relationship of buildings to spaces.

The existing backland development adjacent to the site was in place prior to designation of the Conservation Area. Extending further this development which provides low standard of amenity for future occupiers, would increase its impact on the overall spatial character and appearance of the Conservation Area, as despite its fairly unobtrusive location behind the houses, it further amalgamates historic plot boundaries and does nothing to preserve or enhance the character or appearance of the area.

Overall is sets an undesirable precedent for further development of remaining gardens/backland to these properties”.

External Consultations

County Highways

There are no objections on highway grounds.

A site visit was carried out on 06/09/2021.

Personal Injury Collisions; Current records show that there have no personal injury collisions on North Street within 50 metres either side of the property accesses for the previous five years.

Background; North Street is a lit, unclassified 30mph one way street which has speed humps, a no waiting at any time parking restriction on the western side (double yellow lines) and 1 hour time limited parking (between 8am and 6pm) on the eastern side. It lies approximately 1.4 miles south of Cannock town centre in the Bridgtown area.

Comments on Information Submitted; The proposal is for 2no two storey buildings to create 3no flats, 3no garages and one cycle store. This is on land to the rear of property No. 33 North Street. Access to the new dwellings is via an existing electric gate to Bridgtown Business centre and through the car park to the rear.

Severn Trent Water Ltd

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

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

- The development hereby permitted should not commence until drainage plans for the disposal of foul and surface water flows have been submitted to and approved by the Local Planning Authority, and
- The scheme shall be implemented in accordance with the approved details before the development is first brought into use. This is to ensure that the development is provided with a satisfactory means of drainage as well as to prevent or to avoid exacerbating any flooding issues and to minimise the risk of pollution.

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

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

Please note if you wish to respond to this email please send it to Planning.apwest@severntrent.co.uk where we will look to respond within 10 working days.

Response to Publicity

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

Relevant Planning History

CH/15/0385: Residential Development: Proposed erection of 2no. two storey buildings. Full – Committee Approval with Conditions

1 Site and Surroundings

- 1.1 The application site comprises of a parcel of land to the rear of Nos. 37 to 39 North Street, Bridgtown.
- 1.2 The application site was previously the rear garden to 37 & 39 North Street. It has not been used for many years and has been fenced off to curtail access by the occupants of 37 & 39 North Street.
- 1.3 The site is currently overgrown with shrubbery and has 2m fencing to all boundaries. It is rectangular in shape and measures approx. 20m (w) x 50m (l).

- 1.4 The surrounding area comprises a mixture of commercial and residential properties.
- 1.5 Adjoining the site to the west is the former Bridgtown Business Centre a small courtyard of retail and workshop units and flats above, which were converted to residential use with access from North Street through a small archway. The courtyard is now known as The Forge.
- 1.6 To the north and west gardens of properties in North Street and New Street back onto the site.
- 1.7 The site is within the Bridgtown North Street Conservation Area and forms part of the Local Plan Bridgtown Local Centre. The application site is also located within a Mineral Safeguarding Area and considered to fall within the Low Risk Development Area as designated by the Coal Authority.

2 **Proposal**

- 2.1 The applicant is seeking consent for construction of 2 No.two storey buildings to create 3 no flats, 3 no.garages and a cycle store and associated works, (resubmission of CH/15/0385)
- 2.2 The proposal is to use the application site to create an extension to 'The Forge'. Vehicular access would be from the courtyard to the west with direct street access from the existing archway to North Street. Three additional parking spaces and three integral garages are proposed, together with a cycle store.
- 2.3 The proposed units are made up of two similarly designed buildings and would comprise the following.
 - Block 1: comprises a ground floor 2-bed flat with side garage and a further 2-bed flat at first floor accessed by a stairwell to the rear of the single storey garage;
 - Block 2: comprises a ground floor cycle store and two integral garage spaces with first floor 1-bed flat above
- 2.4 Both buildings are to be constructed of facing brickwork with plain tiled pitched roofs and white upvc windows.
- 2.4 No external amenity space is proposed for the new dwellings.

- 2.5 The application also includes for the extension of existing hard standing macadam access and parking bays.

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 Part 1 (2014) and the Minerals Local Plan for Staffordshire (2015 – 2030).

Cannock Chase Local Plan (Part 1)

Relevant policies within the Local Plan include: -

- CP1 - Strategy – the Strategic Approach
- CP3 - Chase Shaping – Design
- CP6 - Housing Land
- CP7 - Housing Choice
- CP13 - Cannock Chase Special Area of Conservation
- CP15 - Historic Environment

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
174 – 178	Conserving and Enhancing the Natural Environment
179 – 182	Habitats and biodiversity
183 – 185	Ground Conditions and Pollution
189 – 208	Conserving and Enhancing the Historic Environment
212	Safeguarding Minerals
218, 219	Implementation

3.7 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) Bridgtown North Street Conservation Area Appraisal

4.0 **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) Drainage & Flood Risk
- vi) Mineral Safeguarding
- vii) Waste & Recycling Facilities
- viii) Ground Conditions
- ix) Affordable Housing

4.2 Principle of the Development

4.2.1 Both paragraph 11 of the NPPF (2021) and Cannock Chase Local Plan 2014 Policy CP1 state that there should be a presumption in favour of sustainable development.

4.2.2 The presumption in favour of sustainable development as set out in paragraph 11 of the NPPF states: -

‘For decision taking this means:

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

4.2.3 The starting point of the assessment is therefore whether the proposal is in accordance with the development Plan and whether that plan is up to date. In that respect it is noted that Policy CP1 of the Local Plan states: -

“In Cannock Chase District the focus of investment and regeneration will be in existing settlements whilst conserving and enhancing the landscape of the AONB, Hednesford Hills, Green Belt and the green infrastructure of the District. The urban areas will accommodate most of the District’s new housing and employment development, distributed broadly in proportion to the existing scale of settlement.”

4.2.4 Other than the above general strategic approach there are no relevant policies within the Local Plan in respect to the approach to be taken with regard to the development of wind-fall sites. As such the proposal falls to be determined in accordance with the tests set out in subsection (d) (i) or (ii) of paragraph 11 of the NPPF show above.

4.2.5 With that in mind it is noted that the application site is not designated as Green Belt, AONB or as a SSSI or SAC, nor does it contain a listed building it is however, located within a conservation area and therefore may affect the setting of a designated heritage asset. This issue is assessed in the next section of this report. Notwithstanding Local Plan contains Policy CP15 which does not preclude development within heritage assets.

4.2.6 In respect to the location of the site it is within a mixed use location within the urban area of Bridgtown, close to the schools and served by bus routes giving access by public transport. As such the site has good access by public transport, walking and cycling to a range of goods and services to serve the

day to day needs of the occupiers of the proposed development. The site is not located within either Flood Zone 2 or 3 and it is not designated as a statutory or non- statutory site for nature conservation.

4.2.7 It is therefore concluded that the proposal is acceptable in principle.

4.2.8 However, proposals that are acceptable in principle are still subject to all other policy tests. This report will now go on to consider the proposal in the light of these policy tests.

4.3 Design and the Impact on the Character and Form of the Area including the impact to the Conservation Area

4.3.1 The application site lies within Bridgtown North Street Conservation Area. In this respect, it is noted that The Planning (Listed Buildings and Conservation Areas) Act 1990 sets out the local planning authority's duties: -

section 72(i) of the Planning (Listed Buildings and Conservation Areas) Act 1990 places a general duty on a local planning authority in the exercise, with respect to any buildings or other land in a conservation area, to pay special attention to the desirability of preserving or enhancing the character or appearance of that area.

4.3.2 When considering the impact of a proposal on the significance of a designated asset great weight should be given to the asset's conservation. Significance can be harmed or lost through alteration or destruction of a heritage asset or development within its setting.

4.3.3 Relevant policies within the NPPF in respect to design and achieving well-designed places include paragraphs 189 - 197. Paragraph 197 makes it clear that the creation of high quality buildings and places is fundamental to what the planning and development process should achieve.

4.3.4 The Local Plan contains Policy CP15 does not preclude development in, or adjacent to, 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 by virtue of their use, layout, scale, appearance and landscaping and materials to ensure that the historic environment acts as a stimulus to high quality design based upon guidance set out within the Design SPD. Opportunities for new development within conservation areas and within the setting of heritage assets to enhance or better reveal their significance will be considered.

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

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

successfully integrate with existing trees; 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.

4.3.6 Relevant policies within the NPPF in respect to design and achieving well-designed places include paragraphs 126, 128, 130,131 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.

4.3.7 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:
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;
- f) create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users, and where crime and disorder, and the fear of crime do not undermine the quality of life or community cohesion and resilience.

4.3.8 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.

