

Please ask for: Mrs. W. Rowe

Extension No: 4584

E-Mail: wendyrowe@cannockchasedc.gov.uk

6 April 2021

Dear Councillor,

**PLANNING CONTROL COMMITTEE
3:00 PM, WEDNESDAY, 14 APRIL 2021
MEETING TO BE HELD REMOTELY**

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

Yours sincerely,



Council Solicitor and Monitoring Officer

To Councillors:-

Cartwright, Mrs. S.M. (Chairman)

Startin, P. (Vice-Chairman)

Allen, F.W.C.

Pearson, A.R.

Dudson, A.

Smith, C.D.

Fisher, P.A.

Stretton, Mrs. P.Z.

Fitzgerald, Mrs. A.A.

Thompson, Mrs. S.

Jones, Mrs. V.

Todd, Mrs. D.

Layton, A.

Witton, P.

Muckley, A.

A G E N D A

PART 1

1. Apologies

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

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

3. Disclosure of details of lobbying of Members

4. Minutes

To approve the minutes of the meeting held on 24 March 2021.

5. Members' Requests for Site Visits

6. Report of the Development Control Manager

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

Finding information about an application from the website

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

PLANNING APPLICATIONS

Application Number	Application Location and Description	Item Number
1. CH/20/424	<i>26 View Street, Pye Green, Cannock WS12 4JD</i> – Replacement garage in rear garden (resubmission of planning permission CH/19/396)	6.1 – 6.19
2. CH/21/0022	<i>Former Aelfgar School, Church Street, Taylors Lane, Rugeley WS15 2AA</i> – outline application for the construction of 58 dwellings including access (all other matters reserved)	6.20 – 6.100
3. CH/21/0024	<i>Shop 10 Victorian New Hall, 81 High Green, Cannock WS11 1BN</i> – Change of use from shop (Class E) to Taxi booking office (Sui Generis)	6.101–6.122
4. CH/21/0059	<i>Land to the east of Norton Road and South of Cannock Road, Heath Hayes</i> – Application under Section 73 to remove Condition 11 of planning permission CH/14/0404 (overflow car park extension) as not required	6.123–6.136
5. CH/21/0083	<i>Land off Colliery Road, Rugeley</i> – Change of use to mixed use for stabling of horses and as a residential caravan site for 1 gypsy family with 2 caravans including no more than 1 static/mobile home	6.137–6.177

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

Held on Wednesday 24 March 2021 at 3:00pm

Via Remote Access

Part 1

PRESENT: Cartwright, Mrs S.M. (Chairman)
Councillors Startin, P. (Vice-Chairman)

Allen, F.W.C.	Pearson, A.R.
Dudson, A.	Smith, C.D. (<i>not present at the start</i>)
Fisher, P.A.	Stretton, Mrs. P.Z.
Fitzgerald, Mrs. A.A.	Thompson, Mrs. S.
Jones, Mrs. V.	Todd, Mrs. D.M.
Layton, A.	Witton, P.
Muckley, A.M.	

(The Chairman advised that she had agreed that the order of the agenda be amended and Application CH/21/0030, 29 Ansty Drive, Heath Hayes, Cannock – Change of use to garage into small hairdressing salon, would be considered as the first item).

113. Apologies

No apologies for absence were received.

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

None declared.

115. Disclosure of Lobbying of Members

Councillors F.W.C. Allen, Mrs. A. Fitzgerald, P. Startin and Mrs. S. Thompson declared that they had been lobbied in respect of Application CH/20/075, Blue Cedars, 29 Beechmere Rise, Etchinghill, Rugeley, WS15 2XR – Retention of brick and panel fence, decking and reed fence, widening of driveway including associated construction of retaining walls and erection of boundary wall and fence to NE boundary (part retrospective).

116. Minutes

RESOLVED:

That the Minutes of the meeting held on 17 February 2021 be approved as a correct record.

117. Members requests for Site Visits

A Member asked whether a site visit could be undertaken in respect of Application CH/21/0087, Land at end of Tower Road/Plantation Road, Pye Green, Cannock, outline application (some matters reserved), proposed new Scout Hut for 1st Hednesford Scout Group, so that the effect on the openness of greenspace could be assessed. As no site visits could be undertaken at the current time due to Covid-19 restrictions the Development Control Manager advised that he would ensure this application came before the Committee and a detailed presentation outlining the application would be provided showing photographs and plans of the proposals. Councillors Mrs. S.M. Cartwright and Mrs. A.A. Fitzgerald declared that they had been lobbied in respect of this application.

A Member asked also that a site visit be undertaken in respect of Application CH/20/075, Blue Cedars, 29 Beechmere Rise, Etchinghill, Rugeley, WS15 2XR – Retention of brick and panel fence, decking and reed fence, widening of driveway including associated construction of retaining walls and erection of boundary wall and fence to NE boundary (part retrospective) which was due to be considered on the agenda today (Minute no. 119 refers).

Officers reminded Members that the current Covid-19 restrictions meant that site visits were not allowed to take place. Members asked whether Officers were aware of a date when site visits would be allowed to commence again. The Principal Solicitor confirmed that there was no date set for the commencement of site visits, but she would liaise with the Council Solicitor and Monitoring Officer and advise Members accordingly.

118. Application CH/21/0030, 29 Ansty Drive, Heath Hayes, Cannock, WS12 3TZ, change of use of garage into small hairdressing salon

Consideration was given to the report of the Development Control Manager (Item 6.79 – 6.97 of the Official Minutes of the Council).

The Development Control Manager advised that it was necessary to clarify the extent of the ground floor proposed for the hairdressers and the parking arrangements. Therefore, he requested that the application be deferred to allow these issues to be clarified.

RESOLVED:

That the application be deferred to allow officers to clarify the extent of the ground floor proposed for the hairdressers and the parking arrangements.

(Councillor P.A. Fisher advised that he had some technical difficulties during the consideration of this application and lost connection. He therefore did not vote on this application).

119. Application CH/20/075, Blue Cedars, 29 Beechmere Rise, Etchinghill, Rugeley, WS15 2XR – Retention of brick and panel fence, decking and reed fence, widening of driveway including associated construction of retaining walls and erection of boundary wall and fence to NE boundary (part retrospective)

Consideration was given to the report of the Development Control Manager (Item 6.1 – 6.33 of the Official Minutes of the Council).

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

“Following compilation of the report for the Committee agenda, the following additional information was received:

Further Neighbour Objections:

- A further 17-page letter including photographs and diagrams was received which reiterated the previous comments made relating to the structural capacity and appearance of the existing wall to the north western boundary.
- A further neighbour letter was received which stated

“6.12 it is hard to differentiate which wall is being discussed.

6.13 one of the comments "pleased to see that alterations etc refers to the wall on the South East Boundary and then further down i.e. "Trespass has occurred etc" refers to the North East Boundary.

I think when the Planning Committee read these documents in order to prepare for the meeting, that is if they do read them, it will be hard for them to give a considered decision on the application as it is very confusing.”

- A further objection was received from Rugeley Town Council.

Officer Response:

Due to concerns about cracking in the wall on the North Eastern Boundary Officers can confirm that the site has been revisited by the applicant’s structural engineer who has advised that remediation is needed that will in turn require partial rebuild.

The applicant has submitted a construction method statement outlining how remediation works would be undertaken by the applicant. Re-consultation on this remediation method statement has been undertaken with neighbouring residents and the Council’s structural engineer.

The Council’s structural engineer concurs with the recommendations of the remediation method statement and states that a final inspection should be undertaken by the applicant’s structural engineer when the work is completed to ensure it has been completed in compliance with the method statement.

In respect to the comments relating to parts of the report referring to different walls and the potential for confusion Officers would clarify that the proposal entails various elements, namely: -

- (i) Retention of brick and panel fence, decking, and reed fence,
- (ii) widening of driveway including associated construction of retaining walls 9 to the south west boundary, and

(iii) erection of boundary wall and fence to NE boundary (Part Retrospective)

It is therefore important to read each part of the officer report in its proper context. At page 6.11 the Structural Engineer makes it clear that he his first referring to the proposed retaining wall to the south west of the site before moving on to the Remedial works to the Existing Retaining Wall (which on the north east boundary of the application site and which abuts the properties on Penk Drive north).

The comments made on page 6.13 are comments received in response to publicity. As such one should read them from the perspective of the person making the comments”.

Following the update, the Development Control Manager and the Principal Planning Officer then provided a presentation to the Committee outlining the application showing several photographs and plans of the proposals.

Prior to consideration of the application representations were made by Greg Markham and Russell McAusland, who were objecting to the application and shared the 10 minutes between them, Councillor John Williams, the Parish Councillor (objecting) and Rob Duncan, the applicant’s agent, speaking in favour of the application.

With regards to the request for a site visit to be undertaken, the Principal Solicitor confirmed that no site visits were allowed due to Covid-19 restrictions. Therefore, a detailed presentation outlining the application was provided to the Committee showing photographs and plans of the proposals. If Members considered they could not determine the application today as they felt they did not have sufficient information/photographs and were minded to defer the application to allow a site visit to be undertaken, she was not in a position to say when this site visit could take place. Members were asked to note that the applicant was entitled to have the application determined within a timely manner and had the right to make an application on appeal for non-determination.

Councillor Muckley moved that the application be deferred until a site visit could be undertaken. This was seconded by Councillor A. Dudson.

Following further debate around the possibility that the applicant may make an appeal for non-determination, Councillor A. Dudson withdrew his seconding of the motion to defer. Councillor Pearson, then moved refusal and this was seconded by Councillor Mrs. A.A. Fitzgerald. Further discussions took place and Councillor Mrs. A.A. Fitzgerald withdrew her seconding of the motion to refuse. Councillor A. Dudson then seconded the motion to refuse.

Following a vote, the motion to refuse was approved.

RESOLVED:

That the application, which was recommended for approval, be refused for the reasons outlined below: -

- The proposed rear wall, by virtue of its close proximity to the common boundary with Penk Drive North would give rise to such degrees of overlooking as to result in an oppressive relationship to the detriment to privacy and neighbour

amenity. As such the proposal would fail to maintain the high standard of residential amenity of the occupiers of Penk Drive North, contrary to Policy CP3 of the Cannock Chase Local Plan (Part 1) and paragraph 127(f) of the National Planning Policy Framework.

- The proposed rear wall and fence, by virtue of its breeze block materials, height and scale relative to the common boundary with Penk Drive North would not be visually attractive or add to the quality of the area and would detract from the character of the area contrary to Policy CP3 of the Cannock Chase Local Plan (Part 1) and paragraph 127 of the National Planning Policy Framework.

(At this point in the proceedings the Committee adjourned for a short comfort break).

120. Application CH/20/378, Shop at 2 Elmore Lane, Rugeley, WS15 2DL, advertisement application 3 x fascia, 4 x F/ACM, 6xACM panels, 4 x poster cases

Consideration was given to the report of the Development Control Manager (Item 6.34 – 6.48 of the Official Minutes of the Council).

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

RESOLVED:

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

121. Application CH/20/398, Lime Lane Kennels, Lime Lane, Pelsall, Walsall, WS3 5AL – Demolition of existing kennel buildings and erection of 3 no. detached bungalows and associated works

Consideration was given to the report of the Development Control Manager (Item 6.49 – 6.78 of the Official Minutes of the Council).

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

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

RESOLVED:

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

122. Application CH/21/0038, 246 Cannock Road, Heath Hayes, Cannock, WS12 3HA – Retention of detached garage

Consideration was given to the report of the Development Control Manager (Item 6.98 – 6.112 of the Official Minutes of the Council).

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

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

RESOLVED:

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

(Councillor A. Dudson did not take part in the debate or vote on this application).

(At this point in the proceedings the Committee adjourned for a short comfort break. Councillor Mrs. D. Todd left the meeting during the break due to connection issues. She had not re-joined the meeting when the meeting re-commenced after the short adjournment).

123. Application CH/21/0040, Stokes Lane, Cannock, WS12 3HJ, Application under Section 73 of the 1990 Town and Country Planning Act to develop the land not in accordance with approved plans but in accordance with plan JMD-60-07 (larger amenity block) Pursuant to CH/20/198

Consideration was given to the report of the Development Control Manager (Item 6.113 – 6.148 of the Official Minutes of the Council).

The Development Control Manager referred to Condition 7, as outlined on Item No. 6.120 of the agenda and asked the Committee to note that, should Members be minded to approve the application, Condition 7 would be amended so as to remove the reference to a gas protection score of 6.5 (BS 8455).

He then provided a presentation to the Committee outlining the application showing photographs and plans of the proposals.

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

RESOLVED:

That the application be approved subject to the conditions contained in the report for the reasons stated therein and subject to the variation of Condition 7 as follows:

“the removal of the reference to a gas protection score of 6.5 (BS 8455)”.

(Councillor Mrs. D. Todd re-joined the meeting during the debate on this item and therefore did not take part in the debate or vote on this application).

124. Application CH/21/0052, 5-7 Broad Street, Bridgtown, Cannock WS11 0DA, 1 no. 1&1/2 storey dwelling, resubmission of CH/20/354

Consideration was given to the report of the Development Control Manager (Item 6.149 – 6.175 of the Official Minutes of the Council).

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

Prior to consideration of the applications representations were made by Jonathan Pritchard, the applicant, speaking in favour of the application.

RESOLVED:

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

The meeting closed at 6:30pm.

CHAIRMAN

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Application No: CH/20/424

Location: 26 View Street, Pye Green, Cannock, WS12 4JD

Proposal: Replacement garage in rear garden (Resubmission of planning permission No. CH/19/396)

Item no. 6.1



Location and Block Plan



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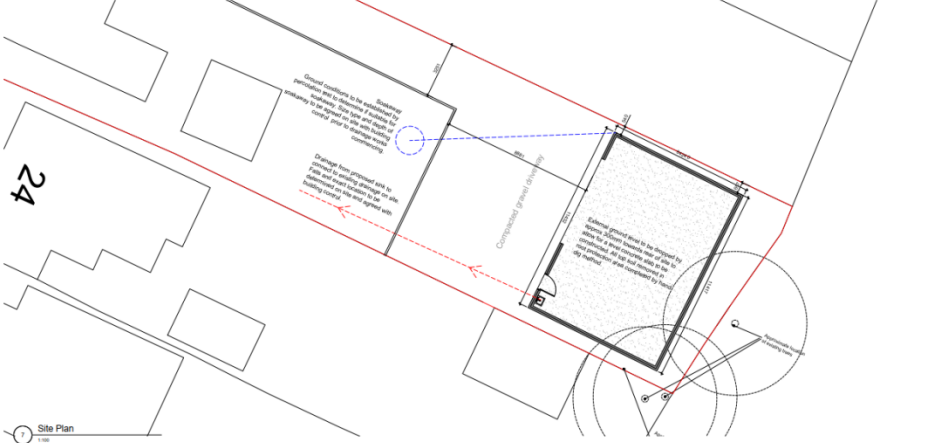
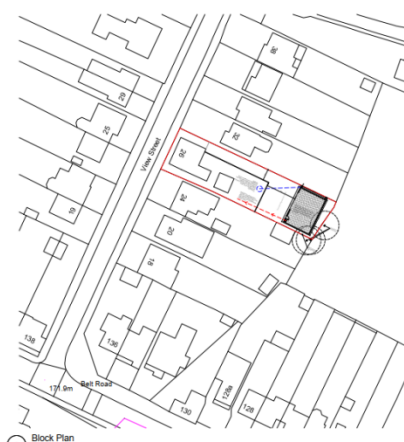
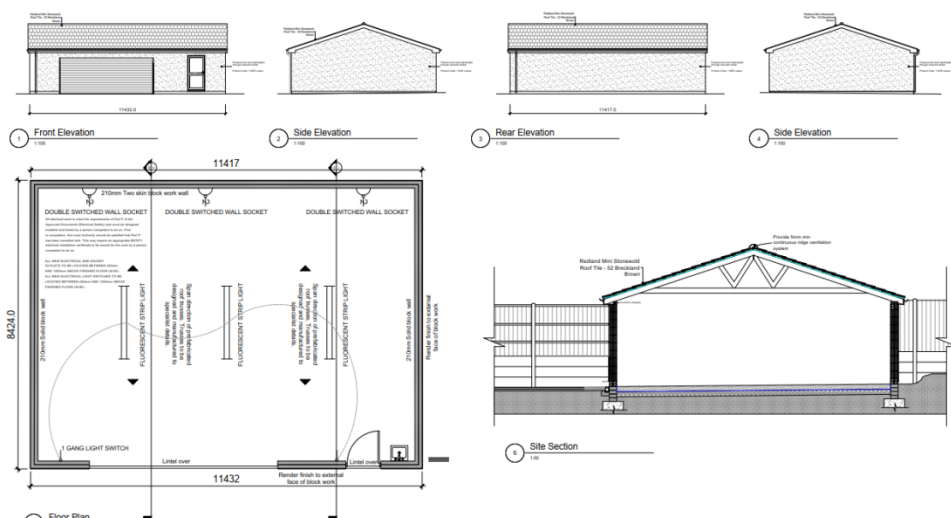
1 Location Plan
1:1250



2 Block Plan
1:500

A.	Miscellaneous	MS	28.11.19
B.	FIRST ISSUE		
Rev.	Details	By / Ck'd	Date
<p>Copyright of the drawing is vested in J Mason Associates and it must not be copied or reproduced without formal consent. On no scale of this drawing be used for construction purposes. All contractors and sub-contractors are responsible for being and checking all dimensions relative to their work.</p> <p>Notify J Mason Associates immediately of any variation between drawings on site.</p> <p>DO NOT SCALE OFF THIS DRAWING FOR CONSTRUCTION PURPOSES - IF IN DOUBT ASK.</p> <p>Where drawings are based on survey information received, surveys are available on request.</p> <p>All drawings to be read in conjunction with all relevant Structural and MSC Engineers drawings and specifications.</p> <p>HAS HAZARDS:</p> <p>Significant hazards relative to the architectural design shown on this drawing have been assessed and highlighted with reasonable skill and care using a warning triangle system.</p> <p>This drawing is to be read in conjunction with all other hazard notices which have been identified and recorded within the construction phase H&S plan.</p> <p>It is assumed that all works on the drawing will be carried out by a competent contractor working, where appropriate, to an approved method statement.</p> <p>Significant hazards are defined as:-</p> <ul style="list-style-type: none"> • Those not likely to be obvious to a competent contractor or other designers • Those of an unusual nature • Those likely to be difficult to manage effectively. 			
<h2>J Mason Associates</h2> <p>www.jmasonassociates.com J Mason Associates Tel: 01543 467788 Registered in England & Wales J Mason Associates 08152243 21, Tipton House, Birmingham Road, 00000000 Bristol, 00000000 BS31 1 1AA</p>			
Client:			
Mr Darby			
Project:			
26 View Street, Hednesford			
Drawing Title:			
Location Plan Block Plan			
Stage:	Status:	Sheet Size:	
RIBA 2	Planning	A3	
Job Number:	Date:	Scale:	
2408	29.10.2019	As Noted	
Revision:			
2408-00			A

Plans and Elevations



NO. 2408	DATE	BY	SCALE
2408	20.11.2020	As Noted	As Built Record

J Mason Associates
 25 View Street, Carrick
 Mr T. Darby

RIBA 9
 2408
 20.11.2020
 As Noted

2408-04

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Contact Officer:	Samuel Everton
Telephone No:	4514

PLANNING CONTROL COMMITTEE 14 th April 2021	
Application No:	CH/20/424
Received:	02-Dec-2020
Location:	26 View Street, Pye Green, Cannock, WS12 4JD
Parish:	Hednesford
Description:	Replacement garage in rear garden (Resubmission of planning permission No. CH/19/396)
Application Type:	Full Planning Application

RECOMMENDATION:

Approve Subject to Conditions

Reason(s) for Recommendation:

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

Conditions (and Reasons for Conditions):

- The development hereby permitted shall be retained in accordance with the following approved plans:
Drawing No. 2408-00 Rev A
Drawing No. 2408-04

Reason

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

2. A method statement pertaining to remediation of the ground conditions shall be submitted to and approved in writing by the Local Planning Authority within 2 months of the date of this permission. The remediation works shall then be carried out and completed in accordance with the method statement within 4 months of the date of this permission or 1 month following approval of the method statement, whichever is the greater.

Reason

To ensure that the development hereby approved does not destabilise the ground conditions of adjoining neighbours and to ensure compliance with Policy CP3 of the Local Plan.

3. The soakaway as shown on drawing No. 2408-04 shall also provide drainage for surface run-off water from the compacted gravel driveway and retained for the life of the development hereby approved.

Reason

In the interests of ensuring the development does not significantly increase the risk of flooding to neighbouring properties and to ensure compliance with Policy CP3 of the Local Plan.

Notes to Developer:

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

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

Consultations and Publicity

External Consultations

Hednesford Town Council

No response received.

Internal Consultations

Environmental Health

No response received.

Response to Publicity

The application has been advertised by site notice and neighbour letter. Two representations have been received in objection to proposal which are summarised below: -

- The proposal is too big to be a garage and suspect it will be for business use.
- An application for an amendment to CH/19/396 was made to change the materials to the roof and rendering of concrete blocks. These documents were not made public nor put out for public consultation yet they contain a full structural change to the building in that the height had been increased, and as such neighbours were not able comment on these amendments.
- The submission does not include a professional structural engineers report or a remedial plan.
- The building does not meet the principles laid down in the Council's policies, particularly its overbearing nature of size, with reference to paragraphs within the Council's 'Residential Extensions Design Guide' Supplementary Planning Guidance (SPG) 2003.
- Reference made to the 2003 Design SPG asserting that 45 degree rules have been ignored as there is a pre-existing building with windows of a necessary nature on the property at No. 32.
- The proposal is grossly oversized and does not meet the Council's 3m rule as set out in the 2003 Design SPG.
- Reference made to the 2003 Design SPG and an assertion that the proposal does not meet the standards in relation to car parking provision as there is no legal access for vehicles from the highway to the garage.
- The proposal falls foul of section 4 of annex C (i – iv) of the 2003 Design SPG which relates to the requirements for the submission of tree and hedgerow survey plans with applications affecting trees.
- The proposal does not meet policy in relation to space about dwellings, in particular that privacy and outlook should not be adversely affected, with reference to Development Control Policy 6 of the Cannock Chase Local Plan 1997.

- The land outside the garage has been compacted to create a parking area which now has very little drainage.
- No consideration has been given to Section 6 of the 2003 Design SPG which relates to property boundaries and future maintenance.
- The applicant has moved the boundary and encroached onto land belonging to No. 32 View Street, which has resulted in removal of all lateral support for the land. The level of the driveway throughout has been excavated below the and within 1m of the foundations of No. 32.
- That the Council has denied and abdicated any responsibility in relation to the Part Wall Act 1996 and reference made to the Section 7 of the 2003 Design SPD which refers to the Act. Claims that both the Council and the applicant have failed to comply with the statutory obligations placed by the Act.
- Claims that serious damage has occurred to the land at No. 32 as a result of the lowering of the land for the proposal and activities carried out at No. 26, which is based on the findings of a structural engineers report commissioned by the occupiers of No. 32.
- The only remedy is the proper restoration of the boundaries, the acceptance of on-street parking to No. 26, a reduction in height of the proposal to within the confines of regulations and demolition of the northern gable end to ensure compliance with the 45 degree rule.

Relevant Planning History

CH/99/0338

Two storey domestic extension to rear of dwelling – Granted 09/08/1999.

CH/19/396

Replacement garage in rear garden – Granted 23/12/2019.

CH/19/396/A

Application to discharge condition 2 (materials) pursuant to Application No. CH/19/396 – Condition discharged 27/01/2020.

1 Site and Surroundings

- 1.1 The application site is comprised of a detached two storey dwelling and detached garage to rear, at No. 26 View Street, located within the main urban area of Hednesford.

- 1.2 The dwelling is of traditional design comprising a brick construction under a double gable roof and is finished in a cream render, brown roof tiles and UVPC fenestration. The property also features a canopy along the front elevation over two bow windows. To the northern side of the property is a driveway which provides access to the detached garaged at the rear. The rear garden is bound by closeboard fencing and also contains another two outbuildings near to the rear elevation of the dwelling.
- 1.3. The wider area is residential and comprises a variety of detached and semidetached two storey dwellings and bungalows of differing architectural styles and finishes built within the twentieth century. The application dwelling is the only remaining building of its type and age in the immediate streetscene and this is notably characterised by its close proximity to the highway compared to the surrounding dwellings which are set much further back from the highway to accommodate driveways for off-street vehicle parking and larger front garden areas. To the rear of the application site is the grounds of the Staffordshire University Academy. It is noted that there are a number of outbuildings with the rear gardens of a number of properties along View Street and the wider surrounding area.
- 1.4. The site is unallocated within the Local Plan, however it is located within the Hednesford Neighbourhood Area, the Forest of Mercia, a Mineral Safeguarding Area and a Coal Authority Low Risk Area.

2 Proposal

- 2.1 The application seeks retrospective planning permission for the retention of the detached garage in the rear garden.
- 2.2 The garage comprises a block work construction under a gable roof measuring 4m to the ridge, 2.5m to the eaves, 11.1m in width and 8.4m in depth and is finished in render and roof tiles.
- 2.3 The garage features a large double door and a separate single door to the front.
- 2.4 The garage was built following the grant of planning permission under application reference No. CH/19/396 to replace an existing garage. However, as construction works to build the garage included the excavation and levelling of the existing ground levels by approx. 0.3m, which is operational development in itself, the garage had therefore not been built within accordance to the 2019 permission. As such, this retrospective application has been submitted to the Council which now includes the garage as built with the lowered ground levels to attempt to regularise the development.

3 Planning Policy

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

3.2 The Development Plan currently comprises the Cannock Chase Local Plan (2014), the Minerals Local Plan for Staffordshire 2015 to 2030 (2017) and the Hednesford Neighbourhood Plan 2017 – 2028 (2018). Relevant policies within the Local Plan include: -

CP1 - Strategy – The Strategic Approach
 CP3 - Chase Shaping – Design

Relevant policies within the minerals plan include: -

Policy 3 - Safeguarding Minerals of Local and National Importance and Important Infrastructure.

There are no policies within the Hednesford Neighbourhood Plan which would apply to this development proposal.

3.3 National Planning Policy Framework

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

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

3.6 Relevant paragraphs within the NPPF include paragraphs: -

8: Three dimensions of Sustainable Development
 11-14: The Presumption in favour of Sustainable Development
 47-50: Determining Applications
 124, 127, 128, 130: Achieving Well-Designed Places
 178-179: Ground Conditions and Pollution
 212, 213: Implementation

3.7 Other relevant documents include: -

Design Supplementary Planning Document, April 2016.

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

Manual for Streets.

4 Determining Issues

4.1 The determining issues for the proposed development include:-

- i) Principle of development.
- ii) Design and impact on the character and form of the area.
- iii) Impact on residential amenity.
- iv) Impact on highway safety.
- v) Minerals Safeguarding.
- vi) Ground Conditions.

4.2 Principle of the Development

4.2.1 The application site is on unallocated land and comprises an existing dwellinghouse. The proposal is for the retention of an outbuilding in the rear curtilage of the dwellinghouse to be used as a garage incidental to the enjoyment of a dwellinghouse. Whilst there are concerns from neighbours that the garage is for business use, the application presented is for householder development which does not include any change of use or to facilitate a business operation. As such, the proposed garage will be assessed on this basis and is therefore acceptable in principle as a residential garage subject to the considerations listed below.

4.2.2 Officers would add that any use of the garage outside of what would normally be considered incidental to the enjoyment of a dwellinghouse would be in breach of planning control.

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

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

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

- (ii) successfully integrate with existing trees; hedges and landscape features of amenity value and employ measures to enhance biodiversity and green the built environment with new planting designed to reinforce local distinctiveness.

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

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

Planning policies and decisions should ensure that developments:

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

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

4.3.5 In this respect it is noted that Appendix B of the Design SPD sets out clear expectations and guidance in respect to householder developments.

4.3.6 The proposed garage is of a significant size in terms of floor area covered, however whilst it is of significant proportions it should be noted that permitted

development rights allow for the erection of outbuildings up to 50% of the total area of the curtilage. The proposal falls well below that limit. In addition, it is noted that subject to certain tolerances, buildings up to a height of 4m can be built within residential curtilages. As such a building of substantial proportions could be built within the rear garden of this site. The proposed garage would therefore reflect the scale of development allowed under the General Permitted Development Order.

- 4.3.7 The proposed garage is of a typical pitched roof design often found in residential properties and it is also noted that there are a number of existing outbuildings in the rear of properties within the area. The proposed garage is only partially visible from View Street, the rear of surrounding properties and the Academy. Therefore, in light of its context and its design, the proposed garage whilst large in its size, it does not look out keeping or have a significant detrimental impact on the residential character or form of the area.
- 4.3.8 Therefore, having had regard to Policy CP3 of the Local Plan and the above mentioned paragraphs of the NPPF it is considered that the proposal would be well-related to existing buildings and their surroundings, successfully integrate with existing features of amenity value, maintain a strong sense of place and visually attractive such that it would be acceptable in respect to its impact on the character and form of the area.