- 4.3.9 The character and appearance of the Bridgtown North Street Conservation Area is defined in the Conservation Area Appraisal. This refers in Spatial Analysis to the area as compact and small scale, built in a linear pattern with buildings closely fronting the street. It continues that all plots include a moderate amount of land/garden at the rear, many with small attached and detached outbuildings close to the rear of the main frontages with the small amount of modern development confined to some backland commercial development at the rear of 29-35 North Street where several adjoining rear plots have been combined. On the Appraisal Plan these modern buildings are defined as having a 'neutral impact' on the Conservation Area.
- 4.3.10 The recommendations for management set out within the Appraisal suggest that future development should take account of the special interest of the area, acknowledging the relationship of buildings to spaces, maintain historic street patterns and urban grain and respect historic plot boundaries. This is translated in the Draft Management Plan to require proposals for new infill development to adhere to well established good urban design principles, reinforce existing strong frontages with buildings abutting streets and smaller ancillary buildings to the rear, respecting the relationship of buildings to spaces.
- 4.3.11 In this respect the applicant has submitted a Heritage Assessment with which to support the application. This assessment acknowledges the historical context of the site and states that the land to which the development applies was previously the rear garden to 37 & 39 North Street Bridgtown. The land had been fenced off some 20 years by the building owner to avoid access by the occupants of 37 and 39 North Street. The land has now become land locked with its only point of access being off the adjacent development known as 'The Forge'.
- 4.3.12 The assessment continues that although the land and proposed development are within the curtilage of the Conservation Area, they lie behind the street scene whereby buildings are deemed to be of positive impact. The rear areas to the Street affronted buildings are deemed to be of neutral impact, many buildings being constructed post 1970. Therefore, the applicant's assessment concludes that it is anticipated that the development will not have any impact on existing Heritage Assets.
- 4.3.13 The assessment continues that the heritage assets contained within the North Street area are predominantly a mix of domestic accommodation, shops, offices, cafes, coffee shops and hair salons. These assets are largely privately

owned properties having no benefit of any external financial support in the way of grants or levies. It is therefore relied that owners generate their own income for the provision maintaining assets within the conservation area. Much of this finance is raised from the profit gained from rental income of the properties involved. Therefore, the assessment suggests that by increasing the amount of buildings generating income, then preservation of the assets will be better secured.

4.3.14 The Assessment concludes that the applicant acquired the land as it has been left, unattended for many years and has become an eyesore as well as a nuisance with overgrowing brambles and weed. Furthermore, there is a clear demand for additional affordable housing in the area and this will provide for part of that demand. The development shall have a zero impact on the conservation assets in terms of its construction and future existence. Therefore, the assessment considered the proposal to be satisfactory.

4.3.15 It is noted that both gardens that comprise the application site have been separated from the main dwellings and not been maintained for a considerable time and as such, consist of dense natural regeneration. The proposed development would create one large area of hard paving and buildings.

4.3.16 The Conservation Officer advises that it is not only the architectural detailing that give conservation areas their distinctive character, the spaces between buildings, their orientation and the ratio of built form to plot size can be, and often is, equally important. Whilst not always obvious on the ground such detailing often stands out on maps and in aerial photographs. An important example of this is often found in the centres of towns which were set out and originally developed in the medieval period. Whilst the original buildings of the town may have disappeared (and been redeveloped several times over the centuries) the pattern of land division has often proved to be resilient to change until recent times when it has been increasingly threatened by whole sale redevelopments. Hence the spaces and layout of conservation areas can contribute to the sense of place and historical significance of an area.

4.3.17 Having regard to the above your Officers considered the architectural style and detailing proposed would match the existing courtyard development and, as such, would not be out of character with its surroundings in this respect. In this instance however, your Officers are of the opinion that the Conservation Area Appraisal makes clear that the plots of land that form the Conservation Area make a substantial contribution to its character and the continued erosion of these spaces will have a significant impact on the character and appearance of the Conservation Area.

4.3.18 In this instance, the proposed buildings would infill an existing green space at the rear of main street frontages and, by extending the form of development of the existing courtyard into adjoining land would increase its negative impact on the character of the Conservation Area. By amalgamating historic plots of land and setting a precedent for further development of garden/ backland areas in this manner, the proposal fails to preserve or enhance the character and appearance of the Conservation Area.

4.3.19 Paragraph 199 of the NPPF advises that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance. Given the above, it is considered that the degree of harm resulting from the proposal would amount to less than substantial and so would engage the tests set out in paragraph 202 of the NPPF, which states.

'Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.'

4.3.20 In this instance, although the dwellings would make a very modest contribution to the housing supply and the local economy, these factors would be clearly outweighed by the harm to the character and appearance of the Bridgtown North Street Conservation Area as detailed above and as such would be contrary to Local Plan Policy CP15 and the relevant paragraphs within the NPPF.

4.3.21 Paragraph 202 of the NPPF states that where there is less than substantial harm to significance this should be weighed against the public benefits of the proposal. Given the above, it is considered that the harm to the Conservation Area is less than substantial, however the public benefit of the proposed housing is limited by its poor design/layout which therefore does not outweigh the harm to the Conservation Area. The development therefore fails to comply with Policy CP15 and the relevant paragraphs of the NPPF.

4.4 Impact on Residential Amenity

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

B of the Design SPD which sets out guidance in respect to space about dwellings and garden sizes.

- 4.4.2 Paragraph 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 In general the Design SPD sets out guidance for space about dwellings, stating that for normal two storey to two storey relationships there should be a minimum distance of 21.3m between principal elevations (front to front and rear to rear) and 12m between principal elevations and side elevations. Furthermore, the Design SPD sets out minimum rear garden areas, recommending 40-44sqm for 1 or 2 bed dwellings, 65sqm for 3 bed dwellings and 80sqm for 4 bed dwellings.
- 4.4.4 However, it should always be taken into account that these distances and areas are in the nature of guidance. When applying such guidance consideration should be given to the angle of views, off-sets and changes in levels as well as the character of the area.
- 4.4.5 The submitted plans demonstrate the proposed development would be to the rear of Nos. 37 & 39 North Street and adjacent the side of No.8 The Forge. The dwellings to the rear are located within New Street and are sited approx. 32m distant.
- 4.4.6 The proposed development would be sited within close proximity to the rear elevations of the North Street dwellings. There would be one window introduced in the rear of the proposed first floor flat comprising a small dormer with obscure glass which would facilitate light into a shower room. A condition could be recommended for this window to remain obscure glass and fixed closed in order to restrict any overlooking of the neighbouring properties and their amenity space.
- 4.4.7 The proposal would be constructed adjacent dwellings already sited within The Forge. No.8 has windows in the front elevation over-looking the communal car park and therefore the siting of the proposed development, which would be flush with the front and rear elevations of No. 8 would not impede the daylight or outlook to these occupiers or the occupiers within the wider courtyard.
- 4.4.8 The dwellings to the rear located within New Street, are approx. 32m distant and, whilst the proposal would be constructed adjacent the shared boundary with these dwellings, there would be one first floor window in the rear elevation of the proposal however a condition could be recommended to secure obscure glass and fixed closed to ensure there is no additional overlooking of these adjacent properties as a consequence of the proposal.

4.4.9 Given the above, it is considered that there would be no significant detrimental impact to the occupiers of the adjacent dwellings.

4.4.10 In terms of the living conditions for the future occupiers of the proposed development, the layout and design is considered to provide a poor outlook given that the living rooms and bedrooms face either adjoining building side walls, the courtyard parking areas or boundary fencing.

4.4.11 Furthermore, it is noted that no private amenity space is available. The Design SPD requires 30m² per residential flat as such, there would be a total shortfall of 90m². The applicant has provided no justification for this shortfall.

4.4.12 For the above reasons based on the proposed layout, the development would fail to provide a satisfactory standard of layout and amenity space for future occupiers of the new dwellings. It therefore fails to accord with Local Plan Policy CP3 and the Design SPD.

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 North Street is a lit, unclassified 30mph one way street which has speed humps, a no waiting at any time parking restriction on the western side (double yellow lines) and 1 hour time limited parking (between 8am and 6pm) on the eastern side.

4.5.3 Access to the new dwellings would be via an existing electric gate and through the car park to the rear. The proposed development would extend the area of hardstanding to provide six additional parking spaces (including three in the proposed garages).

4.5.4 Staffordshire County Highways Department was consulted on the proposal and raised no objections to the proposal in terms of highway safety subject to the recommended condition.

4.5.5 As such, it is considered that there would be no adverse impact upon highway safety and the proposal would be in accordance with the Parking SPD and paragraph 111 of the NPPF.