4.4 Impact on Residential Amenity

- 4.4.1 Policy CP3 of the Local Plan states that the following key requirements of high quality design will need to be addressed in development proposals and goes on to include [amongst other things] the protection of the "amenity enjoyed by existing properties". This is supported by the guidance as outlined in Appendix B of the Design SPD which sets out guidance in respect to space about dwellings and garden sizes.
- 4.4.2 Paragraph 127(f) of the NPPF states that planning policies and decisions should ensure that developments [amongst other things] create places with a high standard of amenity for existing and future users.
- 4.4.3 The material considerations in this case are the potential for overlooking and loss of light to neighbouring dwellings.
- 4.4.4 In respect to overlooking, the garage is single storey and whilst the garage has two doors within its front elevation these would face into the rear of the host dwelling and any views from these doors towards neighbours would be inhibited by the existing boundary treatment. In addition, the garage does not have any windows or doors within the side or rear elevations. As such, the

proposal would not result in any significant degree of loss of privacy to neighbouring properties.

4.4.5 In respect to the potential for loss of light to neighbouring properties, the Design SPD recommends the application of the 45/25° daylight test. The neighbours comments are noted, however the test should only be applied to windows serving habitable rooms of existing dwellinghouses. The neighbour's shed is not considered to be a habitable room for the purposes of this test. As such, whilst the proposed shed would intersect the 45 degree splays taken from the rear windows serving neighbouring properties at No's 24 and 32, given its substantial distance from the rear of these properties it does not intersect the 25 degree vertical angle taken from neighbour's windows. As such, the garage meets this test and therefore the proposal does not cause any significant degree of loss of light to neighbouring properties.

4.4.6 Following the above, the proposed extension would not adversely impact on the amenity for occupiers of the surrounding dwellings. It is therefore considered that the design of the proposal is acceptable and it would meet the requirements of the NPPF, Policy CP3 of the Cannock Chase Local Plan and the Council's Design SPD.

4.5 Impact on Highway Safety

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

4.5.2 The proposed garage does not propose any alterations to the capacity of the existing driveway and it would not alter any access arrangements or visibility splays. As such the garage which provides additional parking provision for three vehicles would not have an adverse impact on highways safety.

4.5.3 The neighbours comments are noted in respect to the affect that having no legal vehicular access to the rear garage would result in the proposal failing to meet the Councils Parking Standards, however, officers would advise that the proposal is ultimately for a residential outbuilding of which there is no policy requirement to provide additional parking spaces for. As such regardless as to whether or not the existing dwelling has a legal access to the rear, this should not have bearing on the outcome of this proposal. The issue would instead be

the parking provision of the existing dwelling which is outside the scope of this application.

4.6 Mineral Safeguarding

4.6.1 The site falls within a Mineral Safeguarding Area (MSAs) for Bedrock Sand and 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.

4.6.2 Policy 3.2 of the Minerals Local Plan states that:

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

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

4.6.3 The development would fall under Item 1 within the exemption list as an application for an householder development and is therefore permitted. As such the proposal is compliant with Policy 3 of the Minerals Local Plan.

4.7 Ground Conditions

4.7.1 Paragraph 178a of the NPPF states that planning policies and decisions should ensure that a site is suitable for its proposed use taking account of ground conditions and any risks arising from land instability and contamination. In this respect it is noted that the land contained within the application site does not suffer from any known land stability issues or contamination according to the Council’s records.

4.7.2 In addition, the NPPF goes on to state in paragraph 179 that where a site is affected by contamination or land stability issues, responsibility for securing a safe development rests with the developer and/or landowner.

- 4.7.3 The comments and the findings of the structural engineers report commissioned by the neighbour are noted in respect to the alleged damages that the lowering of the levels has caused to No. 32 View Street. These findings were in summary that the ground at No. 32 was showing signs of movement in two locations that were analysed, and that the majority of the fence posts along the boundary with No. 26 were out of plumb and tilting towards No. 26, which could be attributed to the recent activities associated with the erection of the garage and lowering of the ground. The neighbours report also concluded that due to the lowering of the ground to facilitate the garage, there was a potential for future subsidence issues to the house at No. 32 as well as stability of the retained grounds adjacent to the boundary and the boundary itself.
- 4.7.4 In response, the Council has commissioned the services of its own structural engineer to review both the findings of the neighbour's report and the information submitted within the application. The Council's report found that the concrete post and gravel board used on boundary between No's. 26 and 32 was not the ideal structure a retaining wall at this location, but despite this has performed reasonably adequately for a significant time. The report goes on to state that the fence does demonstrate an out of plumb lean towards No. 26 and that lowering the ground levels at the rear by 300mm would certainly make the loading on the rear length of the retaining fence worse than it was in its previous situation and will likely result in additional deflection of the fence. However, the report also found that the worst of case of where the fence was out of plumb was midway along the fence away from the new garage structure and the engineer did not consider that the out of plumbness that some of the fence panels exhibit was specifically related to the construction of the garage.
- 4.7.5 The report concludes that the situation adjacent to the garage where the ground has been reduced could be improved by the introduction of a lean mix concrete between the garage and the gravel boards to increase the ground level on No. 26's side. This would in the engineer's view adequately restrain any applied loads that are needed to be resisted in an efficient manner.
- 4.7.6 As such, on the basis of the above it is clear that there are measures that could be undertaken by the applicant to rectify the issues caused by the lowering of the ground level for the garage and to ensure that the ground is stable. Therefore, should the Council be minded to approve the application it is recommended that a condition be included on the decision notice which requires the applicant to submit a method statement in respect to ground mitigation measures and carry them out within a specified time period.

4.8 Other Issues Raised by Objectors

- 4.8.1 An objector has stated that an application for an amendment to CH/19/396 was made to change the materials to the roof and rendering of concrete blocks. These documents were not made public nor put out for public consultation yet they contain a full structural change to the building in that the height had been increased, and as such neighbours were not able comment on these amendments.

In response officers would advise that the application for the amendment to the materials was an application for the approval of details reserved by condition or what is more commonly referred to as an application to 'discharge' conditions. The application was entered into the Planning Department system under Reference No. CH/19/396/A and the system automatically published the details of the application onto the website as with all entries into the system. However, there is no requirement for the Council to carry out public consultation on this type of application and the outcome of this application consented only to the finishing materials and did not grant permission for any increase in height or other structural changes.

- 4.8.2 An objector has stated the proposal is grossly oversized and does not meet the Council's 3m rule as set out in the 2003 Design SPG.

Officers would advise in regard to the '3m rule' and to that end, all other reference to standards stipulated from the Residential Extensions Design Guide' Supplementary Planning Guidance (SPG) 2003, that this SPG was replaced by the Councils Design SPD in 2016 and therefore no longer forms part of the Council's adopted documents. In addition, the standards stipulated within any of the design guidance is for guidance only and therefore does not preclude applications which may not meet a particular test from a favourable outcome as there may be other material considerations which weigh in its favour. In addition, the thrust of the 3m standard was to enable smaller extensions to be built on properties where the 25/45 degree daylight standard would otherwise prevent a usefully sized extension from being built. It would not have been intended to be applied in the case of an outbuilding in the rear of a detached property.

- 4.8.3 An objector has stated no consideration has been given to Section 6 of the 2003 Design SPG which relates to property boundaries and future maintenance. The applicant has moved the boundary and encroached onto land belonging to No. 32 View Street, which has resulted in removal of all lateral support for the land. The level of the driveway throughout has been

excavated below the and within 1m of the foundations of No. 32. That the Council has denied and abdicated any responsibility in relation to the Party Wall Act 1996 and reference made to the Section 7 of the 2003 Design SPD which refers to the Act. Claims that both the Council and the applicant have failed to comply with the statutory obligations placed by the Act.

In response to the concerns raised in regard to the boundary and the Party Wall Act, officers would advise that the applicant has confirmed in writing to the Council that the red line site boundary on the Location Plan is correct and that the land contained within it is within their ownership, as declared on the ownership certificate submitted within the application form. As such, the applicant has fulfilled the requirements in terms of declaring land ownership. It is not for the Council to adjudicate in boundary disputes or land ownership, these are private civil matters that would need to be resolved between the affected parties themselves. Similarly, the responsibilities relating to serving of notices in respect to the Party Wall Act 1996 lie with the developer and is not a matter that the Council would be involved with.

- 4.8.4 An objector has stated the land outside the garage has been compacted to create a parking area which now has very little drainage.

In response officers would advise that the submission presented shows that a soakaway is to be provided adjacent to the compacted gravel driveway, and the details of which is to be determined at the Building Regulations stage following a percolation test. To ensure that the proposal does not adversely impact neighbours in respect to flooding, it is recommended that should the Council be minded to approve the application that a condition be included on the permission that requires drainage to also be provided to the compacted gravel area.

- 4.8.5 An objector has stated that the proposal falls foul of section 4 of annex C (i – iv) of the 2003 Design SPG which relates to the requirements for the submission of tree and hedgerow survey plans with applications affecting trees.

In response officers would advise that a Tree Survey and Report was provided with the previous application (Ref No. CH/19/396) wherein it was found that whilst the trees adjacent to the rear of the site do make an important contribution to the character of the area, it should be noted that a garage of the same footprint could be erected under Permitted Development Rights that would have a similar impact on the trees. The report also found that the ground around the trees was made up which would have restricted

root growth in this area. In addition, the trees are not protected and as the proposal is now built it would be disproportionate to require the submission of a new tree report, especially when a structure of the same footprint could be built under permitted development rights.

5 Human Rights Act 1998 and Equalities Act 2010

Human Rights Act 1998

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

Equalities Act 2010

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

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

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

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

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

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

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

6 Conclusion

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

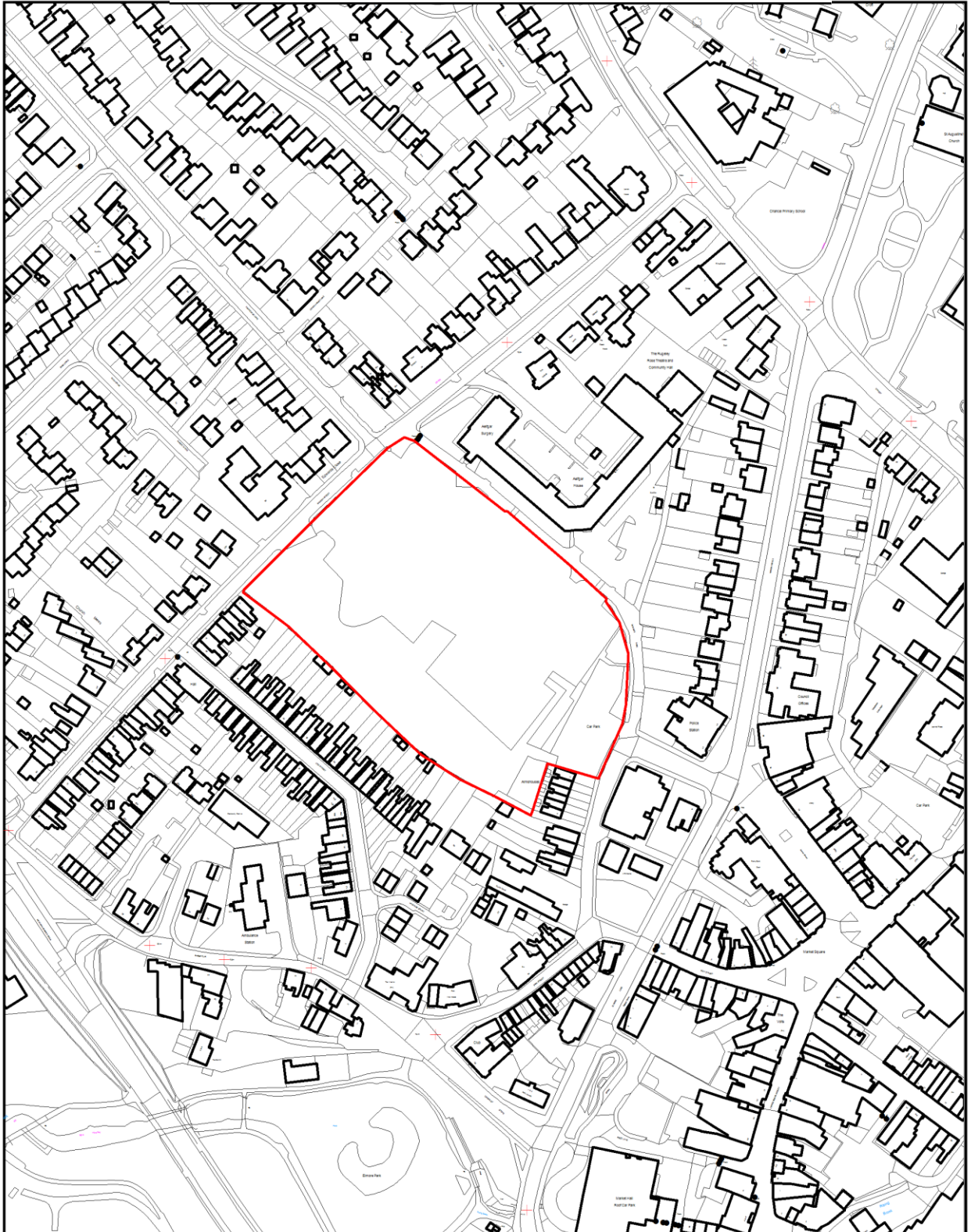


Application No: CH/21/0022

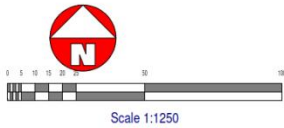
Location: Former Aelfgar School, Church Street, Taylors Lane, Rugeley, WS15 2AA

Proposal: Outline application for the construction of up to 58 dwellings including access (layout, landscaping, external appearance and scale reserved)

Item no. 6.20



Location Plan



A RED LINE BOUNDARY ADJUSTED 16/2/21
 REVISIONS DATE

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 Giffon Road
 Cannock
 Staffordshire
 WS11 0EJ
 t: 01543 466447
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 Chartered Architects

CANNOCK CHASE COUNCIL
 RESIDENTIAL DEVELOPMENT
 AELFGAR SITE, CHURCH STREET, RUGELEY
 LOCATION PLAN

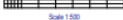
19040/1A	Date	Drawn	Drawn
1:1250	AUG 19	SPF	19040/1A

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 noted with no adjustments.

Access Plan



Source: Copyright Ordnance Survey, 2010. OS 100000000



Scale 1:500



STE AREA
 Site 1:500 Feet
 Drawing 1:50 Feet

EXTENT OF NEW ACCESS SHOWN
 SHADED. ROAD AND PATH LAYOUT
 WITHIN SITE IS INDICATIVE AND FOR
 ILLUSTRATIVE PURPOSES ONLY

319400m
 318200m
 317000m



1 Station Court
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 Carron
 Aberdeen
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GARNOCK COUNCIL
 RESIDENTIAL DEVELOPMENT
 18/19A-19/21 GARNOCK STREET, GABBY
ACCESS PLAN
 Date: 15/01/2014
 Scale: 1:500

Indicative Site Plan



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INDICATIVE SITE PLAN FOR ILLUSTRATIVE PURPOSES ONLY

SITE AREA	Total 1.87 Hectares
	Developable 1.28 Hectares
ACCURACY/CLASS	
Residential - Plot 1 to 28/37	(1) 2 x 4 person houses @ 88 sq.m
	(1) 2 x 5 person houses @ 116 sq.m
	(1) 2 x 6 person houses with garage @ 152 sq.m
	(1) 2 x 6 person houses with garage @ 152 sq.m
	27 Total
Residential - Plot 29/38	(1) 2 x 4 person houses @ 88 sq.m
	(1) 2 x 5 person houses @ 116 sq.m
	(1) 2 x 6 person houses @ 152 sq.m
	3 Total

NOTES

These plans are being prepared solely for illustrative purposes. They are not intended to be used as a basis for any legal or financial transaction. The Applicant is advised that the information is deemed to be correct and complete and that the Applicant should be satisfied.

3 ALLOTMENTS TO LAND 100001
2 LAYOUT & DIMENSIONS REVIEW 841000
4 LAYOUT REVIEW TO SITE SURVEY 2010/00
5 LAYOUT REVIEW, SURVEY, PROPOSED NEW REVISED

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LAWSON CHASE COUNCIL
 PRESIDENTIAL DEVELOPMENT
 HELPFUL SITE, COLERIDGE STREET BUSSTOP
INDICATIVE SITE PLAN

Project No: 1904020
 Date: 19/04/20

Contact Officer: Richard Sunter

Telephone No: 01543 464481

Planning Control Committee

April 2021

Application No: CH/21/0022

Received: 11 January 2021

Location: Former Aelfgar School, Church Street, Taylors Lane, Rugeley, WS15 2AA

Parish: Rugeley

Ward: Western springs Ward

Description: Outline application for the construction of 58 dwellings including access (all other matters reserved).

Application Type: Outline Major

Recommendations:

Approve subject to the attached conditions and the completion of a unilateral undertaking to secure: -

- (i) A contribution of £221 x 17 to mitigate the impact of the proposed development on the Cannock Chase SAC.
- (ii) A contribution of £95,192 (index linked) towards the provision of education payable in 2 instalments with the first on the commencement of development.

Reason(s) for Recommendation:

Reason for Grant of Permission

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

Conditions (and Reasons for Conditions):

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

Reason

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

2. 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.

Contamination

3. No development shall commence until a remediation strategy to deal with the risks associated with contamination of the site in respect of the development hereby permitted, has been submitted to, and approved in writing by, the local planning authority. This strategy will include the following components:

1. A preliminary risk assessment which has identified:
 - all previous uses
 - potential contaminants associated with those uses
 - a conceptual model of the site indicating sources, pathways and receptors
 - potentially unacceptable risks arising from contamination at the site
2. A site investigation scheme, based on (1) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off-site.
3. The results of the site investigation and the detailed risk assessment referred to in (2) and, based on these, an options appraisal and

remediation strategy giving full details of the remediation measures required and how they are to be undertaken.

4. A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy in (3) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

Any changes to these components require the written consent of the local planning authority. The scheme shall be implemented as approved.

Reason(s)

To ensure that the development does not contribute to, and is not put at unacceptable risk from or adversely affected by, unacceptable levels of water pollution in line with paragraph 170 of the National Planning Policy Framework.

4. 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 (at time of writing, imported topsoil and ground gas protection). The Statement shall also include details of validation testing that will be carried out once works have been completed.

Reason

To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems and to ensure that the development can be carried out safely without unacceptable risks to workers neighbours and other offsite receptors in accordance with Paragraph 178 of the National Planning Policy Framework

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

Reason

To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems and to ensure that the development

can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with Paragraph 178 of the National Planning Policy Framework

Electric Vehicles Charging Points

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

Reason

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

Ecology

7. No dwelling hereby permitted shall be completed above ground floor level until a scheme for the provision of bat roosts and integral bird boxes has been submitted to and approved in writing by the Local Planning Authority. The submitted scheme shall indicate the plots to be provided with bat roosts, and integral bird nesting boxes, and their height and location. Any dwelling shown to be host to such a bat roost or bird nesting box shall be completed in accordance with the approved scheme.

Reason

In the interests of compensating for the loss of bird breeding habitat as a result of the development and ensuring a net biodiversity gain in accordance with Policy CP12 of the Local Plan and paragraphs 175 of the NPPF.

Affordable Housing

8. The development shall not begin until a scheme for the provision of affordable housing as part of the development has been submitted to and approved in writing by the Local Planning Authority. The affordable housing shall be provided in accordance with the approved scheme and shall meet the definition of affordable housing in Annex 2 of the National Planning Policy Framework (February 2019) or any future guidance that replaces it. The scheme shall include: -

- (i) The numbers , type, tenure and location on the site of the affordable housing provision to be made which shall consists of not less than 20% of housing/ bed spaces:
- (ii) The timing of the construction of the affordable housing and its phasing in relation to the occupancy of the market housing;
- (iii) The arrangements for the transfer of the affordable housing to a provider of social housing as defined in the Housing and Regeneration Act 2008 (or any statutory re-enactment or amendment) and which is approved by the Council's Head of Housing and Regeneration
- (iv) The arrangements to ensure that such provision is affordable for both first and subsequent occupiers of the affordable housing and the means by which occupancy criteria shall be enforced.

Reason

In the interests of creating mixed and balanced communities and promoting housing choice in accordance with Policy CP7 of the Cannock Chase Local Plan and the National Planing Policy Framework.

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

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

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

Reason

The site has the potential for archaeological remains to be present which require further investigation in accordance with paragraph 189 of the National Planning Policy Framework.

Drainage

10. The development hereby permitted shall not be brought into use until the approved drainage scheme shown in the following documents has been implemented:

- Flood Risk Assessment and Drainage Strategy, Rev A, 08/01/2021

Thereafter, the drainage scheme shall be retained and maintained in accordance with the submitted management and maintenance plan by Mucklow and Harris.

Reason

To reduce the risk of surface water flooding to the development and properties downstream for the lifetime of the development.

11. 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.

Reason

In the interest of providing appropriate drainage to the development.

Highways and Control of Construction Activities

12. Before the development, hereby approved is commenced, including any works of demolition or site clearance, a Construction Method Plan shall be submitted to and approved in writing by the Local Planning Authority. The Construction Method Plan shall include details of:

- (i) The method to be used and undertaken to control the emission of dust, noise and vibration from works;
- (ii) A scheme for dust deposition monitoring;
- (iii) Measures (including wheel wash facilities) to control the deposit of mud and similar debris on adjoining public roads;
- (iv) Recorded daily inspections of the highway adjacent to site access points;

- (iv) Site Fencing and security;
- (v) Details of parking for vehicles of site personnel, operators and visitors;
- (vi) Details of site operative accommodation and location of compounds;
- (vii) Details of working hours;
- (ix) Details of the use of generators
- (x) A program of works (including measures of traffic management);
- (xi) Routes for construction traffic
- (xii) Pedestrian and cyclist protection
- (xiii) Proposed temporary traffic restrictions
- (xiv) Arrangements for turning vehicles
- (xv) Details of delivery time restrictions
- (xvi) Details of loading and unloading of plant and materials; and
- (xvii) Details of storage of plant and materials used in constructing the development
- (xviii) Method and times of piling should piling be undertaken on the site.
- (ixx) Locations for the stock piling of soil or other ground materials
- (xx) Location of amenity blocks for construction workers.

The development shall be implemented in accordance with the approved details

Reason

In the interests of protecting amenity and highway safety in accordance with Paragraphs 127 and 109 of the National Planning Policy Framework..

Highways

14. No development shall be commenced until full details of the following have been submitted to and approved by the Local Planning Authority: - by way of reserved matters application(s)
 - (i) new junctions from Church Street and Taylors Lane/Anson Street, street layouts, surface treatments, visibility splays and measures to restrain vehicle speeds to 20mph
 - (ii) parking provision to comply with Local Plan standards, whilst all garages to have minimum internal dimensions of 6x3m for single garages or 6 x 6m for double garages

- (iii) turning and servicing provision for all dwellings including a swept path analysis to cater for a 11.9m long refuse vehicle
- (iv) clear delineation of streets and footways to be offered for adoption
- (v) phasing of development
- (vi) details of priorities/road markings for the new access onto Taylors Lane/Anson Street
- (vii) details of TRO's to protect road junctions and residential streets plus method of funding

Reason

In the interests of highway safety in accordance with Paragraphs 127 and 109 of the National Planning Policy Framework.

Approved Plans

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

19040/1A Location Plan.

19040/4 Access Plan.

AC/SCL/1911201 Stage 1 Road safety Audit, November 2020.

Phase 1 Geoenvironmental and Geotechnical Assessment: Ref SJ/29827.

Notes to the Developer:

Staffordshire County Council

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

Severn Trent Water Authority

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.

South Staffs Water

South Staffordshire Water advises that it appears to have no water mains assets affected by this scheme, within the site boundary shown in red on the site plan. so would look to install new water assets to supply the development through the normal application for new connections process. They advise that they have assets in Taylors Lane that are close to the development that will be affected if construction activities are taking place in this area also.

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

Staffordshire Police

The applicant's attention is drawn to the detailed comments made by Staffordshire Police in their consultation response when drawing up the reserved matters application.

Staffordshire County Council Highway Authority

Highway Works Agreements – “The conditions requiring off-site highway works shall require a Highway Works Agreement with Staffordshire County Council. The applicant is requested to contact Staffordshire County Council in order to secure the Agreement. The link below is to the Highway Works Information Pack and an application form for the agreement. Please complete and send to the address indicated on the application form, which is Staffordshire County Council at Network Management Unit, Staffordshire Place 1, Wedgwood Building, Tipping Street, STAFFORD, Staffordshire ST16 2DH. (or email to nmu@staffordshire.gov.uk). The

applicant is advised to begin this process well in advance of any works taking place in order to meet any potential timescales.

<https://www.staffordshire.gov.uk/Highways/highwayscontrol/HighwaysWorkAgreements.aspx>

This consent will require approval under Section 7 of the Staffordshire Act 1983 and will require a Section 38 of the Highways Act 1980. Please contact Staffordshire County Council to ensure that all approvals and agreements are secured before commencement of works.

It will be necessary for any areas of highway land within the red line site boundary to be “stopped up” under Section 247 of the Town and Country Planning Act 1990. See [Highways Stopping Up Form - Order Online - Staffordshire County Council](#)

Consultations and Publicity

External Consultees

County Highways

1. A site visit was carried out on 4th February 2021
2. Personal Injury Collisions

Current records show that there were not any Personal Injury Collisions on Church Street, Taylors Lane or Anson Street within 43 metres either side of the proposed site access points for the previous five years.

3. Background;
 - The proposed development is to be accessed from two points. Church Street is an unclassified one way street with traffic calming and footways to both sides. Taylors Lane is also unclassified with one footway to the north of the new access point and two to the south – both have 30mph speed limits and street lighting, Much of Church Street and all of Taylors Lane/Anson Street is protected from parking by Traffic Regulation Orders (TRO's). The site is within a short walk of the town centre shopping area.
 - The site is mainly disused following demolition of the former Aelfgar School though there is an existing small pay & display car park of Taylors Lane
4. Description of Proposal

- Redevelopment of the site to construct 58 dwellings and 6 parking bays for the adjacent Alms houses.

5. Comment on Information submitted (where appropriate)

- The submitted plans indicate vehicular visibility splays onto Church Street which are achievable. Further detail is still required for the priorities at the new access from Taylors Lane and confirmation that visibility splays would be within land controlled by highways or the local authority.
- Whilst concerns have been raised regarding the suitability of the new junction from Church Street it is considered that the width of Church Street in the vicinity of the access (5.5m) and the existing TRO's should prevent any significant impact on highway safety.
- Further details of TRO's to protect the new junctions from parking are required. It is also advised that TRO's are considered to protect the residential streets from parking demand related to the town centre and nearby dwellings without off street parking.
- The submitted internal site layout is considered to be indicative as this is a reserved matter. The indicated parking provision would meet local authority standards if the layout is unchanged.
- According to records held by Staffordshire County Council the red line site boundary is not common with the limit of the adopted highway. It is recommended that the applicants contact land.charges@staffordshire.gov.uk to obtain a definitive plan of the highway boundary in the vicinity of the site
- The section of Taylors Lane between the car park for the Community Theatre and Church Street is a pedestrian/ cycle route only. It is recommended that boundary treatments for the adjacent dwellings are sympathetic to this use. Improvements to the surfacing and street lighting would also improve this pedestrian link. Please note that a short section of Taylors Lane is not adopted.
- The site would benefit from the provision of the necessary electrical infrastructure to allow the fitting of charge points for electric vehicles.

6. Recommendations:

- I have no objection subject to the following being secured via conditions

7. Notes to Planning Case officer

- a. Highway Works Agreements – “The conditions requiring off-site highway works shall require a Highway Works Agreement with Staffordshire County Council. The applicant is requested to contact Staffordshire County Council in order to secure the Agreement. The link below is to the

Highway Works Information Pack and an application form for the agreement. Please complete and send to the address indicated on the application form, which is Staffordshire County Council at Network Management Unit, Staffordshire Place 1, Wedgwood Building, Tipping Street, STAFFORD, Staffordshire ST16 2DH. (or email to nmu@staffordshire.gov.uk). The applicant is advised to begin this process well in advance of any works taking place in order to meet any potential timescales.

<https://www.staffordshire.gov.uk/Highways/highwayscontrol/HighwaysWorkAgreements.aspx>

- b. This consent will require approval under Section 7 of the Staffordshire Act 1983 and will require a Section 38 of the Highways Act 1980. Please contact Staffordshire County Council to ensure that all approvals and agreements are secured before commencement of works.
- c. It will be necessary for any areas of highway land within the red line site boundary to be “stopped up” under Section 247 of the Town and Country Planning Act 1990. See [Highways Stopping Up Form - Order Online - Staffordshire County Council](#)

Lead Local Flood Authority

We are now satisfied with the submitted proposals and have no objection to the granting of planning permission. We would however recommend that the condition below is attached to any planning permission in order to secure the implementation of the scheme in accordance with the submitted documents.

Condition

The development hereby permitted shall not be brought into use until the approved drainage scheme shown in the following documents has been implemented:

- Flood Risk Assessment and Drainage Strategy, Rev A, 08/01/2021

Thereafter, the drainage scheme shall be retained and maintained in accordance with the submitted management and maintenance plan by Mucklow and Harris.

Reason

To reduce the risk of surface water flooding to the development and properties downstream for the lifetime of the development.

Severn Trent

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.

South Staffs Water

I have viewed the application and from our existing asset records we appear to have no water mains assets affected by this scheme, within the site boundary shown in red on the site plan. so would look to install new water assets to supply the development through the normal application for new connections process. We do have assets in Taylors Lane that are close to the development that will be affected if construction activities are taking place in this area also.

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

Rugeley Town Council

The above planning application was considered at the Rugeley Town Council Planning Committee on 20th January 2021. The Town Council has eagerly awaited the plans for this development as it is in the heart of the town on a site surrounded by Conservation Areas. In general, the plans are welcomed however we have the following comments to make:

1. The outline application for this former school, is for 58 dwellings of mixed tenure and size which councilors feel is the right number of properties for the size of the site.
2. It is noted that 29 of these dwellings will be for social / affordable / immediate rent. There is a need for housing for older residents in Rugeley. Older residents close to the town centre use the retail facilities in the town centre and help to retain footfall in the town. Councillors are keen to see accommodation which reflects the needs of Rugeley's older residents developed on this site as it is within easy walking distance.
3. Councillors understand that the site is predominantly for 2 storey developments but may include 3 storey. Whilst there are three storey units along some of Church Street, Councillors would not wish excessively high 3 storey units to dominate the skyline. If not sensitively developed, very high properties could overpower neighbouring properties on Lion Street, the Almshouses on Taylors Lane and the bungalows opposite the development on Church Street/Fortescue Lane. Care needs to be taken that the development adds to the architectural integrity of adjacent Conservation areas rather than detracting from them.

In addition, Councillors would like the development to be mindful of the construction materials used. The brick colour and the detailing on domestic properties immediately adjacent to the site are very distinctive and the opportunity to pick up on these in the new development would be welcomed.

4. The development could be exemplar in zero carbon development. Councillors would support measures undertaken in the development to ensure that the houses were constructed to incorporate renewable energy sources where possible - both in the construction and in the final running of the houses.

5. Councillors are keen for more information about the boundary treatment to the development site. Taylors Lane is well used as a pedestrian cut through and they would not want to see this route overshadowed by blind walls to the new housing.
6. The green space to the side of the development which backs on to the gardens of properties in Lion Street is a concern. Councillors would like to see what is proposed on this as at present, it shows a pedestrian walkway through part of the site. What is planned for the rest of the POS?
7. Traffic flow on Church Street is an issue. The road has a 30mph limit and is One Way but users are often unaware of these two restrictions. What additional signage could be suggested to reinforce this One Way system? This is especially important as parents dropping off/picking up children at the Chancel School do park along this road during the week causing congestion.
8. The matter of Section 106 funding was considered. As the proposed development shows small gardens given the number of bedrooms, could 106 funding be used to enhance the facilities at local play areas such as those found on Fortescue Lane and in Elmore Park? In addition, could funding be found to support older teens play provision – possibly at Hagley Fields?

Landor Society

No comments received.

Environment Agency

No response received.

Network Rail

No objection.

Status Bus Group

Thank you for the details of this planning application. I am Head of Business Development for the Status Bus Group which includes D&G Bus Limited and we have recently taken over the local bus service network at the former Arriva bus depot in Cannock which includes local bus services 22, 23, 24, 63, 825 and 826 serving Rugeley. In addition when schools return our sister bus company Midland Classic Limited will operate service 829 between Rugeley, Brereton, and Lichfield Friary School and Netherstowe School.

I would welcome discussions with officers of the council regarding the development under CH/21/0022 to confirm if a S106/CIL Agreement will be attached to the planning consent for the developer to fund taster bus tickets to try the local bus services as a viable alternative to using a car. Or if a S106/CIL is not applicable then to offer multi-journey saver tickets (weekly/4-weekly) at discount prices to the first residents of the new apartments.

Natural England

No objection, subject to appropriate mitigation being secured.

We consider that without appropriate mitigation the application would:

- have an adverse effect on the integrity of Cannock Chase Special Area of Conservation <https://designatedsites.naturalengland.org.uk/>.

In order to mitigate these adverse effects and make the development acceptable, the following mitigation measures are required / or the following mitigation options should be secured:

- delivering mitigation, for recreational impacts on Cannock Chase SAC, by means of the Strategic Access Management & Monitoring (SAMM) measures

We advise that an appropriate planning condition or obligation is attached to any planning permission to secure these measures.

Natural England's further advice on designated sites/landscapes and advice on other natural environment issues is set out below.

Staffordshire County Council Planning

The County Council as the Mineral and Waste Planning Authority has no comments on this application as the site is:

- Not within or near to any permitted waste management facility; or
- Exempt from the requirements of Policy 3 Mineral Safeguarding in the Minerals Local Plan for Staffordshire (2015 - 2030); or
- Is development subject to our standing advice for development proposals within mineral safeguarding areas.

Please note guidance at paragraph 5.55 of the Staffordshire and Stoke-on-Trent Joint Waste Local Plan 2010 - 2026 and the mineral safeguarding consultations checklist which will assist you in determining when to consult the Mineral and Waste Planning Authority.

Staffordshire County Council Historic Environment

This letter represents the response from Staffordshire County Council's Historic Environment Team regarding historic environment/ archaeological issues associated with the proposed scheme.

Historic Environment/Archaeological Interest

This application has been assessed in light of information contained on the Staffordshire Historic Environment Record (HER) and associated datasets, such as the Rugeley Extensive Urban Survey (EUS - visit the Staffordshire County Council website and search for Extensive Urban Survey), and a Planning and Heritage Impact Statement (PHIS) produced in support of the application. The HER records that the application site is located in close proximity to a number of Conservation Areas (i.e. designated heritage assets). Of these, Rugeley Church Street Conservation Area is located immediately adjacent to the northwest, Rugeley Sheepfair/Bow Street Conservation Area is located immediately adjacent to the southwest, and Rugeley Conservation Area is located immediately adjacent to the east. In addition, a Grade II listed vicarage is located approx. 25m to the northwest of the application site, whilst the HER also records a number of non-designated heritage assets nearby, including the of Rugeley Home and Cottage Hospital which was founded by Mrs Levett in 1866 to the immediate east of the application site; 27-37 Church Street & 60 Lion Street, a mid 19th century terrace, located immediately to the southwest; Walter's Almshouses, a row of six almshouses constructed in 1890 for poor aged women, to the immediate southwest; and an early 20th century police station to the east. Furthermore, the HER notes that Rugeley was recorded on the Domesday Book (1086) as a settlement with 9 villagers and a mill, and that the settlement was recorded as having a market by 1259.

The application site is located within Historic Urban Character Area 11 (HUCA 11: Taylors Lane, Rugeley) in the aforementioned EUS. The EUS highlights that this HUCA may include the limits of the medieval town along Bow Street, however it does suggest that the majority of the HUCA is likely to have formed part of an open field system at the edge of the settlement which underwent piecemeal enclosure during the post medieval period. The HUCA, does however note that there is a moderate archaeological interest in this area, and that investigatory archaeological works in the HUCA would offer the opportunity to understand the activities at the limit of the town from the medieval period onwards. As such, it is advised that archaeological evaluation and/ or mitigation may be required to record and advance the understanding of the significance of any previously unknown below ground heritage assets within any development site in the HUCA.

In terms of historic character and the impact of development in the HUCA on the nearby Conservation Areas, the EUS advises that any change in the area should take account of the policies identified in the relevant Conservation Area documents,

and reminds that properties beyond the Conservation Area boundary provide a setting and consequently any changes within this area should seek the opportunity to enhance the existing character of the wider HUCA.

Recommendations – Archaeology

Taking the above into account, I do not wish to raise any archaeological objections with regards to the proposed development. However, it is recommended, given the archaeological potential of the site and the scale of the proposals, that a programme of archaeological evaluation, comprising trial trenching, is carried out as a condition of consent. This evaluation work should be carried out sufficiently in advance of construction (preferably at Outline stage) so that, should the evaluation results indicate the need for subsequent archaeological mitigation, or indeed merit preservation in situ, this can be designed and fully implemented. This approach is supported by NPPF para 189 while any works which stem from the evaluation are supported by NPPF para 199. The location and scale of trial trenching should be based on a review of the submitted ground investigation report by the applicant's appointed archaeological organisation and subsequent discussions with this office.

Suggested Condition - Archaeology

This work would most appropriately be secured via a condition on planning permission which states that:

- A) Prior to the commencement of the development hereby permitted, a written scheme of archaeological investigation ('the Scheme') shall be submitted for the written approval of the Local Planning Authority. The Scheme shall provide details of the programme of archaeological works to be carried out within the site, including post-excavation reporting and appropriate publication.
- B) The archaeological site work shall thereafter be implemented in full in accordance with the written scheme of archaeological investigation approved under condition (A).
- C) The development shall not be occupied until the site investigation and post-excavation assessment has been completed in accordance with the written scheme of archaeological investigation approved under condition (A) and the provision made for analysis, publication and dissemination of the results and archive deposition has been secured."

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

Recommendations – Historic Built Environment

Given the location of the application site in close proximity to a number of Conservation Areas, and the scale of the proposed development, there is clear potential for the proposed development to impact upon the setting of these designated heritage assets. As such, it is highly recommended that (if you have not already done so) you seek the opinion of your Conservation advisor with regards to this impact, and the efficacy of the submitted PHIS in assessing this, and whether the proposals take into account the policies outlined in the relevant Conservation Area Appraisals and Management Plans.

Staffordshire County Education Authority

I would advise that the above planning application would result in an education contribution of £95,192.00 (index linked) to be sought from the developer to mitigate the impact on education from the development and would be acceptable from an education perspective subject to a S106 agreement which meets this requirement.

The response is based on the information contained within the planning application and should the number and/or mix of dwellings change we would wish to be consulted so that a revised contribution can be calculated.

In determining that this level of contribution is necessary and in accordance with CIL legislation, the requested education contribution is deemed to be:

- (a) necessary to make the development acceptable in planning terms;
- (b) directly related to the development; and
- (c) fairly and reasonably related in scale and kind to the development.

The majority of Staffordshire schools include residence in the school's catchment area as a high priority within their admission arrangements. Even where this is not the case schools still give high priority to children who live in the local area. The location of a housing development in relation to schools in the local area is taken into consideration when assessing the mitigation required for education provision.

Based on the location of the proposed development we have considered the impact on school places at the following school(s):

Chancel Primary School
The Hart School

To understand the impact of this development on education infrastructure analysis has been undertaken using:

- Pupil Number on Roll;

- Net capacity/funding agreement of the schools;
- Pupil projections which include committed

In determining whether there is a need for the developer to mitigate the impact of this development it was calculated that 58 dwellings would require 12 primary school places and that 29 dwellings would require 4 secondary places and 1 Post 16 place. These are based on a pupil product ratio (PPR) 0.03 per dwelling per year group. Using 7 year groups for Primary, 5 for secondary and 1 for Post 16 places. Where appropriate all 1 bedroom dwellings have been deducted from the dwellings numbers and at secondary level only, all RSL dwellings have also been deducted in line with our Education Planning Obligations Policy.

There are projected to be an insufficient number of school places in the local area to mitigate the impact of this development at secondary phase of education.

The project to provide the additional places required has not yet been fully determined and therefore the contribution has been calculated utilising the latest cost multipliers.

The secondary school education contribution has been calculated as follows:

£18,722 (Cost multiplier) x 4 (number of places required for development) =
£74,888.00

The Post 16 school education contribution has been calculated as follows:

£20,304 (Cost multiplier) x 1 (number of places required for development) =
£20,304.00

Please note that we reserve the right to amend the use and the amount of the requested education contributions should circumstances materially change from this analysis to the point that the use(s) of the education contributions are finalised within the S106 Agreement.

Based on an agreed set of standard triggers the size of this development will necessitate payment of the education contribution at the following point(s):

50% on commencement of the development

50% on commencement of 50% of the development

Staffordshire Wildlife Trust

No comments received.

Staffordshire Police

I have taken the opportunity to examine the above planning application with reference to the Association of Chief Police Officer's Secured by Design Criteria and the Principles of Crime Prevention Through Environmental Design.

Whilst I have no objections this Application, I am concerned the proposed layout will promote anonymity through permeability and lack of immediate natural surveillance over existing elements. It is important that I take this opportunity to provide the following guidance and recommendations aimed at reducing opportunities for crime and ensuring that a high level of physical security is incorporated in this development.

[Officer note: The response goes on to provide in depth advice in respect of the design of the proposal which is of limited value given that the layout is indicative. Hence the full comments are appended at Appendix 1 to this report.]

Internal Consultees

Policy Officer

The application site is located within the Rugeley Town Centre Area Action Plan Boundary, The Rugeley Neighbourhood Area and is directly adjacent to Conservation Areas. There are existing residential uses on two sides of the site and part of the site is within the Green Space Network.

Policy CP1 in the Cannock Chase Local Plan (Part 1) 2014 states that there will be a presumption in favour of sustainable development and that development should secure economic, social and environmental improvements where possible. Planning permission can be granted, unless material considerations such as any adverse impacts of granting permission or specific policies in the National Planning Policy Framework (NPPF) indicate development should be restricted.

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. It also aims to protect the amenity of existing properties including supporting mixed uses whilst avoiding incompatible ones. The Design SPD provides additional guidance.

Policy CP5 supports the provision of infrastructure for social inclusion and healthy living, including the presumption against the loss of the Green Space Network unless it is surplus and clearly no longer required to meet demand.

Policy CP7 Housing Choice requires 20% affordable housing to be delivered on sites of 15 or more units.

Policy CP15 aims to protect the special character and setting of conservation areas by requiring new development to be of the highest standard. This includes the

design and impact of development on neighbouring sites that may affect the setting of the Conservation Areas.

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

The Rugeley Town Centre Area Action Plan (in Section 2 of the Cannock Chase Local Plan (Part 1) 2014) sets out the policies for potential future uses of both the Aelfgar and former squash courts in Policy RTC4. It sets out that the whole site will be suitable for a mix of residential dwelling types and should be developed as a single development package, whilst maintaining the GSN buffer and active frontages to the edges of the site. It is noted that the development meets the density requirements set out in the policy.

It should be noted that the site is located within the Rugeley Neighbourhood Area and the Town Council is currently writing a Neighbourhood Plan for the area.

In addition the Brownfield Land Register and SHLAA (Strategic Land Availability Assessment) document lists the former Aelfgar School site as reference R9, suitable for development for residential development.

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

In summary the adopted Local Plan references this site as RTC4 supporting residential development and the layout in general conforms to the movement and access and public realm, landscape and frontages recommendation within the policy in terms of the outline permission.

However, it is not possible to comment on the relation of some of the parking spaces to individual houses from the site plan (although the parking provision appears to meet policy requirements from the description in the accompanying planning statements), the appearance of the dwellings in relation to the Conservation Areas (the scale appears ok from the two story description) or the window placement facing the surrounding highways (this is again described in the supporting documents, which should provide active frontages towards all of them to avoid blank frontages). Although not compulsory, visual representations would be useful to help demonstrate that these design issues have been considered for this size of development. This does not detract from the suitability of the site for residential use, but these are issues that will need to be taken into consideration at a later stage.

In addition the GSN is retained as a green corridor as per the policy requirement, but it is also noted that the GSN space will not be private access only as set out in the RTC AAP justification accompanying policy RTC4. A cluster of mature trees that fall within a Tree Preservation Order are retained and these will add value and maturity to the scheme. The development will provide much needed new housing but also a significant amount of affordable homes.

Waste & Recycling

Cannock Chase Council does not routinely allow its refuse collection vehicles to travel on private roads / property in order to access waste containers.

Bin collection points should be designated adjacent to the start of all private roads, and will be required for plots 47, 48, 49, 50, 51 and 52. In addition plots 10, 9, 33, 32, 31.

Bin collection points should be within 25m of the property they are designed to serve (in particular plots 51 and 52).

Bin collection points should also be designated for a minimum of two 240ltr. wheeled bins per property. They should be constructed to a sufficient size and quality for the number of bins required and consideration given to their proper environmental screening.

Swept path analysis modelling will be required that does not suggest refuse vehicle may have to mount the kerb during access and egress manoeuvring, as this is NOT acceptable.

Parks & Open Spaces

As noted within the previous memo there is no objection to the principle of development of the site. The proposed vehicle access points being logical and whilst

the southern point requires some tree removal, appropriate provision for replacement tree planting can be incorporated within the new layout.

The pedestrian access point off Church Street may require slight adjustment to move it slightly further to the NE to be more centrally placed to the open space area.

The inclusion of a pedestrian/ maintenance access point of Taylor Lane adjacent to the Alms houses should not be discounted and avoid the creation of a dead/ isolated area of open space.

The indicative layout as noted previously has a range of issues in respect of trees and open space that will need to be resolved at the Reserved Matters stage. Details of those issues are set out below for reference only:-

Tree survey-

Makes recommendation for works to tree as they stand at present but not in terms of the development or potential use as POS.

There is no Arboricultural Impact Assessment in respect of the effects of development on retained trees or on the effects those trees would have on the long term use and enjoyment of the development. Effects of shading, future growth – ref Sect 5 of BS5837:2012. Hence there are current issues with the proposals as advised previously.

A measured tree protection plan (TPP) has been provided, however para 9.9 of the report states 'The exact position of the Tree Protection Barriers should be discussed on site with the agreement of the LPA Tree Officer..... Plan THL-0903-5 shows the proposed locations.

The plotted drawing would, if acceptable be conditioned and thus the line of the fence is set, not subsequently discussed or agreed on site. Pre commencement installation would also be conditioned.

Sect 5.5 of BS5837 clearly sets out the requirements and considerations of a TPP. This plan does not appear to consider requirements for storage areas, site offices, welfare facilities, machinery, parking. Where are these to be located in respect of the proposed buildings?

A detailed list of all arboricultural works needs to be produced covering not just tree removal for development purposes but in respect of works necessary in terms of the future use of the site ie the open space areas with public access and also rear garden use, access and facilitation pruning. This would then be approved and conditioned.

Para 9.10 assumes that there are no roots under tarmac. This should be verified. • Reference made to Special measures. This will require the production of a detailed

method statement and as it is in respect of a path within the POS area it could be conditioned. See Drainage info below, which has not been accounted for!

G1 needs to be inspected and assessed fully especially considering its impact on development – drainage & path.

Open space areas

Small open space area (reduced slightly from pre app plan) between plots 56 & 57 still serves little function and has little usability as open space wise except to retain two pine trees.

Potentially better to retain as part of gardens and with the trees being protected by TPOs.

Plot 57 has a very narrow and somewhat limited rear garden

Main area –

Pedestrian access between plots 19-20 appears to be over private land. Not welcoming and not acceptable.

The southern pedestrian access between plots 37 & 38 has been improved in terms of the ASB/safety aspect noted original, however the overall layout with it tucked away at the end of a driveway creates a hidden feel and one that does not encourage access. See below.

The layout also creates a dead area backing onto the Alms houses. It would be better to create one long area of open space that opens out fully onto the access road off Taylors Lane or direct onto it. This could be achieved by relocation plots 35-37 along the rear of the Alms Houses up to the western boundary of the site. Alternatively have two units to the rear of the Alms Houses and reconfigure plots 55-6 to have three units, which would greatly assist with the POS visibility/linkage.

Could require access road T junction being moved to the south slightly. Also help to remove an unusable area of open space by changing to garden space with trees.

Layout & Trees

Plot 58 – shade issues means rear garden practically unusable. No account take of future growth of trees nor of shade impact to house or outlook from. These trees form a key feature to Taylors Lane.

Plots 21-24 –rear gardens will be unusable and no account taken of future growth of trees or practicalities of maintaining such trees in confined space. Also impacts on plots 39 & 40 – shade!

Plot 34 – Major shade issues and no account of future growth. Sycamores and rear gardens do not mix at all. Strongly recommend removal of both trees. Add replacements.

Plot 20 rear garden Why dogs leg in boundary? Creating limited/ unusable space. At a minimum needs boundary line straightened out from northern edge of rear garden to the southern edge of rear garden to plot 38.

Plot 34 – relationship to Arms Houses? Noted this new layout only has one plot partially along rear boundary to Alms houses. See comments above re POS area.

Plot 56 - original small rear garden enlarged to encompass part of original small POS areas, which is better but still leaves an impractical area of POS. See comments above.

Treatments of frontage to Taylors Lane critical especially re views out/ in and privacy and developing solid boundary wall where appropriate

Frontage onto Church Street – visual impact of frontage parking poor especially given conservation area. Note that the latter indents into the site frontage in two locations. Screening could be achieved to plots 1&2 but not 5-8.

Area to rear of Alms Houses This plus the access way to Taylors lane could provide suitable maintenance access and through link of open space. Otherwise, it is creating unusable/ wasted space.

Drainage strategy

The proposed route of storm drainage through the open space area impacts on the retained trees, their proposed protection and potential long term health and retention. This should have been considered within the AIA. It also negates the proposed special measures noted in respect of tree protection. See comments re G1 above. Adjustment of the route and location of

the chamber may be possible to accommodate tree retention.

Summary

No objection to the revised proposals for outline and means of access only.

Note comment regarding potential adjustment of pedestrian access point on Church Street and potential pedestrian/maintenance link adjacent Alms houses.

Environmental Protection

The applicant has provided a phase 1 site investigation report, which lists recommended intrusive investigation measures. I would recommend that these are required as a condition of this application. An interpretation of intrusive investigation results and recommendations for any necessary mitigation measures will be required

of the phase 2 report. Such measures should be approved prior to commencement of construction work and be validated prior to occupation.

The full application should be supported by a construction environment management plan to address construction phase issues that could impact on the amenity of local residents.

CIL Officer

No comments received.

Strategic Housing Officer

The proposal will provide a mixed tenure site of high demand Council homes for rent and market sale properties. The development will make excellent use of a site that hasn't been in use for a considerable time.

Conservation Officer

No objections.

Council's Ecologist

No comments received.

Property Services

No comments received.

Economic Development

Economic Development are supportive of the application. It is pleasing to see that the application includes reference to sustainability including solar panels and EV charge points.

We would recommend that the developer where possible looks to work with local suppliers and merchants should the project continue to a build phase.

Response to Publicity

The application has been advertised by newspaper advertisement, site notice and neighbour letter. 12 letters of objection have been received on the following grounds:

Issues Raised in Objection to the Proposal

Highway Safety and Capacity

According to the plan, it seems that the public car park on Taylors Lane will be removed. This will leave a shortage of parking for the residents of Taylors Lane using it overnight and week ends, also considering the care workers visiting the Alms houses. (we are unable to amend the frontage and adding car spaces at the front of our houses as we had a conservation order after we moved in). Would you consider "building" car park spaces for Taylors Lane residents, or alternatively consider "selling" car spaces or even garages if people were interested?

I am also concerned of the increase of traffic overall, however more so on Taylors Lane, even though the report states that there will be no disruption to the actual flow.

There is currently a daily traffic jam on Elmor Lane at peak times and cars use Taylors Lane then Bow Street as a short cut. This is only going to get worse and dangerous.

Alternatively, would the Council consider reviewing the current double yellow lines of Taylors Lane, amending the road to a one way traffic and allowing residents to park on one side? Killing 2 birds with one stone (traffic and parking issues).

Object on the grounds of Highway safety due to increased traffic at a very narrow section of an already busy road where parents walk their primary age children to school ,with pushchairs and younger children in tow.

The development will result in added pollution caused by extra traffic.

There is going to be some trees removed

This is much bigger than what was originally proposed.

This planning application is a huge departure from the original planning application. On demolition of the school I am aware that plans were passed for the development of a retirement village including shop and hairdresser. This would have been an enhancement to this site which is on the edge of a conservation area.

This development will do nothing to enhance the conservation area and as such what is the justification for 58 homes and why has there been such a diversion from the previous proposal?

It appears that half of these houses will enter and exit the development via Church Street. Traffic management within Church Street is already a concern for the residents. This quiet residential street is already used as a rat run for people looking to avoid the traffic of the town centre and bypass, often travelling at speeds in excess of the stated limit.

I have recently been in touch with the council parking wardens about issues I have encountered and have on several occasions written to the headmaster of the Chancel School after parents parking block our driveway.

There is a regular back up of traffic from the Wolseley Road, particularly exacerbated during school pick up and drop off times. This is frustrating when trying to exit and enter properties and concerning when the amount of pollutants from idling cars are considered.

Why cant Church Street be made access only and or have some other significs [sic] traffic controls put in place.

Should this application be passed resulting in the introduction of more homes feeding onto Church Street this will inevitably result in more traffic, more obstructive parking and impact the quality of life for current residents.

The parking situation outside my house means that often I have to pull into the street past parked cars that block my view. On several occasions cars speeding down the road have had to brake sharply as I slowly emerge.

At the moment Church Street is used as a cut through from the Hagley Road/Western Springs lights to access Wolseley Road, the traffic speed seems excessive and given that the footpaths are narrow places undue risk to pedestrians at certain points. Traffic calming measures do not seem to be effective, this street is used by a large number of children attending Chancel Primary & at school times further compounded as parents use Church Street for parking. Significant road safety improvements would have to be made including widening of the footpath, improving visibility for crossing & potentially a reversing of the one way street to have an impact. Increasing the number of vehicles using the site would increase the risk to road safety, a large proportion of pedestrians are either elderly or children specifically at the Taylors Lane/Fortescue Lane junction where a large number of people cross to access either the GP or pathway leading into the town centre.

Church Street has a one-way traffic system. At best, I would describe this as a narrow inner town road with on street parking.

Due to a number of homes that have little or no frontage to their homes this encourages some illegal parking.

Along the street there is provision for a small amount of open parking slots that are currently insufficient for the current householders on the street.

Visitor parking is not provided, so illegal parking takes place where yellow lines where they exist.

Illegal parking at the bottom of Church street opposite Chancel Primary School are a major problem with parents dropping off and collecting their young children.

As a County Councillor I am inundated with resident's calls with requests for help as they endure numerous problems on this road covering a range of areas such as,

- A high number of houses on this street have little or no frontage and therefore no parking facilities other than the road.
- Illegal parking at the bottom of Church street opposite Chancel Primary School are a major problem with parents dropping off and collecting their young children.
- This Street is a rat-run and has been for some time as peak time traffic from 7.30am to 9.30am and then again during school times from 2.30pm onwards to past 6pm as the evening peak hour traffic use as a short cut. This causes excess traffic flows and difficulties on the Street for those who are fortunate to have small parking areas in front of their houses as they (a) reverse off their property and (b) trying to access their parking area on their return.
- Additional exit problems are experienced from those homes on Church Mews trying to exit into Church street due volumes of traffic coming down the one-way system on Church street.
- Excessive speed concerns are also a key issue for all residences on this street and despite traffic calming chicanes these have not solved this issue. Numerous speed watch activities and local highways officers visiting the site have not managed to resolve.
-

With the addition of a further 33 dwellings having to use this street as their only vehicular access route to their new homes it will only add to the current problems residents are having to live with. I ask that you factor this in at this time before the application is progressed further.

It is my understanding that half of these houses will enter and exit the development via Church Street. As the local councillors are aware, traffic and traffic management within Church Street is already a concern for the residents. This quiet residential street is already used as a rat run for people looking to avoid the traffic of the town centre and bypass, often travelling at speeds in excess of the stated limit. Congestion within the street is reaching tipping point, with traffic often backing up from the Wolseley Road, particularly exacerbated during school pick up and drop off times. This is frustrating when trying to exit and enter properties and concerning when the amount of pollutants from idling cars are considered. In addition, the street is often used for parking during school drop off / collection and for shopping in town,

this parking is often obstructive to the residents and further adds to the congestion within the street. My concern is that the introduction of more homes feeding onto Church Street will inevitably result in more traffic, more obstructive parking and impact the quality of life for current residents.

If not to maximise profit, and with little consideration for residents, why is the development planned in this manner when the main road and town centre exist on the other side of the site and could easily be used for access?

Access to church street should only be via sheep fair. This will ensure 99% of traffic [sic] will be going to housing in church street and not using it as a short cut . Access to church street from western springs road should be blocked permanently. This will have little impact on other roads [sic] .

Impact on the Conservation Area

The conservation area plan states that front boundary walls should be retained. I support this, however, it means that traffic speed with vehicles exiting onto Church Street result in danger. This can only be minimised by suitable traffic calming / management. Additional cars will only create increased danger.

Why cannot the access be made entirely onto Anson Street at the other end of the development that is I believe more able to soak up the increased traffic flow.

The boundary of the conservation area is mainly in Church Street Rugeley.

This planned development is partly on this conservation area i.e. the old entrance to the school and by rights should be included in the area.

Any development should closely follow the conditions imposed on this area under the local management plan, the latest issue being in 2019.

From the conservation area plan Policy CP3 seeks high standards of design of buildings and spaces, conservation and enhancement of the local historic environment as a stimulus to high quality design, and successful integration with trees, hedges and landscape features to green the built environment.

Future development should retain the domestic scale of the area and take account of its special interest as set out above. New development will need to acknowledge the relationship of buildings to spaces and reflect existing architectural detailing including colour, texture and range of materials. It should also respect existing trees and hedging and maintain views towards St. Augustine's Church.

Any opportunities for redevelopment of sites highlighted as having a negative visual impact on the Conservation Area or its setting or to improve the southern approach to the Conservation Area from Western Springs Road, would be welcomed.

I accept that a development on the Aelfgar site should take place, however;

- There are too many houses planned on this and it would not be in keeping with the rest of this conservation area.
- Traditional materials should be used so that the properties reflect the style of the conservation area. This should extend to the Aelfgar site on the boundary of the area.
- The conservation area plan states that ALL trees on the former Aelfgar site are covered by TPO orders. No trees should therefore be removed. This plan is no justification for the removal of trees.