4 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 174 and 180 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 174 of the NPPF states [amongst other things] that

'Planning policies and decisions should contribute to and enhance the natural and local environment by:

- 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;'

4.6.4 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.

Cannock Chase SAC

4.6.5 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. In this instance, the proposed development would be CIL liable given the subsequent net increase in dwellings and floorspace and the applicant has not sought an exemption.

The Site

4.6.6 The comments of the Landscape Officer are noted in this respect in respect to the site being an unmanaged and naturally regenerating garden and as such would have a relatively high biodiversity value which the proposal would remove this and thus has a very high negative biodiversity loss. Notwithstanding this, it should be noted that the site is not subject to any formal or informal nature conservation designation and is not known to support any species that is given special protection or which is of particular conservation interest. All species within the garden are common and develop readily when disturbed soils are left to recolonise naturally. As such, the biodiversity value of the site cannot be considered to be high. Notwithstanding this, the site will have some value for wildlife albeit common and garden species which would be lost

4.6.7 Given the above it is considered that some level of mitigation could be provided to enhance the biodiversity through the incorporation of bird boxes and hedgehog friendly boundaries. Subject to the above, the proposal is not considered to have a significant adverse impact on nature conservation interests. In this respect the proposal would accord with Policies CP3, CP12 and CP13 of the Local Plan and the relevant paragraphs of the NPPF.

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.

4.7.2 Policy in respect to drainage and flood risk is provided by 159-169 of the NPPF. Of particular note is paragraph 167 which states

'When determining any planning applications, local planning authorities should ensure that flood risk is not increased elsewhere. Where appropriate, applications should be supported by a site-specific flood-risk assessment. Development should only be allowed in areas at risk of flooding where, in the light of this assessment (and the sequential and exception tests, as applicable) it can be demonstrated that:

- a) within the site, the most vulnerable development is located in of lowest flood risk, unless there are overriding reasons to prefer a different location;
- b) the development is appropriately flood resistant and resilient such that, in the event of a flood, it could be quickly brought back into use without significant refurbishment;
- c) it incorporates sustainable drainage systems, unless there is clear evidence that this would be inappropriate;
- d) any residual risk can be safely managed; and

- e) safe access and escape routes are included where appropriate, as part of an agreed emergency plan.'

4.7.3 The application site is located in a Flood Zone 1 which is at least threat from flooding. Although the applicant has not indicated the means of drainage it is noted that the building, for the majority already exists and the site is within a predominantly built up area. As such it is in close proximity to drainage infrastructure that serves the surrounding area and is considered acceptable. Severn Trent was consulted on the application and raised no objection subject to condition.

4.8 Mineral Safeguarding

4.8.1 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.

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

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

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

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

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

4.9 Waste and Recycling Facilities

4.9.1 Policy CP16(1) (e) 'Climate Change and Sustainable Resource Use' of the Cannock Chase Local Plan states that development should contribute to national and local waste reduction and recycling targets according to the waste

hierarchy'. One of the ways of achieving this is by ensuring development can be adequately serviced by waste collection services and that appropriate facilities are incorporated for bin collection points (where required).

4.9.2 In this respect, it is noted that the proposed dwellings would be sited within an existing courtyard development where bins are already collected. In this instance, the bins for the proposed dwellings would be collected as per the existing situation for the neighbouring properties.

4.10. Ground Conditions and Contamination

4.10.1 The site is located in a general area in which Coal Authority consider to be a development low risk area. As such, the Coal Authority does not require consultation on the application and it is advised that any risk can be managed by the attachment of an advisory note to any permission granted.

4.10.2 However the Environmental Health Officer has note that the site is within 250 metres of a former landfill site and therefore recommends a suite of conditions to ensure that the risk from potential ground gases migrating from the site on the health and safety of future occupants is mitigated.

4.11 Affordable Housing

4.11.1 Under Policy CP2 the proposal would be required to provide a contribution towards affordable housing. However, paragraph 64 of the NPPF states that the 'provision of affordable housing should not be sought for residential developments that are not major developments, other than in designated rural areas (where policies may set out a lower threshold of 5 units or fewer)'.

4.11.2 As such, it is considered on balance that the proposal is acceptable without a contribution towards affordable housing.

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 refuse accords with the policies of the adopted Local Plan and the applicant has the right of appeal against this decision.

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 proposed development, for the reasons set out above, is not acceptable and fails to accord with Local Plan Policies CP3 and CP15 and the requirements of the NPPF. Therefore, refusal is recommended for the reasons set out above.

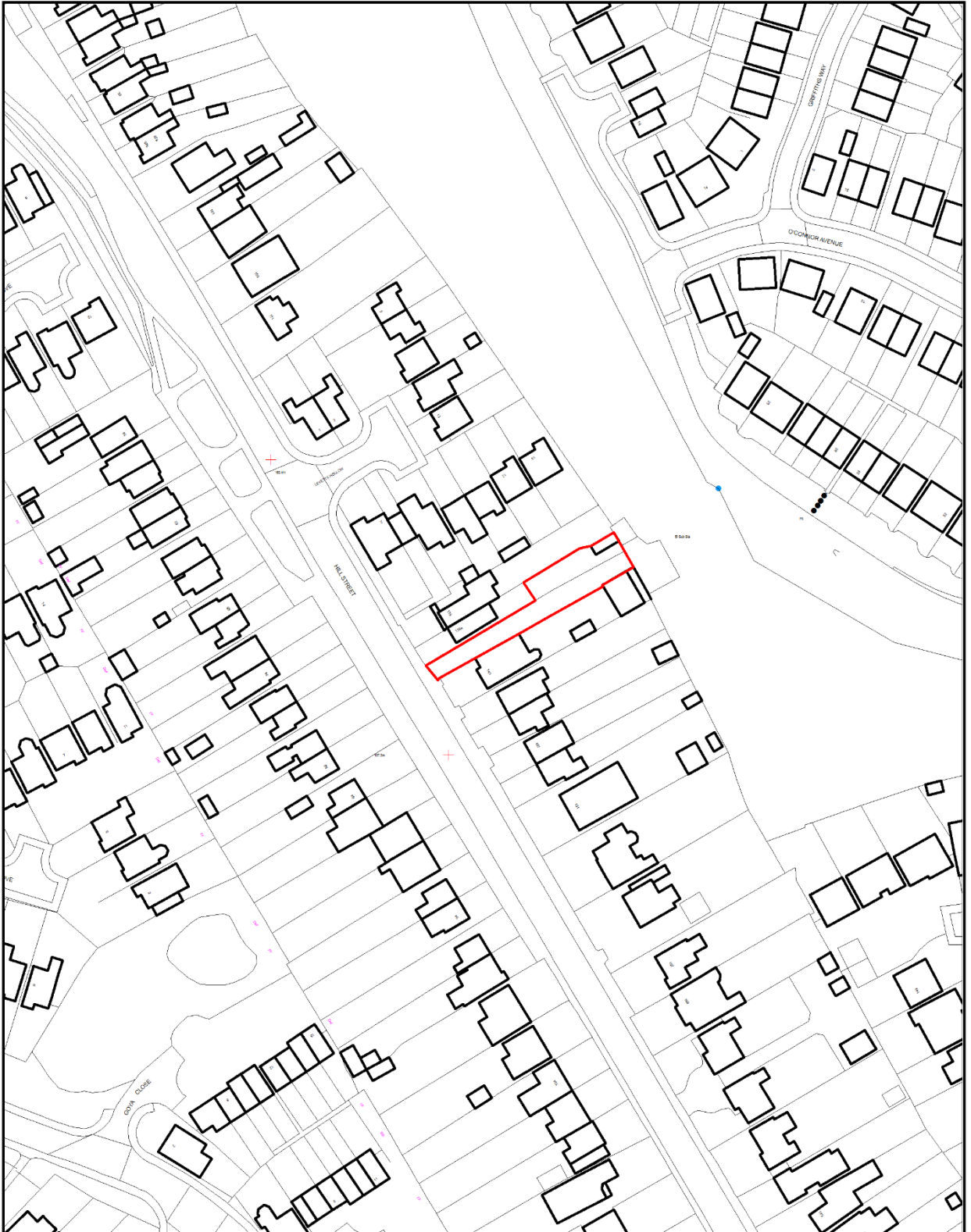


Application No: CH/21/0081

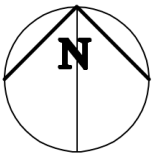
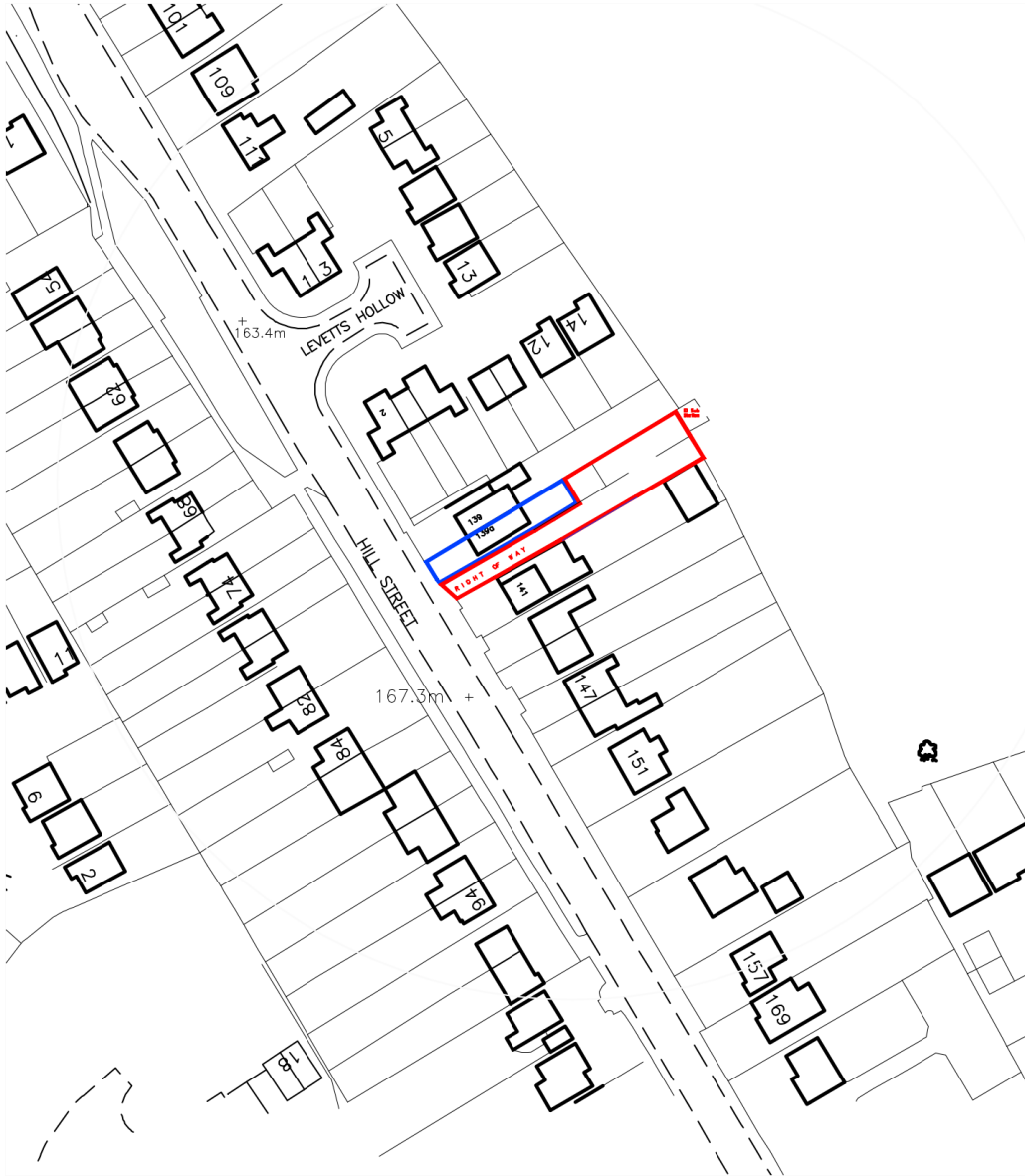
Location: 139A, Hill Street, Hednesford, Cannock, WS12 2DW

Proposal: Residential development to site to rear (resubmission of CH/20/210).

Item 6.86



Location Plan



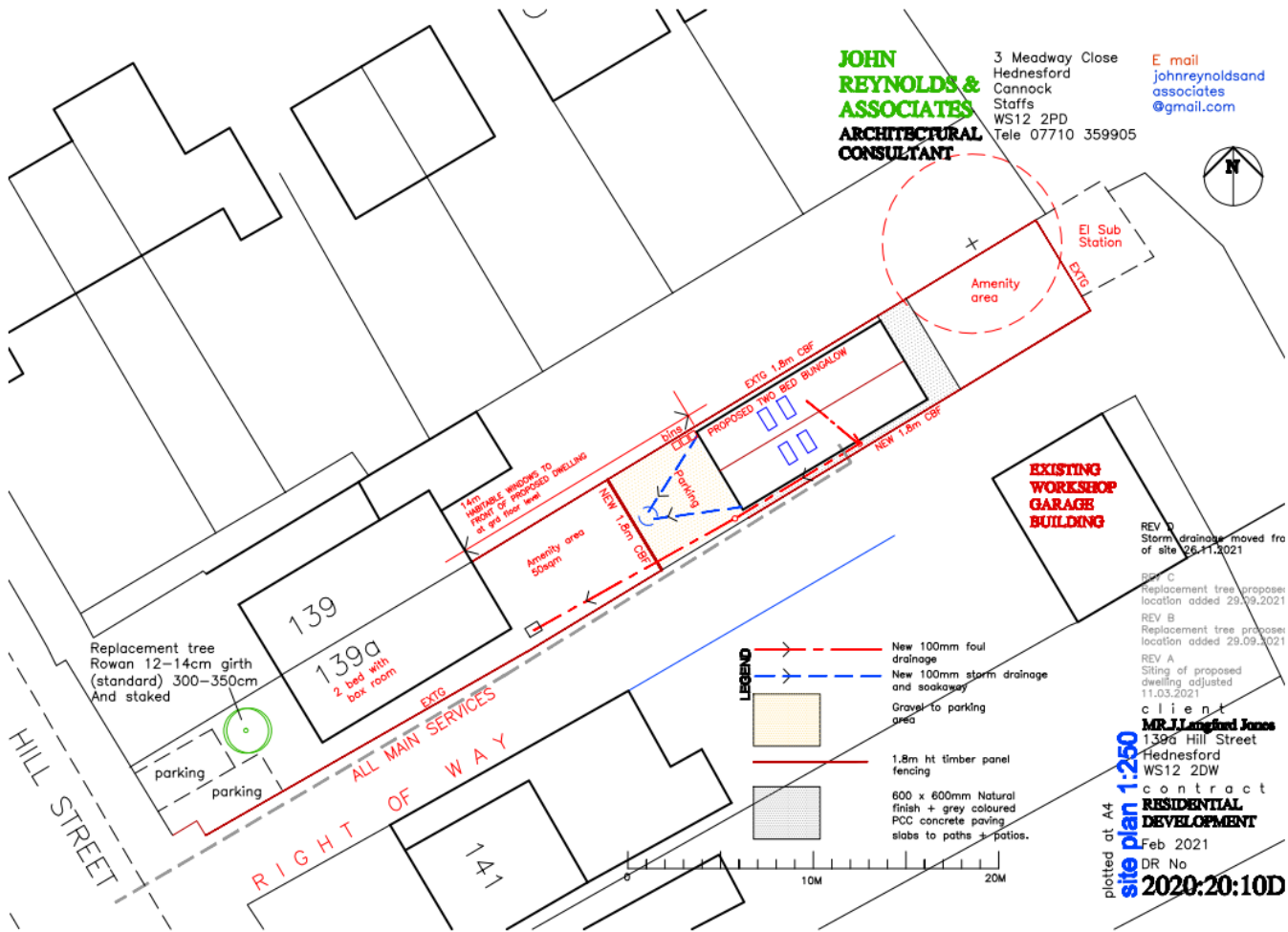
location plan
1:1250

plotted A4

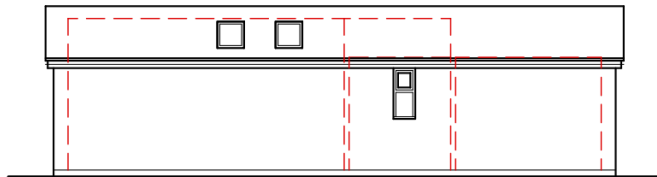
client
MR.J.Langford Jones
139a Hill Street
Hednesford
WS12 2DW
contract
**RESIDENTIAL
DEVELOPMENT**