Church Street and the surrounding area is, in my opinion, one of the most beautiful areas of our town and rightly designated a conservation area. How does the council plan to control and maintain the integrity of the development to ensure this historical look and charm is not lost? I note that properties have been built near the top of Church Street and I would question how much oversight regarding the conservation area went into the management of these developments.

Loss of Trees

As I have mentioned in the section on the Conservation area, that plan states that all trees on the former Aelfgar site in 2019 had TPO orders on them. This proposal states that trees have to be removed.

Have the council revoked some of the TPO orders? If so what was the rationale? If not then the all of the trees should remain as they enhance the Conservation Area. I object to the removal of any trees and or the lifting of any TPO order on a healthy tree.

I notice the proposal to remove several trees to progress the site, I feel strongly that we should be protecting trees and our green areas not removing them.

Layout and Density of Building / Adequacy of Parking

It is my opinion that the layout and density of the proposed development crams too many houses into too small a space. This is not in keeping with the conservation area within it sits and with into which the traffic will flow.

There also appear to be insufficient parking spaces on this development, this will lead to additional parking problems in the street that in turn will create increased

danger. Not only creating issues to residents but parents taking young children to the Chancel School. If Church Street is blocked with parked cars it will only be a matter of time before a child is seriously hurt or even killed.

Vehicle Emissions and Pollution

The exit from Church Street onto Wolseley Road is at best poor, often there is build up of vehicles waiting to exit. A significant increase in the number of vehicles would increase the amount of emissions which could be detrimental to the health of pedestrians and potentially the residents of the care home and children at Chancel primary.

Drainage

What considerations have been made for water processing from the site. Are the drains able to cope with the increased flow from this development.

What considerations have been made for water processing from the site? Since the removal of the school the land is undeveloped, with the recent upsurge in flooding seen in the local area how will water run-off be managed? Adding more concrete and tarmac concealing natural drainage will further exacerbate this issue.

Consultation

The Conservation area plan states that any development that affects the area should be subject to consultation. I heard about this from social media. Was the writing a letter to my address an oversight by planning? I was notified about the school demolition by letter so why has this plan not received similar consultation.

Also, I find it difficult to understand why I have not been formally notified in writing of these changes as I was notified of the school demolition via letter. Why, when such a large development is proposed on my doorstep, have I had to hear about it via gossip on social media followed by a small A4 notice on a lamp post. Smaller residential conversions in the local area have been notified via letter. Am I to expect a letter in the post regarding this proposal or has this communication been overlooked by the planning department?

Planning History

The initial application (Retirement Village) was acceptable but this one I do not support in any way.

To begin, the proposal is somewhat of a departure from the original intended purpose of the site. When I purchased my home on Church Street (2016) my

searches, and the searches of several neighbours who have purchased since, indicated that the land was reserved for a small retirement community. I appreciate plans evolve over time, but to move from retirement community to 58 family homes seems a leap. In addition, I would question the need to cram 58 homes on this land when the Rugeley Power Station site is currently being developed to contain a quoted 2,300 homes. With this in mind, what is the justification for the 58 homes and why has there been such a diversion from the previous proposal?

Services and Amenities

Once the 58 family homes are occupied how do the town council plan to manage the local amenities? From personal experience, and pre pandemic, it is already extremely difficult to get an appointment with a doctor, the Aelfgar Surgery is already under strain from the demands of current residents what will be done to improve this situation and ensure the current patients and the 58 new families are able to receive adequate healthcare?

In addition, with a small child my family is already considering school and school places. As I understand it Primary School places are sought after within the local area and Rugeley currently only contains one high school which has been acknowledged as a concern in a recent council report (September 2020), more school places will be required. According to the report the Hart School is already providing a stretched 30 temporary places to meet demand. How will the future education needs be met for the current population without the introduction of 58 new family homes (ironically on an old school site), let alone those homes to be built on the power station site.

Comments of Support/ General Comments

Overall the building of 58 houses is a good thing, particularly with consideration being given to the outward design of the buildings ensuring they are in keeping with the local area, but I do feel that consideration must be given to the issues raised.

Access, Parking and Highway Safety and Capacity

Firstly, around Church Street, residents have already raised issues of speeding along this road, and the current chicane would appear to be doing very little to alleviate this issue and my concern is that an increase in traffic will just further this problem particularly at the less busy times of day.

The second concern I would raise would be with regards to the extra traffic created around the school, particularly at pick up and drop off times, I feel that consideration will need to be given as to how to prevent obstructive parking along this road.

Lack of parking provision is already a problem in some of the surrounding roads, particularly at school drop off/collection times as I have already highlighted. I note that the current proposals provide a total of 129 car parking spaces for 58 properties. I feel this is sufficient and meets the recommendations that 2/3 bed properties have a minimum of 2 spaces, with 4-bedroom properties having 3. That said, this may not provide adequate car parking for visitors and, in surrounding areas, this has been a contributory factor to problematic and, at times, dangerous parking. Although sufficient parking provision for residents may be included, this issue should be factored in when the overall road layout is considered due to potential pavement parking.

The current public car park will be used for development and I note that the plans indicate that a much smaller car park allowing for 6 cars will be created near to the Taylor's Lane entrance. This will be the only realistic parking for the existing Almshouses along Taylor's Lane and therefore I feel it is vital that that it is controlled for the use of Almshouse residents only.

I note that the proposals indicate two vehicular access routes to the site, the first from Church Street which will serve 33 properties and the second is from Taylor's Lane serving 25 properties.

As it stands in the current proposals, the route leading onto Church Street is therefore the 'main route'. I fear that this could potentially lead to congestion at peak times (in particular school drop off/collection times) along Church Street, particularly due to the one-way system and the traffic lights at the end of Church Street.

However, I note that there is no vehicular 'through' route and that both access points serve a 'cul-de-sac' style layout. I do feel that this may help to alleviate any potential problems by preventing vehicles using Church Street as a cut through to avoid having to travelling through the Town Centre and along Anson Street.

There are existing concerns within the local community in relation to vehicles travelling at excessive speeds along Church Street, this must be addressed. The existing chicane does not seem to alleviate this issue and I fear that an additional access point onto the road could pose a great danger if the existing problems are not accounted for from the outset. To address this, additional measures and clear signage must be erected to control traffic. Similarly, the pathways towards the end of Church Street are particularly narrow yet cater for a considerable number of pedestrians due to the Chancel Primary School opposite, along with the fact this is a main pedestrian route both into the Town Centre and to the Hart High School. From a safety perspective, I would like to see then area revisited, potentially redesigned, and additional safety measures implemented. This should be a consideration when securing developer contributions.

A current lack of adequate parking provision within the vicinity of the school is problematic, and this is a problem experienced in many of the surrounding roads. Measures have been put into place to help address the problem but, even with these in place, work has had to be undertaken with the local PCSOs and the school to prevent obstructive parking, particularly along Church Street. With yet a further proposed increase to the volume of traffic along Church Street, a longer-term solution must be sought to address, rather than displace, this issue.

I am pleased a pedestrian through route is planned through the site and I believe that steps should be taken to improve both pedestrian and cycle routes leading to/from the site to local amenities, such as the schools and the town centre. This should include improving the lighting, so routes are well lit and dropped kerbs are in place. The current route along Taylor's Lane is poorly lit, however, I note that the planning documents specify Taylor's Lane must be preserved. I am pleased that it is hoped that Rugeley Rose Theatre will benefit from improved access, approach and visibility.

Trees/ Environment

I am pleased that the tree report indicates that the majority of established trees on site will be retained and protected during development. I note that one of the key design principles includes an aspect to promote tree planting and ensure that there is good quality public space. I note there is also a considerable buffer zone.

Sadly, I see a total of seven trees are set to be removed, a number of which have been identified as being in poor health. I feel that, wherever possible, trees should be retained and, if these trees do have to be removed, then they must be replaced, and new trees planted responsibly. I also feel that additional trees could be included in the landscaping work, but it is crucial to assess the suitability of their locations. In nearby Church Street, there have been problems where protected trees have, over time, grown too large, overshadow neighbouring properties and their roots have started to lift driveways and gardens. Long term planning in this respect must be a primary consideration when new trees are located in or near to gardens, but I note from the plans that the majority of the retained trees are in open space.

What provisions are being made to ensure this development is environmentally friendly? Will the development be a green build?

Type of Housing

The proposal for the former school site is for 58 residential dwellings, 29 of which are proposed to be for social, affordable or immediate rent and the remaining 29 are for the market. The outline application indicates only two-story properties, which I feel is right to ensure that it is in keeping with surrounding properties.

The proposals outline that the 29 proposed dwellings for social, affordable or immediate rent will be broken down as follows: 2 x 4 bed, 10 x 3 bed and 17 x 2 bed. Having assisted in many housing related issues and having helped people with housing applications through my role as a councillor, I feel that this meets local need. It is very evident from experience that the greatest need in Rugeley at the moment is for family properties.

I note that the proposals outline that the 29 proposed dwellings for market will be broken down as follows: 5 x 4 bed, 12 x 3 bed and 12 x 2 bed. My comments made in respect of social and affordable housing apply and I assume demand has been assessed through the property market.

I think it is crucial that any new housing provides a mix to cater for a range of local needs, in terms of size, tenure and design. I am pleased that the proposals show a mix of detached, 3 and 4 bed terraces and semi-detached properties. I note the proposals specify minimum private garden space of 40 sqm for 2 bed, 65 sqm for 3 bed and 80 sqm for 4 bed. I believe that good quality, outdoor space is vital for wellbeing.

Character and Design:

I fully support the identified key design principles in relation to safeguarding the historic layout of the surrounding area, conserve locally district features whilst respecting the scale, build form, height, layout and plot size of the surrounds. The properties within the 3 surrounding Conservation Areas are beautiful, with so much historic character that must be preserved, protected and, wherever possible, enhanced. In line with this, I agree that there is certainly a need for 'non-intrusive traditional architecture' in respect of any new development. It must be full of character and fit in with the existing surroundings.

The design statement notes that many of the buildings included within the Conservation area that abuts Church Street have unifying features, namely warm orange/red brick with blue state or red/blue clay tiles. Similarly, it notes that nearby Bow Street and Sheep Fair are of a cottage style with canopy style porches, red brick and clay roofs, decorative tiles and chimney stacks. There are also a number of distinctive local buildings within the direct vicinity which include the YMCA building, the Victory Centre, the Almshouses, Copper Down Nursing Home. I feel that the detailing and characteristics of these buildings should be particularly noted when design is considered.

There should be conditions imposed to ensure that the design, materials and spacing of the new development are reflective and compliment the existing surroundings.

Relevant Planning History

- CH/10/0071: Change of use of former staff house to offices CR3 - Approved Subject to Conditions. 03/24/2010.
- CH/16/372: County Matter: Prior Notification of proposed demolition. County Reg 3 - No Objections. 10/13/2016.
- CH/87/219: A detache ddwelling nad garage. Outline-Approval With Conditions. 05/13/1987.
- CH/90/0029: Residential Development- one detyached dwellingnad garage. Refusal. 05/16/1990.
- CH/90/0535: Residential development – one detached dwelling. Full - Approval with Conditions. 09/19/1990.
- CH/91/0074: Erecetion of Security Gtaes and fencing C ReG 3-Approved Subject to Conditions.03/20/1991.

Members are advised that there are several references made to a planning application for an extra care facility or “retirement community”. However, Officers can clarify that although a proposal was initiated by the County Council this was never pursued to the application stage.

1 Site and Surroundings

- 1.1 The site comprises the site of the former Aelfgar School which has now been demolished. The site area is 1.97 hectares and is located between Church Street and Taylor’s Lane in Rugeley. The school closed in 2011 and all buildings on the site have subsequently been demolished. There is a Council Pay and Display car park at the eastern end of the site accessed of Taylor’s Lane, the remainder of the site being vacant.
- 1.2 The site boundary with Church Street is defined by a low wall but is currently delineated with 2m high hoarding. This continues round along the north-east boundary with Taylor’s Lane. The south-east boundary between the car park and Taylor’s Lane is open. The boundary with the rear gardens of properties

in Lion Street to the south-west is a mixture of iron railings and timber fencing at various heights.

- 1.2 There is a fall of approx. 3 m diagonally across the site from west to east.
- 1.3 The application site is located within the Rugeley Town Centre Area Action Boundary and the southern part of the site is designated as Green Space Network. The site is also located adjacent to the Church Street Conservation Area which abuts the site to its north, western and southern boundary. Part of the south-eastern corner of the site also abuts the Sheep Fair- Bow Street Conservation Area.

2 Proposal

- 2.1 The applicant is seeking outline consent for the construction of up to 58 dwellings including the access to the development. The matters which have been reserved include layout external appearance, scale and landscaping. Such matters would need to be brought forward in a reserved matters application at a later date should this application be approved.
- 2.2 The 'layout' of the proposed development was initially included in the description of the development but the application was subsequently amended to include it as a 'reserved matter'. This was due to the applicant wishing to pursue a zero carbon scheme as far as is practicably possible which may result in changes to the layout. As such the 'layout' plan included in the application is for indicative purposes only and is not for determination at this stage. Its sole purpose is to demonstrate that in theory up to 58 dwellings could be accommodated on the site which could still meet policy requirements.
- 2.3 The proposal is to develop up to the 58 dwellings with a mix of 2, 3 and 4 bed houses and the submitted indicative layout is based on the presumption that all the dwellings would be 2 storey.
- 2.4 Of the 58 dwellings proposed 50% (29 dwellings) would be affordable housing to be retained by the Council. These would provide a mix of 2, 3 and 4 bed houses. The remaining 29 dwellings would be developed for private sale.
- 2.5 The indicative layout shows that 33 Dwellings would be accessed from Church Street which is a one-way street and 25 off Taylor's Lane, with two new cul-de-sac roads being formed. 4 houses would have direct access off Church Street with 29 houses off the new access road. The means of access off Church Street and off Taylor's Lane is for consideration at this outline stage.

- 2.6 The indicative plan shows a total 123 car parking spaces to be provided for the 58 houses, with each of the two and three bed houses having two car parking spaces within curtilage and the four bed houses 3 spaces. A Mode 2 Electric Vehicle charging point would be provided for each house with a facility for easy modification for upgrade to Mode 3. The indicative plan also shows that there would be space within secure rear gardens for cycles. A further 6 spaces are included for residents of the 6 Almshouses adjacent to the site on Taylor's Lane.
- 2.7 The development site lies within Flood Zone 1 but as the site area exceeds 1 ha a development specific flood risk assessment has been submitted in accordance with NPPF. It is proposed to drain the site by separate foul and surface water drainage systems and a drainage strategy has been submitted with the application.
- 2.8 Along the southern part of the site a landscape buffer would be retained between the proposed dwellings and the rear boundaries of the properties fronting onto Lion Street. At its narrowest this buffer would be 15m wide.

3 Planning Policy

- 3.1 Section 38 of the Planning and Compulsory Purchase Act 2004 requires planning applications to be determined in accordance with the provisions of the Development Plan, unless material considerations indicate otherwise.
- 3.2 The Development Plan currently comprises the Cannock Chase Local Plan (2014) and the Minerals Local Plan for Staffordshire (2015-2030).
- 3.3 Relevant Policies within the Local Plan Include:
- | | |
|---------|--|
| CP1: - | Strategy |
| CP2: - | Developer Contributions |
| CP3: - | Shaping Design |
| CP5 - | Social Inclusion and Healthy Living |
| CP6: - | Housing Land |
| CP7: - | Housing Choice |
| CP10: - | Sustainable Transport |
| CP15: - | Historic Environment |
| CP16: - | Climate Change |
| RTC4: - | Aelfgar Centre/ Former Squash Courts, Taylors Lane |

- 3.4 The relevant policy in the Minerals Plan is: -
- Policy 3.2: - Minerals Safeguarding.

3.5 National Planning Policy Framework

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

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

3.8 Relevant paragraphs within the NPPF include paragraphs: -

11-14:	The Presumption in favour of Sustainable Development.
47-50:	Determining Applications.
59, 64:	Delivering a Sufficient Supply of Homes.
91, 92, 94, 96, 97, 97 -98	Promoting Healthy and Safe Communities Open Space and Recreation
100, 101	Local Green Space Networks
108, 109, 110:	Promoting Sustainable Travel
117, 118:	Making Effective Use of Land
124, 127, 128, 130:	Achieving Well-Designed Places
148, 150, 155, 163, 165:	Climate Change and Flood Risk
170, 175	Biodiversity
178, 179, 180	Ground Condition and Pollution
189-190, 192,193-196	Conserving and enhancing the Historic Environment
212, 213	Implementation for Sustainable Transport

3.9 Other relevant documents include: -

Design Supplementary Planning Document, April 2016.

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

Sheepfair/ Bow Street Conservation Appraisal (Feb 2018)

Church Street Conservation Area Appraisal (2019)

4 Determining Issues

4.1 The determining issues for the proposed development include:-

- i) Principle of development – loss of green space network.

- ii) Layout and the impact on the character and form of the area, including the impact on Heritage Assets.
- iii) Layout and the Impact on residential amenity.
- iv) Means of Access and Impact on highway safety and capacity.
- v) Impact on nature conservation.
- vi) Drainage and flood risk.
- vii) Education.
- viii) Mineral safeguarding.
- ix) Waste and recycling facilities.
- x) Ground conditions and contamination.
- xi) Affordable housing.
- xii) Climate change
- xiii) Archaeology

4.2 Principle of the Development

4.2.1 Both the NPPF (2019) and Cannock Chase Local Plan 2014 Policy CP1 advocate a presumption in favour of sustainable development unless material considerations indicate otherwise.

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

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

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 It should also be noted that the site is subject to Policy RTC4 "Aelfgar Centre/ Former Squash Courts, Taylors Lane", which states: -

"The redevelopment of the site for residential use will be pursued on the land identified on the Policies Map. The layout will be focused around an extension of Taylors Lane linking Elmore Lane and Church Street. A revised access to the Rose Theatre and car park will need to be provided. The development could comprise a mixture of residential dwelling types, including affordable housing. The site abuts the Church Street Conservation Area and development will need to respect this in terms of design, materials, scale and massing, together with the adjacent Rugeley Town Centre and Sheep Fair/Bow Street Conservation Areas. A density range of between 30-40 dwellings per hectare would be appropriate to the site. Any development would need to retain the trees covered by Tree Preservation Orders within the site. A development brief will need to be prepared and approved prior to any development taking place."

4.2.5 Having had regard to the above it is noted that the proposal is for residential development of a previously site within the existing settlement of Rugeley and therefore accords with both Policy CP1 and with the broad thrust of Policy RTC4. Furthermore, the proposal would have a density of 29 dwellings per hectare taken across the whole area including the landscape buffer and of 42 dwellings per hectare should one discount the landscape buffer which largely reflects the density of between 30-40 dwellings per hectare set out in Policy RTC4 of the Local Plan.

4.2.6 The site would encroach slightly into the area designated as Green Space Network on the Local Plan Policies Map and therefore engages Policy CP5 which states: -

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

the wider sustainability benefits or major community benefits

delivered by the proposal outweigh the loss (taking into account the value of the site);

appropriate mitigation measures and/ or replacement space/ facilities, equivalent or better in terms of quantity, quality and accessibility, can be provided to compensate for loss of the site and its value”

4.2.7 Having regard to the above it is considered that redevelopment of the wider derelict, previously developed site for housing in a highly sustainable location near to the town centre confers substantial sustainability benefits to the proposal. Furthermore, the development would provide an opportunity visually and ecologically enhance the landscape buffer through tree planting and or habitat creation, albeit those details would not come forward for detailed scrutiny until the reserved matters stage.

4.2.8 It is therefore concluded that the proposal is in broad accordance with Policies RTC4, CP1 and CP5 and is acceptable in principle. However, proposals which are acceptable in principle are still required to be acceptable in respect to matters of detail.

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

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

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

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

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

Planning policies and decisions should ensure that developments:

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

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

4.3.5 In addition to, but also intrinsically linked to the above generic policies in respect to the character and form of the development is the issue of the impact of the proposal on the settings of the adjacent Conservation Areas and their listed buildings which constitute “designated heritage assets”. In this respect the proposal engages Policy CP15 of the Local Plan and paragraphs 189-190, 192,193-196 of the NPPF.

4.3.6 Policy CP15 of the Local Plan states [amongst other things]:

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

- 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 developments harmful to their significance in order to sustain character, local distinctiveness and sense of place;
- 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; planning standards may be applied in a flexible manner to maintain continuity within historic townscapes. Opportunities for new development within conservation areas and within the setting of heritage assets to enhance or better reveal their significance will be considered;

4.3.7 In addition to the above paragraph 190 of the NPPF states:

“Local planning authorities should identify and assess the particular significance of any heritage asset that may be affected by a proposal (including by development affecting the setting of a heritage asset) taking account of the available evidence and any necessary expertise. They should take this into account when considering the impact of a proposal on a heritage asset, to avoid or minimise any conflict between the heritage asset’s conservation and any aspect of the proposal.”

4.3.8 Turning to the actual character of the wider area it is noted that this is described in the respective Conservation Area Appraisals for the Church Street and Bow Street/ Sheepfair Conservation Areas.

4.3.9 The Church Street, Rugeley Conservation Area Appraisal 2019 states

“Church Street exhibits features of a road laid out in the 19th Century, albeit on the line of a historic thoroughfare, with its relatively straight alignment and regular width and building lines of the houses along its frontages. It is marked on the 1840 Tithe Map. Its historic properties are predominantly substantial 2 storey, with a few 3 storey examples or 2 storey with rooms in the roofspace e.g. Lanrick House, 9 Wolseley Road, Copperdown and the corner of Lion Street.

At the south-west end of the street the smaller properties stand close to the road frontage giving an enclosed feel, then the central area opens out with tree planting contributing to the enclosure of the street space, with buildings such as Copperdown set in more spacious plots. Further north-east, plot sizes reduce slightly and buildings stand close together with a uniform set back from the street, assisted by tree planting, hedging and brick boundary walls for enclosure.

Historic open spaces have partially been filled with development in the 20th century, though some of this pays little respect to the Church Street frontage and

The street has a ‘human’ scale related to the pedestrian.

Taylor's Lane, by contrast, has retained its historic informality of alignment and variable width, forming a winding route between Church Street and Bow Street, still forming a useful pedestrian route to the town centre. Lion Street forms a junction with Church Street and leads back to Sheepfair, tightly enclosed with terraced housing 2 storeys high. Tithe Barn Road, named as a reminder of the medieval Tithe Barn which stood in the area until 1649, is a much more recent development leading into the area of 20th Century town expansion...."

The townscape of Church Street Conservation Area is defined by its interesting mix of largely unaltered domestic architectural styles, representing one of the best such areas in Rugeley. Buildings range from traditional terraces at the south end to larger detached and semi-detached houses at the north end, with a variety of infill development throughout. Most of the properties face the road frontages, the terraces with little or no front gardens but the majority stand further back within enclosed gardens. Uniformity of building line and a general 2 storey height gives cohesion to the area, occasionally punctuated by larger 3 storey buildings."

4.3.10 In respect to the importance of trees within the conservation area the Appraisal states: -

"The group of trees at Copperdown and in the grounds of the former Aelfgar School site in full leaf create a 'green heart' to this Conservation Area. These trees also give a sense of scale to the street scene and punctuate the views."

4.3.11 In Church Street there are there listed buildings at The Rectory (nearly opposite the site) and at 9 Wosley Road and No 2-4 Church Street.

4.3.12 Notwithstanding the above it should be noted that the application is in outline form with the 'layout', 'external appearance', 'scale' and 'landscaping' reserved. Nevertheless the fact that the applicant has requested that the quantum of development (that is up to 58 dwellings) is to be determined at outline stage it is appropriate to determine what potential impact this quantum of development would have in respect to the design of the new estate and its impact on the character of the area. To that effect the applicant has submitted an indicative layout. Whilst this is not for approval at this stage it purports to demonstrate how an estate comprising up to 58 dwellings could be accommodated whilst still meeting space about dwellings guidance and the design expectations set out in Policy RT4.

4.3.13 The indicative layout shows that the estate would be accessed from two vehicular access points one off Church Street and the other from Taylor's

Lane. Furthermore the green strip of land designated as Green Space Network would be largely retained as a 'landscape buffer' and this could be enhanced to compensate for any tree loss resulting from the proposal and to complement the 'green heart' of the conservation area. This would be the subject of a separate application for the approval of landscape as a reserved matter.

- 4.1.3.4 The indicative layout also includes several larger detached houses fronting on to Church Street which reflects the size, scale and character of the Victorian/ Edwardian villa style properties that can be found along Church Street. Such a proposal, subject to detailed architectural design would preserve the character, appearance and significance of the Church Street Conservation Area and therefore the setting of the nearby listed buildings.
- 4.13.5 An important design consideration for the development is that it should afford a good degree of natural surveillance on Taylors Lane. This throws up particular issues when one has a layout that includes estate roads that run perpendicular to Taylors Lane which would normally result in a side elevation presented towards Taylor Lane. The indicative layout would resolve this issue by including active frontages to the "side" facing Taylors Lane as well as in the front and rear. Again the exact layout and external appearance/ design of the dwellings would be subject to a later reserved matters application. However, the indicative layout does demonstrate that a design could come forward that meets the requirement to present an active frontage to Taylors Lane.
- 4.13.6 In addition to the above it should be noted that plots 21 to 24 contain a total of three trees. Whilst in the original plans it was shown that these trees were to be retained consultation with the Landscape Officer indicates that this may result in future problems with aphid honey-dew, shade and leaf deposition. As such should such a layout as indicated in the indicative layout come forward this would necessitate the removal of the trees. Notwithstanding this there is ample space within the retained landscape buffer to incorporate new tree planting. Again the exact layout and landscaping would need to be considered holistically at the reserved matters stage.
- 4.3.8 Issues such as boundary treatments and materials have been raised. However, such matters although contributing to the character of the area fall within the remit of landscape and external appearance which have been reserved and are not for consideration at this outline stage.
- 4.3.9 As such, it is concluded that, subject to the approval of reserved matters, there is no reason why a proposal for up to 58 dwellings could not come forward and be in accordance with Policy CP3, CP15 and RT4 of the Local Plan and paragraphs 127, 189-190, 192, 193-196 of the NPPF.

4.4. Impact on Residential Amenity

- 4.4.1 Policy CP3 of the Local Plan states that the following key requirements of high quality design will need to be addressed in development proposals and goes on to include [amongst other things] the protection of the "amenity enjoyed by existing properties". This is supported by the guidance as outlined in Appendix B of the Design SPD which sets out guidance in respect to space about dwellings and garden sizes.
- 4.4.2 Paragraph 127(f) of the NPPF states that planning policies and decisions should ensure that developments [amongst other things] create places with a high standard of amenity for existing and future users.
- 4.4.3 In general the Design SPD sets out guidance for space about dwellings, stating that for normal two storey to two storey relationships there should be a minimum distance of 21.3m between principal elevations (front to front and rear to rear) and 12m between principal elevations and side elevations. Furthermore, the Design SPD sets out minimum rear garden areas, recommending 40-44sqm for 1 or 2 bed dwellings, 65sqm for 3 bed dwellings and 80sqm for 4 bed dwellings.
- 4.4.4 However, it should always be taken into account that these distances are in the nature of guidance. When applying such guidance consideration should be given to the angle of views, off-sets and changes in levels.
- 4.4.5 Officers can confirm that the indicative layout shows rear garden sizes ranging from 43m² to 134m² and that all rear garden areas meet and often exceed the guidance set out in the Design SPD.
- 4.4.6 In addition to the above officers can confirm that the space about dwellings shown on the indicative layout generally meet the guidance set out in the Design SPD.
- 4.4.7 As for most developments of this size there is the potential for disamenity to arise during the construction phase through normal construction activities which give rise to dust, vibration and noise. However, such impacts can be reduced to reasonable limits through the mechanism of a "construction management plan" which would set out hours of construction and deliveries, dust suppression and measures for ensuring roads are kept free of mud. This can be controlled through condition and it is considered that subject to such a condition being attached to any permission granted that the amenity of residents would be adequately protected.
- 4.4.8 Given the above it is considered that the indicative layout demonstrates that up to 58 dwellings could be accommodated on the site whilst still achieving a high standard of residential amenity for all existing and future occupiers of the

development and the neighbouring properties in accordance with Policy CP3 and paragraph 127(f) of the NPPF.

4.5 Impact on Highway Safety

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

Within this context, applications for development should:

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

4.5.2 In order to inform the application the applicant has submitted a Stage 1 Road Safety Audit, prepared by Alpha Consultants Highway, Traffic & Road Safety Engineers and a Transport Statement. This states: -

“Peak Hour Traffic Generation - Proposed Development

It is important to consider the traffic impact of the proposed development on the local highway network.

To ensure a robust assessment of the likely traffic generation from this new development is undertaken and in order to establish representative values for the predicted traffic generation from the proposed development, previously agreed trip rates with Staffordshire County Council have been used.

Applying these trip rates to a development of 58 dwellings results in a predicted two-way flow in the morning peak hour of 42 vehicles and in the evening peak hour of 43 vehicles, a two-way flow on average of less than one car every minute.

Proposed Means of Access

Access to the proposed residential development will be by means of new priority junctions, one on Taylor's Lane and one Church Street. These new junctions are shown on the architect's plan submitted as part of the planning application.

To ensure a safe means of access and egress visibility splays of 2.4m x 43m will be provided in both directions at the Church Street junction.