Feb 2021

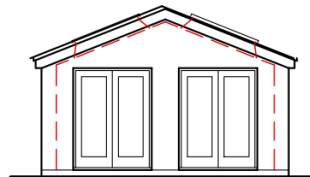
Site Plan



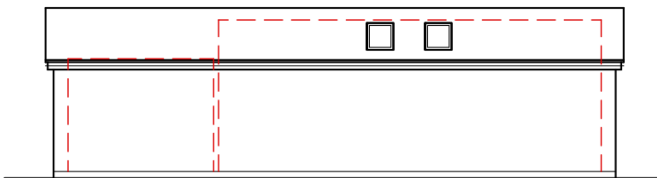
Proposed Plans and Elevations



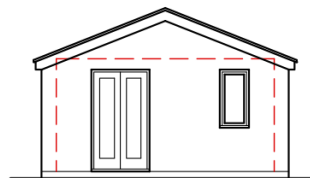
FRONT ELEVATION 1:100



SIDE ELEVATION 1:100

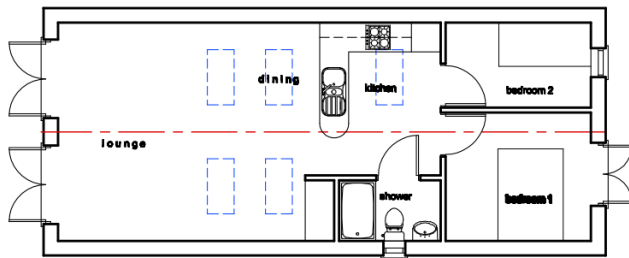


REAR ELEVATION 1:100



SIDE ELEVATION 1:100

Roof tiling, facing brickwork + white upvc doors, windows + rooflights



GROUND FLOOR PLAN 1:50
0 1M 2M 3M 4M 5M

Plotted AT A4
JOHN REYNOLDS & ASSOCIATES ARCHITECTURAL CONSULTANT
 3 Meadway Close Hednesford Cannock Staffs WS12 2PD
 Tele 07710 3599C
 E mail johnreynoldsandassociates@gmail.com
 client **MR J Langford Jones**
 139a Hill Street Hednesford WS12 2DW
 contract **RESIDENTIAL DEVELOPMENT**
 Feb 2021
 DR No **2020:20:11**

floor plan + elevations 1:100
 0 1M 2M 3M 4M 5M

Contact Officer: Claire Faulkner

Telephone No:01543 464337

Planning Control Committee

9th February 2022

Application No: CH/21/0081

Received: 16-Feb-2021

Location: 139A, Hill Street, Hednesford, Cannock, WS12 2DW

Parish: Hednesford

Ward: Hednesford South Ward

Description: Residential development to site to rear (resubmission of CH/20/210).

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.

Background:

This application was presented to Planning Control Committee on 7th July when it was resolved to defer the application due to the lateness of the publication of the appeal decision and a site visit be undertaken so that the Committee could assess the impact of the development on the character of the area.

The application was taken back on 28th July 2021 when it was recommended for refusal for the following reasons: -

1. Given the proposal's layout, scale, and design, it is considered that it would result in a crowded and contrived form of development, and a visually incongruous effect within the rear garden environment, and would therefore result in unacceptable harm to the character of the area, contrary to Policy CP3 of the Cannock Chase Local Plan and the guidance contained in the National Planning Policy Framework.
2. The applicant is required to plant two trees in the garden area of 139A, Hill Street in compensation for the loss of two trees that were subject to a Tree Preservation Order and which have been felled. The proposal would subdivide the existing plot and would remove much of the existing garden area and hence would reduce the potential to accommodate the two replacement trees without having a detrimental impact on the long term residential amenity of the occupiers of the existing and proposed dwellings. The applicant has failed to provide sufficient information to allow the Local Planning Authority to make a full and proper assessment of the proposal in terms of the standard of residential amenity and the long term impact on the character of the area that the replacement trees would have and hence to determine whether the proposal is in compliance with Policy CP3 of the Cannock Chase Local Plan and paragraphs 127 and 130 of the National Planning Policy Framework

At that meeting it was resolved that the application be deferred to allow the applicant to provide details of the replacement tree(s) on the submitted plans and that the issue of the reported incorrect plan be investigated.

Following that the case has been reallocated to a different officer who has reappraised the scheme in the light of the appeal decision and in the light of comments from the Tree Officer. It is considered that although finely balanced the application should be approved subject to the attached conditions..

Conditions (and Reasons for Conditions):

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

2020:20:11 Floor Plan & Elevations

2020:20:10 D Site Plan Noise Impact Assessment LK/J003201/4744/01 dated 15th January 2021

Tree Report THC/2020/04/21 dated 21st April 2020

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 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.

4. No part of the development hereby approved shall commence or any actions likely to interfere with the biological function of the retained trees and hedges shall take place, until details for tree and hedge protection have been submitted to and approved by the Local Planning Authority. Details shall include the position and construction of all fencing and the care & maintenance of the trees & hedges within.

Thereafter, the protective fencing shall be erected in the positions shown on the approved drawing prior to the commencement of the development hereby approved.

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

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

5. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and re-enacting that Order with or without modification), no development within Part 1 of Schedule 2 to the Order shall be carried out without an express grant of planning permission, from the Local Planning Authority, namely:
- The enlargement, improvement or other alteration of the dwellinghouse;
 - The enlargement of the dwellinghouse consisting of an addition or alteration to its roof;
 - Any other alteration to the roof of the dwellinghouse;
 - The erection or construction of a porch outside any external door of the dwelling;
 - The provision within the curtilage of the dwellinghouse of any building or enclosure, swimming or other pool required for a purpose incidental to the enjoyment of the dwellinghouse as such, or the maintenance, improvement or other alteration of such a building or enclosure;
 - The provision within the curtilage of the dwellinghouse of a hard surface for any purpose incidental to the enjoyment of the dwellinghouse as such;
 - The erection or provision within the curtilage of the dwellinghouse of a container for the storage of oil for domestic heating; or
 - The installation, alteration or replacement of a satellite antenna on the dwellinghouse or within the curtilage of the dwellinghouse.

Reason

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

6. The development hereby permitted shall not be commenced until:-
- (a) a site investigation including recommendations for remedial treatment has been undertaken;
 - (b) the Local Planning Authority has given approval in writing to the method of remedial treatment;
 - (c) the approved remedial treatment has been carried out in full.

The site investigation should include the potential ground contamination from the adjacent sub-station.

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.

7. No dwelling hereby approved shall be occupied until a scheme for the fitting of that dwelling with electric charging points for electric vehicles has been submitted to and approved in writing by the Local Planning Authority and the works comprising the approved scheme have been completed. The works shall thereafter be retained for the lifetime of the development unless otherwise approved in writing by the Local Planning Authority.
8. Reason
- In the interests of improving air quality and combatting climate change in accordance with policy CP16 and the National Planning Policy Framework.
9. The dwelling hereby permitted shall be completed 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 indicate an integrated bird box and its height and location. The dwelling shall thereafter be completed in accordance with the approved scheme.

Reason

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

10. The mitigation measures as detailed in paragraph 6 of the Noise Assessment carried out by PDA Acoustic Consultants Ref:LK/J003201/4744/01 dated 21st April 2021, shall be provided in accordance with approved document prior to first occupation of the dwelling.

Reason

To ensure a high quality development is provided for future occupiers of the site and the occupiers of existing properties and in accordance with Paragraph 185 of the NPPF

11. The development hereby permitted shall not be brought into use until the parking areas have been provided in accordance with submitted Drg. No.2020:20:10 D the subject of this consent and shall thereafter be retained at all times for their designated purpose.

Reason

In the interests of highway safety and paragraph 111 of the NPPF

12. The development hereby permitted shall not be brought into use until details of a secure weatherproof cycle parking facility have been submitted to, and approved in writing by, the Local Planning Authority. The cycle parking facility shall thereafter be installed in accordance with the approved details prior to the development being first brought into use and shall be retained for the life of the development.

Reason

In the interests of highway safety and paragraph 111 of the NPPF

13. Prior to the commencement of the development hereby approved, an Electric Magnetic Field Report shall be submitted to and approved by the Local Planning Authority. The report shall ascertain the potential impacts of the adjacent sub-station on the approved dwelling.

The report shall include recommendations for any remedial treatment required as a consequence of the initial assessment. Where remedial treatment has been identified the approved works shall be carried out in full prior to the first occupation of the dwelling hereby approved.

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.

14. No part of the development hereby approved shall commence until a scheme detailing the external environment-landscape, including replacement tree 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'.

Thereafter, the approved landscape works shown 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 and in accordance with Local Plan Policies CP3, CP12, CP14 and the NPPF.

Notes to the Developer:

Severn Trent Water

Advise that there may be a public sewer located within the application site. Although our statutory sewer records do not show any public sewers within the area you have specified, there may be sewers that have been recently adopted under the Transfer Of Sewer Regulations 2011. Public sewers have statutory protection and may not be built close to, directly over or be diverted without consent and contact must be made with Severn Trent Water to discuss the proposals. Severn Trent will seek to assist in obtaining a solution which protects both the public sewer and the building. Please note that there is no guarantee that you will be able to build over or close to

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

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

Highway Authority

Access to the site is gained via a "Right of Way". The applicant should therefore satisfy himself that he has right of access.

Consultations and Publicity

External Consultations -

Hednesford Town Council

This development is taking place in a relatively confined area. Subject to mitigation against any adverse impact on neighbouring properties we have no objections to the application.

Severn Trent Water Ltd

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

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

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

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

SCC Highways

There have been no material changes to highway safety related matters. Due to the foregoing the Highway Authority accepts the proposal and recommends the following conditions.

1. The development hereby permitted shall not be brought into use until the parking areas have been provided in accordance with submitted Drg. No.2020:20:10 the subject of this consent and shall thereafter be retained at all times for their designated purpose.
2. The development hereby permitted shall not be brought into use until details of a secure weatherproof cycle parking facility have been submitted to, and approved in writing by, the Local Planning Authority. The cycle parking facility shall thereafter be installed in accordance with the approved details prior to the development being first brought into use and shall be retained for the life of the development.

Note to the Planning Officer

Access to the site is gained via a "Right of Way". The applicant should therefore satisfy himself that he has right of access.

Reasons

1. In the interests of highway safety.
2. In the interests of site sustainability.

Internal Consultations

Environmental Health

It appears that the development would be within 10 metres of an electrical sub-station. As such, an electric magnetic field report should be provided, to ascertain whether the sub-station is likely to have adverse impacts. Also, the site should be investigated for potential ground contamination from that source (ie PCBs).

I previously requested a site investigation (CH/20/210) to examine the potential impact of historical landfill within 250 metres. I am unaware of such a report, which may identify the need for protective measures against ground gas for example.

The development is adjacent to a garage workshop, which presents the potential for noise disturbance. As such, an acoustic survey has been provided, which takes into account measured recordings and archived data of noise typical of such garage units. Recommendations are given in the report on glazing, ventilation and building façade elements to meet the internal noise level requirements of good practice guidance given in BS8233:2014 Guidance on Sound Insulation and Noise Reduction for Buildings. Calculations suggest that the noise level criteria of BS8233:2014 can be achieved within the proposed accommodation if such recommendations are followed.

Development Plans and Policy Unit

I can advise that the site lies within the built up area and abuts the Hednesford Brickworks SBI, a historic landfill and a 0-5year under construction SHLAA site; C80. The site is within the area of influence of the Cannock Chase SAC. The site does not fall within any other designated areas shown on the Local Plan Policies Map. It is within the Hednesford Neighbourhood Plan Area.

The development plan comprises the Cannock Chase Local Plan (Part 1) and the Staffordshire County Council Waste and Minerals Local Plan. The views of Staffordshire County Council as the waste and minerals authority should be considered, as necessary. The Hednesford Neighbourhood Plan was made on 28th November 2018.

Having looked at the proposal and the provisions of the Development Plan I would advise that I have no further comments to those provided on the previous application (CH/20/210). It is of my opinion that the main policy consideration for this application is with regards to the design of the proposed development and impact upon the surroundings, we are happy to leave this to the judgement of the Case Officer.

Tree Officer

Objects to the proposal as there are no tree protection measures or landscape details within the RPA. However, it may be possible to secure these through a pre-commencement condition if planning considered this approach to be acceptable.

Response to Publicity

The application has been advertised by site notice and neighbour letter and 7 letters of representation have been received. The main reasons for objection are summarised below as:

- The proposal would result in an invasion of privacy as the front of the dwelling will look into a neighbouring back gardens which are on lower ground
- There is no visitor parking
- The rear gardens to properties have become a haven during COVID and have helped with mental wellbeing, and should be protected.
- The proposed would be overbearing and is an inappropriate design for the site
- The proposed would be very close to the common boundary. Access to this neighbours property is not considered acceptable even for maintenance of the proposed building.
- The proposed will affect neighbouring amenity in terms of loss of sunlight and noise.
- Potential for noise from adjacent use to disturb new occupiers,
- Another house being squeezed onto such a small area is unacceptable

Relevant Planning History

CH/20/210: Residential development to site to rear - 1 no 2-bed dwelling. Refused for the following reasons:-

1. Given the proposal's layout, scale, and design, it is considered that it would result in a crowded and contrived form of development, and a visually incongruous effect within the rear

garden environment, and would therefore result in unacceptable harm to the character of the area, contrary to Policy CP3 of the Cannock Chase Local Plan and the guidance contained in the National Planning Policy Framework.

2. The proposed first-floor dormer window would, given the proposal's siting, scale, design and relationship to neighbouring properties, result in overlooking in relation to the rear garden of No.141 Hill Street, to an extent that would result in an unacceptable loss of privacy and a harmful perception of being overlooked on the part of the occupiers of that property. As such, the proposal is contrary to Policy CP3 of the Cannock Chase Local Plan.
3. In the absence of information concerning the likely noise and air quality impacts in relation to a commercial use that could occur in a neighbouring building, and any mitigation that might be required as a result, and in the absence of sufficient information concerning the need for and possibility of works to an overhanging tree, it is not possible to determine whether the proposal would result in an acceptable standard of living accommodation for future occupiers, in accordance with Policy CP3 of the Cannock Chase Local Plan.
4. The submitted information is insufficient to determine what the impact of the proposal would be in relation to trees, and therefore whether the proposal would successfully integrate with existing trees of amenity value, in accordance with Policy CP3 of the Cannock Chase Local Plan.

The above decision was appeal and subsequently dismissed on appeal.

1.0 Site and Surroundings

- 1.1 The application site comprises land forming part of the rear curtilage of No.139A Hill Street, in Hednesford, along with an access track running to the northeast from Hill Street. The site area has been separated off from the remainder of the rear garden by fencing and is accessed from the aforementioned track, which

runs between Nos. 139A and 141, and also serves a separate vehicle parking area and associated building in commercial use (CH/97/0281), along with an electricity substation.

- 1.2 The area to be developed as a residential property comprises part of the curtilage area of 139a only, and this part of the site is bounded to the northwest by the rear garden of No.139, beyond which are other residential properties; to the southwest by what would remain of No.139's curtilage; to the southeast by the access track; and to the northeast by land associated with the substation. The canopy of a sycamore tree, located within the curtilage of No.139, overhangs the site.

2.0 Proposal

- 2.1 The applicant is seeking consent for residential development to site to rear (resubmission of CH/20/210).
- 2.2. The proposed would be a detached, single storey dwelling, and the creation of an associated curtilage containing a garden area to the rear and two parking spaces to the front.
- 2.3 The proposed would have a pitched roof with bi-folding doors at the front and rear. One window is proposed for the bathroom on the southern elevation. 5 No. roof lights are proposed for the roof.
- 2.4 Proposed materials would be of brickwork and tiling with white upvc doors and windows. 1.8m high timber panel fences are proposed for the perimeter of the site as well as 1.2m high picket fencing.
- 2.5 For clarity, the differences between this proposal and the previous application which was refused and subsequently dismissed at appeal are:
 - The 2 storey element has been removed. The proposed is now fully single storey (3.5m in height) and of a traditional design and appearance.
 - The layout has been altered to provide two parking spaces to the front of the dwelling,
 - The applicant has submitted a noise impact.
 - The applicant has submitted a tree report

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), The Hednesford Neighbourhood Plan (2017-2028) 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

CP6 – Housing Land

CP7 – Housing Choice

3.3. Relevant Policies within the Minerals Plan Include:

Safeguarding Minerals

3.4 Relevant Policies in the Hednesford Neighbourhood Plan include:-

Policy H2- Number of bungalows built on small development sites: Priority will be given to building of bungalows on small infill housing sites identified in the HLAA and on windfall sites including disused garage courts.

Section 12- Built Environment Policies: It is considered to be appropriate to have policies which support the retention of the individual buildings and the area identified and ensure that any proposed alterations/extensions respect their character in the interests of the overall quality of the built environment of Hednesford.

National Planning Policy Framework

3.5 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.

3.6 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.

3.7 Relevant paragraphs within the NPPF include paragraphs: -

8:	Three dimensions of Sustainable Development
11-14:	The Presumption in favour of Sustainable Development
47-50:	Determining Applications
126, 128, 130, 134:	Achieving Well-Designed Places
218, 219	Implementation

3.8 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.

4.0 Determining Issues

4.1 The determining issues for the proposed development include: -

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

4.2 Principle of the Development

4.2.1 Both paragraph 11 of the NPPF (2021) and Cannock Chase Local Plan 2014 Policy CP1 state that there should be a presumption in favour of sustainable development.