For the Taylor's Lane junction bearing in mind the traffic calming on Taylor's Lane, its narrowness and the fact that it is controlled by a 'give way' marking it is considered that a visibility splay of 25 metres to the north is appropriate in this instance. To the south a visibility splay of 43 metres is being provided.

Access for Refuse Lorries

To ensure refuse lorries can enter and leave the site in forward gear, an exercise has been carried out to track a refuse lorry through the site, turning in the hammerheads at the end of the main access roads.

Conclusions

Bearing in mind the predicted modest level of traffic generation and the existing traffic conditions in the area, Savoy Consulting is satisfied that a safe means of access can be provided to the proposed development and that the local highway network can accommodate the additional traffic flows generated without causing any demonstrable harm."

- 4.5.3 The objections raised on the grounds of increased traffic onto Church Street, existing issues of traffic congestion and difficulties of egressing Church Street especially at peak times and perceived lack of parking are noted. However, the County Highways Authority has raised no objections to the proposal, subject to the imposition of the attached conditions. It is also noted that the indicative proposal would meet the Council's standards for parking provision.
- 4.5.4 It is therefore considered that the proposal would not have an unacceptable impact on highway safety and that its residual cumulative impacts on the road network would not be severe, in accordance with paragraph 109 of the NPPF.

4.6 Impact on Nature Conservation Interests

4.6.1 Policy and guidance in respect to development and nature conservation is provided by Policy CP12 of the Local Plan and paragraphs 170 and 174 of the NPPF.

4.6.2 Policy CP12 of the Local Plan states that the District's biodiversity and geodiversity assets will be protected, conserved and enhanced via

'the safeguarding from damaging development of ecological and geological sites, priority habitats and species and areas of importance for enhancing biodiversity, including appropriate buffer zones, according to their international, national and local status. Development will not be permitted where significant harm from development cannot be avoided, adequately mitigated or compensated for;

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

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

- 'Planning policies and decisions should contribute to and enhance the natural and local environment by:
- protecting and enhancing valued landscapes, sites of biodiversity or geological value and soils (in a manner commensurate with their statutory status or identified quality in the development plan); [and]

- minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures;'

4.6.4 Paragraph 174 goes on to state

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

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

On –Site nature Conservation Issues

4.6.5 The application site does not support any rare or protected habitats or species given special protection under legislation. The site has been recently demolished and cleared and hence has little conservation value with no structures or trees that could be used by roosting bats.

4.6.6 However, the development has the potential to enhance the biodiversity value of the site. This would in part be achieved through the creation of private gardens but also in the incorporation of bird boxes and bat roosts into the

fabric of the buildings. There is also the potential to improve biodiversity by enhancement of the landscape buffer zone, although this would form part of the reserved matters. It is therefore recommended that conditions are attached to any permission granted to ensure that a proportion of the dwellings are fitted with inbuilt bird boxes and bat roosts. Boundary treatment of the site which allows for the free passage of hedgehogs would be dealt with under "landscape" which is a reserved matter..

- 4.6.7 Subject to the imposition of suitable conditions, it is therefore considered that the proposal would not have an adverse impact upon ecological interests and would provide opportunities to provide benefits to biodiversity in the form of bird/ bat boxes and landscaping improvements.

Impact on Cannock Chase SAC

- 4.6.8 Under Policy CP13 development will not be permitted where it would be likely to lead directly or indirectly to an adverse effect upon the integrity of the European Site network and the effects cannot be mitigated. Furthermore, in order to retain the integrity of the Cannock Chase Special Area of Conservation (SAC) all development within Cannock Chase District that leads to a net increase in dwellings will be required to mitigate adverse impacts. The proposal would lead to a net increase in dwellings and therefore is required to mitigate its adverse impact on the SAC. Such mitigation would be in the form of a contribution towards the cost of works on the SAC and as this site would be part market housing / part affordable housing this would normally be provided via a S106 and by top slicing contributions derived from CIL for the CIL liable component. However, as the Council cannot enter into a Section 106 agreement with itself it is considered that a condition be attached to any approval granted requiring a scheme of mitigation for impacts on Cannock Chase SAC to be submitted for approval.

4.7 Drainage and Flood Risk

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

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

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

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

4.7.4 The Lead Local Flood Authority (LLFA) has stated that it is satisfied with the submitted proposals and have no objection to the granting of planning permission. The LLFA would however recommend that a condition below is attached to any planning permission in order to secure the implementation of the scheme in accordance with the submitted documents.

4.7.5 South Staffordshire Water and Severn Trent have stated that they have no objections. South Staffordshire Water has gone on to state that from their existing asset records they appear to have no water mains assets affected by this scheme, within the site boundary shown in red on the site plan. so would look to install new water assets to supply the development through the normal application for new connections process. This would be subject to processes outside of the planning system.

4.7.6 Having had regard to the above it is concluded that, subject to the attached conditions, the proposal would be acceptable with regard to drainage and flood-risk, in accordance with the requirements of the NPPF and Policy CP16 of the Local Plan.

4.8 Education

4.8.1 Policy CP2 states that all housing development will be required to contribute towards providing the infrastructure necessary for delivery of the Local Plan informed by viability assessment. It goes on to state that contributions will be secured primarily via (i) rates set out in a community Infrastructure Levy (CIL) charging schedule and (ii) Section 106 planning obligations.

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

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

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

4.8.3 In determining whether there is a need for the developer to mitigate the impact of this development the school organisation officer was consulted and advised that planning application would result in an education contribution of £95,192.00 (index linked) to be sought from the developer to mitigate the impact on education from the development and would be acceptable from an education perspective subject to a S106 agreement which meets this requirement. Furthermore, based on an agreed set of standard triggers the size of this development will necessitate payment of the education contribution at the following point(s):

- 50% on commencement of the development
- 50% on commencement of 50% of the development

4.8.4 Officers confirm that this could be secured through an appropriate obligation being placed on any permission granted.

4.8.5 Therefore subject to an appropriate obligation it is considered that the proposal would be acceptable in respect of Policy CP2 and the Developer Contributions SPD.

4.9 Mineral Safeguarding

4.9.1 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.

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

4.9.4 The proposal is therefore acceptable in respect to its impact on minerals.

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 This matter would be looked at during the reserved matters stage when the layout would be for consideration.

4.11.2 Ground Conditions and Contamination

4.11.1 Given that the site was previously occupied by buildings there is potential that ground contamination may have arisen from the previous use of the site.

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

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

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

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

Planning policies and decisions should ensure that:

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

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

4.11.5 The applicant has submitted a Phase 1 Geo Environmental and Geotechnical Report which assesses ground conditions and the potential for ground contamination.

4.11.6 The Environmental Protection Officer has noted that the applicant has provided a phase 1 site investigation report, which lists recommended intrusive investigation measures and recommends that these are required as a condition of this application. Furthermore the EHO considers that an interpretation of intrusive investigation results and recommendations for any necessary mitigation measures will be required of the phase 2 report and that such measures should be approved by the local planning authority prior to commencement of construction work and be validated prior to occupation. This is accepted by officers.

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

4.12 Affordable Housing

4.12.1 Under Policy CP2 the proposal would be required to provide a contribution towards affordable housing. The Council's Developer Contributions and Housing Choices Supplementary Planning Document states that it is the

Council's intention to seek 20% affordable housing on commercial house builder sites of 15 or more dwellings, subject to the viability of individual sites. The SPD goes on to state that

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

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

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

4.12.2 Of the 58 dwellings proposed 50% (29 dwellings) would be affordable housing to be retained by the Council. These would provide a mix of 2, 3 and 4 bed houses. The remaining 29 dwellings would be developed for private sale. The exact mix and layout would be established at the reserved matters stage when the layout and appearance of the proposal would be considered.

4.12.2 The Strategic Housing Manager has stated that the proposal would provide a mixed tenure site of high demand Council homes for rent and market sale properties and that the development will make excellent use of a site that has not been in use for a considerable time.

4.12.3 The development is considered to be compliant with policy requirements under Policy CP2 and in accord with the Developer Contributions and Housing Choices SPD. It is recommended that any permission granted is subject to a condition to secure an appropriate affordable housing scheme.

4.13 Climate Change

4.13.1 One of the main reasons that the “layout” has been reserved is that it will enable the applicant to explore the potential for achieving “passive house” design which to some extent may require certain configurations of the dwellings. ‘Passive House’ is a rigorous, voluntary house-building standard that focuses on energy efficiency and reducing the energy needed to run a comfortable home. Currently there is no policy requirement for dwellings to

be “passive” and the code is voluntary. In many cases due to other constraints it may not be practicable to have a full passive design. In any case this would be looked at the reserved matters stage. It should also be noted that most elements in respect to thermal performance fall within the remit of building regulations.

4.13.2 However, in order to facilitate the transition to a low carbon future it is considered necessary to ensure that all the homes are fitted with an electric vehicle charging point. It is therefore recommended that any permission granted is subject to a condition to this effect.

4.14 Archaeology

4.14.1 Paragraph 189 of the NPPF states where a site on which development is proposed includes, or has the potential to include, heritage assets with archaeological interest, local planning authorities should require developers to submit an appropriate desk-based assessment and, where necessary, a field evaluation.

4.14.2 In his respect the County Archaeologist has stated he does not wish to raise any archaeological objections with regards to the proposed development but does recommend that given the archaeological potential of the site and the scale of the proposals, a programme of archaeological evaluation, comprising trial trenching, is carried out as a condition of consent.

4.14.3 As such it is concluded that subject to such a condition attached to any consent granted that the proposal would be acceptable in respect of paragraph 189 of the NPPF.

5 Human Rights Act 1998 and Equalities Act 2010

Human Rights Act 1998

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

Equalities Act 2010

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

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

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

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

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

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

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

6 Conclusion

- 6.1 The site comprises the site of the former Aelfgar School which has now been demolished. The site area is 1.97 hectares and is located between Church Street and Taylor's Lane in Rugeley.
- 6.2 The applicant is seeking outline consent for the construction of up to 58 dwellings including the access to the development. The matters which have been reserved include layout, external appearance, scale and landscaping. Such matters would need to be brought forward in a reserved matters application at a later date should this application be approved
- 6.3 Of the 58 dwellings proposed 50% (29 dwellings) would be affordable housing to be retained by the Council. These would provide a mix of 2, 3 and 4 bed houses. The remaining 29 dwellings would be developed for private sale.
- 6.4 The proposal is for residential development of a previously site within the existing settlement of Rugeley and therefore accords with both Policy CP1 and with the broad thrust of Policy RTC4. Furthermore, the proposal would have a density of 29 dwellings per hectare taken across the whole area including the landscape buffer and of 42 dwellings per hectare should one discount the landscape buffer which largely reflects the density of between 30-40 dwellings per hectare set out in Policy RTC4 of the Local Plan.

- 6.5 The site would encroach slightly into the area designated as Green Space Network on the Local Plan Policies Map. However, redevelopment of the wider derelict, previously developed site for housing in a highly sustainable location near to the town centre confers substantial sustainability benefits to the proposal. Furthermore, the development would provide an opportunity visually and ecologically enhance the landscape buffer through tree planting and or habitat creation, albeit those details would not come forward for detailed scrutiny until the reserved matters stage.
- 6.6 It is therefore concluded that the proposal is in broad accordance with Policies RTC4, CP1 and CP5 and is acceptable in principle. However, proposals which are acceptable in principle are still required to be acceptable in respect to matters of detail.
- 6.7 In respect to acknowledged interest it is considered that the indicative scheme which has been submitted demonstrates that a development of up to 58 dwellings could come forward and provide high standard of residential amenity whilst protecting the character of the area and its constituent conservation areas and listed buildings.
- 6.8 It is also considered that access from Church Street and Taylors could be achieved without resulting in an unacceptable impact on highway safety and capacity.
- 6.9 In all other respects the proposal is considered acceptable and subject to appropriate mechanisms affordable housing, mitigation for impacts on Cannock Chase SAC and education services could be secured.
- 6.10 It is therefore recommended that the application be approved as detailed above.

APPENDIX 1

Detailed Advice Provided by Staffordshire Police

I recommend that the proposed layout be re-orientated so that it is outward looking onto the existing Taylors Lane to the North East. I recommend that there be no footpath route through the Landscaped Buffer to the South West (rear of Lion St). The layout should provide security for existing Dwellings to Lion Street by providing a Back to Back Layout. Where this Landscape Buffer is intended to be used as Public Open Space, then the proposed layout should allow Dwellings to face directly onto this area with footpaths and vehicle access to the front of these Dwellings.

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

For Crime Reduction advice contact The Early Intervention And Prevention Unit at eipu@staffordshire.pnn.police.uk.

1. Design Concerns.

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

I recommend that the proposed layout be re-orientated so that it is out ward looking onto the existing Taylors Lane to the North East.

In addition, I recommend that there be no footpath route through the Landscaped Buffer to the South West (rear of Lion St). The layout should provide security for existing Dwellings to Lion Street by providing a Back to Back Layout. Where this Landscape Buffer is intended to be used as Public Open Space, then the proposed layout should allow Dwellings to face directly onto this area with footpaths and vehicle access to the front of these Dwellings.

1.1 Footpath Design (Guidance and Minimum Recommendations).

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

Secured By Design. Homes 2019

Section 13. Rear access footpaths.

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

Where the Landscape Buffer is intended to be used as Public Open Space, then the proposed layout should allow Dwellings to face directly onto this area with footpath and vehicle access to the front of these Dwellings.

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Section 8. Layout of roads and footpaths.

Footpath design.

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

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

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

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

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

Section 8.12 (Isolated Footpaths) Where isolated footpaths are unavoidable, and where space permits, they should be at least 3 metres wide (to allow people to pass without infringing personal space and to accommodate passing wheelchairs, cycles and mobility vehicles). If footpaths are designated as an emergency access route

they must be wide enough to allow the passage of emergency and service vehicles and have lockable barriers.

Planting next to a footpath.

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

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

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

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

Secured By Design. Homes 2019

Through-roads and cul-de-sacs.

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

Developments that promote intuitive wayfinding and enhance the passive surveillance of the street by residents within their homes and high levels of street

activity are desirable as they have both been proven to deter criminal behaviour, but they are no guarantee of lower crime, which evidence proves is achieved primarily through the control and limitation of permeability.

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

Section 8.4 A review of available research in this area concluded that: "Neighbourhood permeability... is one of the community level design features most reliably linked to crime rates, and the connections operate consistently in the same direction across studies: more permeability, more crime. Several studies across several decades link neighbourhood property crime rates with permeability versus inaccessibility of neighbourhood layout. Neighbourhoods with smaller streets or more one-way streets, or fewer entrance streets or with more turnings have lower property crime rates..." Source: Taylor R B 2002 "Crime Prevention Through Environmental Design (CPTED): Yes, No, Maybe, Unknowable, and all of the above" in Bechtel RB (ed) "Handbook of Environmental Psychology", John Wiley, New York, Pages 413 – 426. Cited by Professor Ted Kitchen Sheffield Hallam University 2007.

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

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

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

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

1.2 Boundaries (Guidance).

Secured By Design. Homes 2019.

Section 10. Dwelling Boundaries.

Front boundaries.

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

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

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

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Access gates to rear gardens.

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

Section 13. Rear access footpaths.

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

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

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

Section 13.3 Gates will generally be constructed of timber when allowing access to the rear of a small number of dwellings. However in larger developments where the rear footpath provides access to a large number of properties then a gate constructed of steel may be required by the DOCO (ALO). Substantial purpose made

gates meeting LPS 1175 SR 1 or Sold Secure Silver (minimum) standard are available and may be required by the DOCO (ALO). Any gate providing access to the rear of dwellings must be designed to resist climbing, forced entry and allow a high degree of surveillance of the footpath from the street.

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Side and rear boundaries.

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

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

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

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

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

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

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

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

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

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

Refuse Collection.

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

1.3 Design of Public Open Space (Guidance).

Note: Where the intention is to install any play equipment etc. within the Public Open Space areas, the design, provision and location of equipment in recent residential development has shown that the process can benefit from being delayed until a high percentage of dwellings are occupied and the residents can be included in the consultation process. This helps to ensure that any equipment meets the requirements of the appropriate age group.

Where the Landscape Buffer (Rear of Existing Lion St Plots) is intended to be used as Public Open Space, then the proposed layout should allow Dwellings to face directly onto this area with footpaths and vehicle access to the front of these Dwellings. The alternative is to provide a Landscape Buffer to the rear of properties, but to ensure that there is no access to this area other than for maintenance.

Secured By Design. Homes 2019.

Communal Areas and Play Space.

Section 9.1 Communal areas, such as playgrounds, toddler play areas, seating facilities have the potential to generate crime, the fear of crime and anti-social behaviour.

These may often be referred to as:

- Local Areas of Play (LAP) – primarily for the under 6 year olds;
- Local Equipped Area for Play (LEAP) – primarily for children who are starting to play independently;

- Neighbourhood Equipped Area of Play (NEAP) – primarily for older children;
- Multi-Use Games Areas (MUGA) – primarily for older children.

Section 9.2 (Natural Surveillance) They should be designed to allow natural surveillance from nearby dwellings with safe and accessible routes for users to come and go.

Boundaries between public and private space should be clearly defined and open spaces must have features which prevent unauthorised vehicular access.

Communal spaces as described above should not immediately abut residential buildings.

Section 9.3 (Suitable Location) The provision of inclusively designed public open amenity space, as an integral part of residential developments, should make a valuable contribution towards the quality of the development and the character of the neighbourhood.

In order to do this it must be carefully located to suit its intended purpose – mere residual space unwanted by the developer is very unlikely to be acceptable.

9.3.1 The open space must be inclusively designed with due regard for wayfinding and natural surveillance, and; 9.3.2 Adequate mechanisms and resources must be put in place to ensure its satisfactory future management and maintenance, and;

9.3.3 Care should be taken to ensure that a lone dwelling will not be adversely affected by the location of the amenity space, and;

9.3.4 It should be noted that positioning amenity/play space to the rear of dwellings can increase the potential for crime and complaints arising from increased noise and nuisance.

Section 9.4 Play areas should ideally be designed so that they can be secured at night. This is to reduce the amount of damage and graffiti that occurs after dark. The type of fencing and security measures will need to vary to suit the particular area. However, consideration should be given to a single dedicated entry and exit point to enable parental/guardian control and supervision. Fencing at a minimum height of 1200mm can often discourage casual entry, provide a safe clean play area and reduce damage to the equipment. The specific requirements such as child safeguarding, preventing dogs entering, etc. should be discussed with the DOCO.

Section 9.5 Consideration should be given to the provision of informal association spaces for members of the community, particularly young people. These must be subject to surveillance but sited so that local residents will not suffer from possible noise pollution. In addition, they should be sited in such a way that those using adjacent foot and cycle paths will not be subject to harassment or otherwise be put in fear.

Section 9.6 External communal drying spaces should be enclosed and have secured access via a locked gate so that they are only accessible to residents. The DOCO will provide advice in respect to fencing, gate construction and locking.

1.4 Access to Utility Meters.

The overall intention is to reduce the opportunities for theft by bogus officials. As such, this requirement includes 'Smart Meters', as the service providers will require open access to meters.

The intention is to prevent the need for an official to enter the building or access gates to read a meter.

Secured By Design. Homes 2019.

Section 26. Utility meters.

Section 26.1 Utility meters should be located outside the dwelling at the front or as close to the front of the building line as possible (to ensure they are visible in order to deter vandalism). If located to the side of the dwelling they must be as near to the front of the building line as possible and to the front on any fencing or gates (care should be taken not to provide a climbing aid).

Communal Access to Apartments.

I recommend that the proposed layout to apartments provides the opportunity for an 'air lock' system of 2 initial controlled access doors prior to providing access beyond initial lobby areas and prior to dwelling entrance doors.

Post boxes and service meters must be located where they can be accessed without the need to enter or explore the building beyond lobby areas (preferably externally or through the building fabric). The entrance doors should be designed to reduce opportunities for someone to 'tailgate' and there should be no trade entrance button or trade access period.

Secured By Design. Homes 2016

Communal and shared entrance doorset standards.

Section 27.2 A communal or shared entrance doorset can be defined as an external doorset leading to an internal communal area providing access to segregated flats, bedsit or individual bedrooms. They can be further categorized by use as follows:

27.2.1 A shared doorset with access controlled by use of a key without a designated access control system (and no remote release facility), serving a maximum number of 10 dwellings (flats, bedsits or bedrooms). Doorsets falling within this category shall meet the same physical security requirements as 'External dwelling doorsets and flat

entrance doorsets served off a shared corridor or stairway dwelling doorsets' (paragraph 21).

27.2.2 A Communal doorset with access controlled via a separate access control unit installed within an integral adjacent panel, side screen, separate panel or adjacent masonry incorporating a remote release facility, serving multiple dwellings, with no minimum or maximum limit (see paragraphs 27.5 – 27.11) for access control system requirements).

1.5 Car Parking (Minimum design guidance).

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

I recommend that a change in road surface or traffic calming feature is used at the vehicle entrances to the site to help to define these areas as private and to promote a sense of ownership for residents.

Secured By Design. Homes 2019.

Section 55. Car parking.

Communal car parking areas.

Section 55.1 Where communal car parking areas are necessary they should be in small groups, close and adjacent to homes and must be within view of the active rooms within these homes (Note 55.1).

It may be necessary to provide additional windows to facilitate overlooking of the parking facility.

Note 55.1: (Explanation of Active Room) The word 'active' in this sense means rooms in building elevations from which there is direct and regular visual connection between the room and the street or parking court. Such visual connection can be expected from rooms such as kitchens and living rooms, but not from more private rooms, such as bedrooms and bathrooms.

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

Secured By Design. Homes 2019.

Section 8. Layout of roads and footpaths.

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

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

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

Landscaping Adjacent to Parking Bays.

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

Secured By Design. Homes 2019.

Section 16. Vehicle Parking.

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

Lighting To Parking Areas and Facilities.

Secured By Design. Homes 2019.

Section 55. Car Parking.

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

Section 16. Vehicle Parking.

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

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

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

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

1.6 Street Lighting.

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

Secured By Design. Homes 2019.

Section 18. Street lighting.

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

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

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

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

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

Secured By Design. Homes 2019.

Section 59. Private External lighting and dwelling lighting.

Private external lighting to common areas.

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

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

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

Dwelling lighting.

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

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

1.7 Planting and Landscaping.

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

Secured By Design. Homes 2019.

Section 17. Planting in new developments.

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

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

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

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

.8 Dwelling Gable Ends.

Additional glazing providing unobscured natural surveillance is necessary where a gable is easily accessed (end of Block etc.), and where adjacent in-curtilage garages, parked vehicles and rear access (gates and boundaries) are not immediately overlooked by properties to either side.

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

Secured By Design. Homes 2019.

Section 12. Gable end walls.

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

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

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

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

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

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

1.9 Climbing Aids.

Secured By Design. Homes 2019.

Section 15. Climbing aids.

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

Note: Particular attention should be paid to climbing aids provided by retained trees and junctions between existing and proposed boundaries.

2. Further Information and Guidance.

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

- www.securedbydesign.com

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

- www.bsi-global.com

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

- www.bregroup.com

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

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

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

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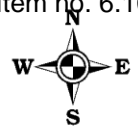


Application No: CH/21/0024

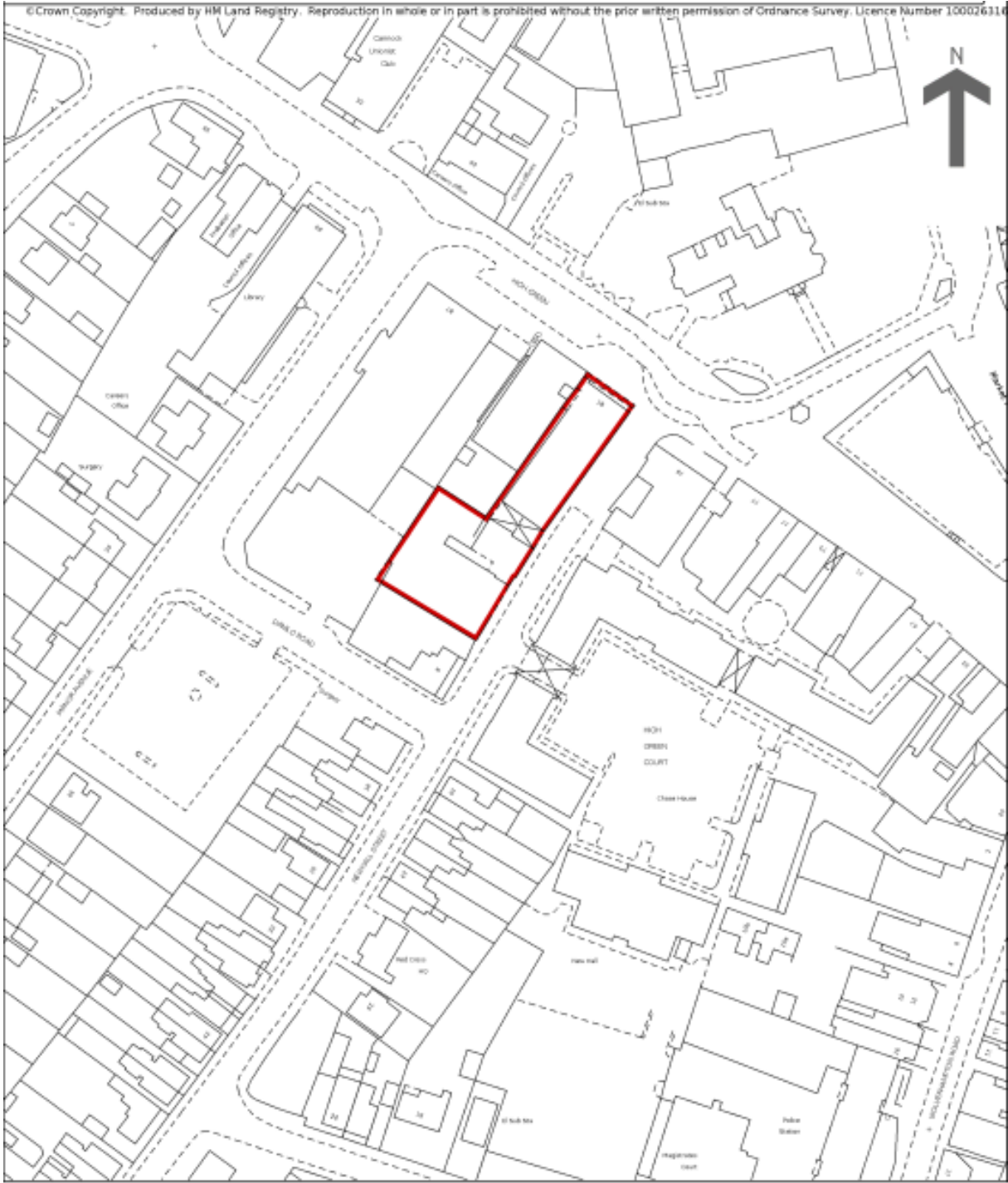
Location: Shop 10, Victorian New Hall, 81, High Green, Cannock, WS11 1BN

Proposal: Change of use from shop (Class E) to Taxi booking office (Sui Generis)

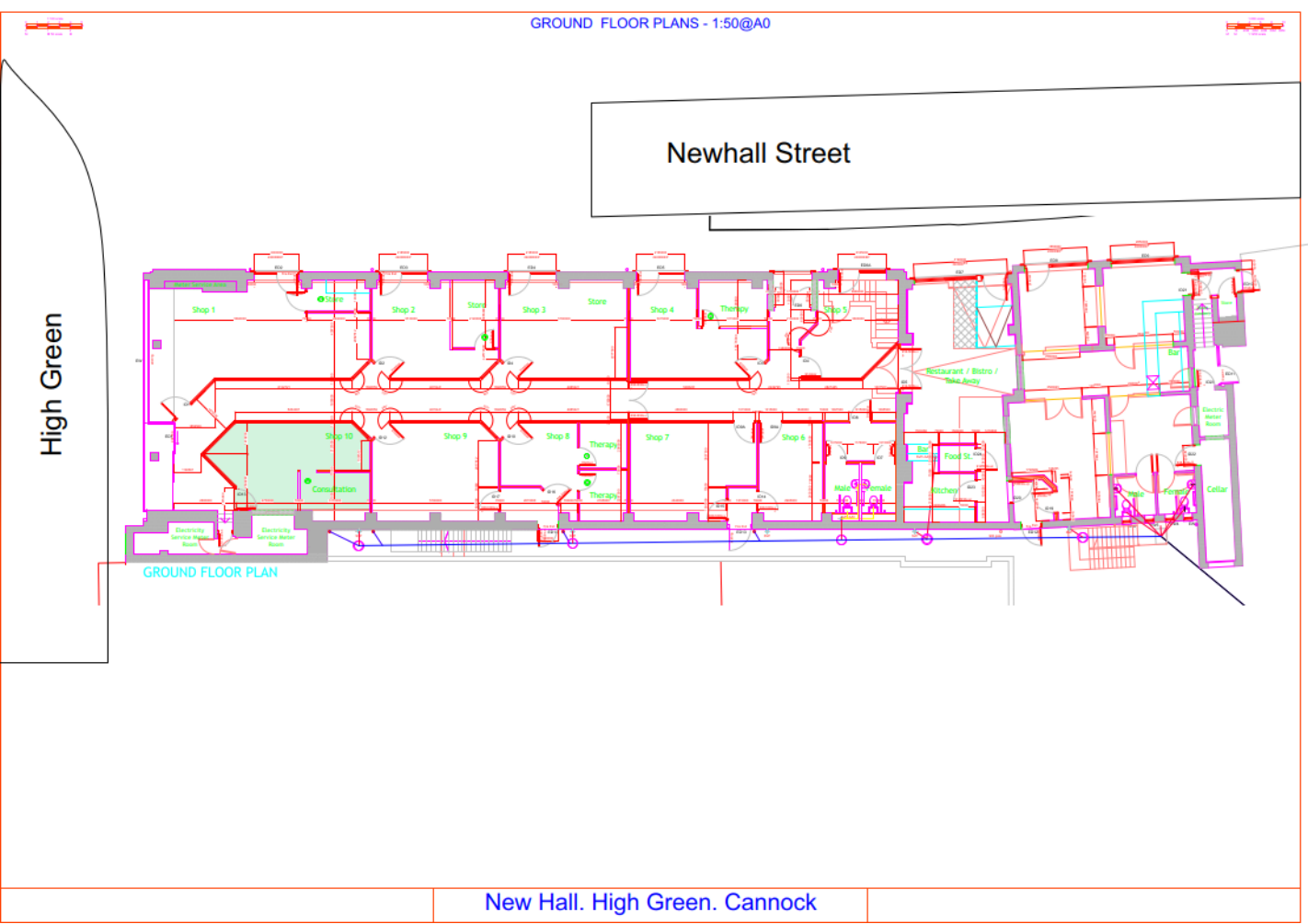
Item no. 6.101



Location Plan



Floor Plan



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CONTACT
OFFICER:

Claire Faulkner

Planning Control Committee

14th April 2021

Application No: CH/21/0024

Received: 14-Jan-2021

Location: Shop 10, Victorian New Hall, 81, High Green, Cannock,
WS11 1BN

Parish: Non Parish Area

Ward: Cannock West Ward

Description: Change of use from shop (Class E) to Taxi booking office
(Sui Generis)

Application Type: Full Planning Application

Recommendations: Approve subject to conditions

Reason(s) for Recommendation:

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

Conditions (and Reasons for Conditions):

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

Reason

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

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

Site Plan

Reason

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

3. No taxi cabs or private hire vehicles operating through the radio control at the premises, shall call at the office hereby permitted, for the purposes of waiting or taking orders and instructions, collecting clients or for the purpose of taking refreshment.