4.2.2 The presumption in favour of sustainable development as set out in paragraph 11 of the NPPF states: -

‘For decision taking this means:

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

4.2.3 The starting point of the assessment is therefore whether the proposal is in accordance with the development Plan and whether that plan is up to date. In that respect it is noted that Policy CP1 of the Local Plan states: -

“In Cannock Chase District the focus of investment and regeneration will be in existing settlements whilst conserving and enhancing the landscape of the AONB, Hednesford Hills, Green Belt and the green infrastructure of the District. The urban areas will accommodate most of the District’s new housing and employment development, distributed broadly in proportion to the existing scale of settlement.”

4.2.4 Other than the above general strategic approach there are no relevant policies within the Local Plan in respect to the approach to be taken with regard to the development of wind-fall sites. As such the proposal falls to be determined in accordance with the tests set out in subsection (d) (i) or (ii) of paragraph 11 of the NPPF show above.

4.2.5 With that in mind it is noted that the application site is not designated as Green Belt, AONB or as a SSSI or SAC, nor does it contain a listed building or conservation area or affect the setting of a designated heritage asset; nor is it located with flood zones 2 or 3. Therefore, the proposal does not engage any policies in the Framework that protect areas or assets of particular importance. As such the proposal should be approved unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole.

4.2.6 In respect to the location of the site it is within a residential location in Hednesford and is close to the schools and served by bus routes giving access by public transport. As such the site has good access by public transport, walking and cycling to a range of goods and services to serve the day to day needs of the occupiers of the proposed development. 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) nor does it affect the setting of a designated or undesignated heritage asset.

4.2.7 It is therefore concluded that the proposal is acceptable in principle.

4.2.8 However, proposals that are acceptable in principle are still subject to all other policy tests. This report will now go on to consider the proposal in the slight of these policy tests.

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: -

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

4.3.2 Relevant policies within the NPPF in respect to design and achieving well-designed places include paragraphs 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

‘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 Within the Design SPD, the development site is identified as being located within the Heath Hayes and Wimblebury Character Area; this character area is identified as being in a suburban area Character Area Density Zone. The Character Area Descriptions and District Profile for Heath Hayes and Wimblebury states that it is a residential suburban area, that partly lies on the rural-urban fringe.

4.3.6 Within the Hednesford Neighbourhood Plan it is noted that Policy H2- states that priority will be given to the building of bungalows on small infill housing sites identified in the SHLAA and on windfall sites including disused garage courts. Section 12 of the Neighbourhood Plan (Built Environment Policies) continues that it is considered to be appropriate to have policies which support the retention of the individual buildings and the area identified and ensure that any proposed alterations/extensions respect their character in the interests of the overall quality of the built environment of Hednesford.

4.3.7 In this respect it is also noted that Appendix B of the Design SPD sets out clear expectations and guidance.

4.3.8 In terms of its siting, the proposal would occupy a narrow plot situated in a 'back-land' location, to the rear of other residential properties. As such, it would mostly only be seen within the rear garden environment and would be largely screened from the public highway. There are other forms of back-land development in the locality, with the neighbouring commercial-use building located on the opposite side of the access track, and with residential development located to the north, at Levetts Hollow, which sits back from the main road, albeit in a more spacious and formalised way than is being proposed in this case.

4.3.8 In terms of its layout, it is noted that the site is rather constrained due to its narrow form. In this respect it is noted that the Inspector, when determining the previous scheme, raised concern that there was no gap around the proposed dwelling as per the existing dwelling at No. 139a. In this instance, the proposed dwelling would retain a gap of 0.3m between the dwelling and the shared

boundaries with the adjacent neighbours and 0.5m to the side adjacent the access, which would allow access to the rear garden along the side of the dwelling.

- 4.3.9 The proposed garden would be to the rear of the dwelling with parking now provided to the front only. It is noted that the Inspector, when considering the previous application, opined that the small scale of the garden would be out of character with the area. The previous layout of the site provided two parking spaces; one space to the front of the dwelling and one space to the rear garden. The rear garden comprised an area of approx.. 36m² (not including the parking space).
- 4.3.10 Given the amendments to the layout of the site, the garden would now comprise on useable space of approx. 60m². The Design SPD seeks amenity space of 44m² for 2 bedroom dwellings and 65m² for 3 bedroom dwellings. As such, the proposed private amenity space would be over and above that required within the SPD and more akin to the size of surrounding gardens and the prevailing character of this location.
- 4.3.11 In terms of its design, it is noted that the Inspector referred to the previous design as being unorthodox and asymmetrical comprising of a 2 storey, dormer design that incorporated a rear flat roof with roof lantern. The proposed dwelling has been amended and now comprises of a tradition and simple single storey design that would be constructed with a pitched roof to a maximum height of 3.5m.
- 4.3.10 Overall, the reduction in size of the proposed dwelling together with its simplistic and tradition design with front parking and rear amenity space is not considered to be harmful to the character of the area which is broadly mixed, with a range of house types and styles, the area is characterised by conventional-looking dwellings set within spacious plots.
- 4.3.11 The site is located in very close proximity to an unprotected sycamore tree. As such, the applicant has submitted a tree survey with which to inform the application.
- 4.3.12 The submitted tree survey notes that the canopy of the Sycamore Tree would overhang the rear garden of the proposed dwelling within the site to a significant extent. The Council's Tree Officer was consulted on the application and has raised concerns about the submitted information in terms of how it assesses the impact of the proposal on the unprotected sycamore, but also what bearing

it would have on the planting of the replacement TPO tree(s) given that it would use up a significant portion of the curtilage area of No.139A.

- 4.3.13 The Council's Tree Officer does not feel that the issues raised in the previous application have been addressed but that they could potentially be satisfied through the use of pre-commencement conditions.
- 4.3.14 Notwithstanding the above, it is also noted that the Inspector opined that it would be possible for the previously proposed development to be successfully integrated with existing trees and that the impact to the Sycamore Tree would be minimal. The impact on the tree was not a reason the Inspector gave for dismissing the appeal.
- 4.3.14 In this instance, the revised layout would not provide hardstanding for parking under the Sycamore Tree and the proposed building would remain outside the potential root protection area. The details for and the implementation of the root protection area would be secured via a condition.
- 4.3.15 It is also noted that the applicant, who owns No.139A, is required to replace two previously removed protected trees within the curtilage of No.139A and these replacements would themselves be protected once in situ.
- 4.3.16 Given the proposed layout, scale, and design, it is considered that the proposal would not result in unacceptable harm to the character of the area, and therefore would not be contrary to Policy CP3 of the Local Plan, and the guidance contained in the NPPF.

4.4 Impact on Residential Amenity

- 4.4.1 Policy CP3 of the Local Plan states that the following key requirements of high quality design will need to be addressed in development proposals and goes on to include [amongst other things] the protection of the "amenity enjoyed by existing properties". This is supported by the guidance as outlined in Appendix B of the Design SPD which sets out guidance in respect to space about dwellings and garden sizes.
- 4.4.2 Paragraph 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 In general the Design SPD sets out guidance for space about dwellings, stating that for normal two storey to two storey relationships there should be a minimum distance of 21.3m between principal elevations (front to front and rear to rear) and 12m between principal elevations and side elevations. Furthermore, the Design SPD sets out minimum rear garden areas, recommending 40-44sqm for 1 or 2 bed dwellings, 65sqm for 3 bed dwellings and 80sqm for 4 bed dwellings.
- 4.4.4 However, it should always be taken into account, that these distances and areas are in the nature of guidance. When applying such guidance consideration should be given to the angle of views, off-sets and changes in levels as well as the character of the area.
- 4.4.5 In this respect the comments from the Parish Council and the neighbouring occupiers are noted in terms of loss of privacy, outlook, visually overbearing, and natural light, along with disturbance and pollution as a result of dust and noise. It has also been stated that the proposal could affect the operation of an existing business located close by. The comments of the Inspector for the previous proposal are also noted, in which he found no significant detrimental impact to neighbours as a consequence of the then proposed two storey dwelling.
- 4.4.6 The proposed dwelling would measure 3.5m to the ridge of the pitched roof and the principal window would be positioned in the front and rear elevations, and a number of skylights would be incorporated into the roof slopes.
- 4.4.7 In terms of its relationship to neighbouring properties, the proposed dwelling would be located around 26m from those houses located to the northwest and would not directly overlook their garden areas. Given its siting, scale, and design, it is considered that it would not result in harm to the amenities of those properties.
- 4.4.8 The proposal would directly face towards No.139A, with the nearest windows being located around 14m from the rear of that neighbouring property, and 5m from the shared boundary. The distance from the rear elevation of No.139, which is attached to the aforementioned neighbouring property, would be similar. Whilst the proposed dwelling would be located very close to the boundary of No.139's garden, it is noted that the garden of that property is very

long. In terms of the more sensitive parts of their garden areas, in addition to the windows of their dwellings, it is considered that the proposal would not result in unacceptable harm to the privacy of their occupiers. Given its siting, scale, and design, it is considered that it would not result in unacceptable harm to their outlook, privacy, or access to natural light.