Reason

In the interests of highway safety.

4. The premises shall not be open to staff outside the hours of 08:00hrs to 01:00hrs on any day. The office shall thereafter only be open to the public between the hours of 08:00hrs to 22:00hrs on any day.

Reason

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

Notes to the Developer:

None

Consultations and Publicity

External Consultations

Cannock Police

Please find below concerns that I have on the opening of the proposed Corky's Cars site in Cannock Town Centre.

- 1) The proposed site for the new Corky's office is in the area of Newhall Court which is a narrow street. Corky's state that there taxis will park on the taxi rank on Stafford Road that follows into Market Place. At

weekends this taxi rank is already extremely congested with hackney carriage taxis parked awaiting business. Often the number of taxis spills round to the main road by the bus station. I am concerned about the capacity of the taxi rank to take this additional demand.

- 2) From working Cannock Centre during the night time economy I have never known a shortage of taxis in the area. The problem has been trying to encourage people into taxis once they have had too much to drink.
- 3) The application states that the office will be in operation until 0100am with the office being closed at 10pm to the public. Corky's state that a taxi warden will then take over to represent them. Where this person stands and how they operate is not defined and my concern is that if the person is outside the proposed office it will create a second rank. The inside office seems to be closing at 10pm and effectively moving outside for 3 hours. By having a taxi warden I question whether that though the office is shut, it is still open in another guise. I am concerned about having a queue of people waiting for a Corky's taxi in a side street with the taxi warden and the ASB this may cause with people waiting in the taxi queue. If permission is given for the taxi base the role of taxi warden needs clearly defining.
- 4) I note that one of the points raised in the application is that the volume of people in Cannock Town Centre will be removed from the location quicker during the early hours. I question whether the proposed site for the taxi base and their pickup location is adequately big enough to deal with this volume effectively and a bottle neck will be created with vehicles and people.

Crime Prevention Officer

I have taken the opportunity to examine the above planning application with reference to the Association of Chief Police Officer's Secured by Design Criteria and the Principles of Crime Prevention Through Environmental Design

Whilst I have no objections to this application, it is important that a high level of physical security is incorporated in these proposals and that the following minimum recommendations are complied with. I recommend that this Unit be protected by a Monitored Alarm System during the unmanned period of 1am to 8am. Whilst there may be no cash kept on the premises, the public perception is likely to be different. In addition, this will provide protection for computer equipment etc.

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

For Crime Reduction advice contact The Early Intervention And Prevention Unit at eipu@staffordshire.pnn.police.uk.

Intruder Alarms. (Recommended Minimum Design Guidance).

The design of Alarm systems should be considered alongside any CCTV (where there is an existing CCTV System or Site Monitored Alarm system) and monitoring from a dedicated monitoring company. As a minimum, I recommend that this Unit is protected by a Monitored Alarm System.

Secured By Design Commercial Development (2015 Version 2).

Section 64 Intruder alarm systems.

Section 64.1 (Security Systems Policy and Police Response)

A suitably designed, fit for purpose, monitored intruder alarm system must be installed. For police response, the system must comply with the requirements of the Security Systems policy, which can be found at www.securedbydesign.com

Section 64.2 (Loss Prevention Certification Board component requirements)

System designers may wish to specify component products certificated to the following standards:

- LPS 1602 Issue 1.0: 2005 *Requirements for LPCB Approval and Listing of Intruder Alarm Movement Detectors*
- LPS 1603 Issue 1.0: 2005 *Requirements for LPCB Approval and Listing of Alarm Control Indicating Equipment*

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

Highway Authority

No objections.

Internal Consultations

Conservation Planning Officer

Being a change of use of an existing premises with no external modifications proposed to the building, the application would not result in an impact on Cannock Town Centre Conservation Area or affect the setting of the adjacent Listed Buildings.

Property Services

No response to date

Environmental Health (Licensing)

We remain concerned that if the premises were to open beyond normal business hours, it may create a number of problems in an area of the town centre which is sensitive to the activities of taxis and has been the cause for numerous complaints to the Licensing Unit over recent years. I must advise you that we would only support this application if the office were to open during business hours only and with no public access.

We believe that the reason that Corkys Cars want to open a taxi base in the town centre is to gain a business advantage over other taxi businesses in the District. This is of course perfectly acceptable in the course of normal business competition and if the taxi office were to trade in a benign manner (only open business hours with no public access) then this would not cause too much concern.

Our experience however, is that such an advantage will not be welcomed by the taxi trade in general and will result in numerous complaints to the Licensing Unit about drivers parking their vehicles inappropriately and/ or unlawfully in and around the loading bay and disabled bays directly outside the proposed taxi office.

In particular, licensed drivers regularly complain about the inappropriate use of the loading bay outside Wetherspoon's Linford arms by other drivers. The proximity of the loading bay and its usefulness to the proposed taxi office has been highlighted by you as being convenient for Corkys Cars to use. Our experience tells us that some drivers may abuse this facility and park in the loading bay whilst they take a break or use the toilet facilities at the proposed taxi office. Licensing officers have invested a great deal of time trying to prevent taxis from using the said loading bay inappropriately and if Corkys Cars are seen to use it in this way, then others, with some justification, will undoubtedly want to do so as well.

The can be seen in Hednesford where licensing officers have found unattended taxis on the Hednesford Rank. Often the driver of the taxi can be found in the taxi office opposite the taxi rank. Hednesford rank is a much smaller town than Cannock as it only has room for just 3 licensed vehicles. The vast majority of the licensed taxi trade use the Cannock taxi rank to ply their trade. The small area around the Taxi Rank and High Green area can be a very busy environment, particularly late at night and into the early hours of the morning.

Your willingness to employ a Taxi Marshal at the premises may be helpful if planning permission is granted, but for us, it serves to reinforce our concerns in so far as Corkys cars can also clearly envisage some difficulties arising from having a booking office within the town centre and just a few yards from the official taxi rank.

Customers will also know that they can take advantage of not having to queue at the Cannock taxi rank but may instead, find their way to the proposed booking office. From there they can order a taxi which will appear a few minutes later in the loading bay outside. At busy times however, customers will probably be waiting outside or in the foyer of the shopping parade. The result may be a second unofficial taxi rank in the town centre which is dedicated to one particular taxi company rather than to the wider benefit of all of our licensed trade.

We are further concerned about the possibility of numerous pick up from the said loading bay which is envisaged by and no doubt hoped for by your client. This however causes yet more concern that the loading bay would turn into little more than unofficial taxi rank for Corkys Cars. I also wonder where cars will pick up from if the loading bay is being used by large delivery lorry with a time consuming delivery? Experience tells us that the answer may be to park on double yellow lines and anywhere else available which is close to the proposed office. Where else would they wait for their passengers? The alternative is the delayed arrival of the taxi which will not be welcomed by the customer or Corkys Cars.

I recognise that a planning condition may be helpful in deterring the poor use of the loading bay etc but such a condition would still need to be enforced. Such enforcement has already proved challenging to us outside office hours. Enforcement would need to be carried out by the planning or licensing officers or even traffic wardens and police officers. There is a potential resource implication to all of those agencies. Council licensing officers have already invested significant resources in recent years in somewhat successful attempt to stop some members of the taxi trade from parking and standing in the loading bay and disabled bays directly outside the proposed taxi base.

If Corkys Cars believe that they are renting entitlement to use the loading bay and/or the area the proposed taxi office over others, we are concerned that problems may arise within the rest of the licensed taxi trade. We have evidence that the inappropriate use of the loading bay and disabled bays give rise to uncivil behaviour and potential violence amongst some licensed drivers.

I am grateful for the clarification around the use of the Whitehouse Car Park and would ask you to ensure that taxis do not use that facility on anything other than a normal pay and display basis. I also note your comments about parking at the rear of the proposed taxi office but remain concerned that it too, or the double yellow lines around it, may be used to park taxis whilst the drivers wait for pick ups or visit the office.

Although I recognise that the town centre environment can be busy, lively and at times noisy, we don't believe that the proposed office will be a benign addition to that environment.

I have said that we would only support this application if the office were to open during business hours only with no public access. Should you gain planning permission for

your proposed taxi office we would seek to impose appropriate conditions on your permission. These would include, but not be limited to:

- Restriction on opening hours
- Restrictions on public
- Control of vehicle movements and activities

I have made the Planning Officer aware of our concerns and have indicated that the Licensing Unit will object to the application if we cannot be satisfied that it will have a benign impact on the town centre and benefit the general wellbeing, safety and security of the licensed taxi trade.

Environmental Health

No objection.

Economic Development

No response to date.

Development Plans and Policy Unit

The scheme proposes a taxi booking office within an existing shopping arcade at the edge of the Cannock Town Centre Primary Retail Area.

The Cannock Chase Local Plan (Part 1) 2014 Policy CP3 and the Design SPD provide guidance on overall expectations for standards of good quality for all developments which should be considered.

Policy CP11 sets out the strategy for the town centres including that A1 uses will be retained within the Primary Retail Area and that *“other use classes will only be permitted where it will not create a concentration of non-shopping uses and result in unacceptable change in the retail character of the immediate area or have an adverse effect on the vitality and viability of the town centre.”* The policy also supports uses that create safe spaces and a more balanced night time economy.

Policy CP15 outlines the protection of the historic environment including the requirement to be sensitive to the setting and using development around existing historic urban areas as an opportunity. The building is adjacent to the Conservation Area, but as it is an internal unit within an existing shopping arcade there will be no direct impact on the setting of the Conservation Area.

In summary the unit is on the edge of the Primary Retail Area (PRA) within a larger shopping arcade. The proposal is unlikely to result in a concentration of non-shopping uses, will support a local business and benefit the evening economy. However the unit is currently an A1 unit within the PRA and therefore the decision should take into account demand for this type of use through consideration of how long the unit has been vacant and how it has been advertised to potential A1 users.

Response to Publicity

The application has been advertised by site notice and neighbour letter. One letter of representation has been received:-

I write in response to concerns and objections to the above raised by the Licensing Officer for Cannock Chase District Council.

The booking office would need to be open outside of office hours and to the public in order to be a viable business proposition. A potential compromise of allowing the planning application to proceed on the basis of being limited to normal business hours with no public access would therefore not be acceptable to Corkys Cars.

Given that this is not a residential area, is an established area of public resort with at least one takeaway food outlet and one licensed bar, both open until 3 am it would be reasonable to allow a taxi booking office to be open until at least the closing time of these venues.

If the licensing unit anticipates resistance from the taxi trade in general, I would suggest that both should take a broader view, especially as evidence of such resistance is yet to be forthcoming. Giving passengers the option to book taxis in this vicinity as well as wait on the taxi rank would benefit the travelling public and the night time economy as a whole. Vulnerable persons would have the option of waiting for a booked licensed vehicle with a stated lead time in a place of shelter with the added protection of CCTV surveillance, both inside and within the vicinity of the booking office.

Historically, as a trusted, responsible local licensed stakeholder, Corkys Cars have shared CCTV footage with relevant authorities for identification purposes and shall continue to do so when reasonably appropriate.

If the travelling public are afforded the facility to book locally-licensed vehicles at an office in this location they are less likely to make use of peer-to-peer applications and be picked up by drivers and vehicles licensed outside of the area over which local licensing enforcement have little or no control. This would be of benefit both to the licensing unit and to the local taxi trade if we could stem the decline of locally-licensed drivers and vehicles in the face of a growing presence of those licensed elsewhere.

In opposing this planning application or by proposing onerous restrictions upon it, the licensing unit are acting contrary to their own proposed policy objective 1.13 on pages 7 and 8 of the draft Hackney Carriage/Private Hire Driver, Vehicle, Operator licensing policy 2021, which states,

Supporting the Safety and Success of the Night Time Economy – ensuring the public can return home safely, helping crowds to disperse quickly and peacefully after events, or during busy times.

As for licensed drivers parking inappropriately in and around the loading bay outside the Linford Arms or at disabled bays, we need to remind ourselves that no vehicle may lawfully park in order to make themselves available for hire at these locations given this is a place of significant public resort. In respect of vehicles licensed elsewhere and private hire vehicles this would be contrary to *Gateshead Council v Henderson* [2012] EWHC 807 (Admin). In respect of locally-licensed Hackney Carriages, this would be contrary to local bylaws regarding the use of taxi ranks.

Therefore, the only vehicles lawfully parked in this vicinity would be the local Hackney Carriages working on the taxi rank in accordance with local bylaws and primary legislation, and licensed vehicles not on the rank in attendance of bookings at the loading bay or as close as possible to it in accordance with *Makda v The Parking Adjudicator* 2010 which permits the picking up of passengers on yellow lines.

The presence or otherwise of a taxi booking office in this vicinity would not change the above. Drivers would not be picking up from in front of the disabled bays as this would cause obstruction. No booking would be accepted from this location.

Unlike, historically, at the office in Hednesford there would be no access for drivers to this office. They would arrive only to attend bookings, the particulars of which would be the passenger name, telephone number and 'as directed' with the destination being recorded on completion of the journey. The passenger would receive vehicle details to include a description and registration number.

There would be no scope for an unofficial rank to form under such circumstances. Vehicles without bookings would either be on the taxi rank or parked safely away from such a place of public resort. Furthermore, at busy times when demand for licensed vehicles exceeds supply, a rank, ie. a queue of vehicles simply is not going to form. This could only occur when supply exceeds demand.

Taxi or private hire booking offices are commonplace throughout the land and Cannock Chase District is no exception. There are booking offices in town centre locations in Rugeley, Hednesford and Chadsmoor. Whether a given location is busy or not in comparison with other locations, when demand exceeds supply, something which does occur at all above locations, this is always going to pose challenges.

Whilst Cannock town centre may have greater footfall than the above, it also has greater provision. The peaks and troughs of demand and associated challenges will therefore be broadly similar.

In order to avoid conflict between licensed drivers it would suffice to inform them of their legal obligations as stated above.

If you don't believe that the proposed taxi office would be a benign addition to that environment, what additional evidence do you have to support this belief? At this point I should remind you of your obligations under the Regulators' Code 2014, notably under sections 1.1, 1.2 and 3.1

<https://www.gov.uk/government/publications/regulators-code>

Pursuant of policy aims, this proposal should be allowed to proceed without undue restrictions to opening hours or denying access to the public.

Relevant Planning History

CH/16/128: Change of use to a mix of the following uses; A1 (Retail), A2 (Financial), A3 (Restaurant), A4 & B2 (Micro Pub & Brewery) & D1 & D2 (Leisure) along with a maximum of one unit within A4 & A5 uses respectively.

1 Site and Surroundings

- 1.1 The application site relates to a unit within the recently modernised Victorian Newhall, High Green, Cannock.
- 1.2 The proposed unit comprises a currently vacant retail unit located within the main building of area of Victorian Newhall. The host building is accessed from the front and the side off Newhall Street. There is no separate access for the application unit directly from the adjacent highways. The application site is located with a frontage onto High Green and is sited within Cannock Town Centre.
- 1.3 The wider use of the building comprises a multi occupancy building with a mixture of retail, cafe and a micro brewery with residential accommodation on the first floor. The building has recently undergone a total refurbishment.
- 1.4 The site is within Cannock Town Centre Conservation Area and lies adjacent a number of Listed Buildings. The application site is also located within a Mineral Safeguard Area and is within a low risk development boundary as designated by the Coal Authority.

2 Proposal

- 2.1 The application seeks consent for the change of use of the unit from A1 retail to a taxi booking office (sui generis).

- 2.2 The proposed use would employ 2 members of staff who would be present within the office. The hours of operation would be 08:00hrs to 01:00hrs Monday – Sunday.
- 2.3 The proposed use would be open to the public between the hours of 08:00hrs – 10:00hrs Monday to Saturday. The office would thereafter be closed to the public and managed by staff only between the hours of 10:00hrs – 01:00hrs. Drivers of the taxis would not be able to gain entry to the office.
- 2.4 Waiting taxis would utilise the formal taxi rank sited on until required to take a booking. Subsequent to a booking the allocated taxi would drive around Main Road and collect the passenger(s) from the stipulated collection point.
- 2.5 The taxi booking office would comprise of desks with communication equipment.
- 2.6 No external alterations are proposed to the fabric of the building and there is no parking provision allocated for the unit within the wider Victorian Newhall site.

3 Supporting Statement

- 3.1 The operator of the business will be Corky's cars.
- 3.2 Corkys currently provide employment for around 100 local people and they see this as an opportunity to safeguard jobs by promoting the business directly in the town centre.
- 3.3 It will also promote the trade in general in a more professional light to the public. There will be internal CCTV for safe working, the building also has external CCTV to monitor the use of the premises.
- 3.4 The Operator also will link with the local Police officer who works with other businesses in the town, in order that the operator can be another very effective limb of crime prevention and security in the town centre, especially at night.
- 3.5 No taxis will be parked outside the front of Shop 10 or on the car park at the rear of Newhall or anywhere other than either queuing on the taxi rank or as at present awaiting a call from the office.

4 Planning Policy

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

4.3 Relevant Policies within the Local Plan Include:

- CP1 - Strategy – the Strategic Approach
- CP2 - Developer contributions for Infrastructure
- CP3 - Chase Shaping – Design
- CP11 – Centres Hierarchy
- CP15 Historic Environment

4.4 The relevant policies within the Minerals Plan are

3.2 Mineral Safeguarding.

4.5 National Planning Policy Framework

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

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

4.8 Relevant paragraphs within the NPPF include paragraphs: -

8:	Three dimensions of Sustainable Development
11-14:	The Presumption in favour of Sustainable Development
47-50:	Determining Applications
85-90	Ensuring the Vitality of Town Centres
91-95	Promoting Healthy Living and safe communities
102-104	Promoting sustainable transport
109-110	Considering Development Proposals
124, 127, 128, 130:	Achieving Well-Designed Places
180- 183	Noise Pollution
184-187	Historic Environment

5 **Determining Issues**

5.1 The determining issues for the proposed development include:-

- i) Principle of the development
- ii) Impact on the character and form of the area

- iii) Impact upon residential amenity,
- iv) Impact on highway safety,
- v) Safeguarding Minerals
- vi) Crime and the fear of crime

5.2. Principle of the Development

5.2.1 The site is within both the Cannock Town Centre Boundary and the Primary Retail Area on the Local Plan (Part 1) Policies Map. Policy CP11, in so far as it relates to this proposal, seeks to maintain the roles of the District's centres including that new retail development will be directed towards the Primary Retail Area. CP1 1 also adds that:-

“A primary retail area is also defined within which existing class A1 retail uses will be retained and to which new retail development will be directed, together with secondary frontages. Development falling within other use classes will only be permitted where it will not create a concentration of non-shopping uses and result in unacceptable change in the retail character of the immediate area or have an adverse effect on the vitality and viability of the town centre. ”

5.2.2 As such in respect to the principle of the development it should be ascertained whether the proposal would accord with the thrust of Policy CP11. It should be noted that a taxi booking office is considered to be “Sui-Generis” (that is it does not fall into any of the established use classes) and therefore certainly does not fall within the definition of “retail” or “office”. As such the proposal would result in a non-shopping use within a Primary Retail Area. It is therefore important to establish whether the proposal would create a concentration of non-shopping uses and result in unacceptable change in the retail character of the immediate area or have an adverse effect on the vitality and viability of the town centre.

5.2.3 In this respect, it is noted that the building was recently made vacant and sits within a host building that comprises of a variety of uses including retail, public houses and fast food takeaways. It is also noted that there are a number of other units currently available within the wider town centre, including (but not limited to) Heavenz deserts in Market Place, Fletchers in Market Square, Walsall Rd (3 units) and H Samuel in Market Square. Notwithstanding this the proposal would not result in unacceptable change in the retail character of the immediate area, which would be retained. Furthermore, the reuse of a vacant unit would positively add to the diversity of uses on offer in this location and would ensure long term viable use of the premises that would directly and indirectly safeguard existing jobs, particularly in the night time and hospitality sector which has been badly hit by Cov19 pandemic.

5.2.2 It is also noted that since the Local Plan has been adopted substantial changes have been witnessed in the retail sector, which has seen many high street

businesses close and which has reduced the vitality of town centres. This has been recognised by Government which has responded by relaxing permitted development rights in order to simplify the planning process and encourage new non-retails uses within town centres. This is a matter which adds further weight in support of the proposal.

5.2.3 As such having had regard to policies CP1 and CP11 of the Local Plan the proposal is considered on balance acceptable.

5.3 Impact upon the Character of the Area including the Listed Building and Conservation Area

5.3.1 The application site is located within Cannock Town Centre Conservation Area and within close proximity to several Listed buildings:- Nos.71 – 77 High Green and The Linford Arms to the south-east with The Whitehouse to the north-east.

5.3.2 In this respect, it is noted that The Planning (Listed Buildings and Conservation Areas) Act 1990 sets out the local planning authority's duties:- S.66 in considering whether to grant planning permission for development which affects a Listed Building or its setting the local planning authority shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. Further, S.72 the local planning authority has a duty to pay special attention to the desirability of preserving or enhancing the character or appearance of a Conservation Area. While the duty may only require that no harm should be caused, it nonetheless creates a special presumption and considerable weight and attention should be given to any harm found to arise regarding the character or appearance of the Conservation Area.

5.3.3 To this effect the Local Plan contains Policy CP15 does not preclude development in Conservations areas. However, it does seek development proposals to be sensitive to and inspired by their context and add value to the existing historic environment, landscape and townscape character by virtue of their use, layout, scale, appearance and landscaping and materials to ensure that the historic environment acts as a stimulus to high quality design based upon guidance set out within the Design SPD. Opportunities for new development within Conservation Areas and within the setting of heritage assets to enhance or better reveal their significance will be considered.

5.3.4 The application seeks permission for a change of use of the unit with no alterations proposed to the external fabric of the building. As such, there would be no harm to the character of the Conservation Area or the Listed buildings within. As such, the proposal accords with Local Plan Policy CP15 and para. 196 of the NPPF.

5.4 Impact upon Amenity

- 5.4.1 Policy CP3 of the Local Plan states that the following key requirements of high quality design will need to be addressed in development proposals and goes on to include [amongst other things] the protection of the "amenity enjoyed by existing properties".
- 5.4.2 Paragraph 127(f) of the NPPF states that planning policies and decisions should ensure that developments [amongst other things] create places with a high standard of amenity for existing and future users. Paragraph 180 of the NPPF states that planning decisions should ensure that new development is appropriate for its location taking into account the likely effects of pollution on health, living conditions and the natural environment as well as the potential sensitivity of the site or the wider area to impacts that could arise from the development. In doing so (amongst others) (a) mitigate and reduce to a minimum potential adverse impacts resulting from noise from new development and avoid noise giving rise to significant adverse impacts on health and the quality of life.
- 5.4.3 Of particular significance in this respect is the relationship between the application site and the residential uses above it. In this instance, it is noted that the application site is located within the Cannock Town Centre Boundary and is located within an area of mixed uses, some with residential units above and within close proximity to several existing drinking establishments and take away units.
- 5.4.4 Generally, the planning issues raised by mini-cab offices are:
- a) disturbance to neighbours due to increased vehicle movements and general activity, particularly where an office is manned late into the night, and
 - b) traffic hazards caused by on-street parking congestion or inadequate access arrangements.
- 5.4.5 In this instance, the proposed taxi booking office would operate between the hours of 08:00hrs – 01:00hrs Monday to Sundays and Bank Holidays. These hours are in line with surrounding commercial and leisure uses associated with Town Centre locations. Notwithstanding this, the proposed taxi booking office would not be open to the public after 22:00hrs thus being manned by staff only.
- 5.4.6 The application site is located within Cannock Town Centre wherein there is a range of retail and other commercial uses. This town centre location is likely to be active throughout the day and into the evening. It is also an area where a taxi booking office could benefit shoppers, local residents and other users of the shopping centre and as such it could add to the vitality of the shopping centre. However, there are also a number of flats in close proximity, including immediately above the application site. Harm to residential amenity from noise

emanating directly from the proposed booking office is not generally an insuperable problem; and any noise generated is likely to be less distinguishable from other background noises and activity within the town centre location.

- 5.4.7 In this instance, the office would comprise of communications equipment and be manned by two members of staff only after 10pm. It would therefore be unlikely to have a materially adverse impact on the living conditions of local residents. The Council's Environmental Health Officer was consulted on the application and made no objections in terms of noise nuisance.
- 5.4.8 In considering issues such as noise it can be beneficial to look at appeal decisions to see how Planning Inspectors have approached the issue. One such case in West Lancashire involved the change of use of commercial premises in a town centre to a taxi booking office. This was granted on Appeal on 20/4/2009 provided no customers were picked up or dropped off from the site. In this case, the council accepted that during the day the use would not generate unacceptable levels of noise disturbance. However, at night it claimed that residents living opposite the site would suffer disturbance particularly if people called and lingered at the premises in order to wait for a lift. In the West Lancashire case, an inspector decided that people living in a town centre location could not expect the same level of peace and quiet in the evenings as those living in a residential area. He further opined that an efficiently run taxi service could assist in the quicker dispersal of people from the centre at night, and a condition could be imposed preventing people from being picked up or collected from the premises thereby ensuring that the premises operated only as a taxi booking office.
- 5.4.9 The comments from objectors with reference to anti-social behavior are noted, however, such behavior, whilst socially unacceptable, can be affectively controlled through licensing and or the police.
- 5.4.10 The comments raised with regard to competition between taxi drivers within the town centre, is not a material consideration for the determination of the planning application.
- 5.4.11 Given the above, it is considered that the change of use to a taxi booking office would have no significant detrimental impact to the amenity of the neighbouring occupiers given the town centre location and as such the proposal is considered acceptable in accordance with para.123 of the NPPF.

5.5 Highway Implications

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

- 5.5.2 Traffic safety issues are frequently raised as an area of concerns for taxi office uses and most premises have little or no on-site parking space. The proposal is Sui-Generis and therefore there is no specific requirement for parking provision within the Council's Parking Standards SPD. Parking outside premises, particularly those used by drivers during breaks and while waiting for business, may have the potential to impede traffic flows or create other identifiable hazards and in this instance, the comments of objectors are noted.
- 5.5.3 In this instance, the application site is located within a town centre shopping parade, adjacent to a formal taxi rank as well as within close proximity to public car parks. The application site is located on a highway that operates as a one way system and comprises of double yellow lines. There is on-street parking adjacent the site in the form of disabled parking bays as well as a loading and unloading bay for the neighbouring commercial uses.
- 5.5.4 Concern has been raised that the minicabs may collect fares from the disabled parking bays or the loading and unloading bay to the front. This could obstruct the legitimate use of the loading and parking bays, thereby increasing traffic and parking congestion and the potential for conflict along this section of the highway network. Notwithstanding this, the application is for the change of use of the unit to a taxi booking office and not for the parking of vehicles within unlawful locations which could occur regardless of the application. No vehicle has a right to park unlawfully. Notwithstanding this, the applicant has confirmed that drivers would not be picking up fares from in front of the disabled bays as this would cause obstruction. No booking would be accepted from this location.
- 5.5.5 Further, the applicant has confirmed that waiting taxis would use the formal taxi rank or other parking areas for waiting. The taxi driver would not be able to use the office so vehicles will not be left in unlawful areas as a consequence. In *Davenport & Another v Hammersmith & Fulham London Borough Council* 22/3/99 it was held that a condition could be imposed that required vehicles which had been left with, or were in the control of, an appellant should not be stored or parked on the road outside. It was reasoned that in this case the condition could be complied with. Therefore, it may be concluded that a no street parking condition may be valid provided it is worded to apply to vehicles over which an appellant has control. As such, a condition has been recommended to ensure that no vehicle associated with the proposed office use are left unlawfully.
- 5.5.6 Notwithstanding the above, most associated vehicular activity is generated in the evening when streets are usually less congested, and that the small number of visiting vehicles at any one time have little significant effect on traffic conditions. The existence of public parking nearby as well as the formal taxi rank may also support applicants with central area sites, as with other predominantly evening/late night uses. Ministerial advice in the NPPF para.18 relating to

economic growth is of some weight in the decision making process, as is the fact that mini-cab uses provide a valuable public service and have a right to exist in urban areas along with other service uses.