4.4.8 Similar distances would exist to the rear elevation of No.141. It is not believed the proposed would diminish the privacy of that property's occupiers to an unacceptable degree or result in that property being overlooked.

4.4.9 In terms of the concerns raised about disturbance, as a result of noise and dust, the proposal's Environmental Health officers have not raised any objections to the proposal in relation to such effects from the proposal to neighbouring properties, and the modest scale of the development is such that unacceptable harm is not anticipated in terms of pollution and disturbance.

4.4.10 It is noted that there is an established commercial use only metres from where the proposed dwelling and its curtilage would be located. Planning permission CH/97/0281 gave approval for a vehicle maintenance and repair use within a detached garage building located to the rear of No.141 Hill Street. It is unclear precisely how this building is being used at the current time, however, the planning history shows that it has approval for the aforementioned use.

4.4.11 Paragraph 185 of the NPPF states

Planning policies and decisions should also ensure that new development is appropriate for its location taking into account the likely effects (including cumulative effects) of pollution on health, living conditions and the natural environment, as well as the potential sensitivity of the site or the wider area to impacts that could arise from the development. In doing so they should:

- (a) mitigate and reduce to a minimum potential adverse impacts resulting from noise from new development – and avoid noise giving rise to significant adverse impacts on health and the quality of life;

4.4.12 In this respect it is noted that the applicant has submitted a Noise Impact Assessment with which to inform the application. The Noise Assessment states that the dominant noise source emanated from road traffic within Hill Street. The assessment continued to make recommendations in terms of glazing,

ventilation and building façade to BS8233:2014 Guidance on Sound Insulation and Noise Reduction for buildings.

4.4.13 The Council's Environmental Health Officers were consulted on the application and raised no objections to the noise and air quality impacts arising from the adjacent use. As such, it is considered the proposal would not result in an acceptable standard of living accommodation for future occupiers.

4.4.11 It is considered that the proposal would provide a sufficient amount of internal living accommodation, and external amenity space for the enjoyment of future occupiers. The existing dwelling, No.139A, which would be separated from the proposed development plot and would retain sufficient private outdoor space once the plot has been sub-divided. In relation to the proposal's quality of amenity space, given the significant extent to which a neighbouring tree would overhang what would be the rear garden. That said, the sycamore tree is not protected and the proposal's future occupiers would be at liberty to prune the tree where it overhangs their land, subject to the works not undermining the overall health of the tree – as the tree is in separate ownership, this would be a civil matter.

4.4.12 Given the above and subject to the recommended conditions, it is considered that the proposal would provide a high quality of amenity for occupiers of existing dwellings as well as for the future occupiers of the proposed dwelling in accordance with the Design SPD and Local Plan Policy CP3.

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 Both the existing and proposed properties would benefit from an adequate number of parking spaces following the completion of the development, with the existing property having at least two parking spaces to the front, and with the proposal benefiting from two spaces. It is noted that the access track already provides access, not only to the application site, but also other properties, including the substation. There is no evidence available to suggest that the access track could not cope with the modest amount of traffic that would be generated by the proposed development. The Highway Authority has raised

no objections to the proposal, subject to the use of planning conditions, which can be imposed should planning permission be granted.

- 4.5.3 In terms of its impacts on highway safety, the proposal is considered to be acceptable and in accordance with the guidance contained within 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 174 and 180 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 174 of the NPPF states [amongst other things] that

'Planning policies and decisions should contribute to and enhance the natural and local environment by:

- 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;'

4.6.4 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.

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- 4.6.5 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. In this instance, the applicant has not indicated they will be seeking CIL exemption.

Site Specific Issues

- 4.6.6 The application site is not subject to any formal or informal nature conservation designation and is not known to support any species that is given special protection or which is of particular conservation interest. As such the site has no significant ecological value and therefore the proposal would not result in any direct harm to nature conservation interests.
- 4.6.7 In order to enhance the nature conservation opportunities for the site, it is recommended that any permission should be subject to a condition requiring the incorporation of bird boxes be included in the construction of the dwelling.
- 4.6.8 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. With the recommendation to include a bird box, the proposal would provide opportunities to enhance nature conservation. In this respect the proposal would not be contrary to Policies CP3, CP12 and CP13 of the Local Plan and the NPPF.

4.7 Drainage and Flood Risk

- 4.7.1 The site is located in Flood Zone 1 on the Environment Agency's Flood Zone Maps.
- 4.7.2 Policy in respect to drainage and flood risk is provided by 159-169 of the NPPF. Of particular note is paragraph 167 which states

'When determining any planning applications, local planning authorities should ensure that flood risk is not increased elsewhere. Where appropriate, applications should be supported by a site-specific flood-risk assessment. Development should only be allowed in areas at risk of flooding where, in the

light of this assessment (and the sequential and exception tests, as applicable) it can be demonstrated that:

- a) within the site, the most vulnerable development is located in of lowest flood risk, unless there are overriding reasons to prefer a different location;
- b) the development is appropriately flood resistant and resilient such that, in the event of a flood, it could be quickly brought back into use without significant refurbishment;
- c) it incorporates sustainable drainage systems, unless there is clear evidence that this would be inappropriate;
- d) any residual risk can be safely managed; and
- e) safe access and escape routes are included where appropriate, as part of an agreed emergency plan.'

4.7.3 The application site is located in a Flood Zone 1 which is at least threat from flooding. It is noted that the site immediately abuts a main road and is within a predominantly built-up area. As such it is in close proximity to drainage infrastructure that serves the surrounding area and is considered acceptable. Severn Trent was consulted on the application and have not requested a drainage condition in this instance.

4.8 Mineral Safeguarding

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

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

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

- a) the existence, the quantity, the quality and the value of the underlying or adjacent mineral resource; and

- b) that proposals for non-mineral development in the vicinity of permitted mineral sites or mineral site allocations would not unduly restrict the mineral operations.

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

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

4.9 Waste and Recycling Facilities

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

4.9.2 In this respect, it is noted that the proposed dwelling would be sited within close proximity to the highway within a residential location where bins are already collected by the Local Authority. The bins would, in this instance, be collected from the pavement as per the existing situation for the neighbouring properties.

4.10. Ground Conditions and Contamination

4.10.1 Paragraph 183 of the NPPF states

‘Planning policies and decisions should ensure that:

- (a) a site is suitable for its proposed use taking account of ground conditions and any risks arising from land instability and contamination. This includes risks arising from natural hazards or former activities such as mining, and any proposals for mitigation including land remediation (as well as potential impacts on the natural environment arising from that remediation);

- (b) after remediation, as a minimum, land should not be capable of being determined as contaminated land under Part IIA of the Environmental Protection Act 1990; and
- (c) adequate site investigation information, prepared by a competent person, is available to inform these assessments.

4.10.3 Furthermore, paragraph 184 goes on to state: -

‘Where a site is affected by contamination or land stability issues, responsibility for securing a safe development rest with the developer and/or landowner’

4.10.4 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 and it is advised that any risk can be managed by the attachment of an advisory note to any permission granted.

4.10.5 The Council’s Environmental Health Officers were consulted on the application and raised no objections to the proposal subject to conditions as recommended.

4.10.6 Environmental Health Officers noted that the site overlies land with potentially contaminated historical land use for coal mining and unknow infill and also abuts the Environmental Agency former landfill and an electrical sub-station a site investigation should be conditioned. The investigation should include potential ground gases to ensure the appropriate degree of protection measures are incorporated.

4.10.7 Environmental Health Officers at appears that the development would be within 10 metres of an electrical sub-station. As such, an electric magnetic field report should be provided, to ascertain whether the sub-station is likely to have adverse impacts. As such, a condition has been recommended for an electric magnetic field report to be submitted to ensure the adequate degree of protection measures are incorporated.

4.11 Affordable Housing

4.11.1 Under Policy CP2 the proposal would be required to provide a contribution towards affordable housing. However, paragraph 64 of the NPPF states that the ‘provision of affordable housing should not be sought for residential

developments that are not major developments, other than in designated rural areas (where policies may set out a lower threshold of 5 units or fewer)'.

4.11.2 As such, it is considered on balance that the proposal is acceptable without a contribution towards affordable housing.

4.11 Other Issues Raised by Objectors

The above summarised objections have been dealt with in the body of the report.

5.0 **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 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.

6.0 Conclusion

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