5.5.7 The Highway Authority was consulted on the application and raised no objection to the proposal in terms of highway safety.

5.5.8 It is therefore considered that subject to the attached conditions the proposal has not resulted in an unacceptable impact on highway safety and that the residual cumulative impacts on the road network have not been severe.

5.6 Drainage and Flood Risk

5.6.1 The site is located in Flood Zone 1 on the Environment Agency's Flood Zone Maps. In this instance, the host building already exists with the development comprising of a change of use only. As such, the proposal would not create additional flood risk over and above the current situation.

5.7 Mineral Safeguarding

5.7.1 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.

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

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

5.8. Ground Conditions and Contamination

5.8.1 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.

6.0 Human Rights Act 1998 and Equalities Act 2010

Human Rights Act 1998

6.1 The proposals set out in this report are considered to be compatible with the Human Rights Act 1998. The recommendation to approve the application

accords with the adopted policies in the Development Plan which aims to secure the proper planning of the area in the public interest.

Equalities Act 2010

- 6.2 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.

7.0 Conclusion

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

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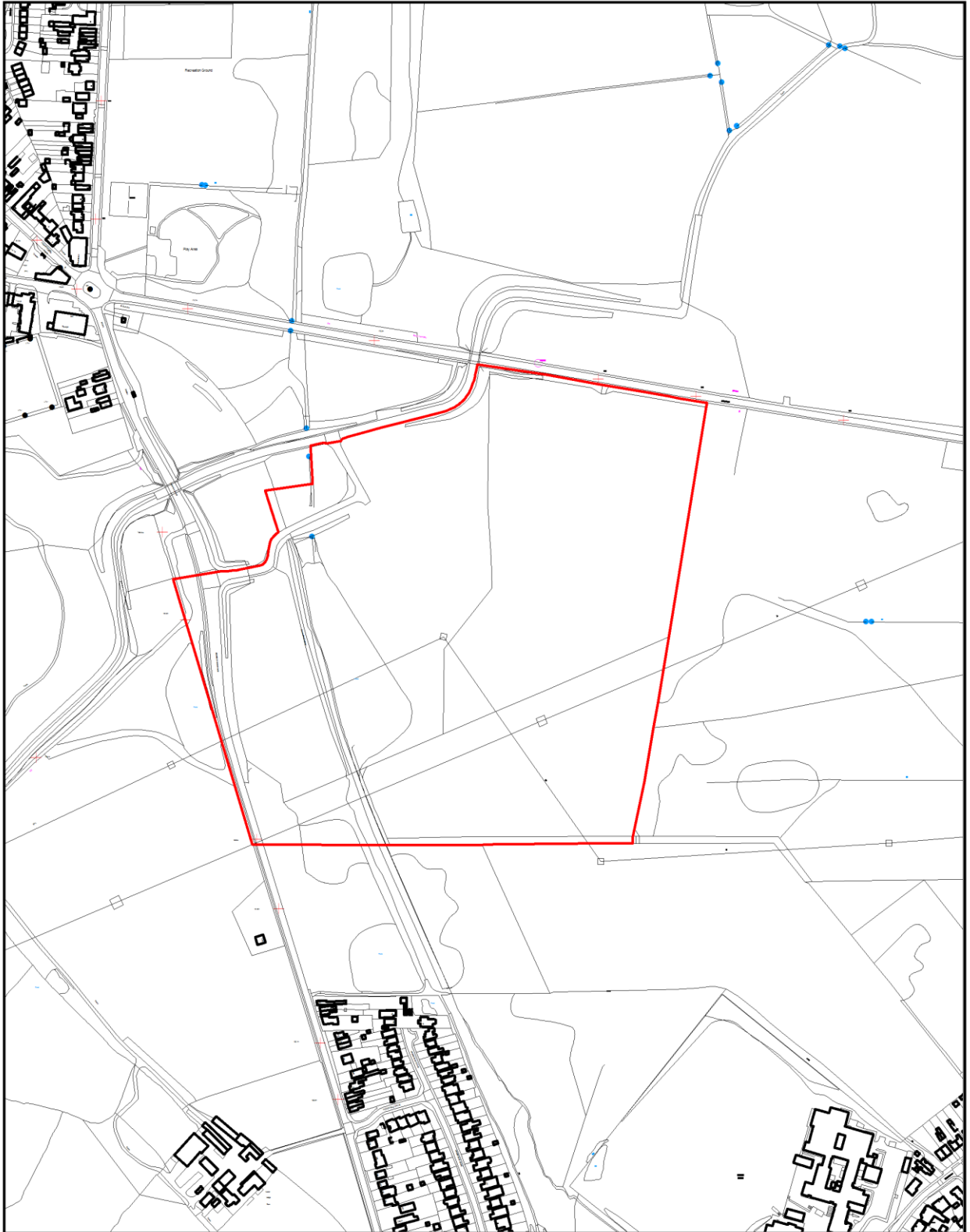


Application No: CH/21/0059

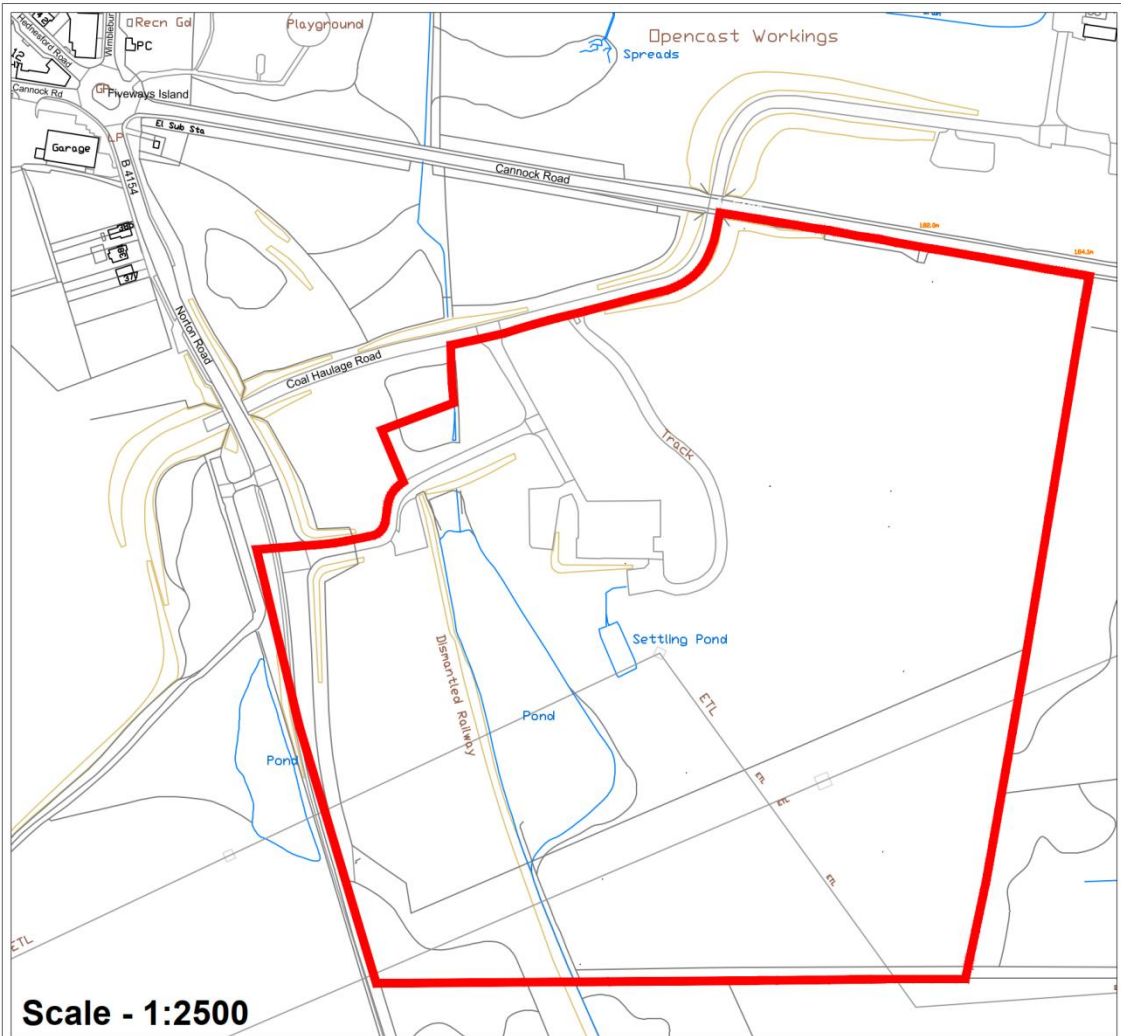
Location: Land to the east of Norton Road and South of Cannock Road, Heath Hayes

Proposal: Application to remove Condition 11 of planning permission CH/14/0404 (overflow car park extension) as not required.

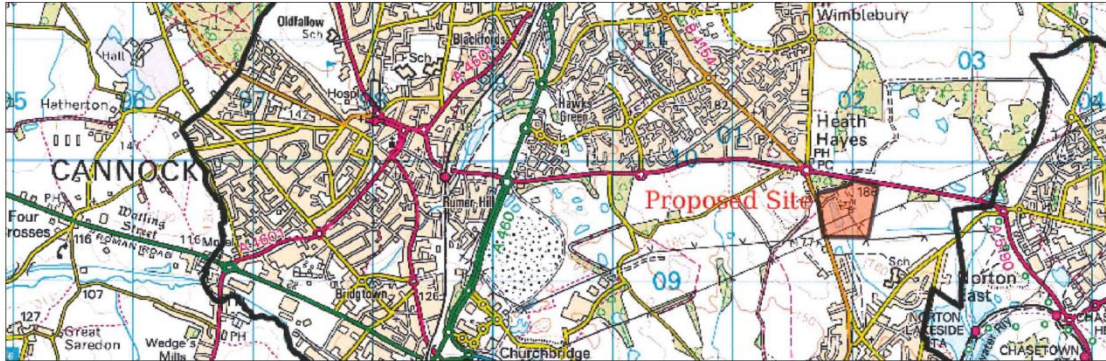
Item no. 6.123



Location Plan



Scale - 1:2500



Revision A - Boundary Revisions

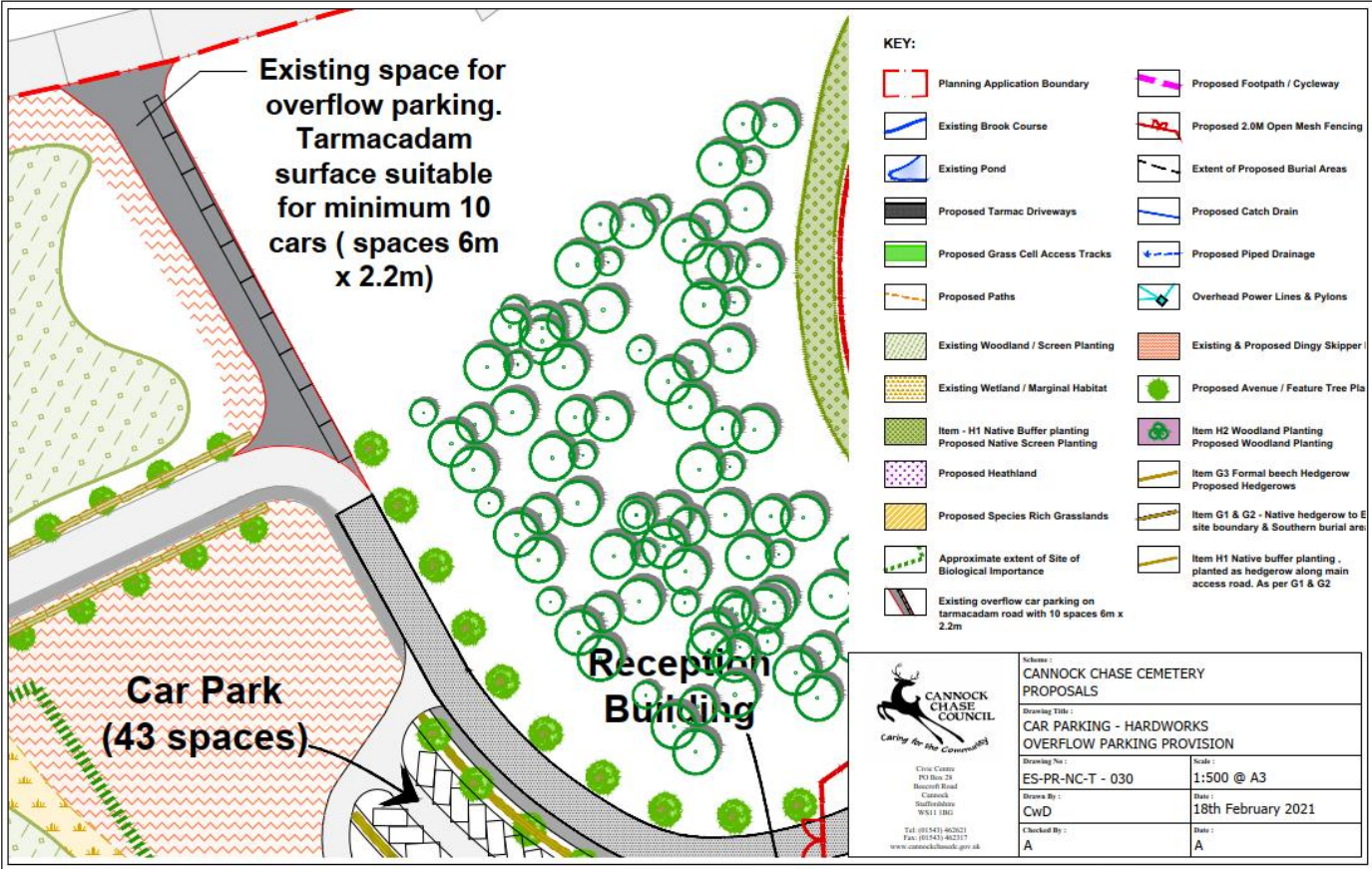
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Scheme PROPOSED CEMETERY	
Drawing Title Site & Location Plan	
Drawing No. ES/PR/NC/005-A	Scale As shown @ A3
Drawn By JPS / JW	Date JULY 2014
Checked By	Date

Overflow Parking Plan



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Contact Officer: Audrey Lewis
Telephone No: 01543 464528

Planning Control Committee

Application No: CH/21/0059
Received: 02-Feb-2021
Location: Land to the east of Norton Road and South of Cannock Road, Heath Hayes
Parish: Norton Canes
Ward: Norton Canes
Description: Application under Section 73 to remove Condition 11 of planning permission CH/14/0404 (overflow car park extension) as not required
Application Type: Full Planning Application
Recommendations: Approve subject to conditions:

Reason(s) for Recommendation:

Reason for Grant of Permission

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

Conditions (and Reasons for Conditions):

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

Reason

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

2. The approved landscape works shall be carried out in accordance with the timetable detailed on the approved phasing plan Landscape Management Plan (Version 1.0 October 2020) unless otherwise agreed in writing by the Local Planning Authority.

Reason

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

3. Any trees or plants which within a period of five years from the date of planting die, are removed or become seriously damaged or diseased, shall be replaced in the following planting season with others of similar size and species unless the Local Planning Authority gives written consent to any variation.

Reason

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

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

Reason

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

5. Prior to the commencement of any construction or site preparation works with potential to interfere with the biological function of the retained trees and hedges, approved protective fencing shall be erected in the positions shown on the approved Tree & Hedge Protection layout drawing.

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

Reason

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

6. Prior to first use of the proposed development the access roadway, footways

and 43 space parking area within the site curtilage as broadly indicated on submitted Dwg. No. ES/PR/NC/001-B shall be provided with the individual parking bays clearly delineated. The parking bays shall thereafter be retained for the life of the development.

Reason

In order to comply with Paragraph 109 of the NPPF.

7. Prior to first use of the development the following off-site highway works shall be provided:-(i) advisory pedestrian crossing facility including pedestrian refuge within the vicinity of the site access; (ii) A footway link along the eastern side of B4154 (Norton Road) of 2.0m width linking the new pedestrian refuge to the existing footway link leading into the site; (iii) Renewal of the existing road junction markings at the site access; in accordance with the approved details.

Reason

In order to comply with Paragraph 109 of the NPPF.

8. The drainage scheme Drg No. AL3-17 for the disposal of surface water and foul sewage shall be implemented in accordance with the approved details before the development is first brought into use.

Reason

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

9. The development shall be carried out in accordance with the approved remedial treatment scheme Site Investigation Report 2015.

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

10. The lighting and signage scheme shall be implemented in accordance with the approved details Drg No. ES-PR-NC-201.

Reason

In the interests of the visual amenity of the Green Belt. In accordance with Policies CP3 of the Cannock Chase Local Plan.

11. The Reception buildings shall be built in accordance with the approved details.

Reason

In the interests of design and impact on on the Green Belt in accordance with Local Plan Policy CP3 and the NPPF.

12. A minimum 0.05 (5cm) of zeolite clay shall be applied to each grave plot.

Reason

To prevent any deterioration of the groundwater quality.

13. The development shall be undertaken and managed in accordance with the approved details as set out in the Ecological Assessment.

Reason

In the interests of protecting and preserving the local wildlife in accordance with NPPF.

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

Ecological Assessment - July 2014;

Arboricultural Assessment - July 2014;

Site Conditions / T2 Audit Report- April 2013;

Site Investigation Report 2015;

Flux Model Report - June 2014;

Site and Location Plans (A3) - Drg No. AL3-01 Rev B;

Floor Plan Reception Building – Drg No. AL3-02 Rev F

Elevations Reception Building – Drg No. AL3003 Rev D

Indicative Cross Sections Reception Building – Drg No. AL3-04 Rev C

Entrance Reception Building – Drg No. AL3-05 Rev C

Front Elevation Perspective – Drg No. AL3-06 Rev C

Amended building position – Drg No. AL3-07

Reception building general arrangement – Drg No AL3-08

Section through window Drg No. AL3 Rev B

Wall types & setting out Drg No AL3-09 Rev A

Section through store room Drg No. AL3-11

Section through canopy Drg No. AL3-12

Detailed junction of floor slabs Drg No. AL3-13

Cladding setting out Drg No. AL3-14

Feature wall setting out Drg No. AL3-15

Door & window schedule Drg No. ALD -16

Building drainage and extract plan Drg No. AL3-17
Detailed roof plan Drg No. AL3-18 Rev A
Entrance gate Drg No. AL3-19
Signage details Drg No. ES-PR-NC-201
Construction Drawings EVC & lighting units Drg No.ES-PR-NC-T-027
Landscape Management Plan (Version 1.0 October 2020)
Highways General Arrangement Drg No. D0204G-000-04 Rev P0
Masterplan General Arrangement Dwg. No. ES/PR/NC/001-B

Reason

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

Notes to the Developer:

Notes To Applicant

Severn Trent Water

Advise that there is a public sewer located within the application 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 your proposals. Severn Trent will seek to assist you 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 metres of a public sewer. In many cases under the provisions of Building Regulations 2000 Part H4, Severn Trent can direct the Building Control Officer to refuse building regulations approval.

Staffordshire County Highways

(i) Condition 11 above requires a Legal Agreement with Staffordshire County Council and the applicant is therefore requested to contact the Network Management Unit of Staffordshire County Council in respect of securing the appropriate legal agreement and any other permits.

Consultations and Publicity

External Consultations

Norton Canes Parish Council

No objections.

Internal Consultations

Environmental Health

No adverse comments.

County Highways

No objections.

Waste & Recycling Services

No comments received.

Planning Policy

No comments received.

Response to Publicity

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

Relevant Planning History

1. CH/14/0404 Proposed cemetery including parking area, fencing, compound area, footpath, cycle way, drainage, landscaping and extension of existing access road (Full planning permission). Construction of reception and lodge buildings (Outline planning permission Full - Approval with conditions 28/01/2015)
2. CH/14/0404/A Discharge of conditions 16, 17 & 18 for planning permission CH/14/0404 Discharge of conditions - Full Approval 06/04/2016
3. CH/14/0404/B Discharge of conditions 2, 3, 11, 13, 14 & 20 for planning permission CH/14/0404
4. CH/14/0404/C Application to discharge conditions 6 (landscape management plan), 15 (lighting Discharge of conditions - Full Approval 11/03/2021
5. CH/14/404/D Application to discharge condition 12 (pedestrian crossing) approved 11/03/2021

1 Site and Surroundings

- 1.1. The application site is under construction for the erection of Cannock Chase Cemetery. It measures approximately 18.5 hectares and is located between the Five Ways Island between Heath Hayes and Norton Canes. It is bounded to the west by the Norton Road (B4154), to the north by the Cannock Road (A5190) together with the former concrete haulage road to the open cast site. To the east

is unmanaged grassland forming part of the Chasewater & Southern Staffordshire Coalfields SSSI whilst to the south are semi improved agricultural fields.

- 1.2. There are no residential properties that abut the site. There is however a line of 3 cottages to the north on the western side of Norton Road, which are approximately 150m from the site boundary. These properties are on the very southern edge of Heath Hayes. From the southern boundary the nearest property is approximately 170m distance away, located on the Norton/ Hednesford Road, which is the start of Norton Canes.
- 1.3. 43 No. parking spaces are to be provided for the new cemetery, as approved by CH/14/0404. The site is also well served by regular local bus services with bus stops located just to the north of the access point on Norton Road.
- 1.4. The nearest railway station is located to the west, at Cannock approx 3.4km distance.
- 1.5. The site is located within the Green Belt, Forest of Mercia. It is also within a Mineral SafeGuarding Area, Coal Authority Low Risk Boundary, Coal Authority High Risk Boundary, Env Agency Historic Landfill Boundary, Site Investigation Boundary and Landmark Contaminated Land Boundary. There is a draft Norton Canes Neighbourhood Area Plan being prepared for the area.

2 Proposal

2.1 The applicant is seeking consent for application to remove Condition 11 of planning permission CH/14/0404 to provide an overflow car park extension, as it is not required.

2.2 Condition 11 states:

‘Prior to the commencement of development details shall be submitted to and approved in writing by the Local Planning Authority indicating an Overflow Car./Coach parking area. The overflow area shall thereafter be provided prior to first use of the development and thereafter retained for those purposes only for the life of the development.’

2.3 An additional plan has been provided to indicate that an existing tarmac area on the north side of the driveway can be utilised as an overflow car park area sufficient in size to provide 10 additional parking spaces as an alternative to the overflow car park extension.

3 Planning Policy

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

3.2 The Development Plan currently comprises the Cannock Chase Local Plan (2014) and the Minerals Local Plan for Staffordshire (2015 – 2030). Relevant policies within the Local Plan include: -

- CP1 - Strategy – the Strategic Approach
- CP3 - Chase Shaping – Design

3.3 National Planning Policy Framework

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

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

3.6 Relevant paragraphs within the NPPF include paragraphs: -

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

3.7 Other relevant documents include: -

Design Supplementary Planning Document, April 2016.

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

Manual for Streets.

4 **Determining Issues**

4.1 When planning permission is granted, development must take place in accordance with the permission and conditions attached to it, and with any

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

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

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

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

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

(b) if they decide that planning permission should be granted subject to the same conditions as those subject to which the previous permission was granted, they shall refuse the application.

4.4 The principle of the development was firmly established under planning permission CH/14/0404 and cannot be revisited under this application. Therefore the determining issues for the proposal are whether the proposed variations to the relevant condition would be acceptable in respect of its impact on highway safety.

4.5 It is also necessary to determine whether there has been any material changes in circumstances that would warrant amendment of the schedule of conditions previously approved.

4.6 The determining issue for the proposed development is whether the removal of condition to provide the overflow parking extension would have an adverse impact on pedestrian or highway safety.

4.7 Policy CP3 of the Local Plan states that it will seek to 'promote ease of access and mobility within the development and from its surroundings, contributing to a network of attractive, well-connected spaces in sustainable locations with the safety of pedestrians,'

- 4.8 Paragraph 109 of the NPPF states that ‘development should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.’
- 4.9 County Highways have no objection to the proposal. The additional existing tarmac area located to the other side of the driveway (north) is sufficient in area to provide 10 spaces in addition to those set out within the approved plans of CH/14/0404. It is therefore considered that the removal of condition 11 for the provision of an overflow car park extension would not result in overspill parking on the highway to the detriment of pedestrian and highway safety.
- 4.10 It is therefore considered that a sufficient off-street parking provision would be retained for the new cemetery with no adverse impact upon pedestrian or highway safety. As such the proposal would comply with policy requirements of CP3 and paragraph 109 of the NPPF.

5 Human Rights Act 1998 and Equalities Act 2010

Human Rights Act 1998

5.1 Human Rights Act 1998

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

Equalities Act 2010

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

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

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

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

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

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

6 Conclusion

- 6.1 The proposal would remove condition No 11 for provision of an overflow car park extension to the approval (CH/14/0404). It would provide an alternative by utilising an existing tarmac overflow parking area with no significant detriment to pedestrian/ highway safety nor residential amenity.
- 6.2 The Schedule of Condition has been updated to reflect that several schemes requiring consent before commencement of works have been subsequently approved. It is thus, considered that this proposal, subject to the attached conditions, would be acceptable.
- 6.3 Therefore the proposal would comply with local policy requirements of the NPPF and the Cannock Chase Local Plan Policy CP3.

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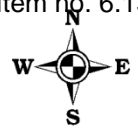


Application No: CH/21/0083

Location: Land Off Colliery Road, Rugeley

Proposal: Change of Use to mixed use for stabling of horses and as a residential caravan site for 1 gypsy family with 2 caravans including no more than 1 static/mobile home.

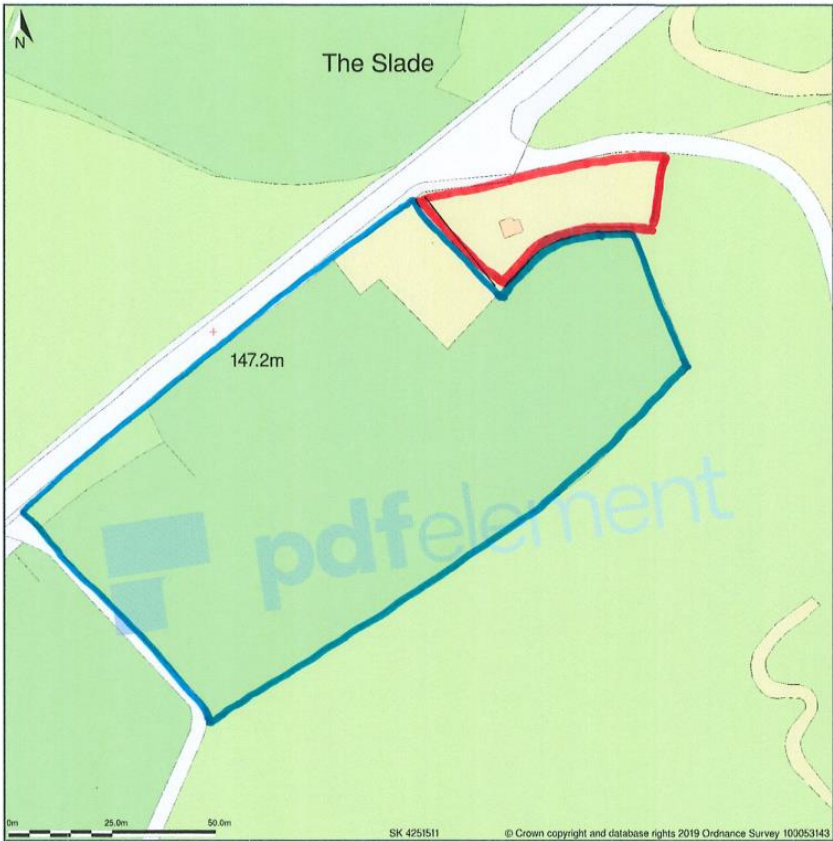
Item no. 6.137



Location Plan



Land off Colliery Road, Brereton, Rugeley, Staffordshire, WS15 1QR



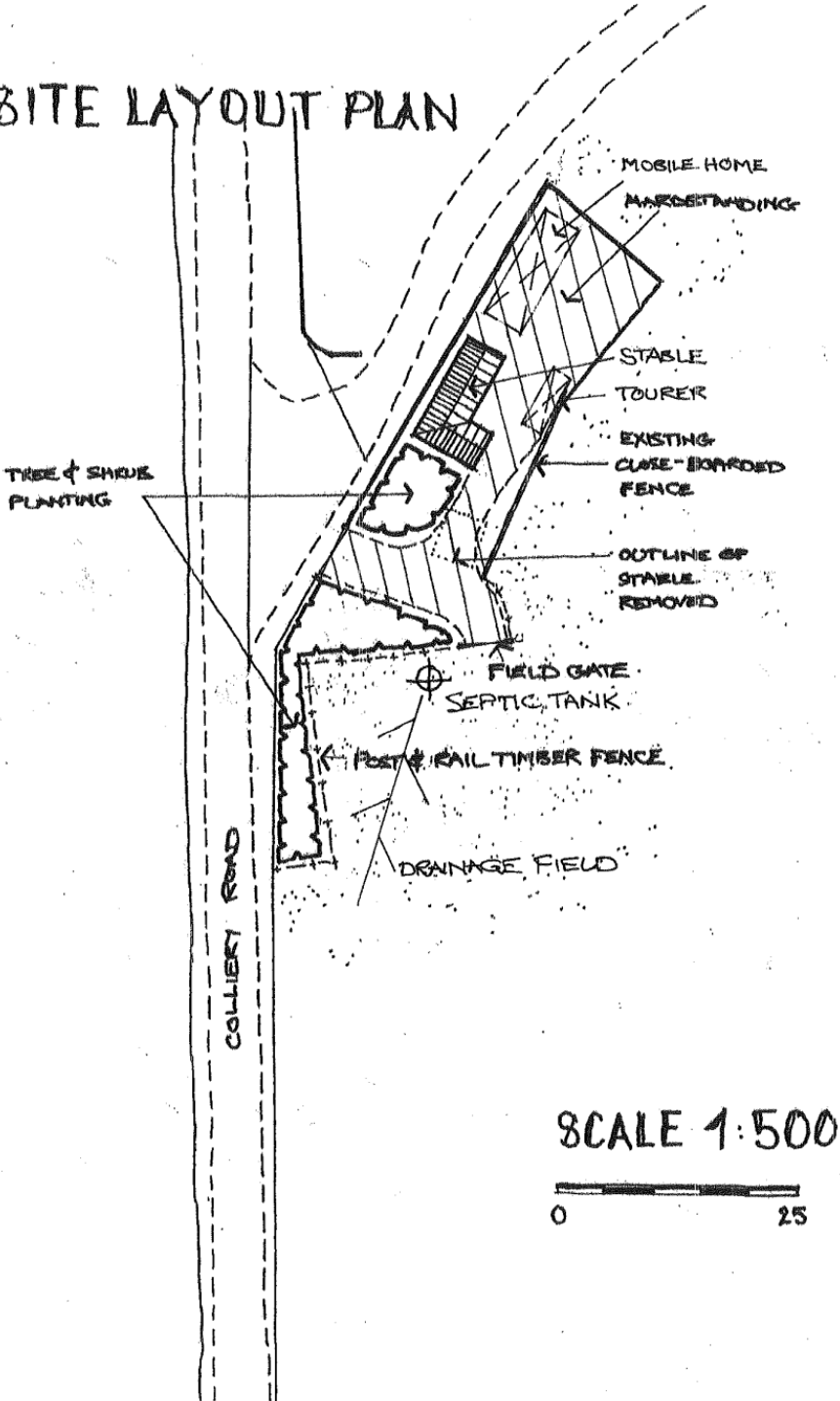
Site Plan shows area bounded by: 404160.78, 315010.94 404350.78, 315210.94 (at a scale of 1:1250), OSGridRef: SK 4251511. The representation of a road, track or path is no evidence of a right of way. The representation of features as lines is no evidence of a property boundary.

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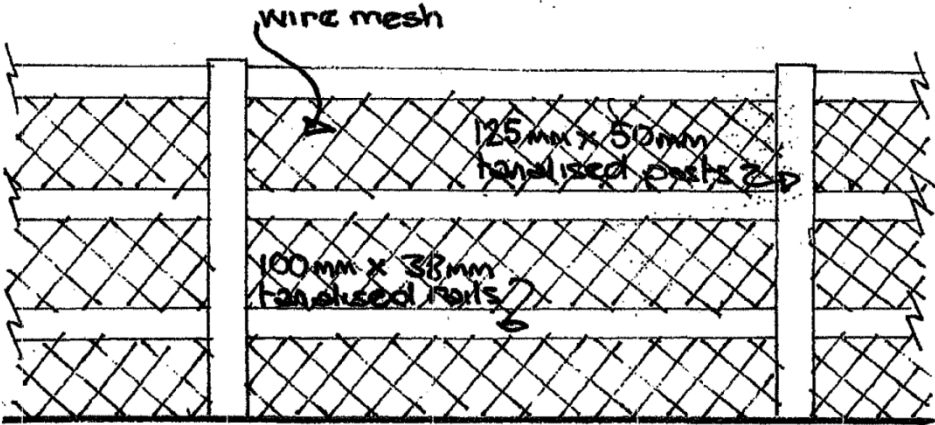
Site Plan

SITE LAYOUT PLAN



Proposed Fence Elevation

DRAWING N° PBA 3



Post & rail fence 1:20

Contact Officer: Claire Faulkner

Telephone No: 01543 464337

Planning Control Committee

14th April 2021

Application No: CH/21/0083

Received: 22/2/2021

Location: Land Off Colliery Road, Rugeley

Parish: Brereton and Ravenhill

Ward: Brereton and Ravenhill Ward

Description: Change of Use to mixed use for stabling of horses and as a residential caravan site for 1 gypsy family with 2 caravans including no more than 1 static/mobile home.

Application Type: Full Planning Application

Recommendations: Refuse for the following reasons

Reason(s) for Recommendation:

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

- (i) The site is located within the West Midlands Green Belt, wherein there is a presumption against inappropriate development, which should only be approved in 'very special circumstances'. Paragraph 144 of the NPPF states that local planning authorities should ensure substantial weight is given to any harm to the Green Belt by reason of inappropriateness and any other harm resulting from the proposal is clearly outweighed by other considerations.

The proposed change of use to mixed use for stabling of horses and as a residential caravan site for 1 gypsy family with 2 caravans including no more than 1 static/ mobile home would fail to preserve the openness of the Green Belt and conflict with the purposes of including land within it. The proposal therefore

constitutes inappropriate development in the Green Belt and therefore should only be allowed in very special circumstances which will only exist where the harm to the Green Belt and any other harm are clearly outweighed by other considerations.

Consistent with paragraph 144 of the NPPF substantial weight has been afforded to the harm to the Green Belt, including the harm to the openness of the Green Belt and the purposes of including land within it

In addition substantial weight has been afforded to the harm the proposal has had on the special character and scenic beauty of this part of the Cannock Chase Area of Outstanding Natural Beauty by virtue of the introduction of uncharacteristic and obtrusive structures and residential paraphernalia into the landscape.

Given that the site lies well beyond the limits of the main settlement of Brereton and Ravenhill and is spatially divorced so as to constitute an isolated development approximately 2.8km from Rugeley and approximately 8km from Cannock, where the applicant's children attend school the proposal fails in respect to its location and the contribution that makes towards promoting sustainable development to which limited weight has been attributed.

In respect to the factors which weigh in favour of the proposal substantial weight has been afforded to the personal needs of the family for a settled site, the personal circumstances with regard to health and education and the effect on the human rights should the family be required to leave the site. Similarly substantial weight has been afforded to the best interests of the 4 children living on the site.

Furthermore, moderate weight has been afforded to the current uncertainty regarding the future provision of sites for travellers in the district and the neighbouring districts, and the strong likelihood that should future sites come forward in the District that they will also be in the Green Belt. Limited weight has also been attributed to the applicant's culture of keeping horses.

Having had regard to the above the Council concludes that the harm to the Green Belt, the harm to the character of Cannock Chase Area of Outstanding Natural Beauty and to the policy objective of achieving sustainable development has not been clearly outweighed by the above considerations such that very special circumstances exist that would justify approval of the application.

Notes to the Developer:

None

Consultations and Publicity

External Consultations

Staffordshire County Council Highway Authority

No objections subject to conditions.

AONB Unit

Objection

The site lies within the AONB and in Green Belt.

According to the Review of the AONB Landscape Character Framework for Cannock Chase AONB (2017) the site lies at the transition between Settled Heathland (north of Colliery Road), Sandstone Hills and Heaths, to the east of the site and Forest heathlands. The main character of the valley is Settled Heathland characterised by pastoral farmland and paddocks; small to medium sized hedged fields; dispersed roadside dwellings. The valley and valley sides rise into the unenclosed landscapes occupied by heathland and woodland.

The site has approval for a small stable, an area of hardstanding and grazed paddock in the valley bottom enclosed by post and rail timber fence.

The application is for a residential caravan site; for 2 caravans including a static caravan/ mobile home to occupy part of the existing hardstanding. The stable and caravans would mainly be enclosed by close board timber fencing. The mobile home would be located at the east end of the site, east of the permitted stable close to Right of way Brereton and Ravenhill 14. The remaining area of hardstanding is limited for circulation. A septic tank is proposed set apart from the stable and static caravan, located within the adjacent pasture field.

AONB Issues.

The main issue for the AONB is:

- The impact of the proposed development on the landscape and scenic beauty of the AONB

The AONB objected previously to inappropriate development of this site in application CH/20/029, in the response dated 13th February 2020. The application was subsequently amended and reduced to an acceptable level for development to ensure the landscape and natural beauty of the AONB would be safeguarded.

The application is not clear regarding the nature of the proposed caravans however notwithstanding that this is in Green Belt and represents a change of use, the AONB is

concerned this proposal would introduce uncharacteristic obtrusive structures into the landscape and overdevelop an already constrained site, causing detrimental effects on the landscape and natural beauty of the AONB, hence the objection.

The valley has an intimate character of small to medium hedged pasture fields with occasional brick roadside dwellings. The AONB Landscape Character Review cites a vision to conserve and restore the enclosed small-scale pastoral character of the landscape and mitigate the suburbanising impact of sub-divided horse paddocks, maneges and stabling. The AONB Design Guide provides advice on stabling and maneges to ensure proposals are not obtrusive and are assimilated into the landscape.

Local Lead Flood Authority

Thank you for consulting us on the above application. As non-statutory consultees we offer the following comments in good faith:

Firstly, the flood team hold no records of flooding within 20m of the site and no record of ordinary watercourses within 5m of the site. Our surface water flood mapping does show that some of the site is shown in the uFiVIfSW layer for a 1:1000 year, so has a chance of surface water flooding of greater than 1 in 100 (1%) and 1 in 1000 (0.1%) each year and has a low probability of flooding. Surface water flooding can be difficult to predict, more so than river or sea flooding, as it is hard to forecast exactly where or how much rain will fall in any storm. This is based on the best available information, such as topography, ground levels and drainage.

As the site does have a small probability of flooding we recommend that finished floor levels and surrounding ground levels should be designed in accordance with building regulations to direct surface water away from dwellings and set floor levels at least 150mm above surrounding ground levels.

Severn Trent

No objections and we do not require a drainage condition to be imposed on any permission granted.

Internal Consultations

Planning Policy

Thank you for consulting me on this proposed change of use to mixed use for stabling of horses and as a residential caravan site for 1 gypsy family with 2 caravans including no more than 1 static/mobile home on land off Colliery Road, Rugeley.

I can advise that the site lies within the adopted Green Belt and within the Area of Outstanding Natural Beauty.

The site does not fall within any designated neighbourhood plan area.

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

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

The NPPF (paragraph 11) requires plans and decisions to ‘apply a presumption in favour of sustainable development’. For decision-taking this means:

‘c) approving development proposals that accord with an up to date development plan without delay; or

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. the application of policies in this Framework that protect areas or assets of particular importance 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’.

The NPPF identifies land designated as Green Belt and an Area of Outstanding Natural Beauty as important considerations in determining applications for development.

National planning policy in relation to Green Belts is set out within the NPPF. The NPPF (paragraph 133) states that ‘the Government attaches great importance to Green Belts. The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence’. The NPPF (paragraph 134) sets out the 5 purposes that Green Belt serve. These include ‘to assist in safeguarding the countryside from encroachment’.

The NPPF (paragraphs 143-147) also considers proposals affecting the Green Belt, and states that ‘inappropriate development is by definition harmful to the Green Belt and should not be approved except in very special circumstances’. It further advises that when considering planning applications ‘local planning authorities should ensure that substantial weight is given to any harm to the Green Belt.’

The NPPF (paragraph 145) lists the exceptions when the construction of new buildings could be regarded as not ‘inappropriate development’, and (paragraph 146) advises

that some other forms of development are also not inappropriate in the Green Belt provided they preserve its openness.

‘Openness’ is not defined in national planning policy or guidance, but the NPPF (paragraph 133) states that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open. Openness is a matter of planning judgment for the decision-maker. Impacts upon openness can be assessed in spatial (quantum of development) and visual impact terms¹.

Should openness not be preserved, then the development should be considered as inappropriate development within the Green Belt and to be permitted, it would need to demonstrate ‘very special circumstances’. The NPPF (paragraph 144) states that of ‘very special circumstances’ will not exist ‘unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations’.

The NPPF (paragraph 171) states that ‘great weight should be given to conserving and enhancing landscape and scenic beauty... in Areas of Outstanding Beauty, which have the highest status of protection in relation to these issues’, and that ‘the scale and extent of development within these designated areas should be limited’. The NPPF also sets out the relevant considerations when assessing applications for development, including ‘the scope for developing outside the designated area’ and the ‘effect on the environment, the landscape and recreational opportunities, and the extent to which that could be moderated’.

The NPPF does not address the needs for traveller sites in detail, but it does recommend that the Framework should be read in conjunction with the Government’s Planning Policy for Traveller Sites (August 2015). Also, when making decisions on applications for these types of development, regard should be had to the policies in the NPPF where relevant.

The Planning Policy for Traveller Sites (2015) ‘Policy E: Traveller sites in Green Belt’ (paragraph 16) states that ‘Traveller sites (temporary or permanent) in the Green Belt are inappropriate development. Subject to the best interests of the child, personal circumstances and unmet need are unlikely to clearly outweigh harm to the Green Belt and any other harm so as to establish very special circumstances’.

Planning Policy for Traveller Sites (2015) ‘Policy H: Determining planning applications for traveller sites’ (paragraph 24) sets out the issues, amongst other relevant matters,

¹ As set out in the Court of Appeal judgement in John Turner v SSCLG and East Dorset Council [2016] EWCA Civ 466 and repeated in:

- Samuel Smith Old Brewery (Tadcaster) Limited v North Yorkshire CC [2018] EWCA Civ 489

- Euro Garages Ltd v SSCLG and [2018] EWHC 1753

that should be taken into account when considering planning applications for traveller sites:

- a) the existing level of local provision and need for sites
- b) the availability (or lack) of alternative accommodation for the applicants
- c) other personal circumstances of the applicant
- d) that the locally specific criteria used to guide the allocation of sites in plans or which form the policy where there is no identified need for pitches/plots should be used to assess applications that may come forward on unallocated sites
- e) that they should determine applications for sites from any travellers and not just those with local connections

Planning Policy for Traveller Sites (2015) also states that sites in rural areas should respect the scale of, and not dominate, the nearest settled community and should avoid placing undue pressure upon local infrastructure (paragraph 25), and provides a series of factors to which weight can be given, including the redevelopment of brownfield land (paragraph 26). The Planning Policy (paragraph 26) also states that a lack of 5 year supply of sites should be a significant material consideration, with an exception in the case of proposals in the Green Belt, Areas of Outstanding Natural Beauty (and other designated sites).

The Planning Policy outlines (paragraphs 27 and 28) situations where conditions or planning obligations may be appropriate in order to overcome planning objections to proposals.

Development Plan

The development plan for Cannock Chase District consists of the Local Plan (Part 1) and the Staffordshire County Council Waste and Minerals Local Plans. These policy comments are restricted to matters concerning the Local Plan (Part 1).

Policy CP1 – Strategy, and Policy CP 14 – Landscape Character and Connock Chase Area of Outstanding Beauty AONB), set out the policy in relation to the protection of the Green Belt and AONB.

Policy CP7 – Housing Choice identifies a need for 41 gypsy and traveller residential pitches from 2012-2028 (although more up to date evidence is now available - see below). The provision of sites was due to be delivered via the allocation of sites in the Local Plan (Part 2) focusing upon an 'Area of Search' (matching travel patterns and based along the A5 road corridor) which is identified on the Local Plan (Part 1) Key Diagram (p50). The 'Area of Search' is wholly outside the AONB and its setting.

Policy CP7 also provides a series of criteria for the consideration of gypsy and traveller sites and planning applications, which should be taken into account i.e. the proximity of existing settlements with access to shops, schools and other community facilities; providing adequate space for vehicles; providing appropriate highway access.

Policy CP14 - Landscape Character and Cannock Chase Area of Outstanding Natural Beauty (AONB) gives support to 'development proposals within the AONB that are compatible with its management objectives, as set out in the AONB Management Plan'. Major developments will not be permitted unless, in 'exceptional circumstances, an overriding need that cannot be accommodated elsewhere can be demonstrated to be in the public interest and the sustainability benefits outweigh the detrimental effects.'

The Local Plan (Part 2) has not progressed to completion, and the Council has begun the preparation of a new Local Plan. The review of the Plan has reached the consultation stage on the Preferred Options (March 2021). However, the Local Plan has not yet reached a stage where weight which can be accorded to it in the determination of this application.

The Design SPD provides guidance on the design of new traveller sites (page 27-28). The approach to be taken to each site depends upon its size and intended occupants; however there are common features across all sites to be considered too e.g. provision of appropriate utility buildings and space around the caravans.

Gypsy and Traveller Accommodation Assessment

The Gypsy and Traveller Accommodation Assessment (GTAA 2019) provides an up to date assessment of need within the District and was consulted upon with the Issues and Option consultation in May 2019. Its findings require 14 Gypsy and Traveller pitches to be provided between 2019 and 2024 (and a further 11 pitches between 2024 and 2038).

The GTAA 2019 offers an opinion on the broad area of search in the adopted Local Plan, which is based around the A5 corridor. The evidence found that the majority of traveller sites within the District and identified need continues to remain within this broad area, and that the preference for most households that were interviewed was to meet current and future need on or near existing sites.

A number of our neighbouring local authorities have already advised that they would be unable to help meet our needs as they too are either unable to meet their own current needs or have an existing need of their own which already requires Green Belt site options to be considered.

Recent planning permissions were approved subject to personal consents for the siting of upto 9 static caravans for Gypsy and Traveller families at 2 sites, Stokes Lane, Norton Canes and at Lime Lane, Pelsall. There is an outstanding appeal against a refusal for up to 7 caravans (upto 4 pitches) at Grove Colliery, Lime Lane, Pelsall.

Other comments

The views of Staffordshire County Council as the waste and minerals planning authority and highways authority should be considered, as necessary. Comments from Environmental Health regarding the air quality implications should also be taken into consideration.

Conclusion

This site lies within the adopted Green Belt and within the Area of Outstanding Natural Beauty and is beyond the broad area of search identified in the key diagram within the adopted Local Plan. The site is also not within or adjacent to an existing settlement, and further assessment is required to consider if the site is within reasonable proximity of an existing settlement and with access to shops, schools and other community facilities. Comment on the appropriateness of the highway access and if there is adequate space for vehicles I will also leave to colleagues able to make these technical judgements.

In principle, the NPPF considers proposals affecting the Green Belt, and states that 'inappropriate development' is by definition harmful to the Green Belt and should not be approved except in very special circumstances. The Planning Policy for Traveller Sites (2015) states that Traveller sites (temporary or permanent) in the Green Belt are 'inappropriate development' and that, subject to the best interests of the child, personal circumstances and unmet need are unlikely to clearly outweigh harm to the Green Belt and any other harm so as to establish very special circumstances.

The adopted Cannock Chase District Local Plan (Part 1) Policy CP7 identifies a need for 41 gypsy and traveller residential pitches from 2012-2028 (although more up to date evidence is now available). The provision of sites was due to be delivered via the allocation of sites in the Local Plan (Part 2) focusing upon an 'Area of Search' which is identified on the Local Plan (Part 1) Key Diagram. Policy CP7 also provides a series of criteria for the consideration of gypsy and traveller planning applications.

The Gypsy and Traveller Accommodation Assessment (GTAA 2019) supersedes the outcomes of the previous Gypsy, Traveller and Travelling Show people Accommodation Needs Assessment completed in 2012 and set a baseline of February 2019 for the study. It identifies a requirement for 14 Gypsy and Traveller pitches to be provided between 2019 and 2024 (and a further 11 pitches between 2024 and 2038). The GTAA 2019 also confirms that the identified need continues to be within the broad area identified in the adopted Local Plan, and that the preference for most households that were interviewed was to meet current and future need on or near existing sites.

A number of our neighbouring local authorities have already advised that they would be unable to help meet our needs as they too are either unable to meet their own current needs or have an existing need of their own which already requires Green Belt site options to be considered. Recent planning applications have been approved (subject to personal consents) for the siting of 9 static caravans for Gypsy and Traveller families at two sites, Stokes Lane, Norton Canes and at Lime Lane, Pelsall. These sites lie within

the Green Belt and within the 'Area of Search' but are outside the AONB and its setting. There is also an outstanding appeal against a refusal for up to 7 caravans (upto 4 pitches) at Grove Colliery, Lime Lane, Pelsall. The Council has not published an up to date assessment of five year supply for gypsy, traveller and travelling showpeople.

The adopted Cannock Chase District Local Plan (Part 1) Policy CP14 provides support for development proposals within the AONB that are compatible with the management objectives of the AONB Management Plan and I will leave further comment to my colleagues more familiar with this document.

It is for the applicant to demonstrate that 'very special circumstances' exist and I shall leave this judgement to the case officer along with the other matters referred to above. However, I would add that in line with recent case law, should the personal circumstances of the applicants constitute a significant part of any necessary case for 'very special circumstances' then a personal planning permission should be considered and secured via condition.

Environmental Health

Thank you for referring this matter for consideration. Having reviewed the application submissions, I would ask that the conditions attached to the previous application CH/20/029 made by my colleague are attached to this application.

In addition, I would advise that whilst it is assumed that the mobile home will have Inherent ventilation due to the absence of foundations, the applicant should seek professional advice to ensure that there is adequate sub-floor ventilation.

Comments received for CH/20/029 as referenced above:-

No adverse comments are offered In principle.

The site is immediately adjacent to a former infill site, which may have the potential to generate landfill gas. I would assume that the stable building will be well ventilated, thereby potentially precluding the necessity for dedicated ground gas protection measures. However, I would ask that the level of ventilation is confirmed by the applicant in order that I may be satisfied that this is the case.

The applicant has stated that it is not known whether lighting will be a requirement. Should external lighting form part of the proposal, details should be supplied and approved prior to approval.

Response to Publicity

Site notice erected and adjacent occupiers notified with one letter of representation received. The comments are summarised below:-

- It seems totally inappropriate for such a development to be in the AONB of Cannock Chase. Such a small and important area needs as much protection as possible.
- The site is visible for some distance, and does not look at all good.
- There seem to have been no horses kept on the pasture at all since the change of ownership, as has been suggested in the application details, though there always were horses there in time gone by.
- The site entrance is at a point where it is on a quite dangerous and busy road, especially with vehicles coming downhill getting up to quite a speed.
- It is worth noting that if the Planning Application number is entered into the search bar on the Planning website it finds nothing. I would have thought that might limit the amount of interest from the public.

Relevant Planning History

CH/20/029 Erection of a stable building and hardstanding. Approved

CH/18/354 Retention of hard surface area and proposed stable block. Refused for the following reasons:-

- (i) The site is located within the West Midlands Green Belt, wherein there is a presumption against inappropriate development, which should only be approved in 'very special circumstances'. Paragraph 144 of the NPPF states that local planning authorities should ensure substantial weight is given to any harm to the Green Belt by reason of inappropriateness and any other harm resulting from the proposal is clearly outweighed by other considerations.

The proposed stable and associated area of hardstanding would entail the introduction of built form in the countryside, the effect of which would be exacerbated by the positioning of the stable block in an area of open land, the materials used and the extent of the area of associated hardstanding which would fail to preserve the openness of the Green Belt; and conflict with the purposes of including land within the Green Belt. The proposal would therefore constitute inappropriate development in the Green Belt.

Furthermore, the harm by reason of inappropriateness and the harm to the character of the Cannock Chase Area of Outstanding Natural Beauty would not be clearly outweighed by the benefits of fire and crime prevention put forward by the applicant such that very special circumstances would exist to support approval of the proposal.

- (ii) The proposed stable and associated area of hardstanding, the proposed materials, and the lack of appropriate screening would detract from the rural, semi-natural character of this part of the Cannock Chase Area of Outstanding Natural Beauty contrary to Policies CP3 and CP14 of the Local Plan and section 172 of the NPPF.

1 Site and Surroundings

- 1.1 The application site comprises 0.08 hectares of a wider 1.82 hectare site situated on Colliery Road which is used for the grazing and stabling of horses.
- 1.2 The application site is comprised of an area of land which is subject to planning application for a change of use of land for the keeping/ stabling of horses under planning permission CH/20/029 . The site has been layed with hardstanding and is enclosed by a low level fencing and 2m high close board fencing.
- 1.3 Subsequent to the granting of the above planning permission the site has been occupied and used unlawfully as a residential campsite to accommodate a family of Romany gypsies.
- 1.4 There are some dwellings along Colliery Road with several pieces of land used for horse grazing and stabling. The landscape is undulating but remains predominately open.
- 1.5 The site is situated within the West Midlands Green Belt and Area of Outstanding Natural Beauty (AONB). and which also partly forms a gateway into the attractive woodland, heath and small fields landscape of the AONB to the south – west of the built up area of Rugeley.
- 1.6 According to the Review of the AONB Landscape Character Framework for Cannock Chase AONB (2017) the site lies at the transition between Settled Heathland (north of Colliery Road), Sandstone Hills and Heaths, to the east of the site and Forest heathlands. The main character of the valley is Settled Heathland characterised by pastoral farmland and paddocks; small to medium sized hedged fields; dispersed roadside dwellings. The valley and valley sides rise into the unenclosed landscapes occupied by heathland and woodland.
- 1.7 There are a number of mature and semi-mature trees around the boundary of the wider site which are covered with a TPO (29/2003).
- 1.8 The site is located within the West Midlands Green Belt, an Area of Outstanding Natural Beauty (AONB), the Forest of Mercia, a Mineral SafeGuarding Area, Coal Authority High and Low Risk Boundary and adjacent to a public bridleway.

2 Proposal

2.1 The applicant is seeking consent for change of use of land to use as a mixed use site for the keeping and stabling of horses and a residential caravan site for 1 gypsy family with 2 caravans (1 x static).

2.2 The applicant's Design and Access Statement states: -

"The proposal is to accommodate a family of Romany Gypsies, comprising 1 household. The household would have two caravans, including no more than one static caravan/ mobile home. The proposal would include the installation of an underground septic tank and associated drainage.

The static caravan would be located adjacent to the northern boundary adjacent the existing fence. The touring caravan would be sited adjacent the fencing along the eastern boundary.

2.3 The site would also accommodate the approved stable block.

2.4 The applicant proposes to discharge foul waste to an underground septic tank with a drainage field running to the west.

2.5 At the time of the site visit the caravan and the touring caravan had been moved onto the site and were already occupied. The touring caravan was not in the position indicated on the submitted layout plan, but was in the area adjacent the access marked on the plan for tree and shrub planting.

2.6 As such the application is retrospective.

3 Planning Policy

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

3.2 The Development Plan currently comprises the Cannock Chase Local Plan (2014) and the Minerals Local Plan for Staffordshire (2015 – 2030). Relevant policies within the Local Plan include: -

- CP1: - Strategy – the Strategic Approach
- CP3: - Chase Shaping – Design
- CP7: - Housing Choice
- CP13: - Cannock Chase Special Area of Conservation
- CP14: - Landscape Character and Cannock Chase Area of Outstanding Natural Beauty.
- CP16: - Climate Change and Sustainable Resource Use

3.3 National Planning Policy Framework

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

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

3.6 Relevant paragraphs within the NPPF include paragraphs: -

8:	Three dimensions of Sustainable Development
11-14:	The Presumption in favour of Sustainable Development
47-50:	Determining Planning Applications
59, 73, 74, 78, 79,	Delivering a Sufficient Supply of Homes
124, 127, 128, 130:	Achieving Well-Designed Places
133, 134, 143, 144, 145, 146:	Green Belt
163	Flood Risk
170; 172, 175,	Countryside and Biodiversity
178-180	Ground Conditions and Pollution
212, 213	Implementation

3.7 Other relevant documents include: -

Planning Policy for Traveller Sites, 2015, Department for Communities and Local Government.

Design Supplementary Planning Document, April 2016.

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

4 Determining Issues

4.1 The determining issues for the proposed development include: -

- i) Principle of development in the Green Belt
- ii) Design and impact on the character and form of the area

- iii) Impact on highway safety.
- iv) Impact on residential amenity.
- v) Crime and the fear of crime
- vi) Drainage and flood risk
- vii) Mineral safeguarding
- viii) Waste and recycling
- ix) Ground conditions and contamination
- x) Impact on natural conservation Interests
- xi) Education
- xii) Sustainability
- xiii) Other issues raised by objectors
- xiv) The applicant's case that very special circumstances exist
- xv) Assessment of the applicant's case
- xvi) The weighing exercise to determine whether very special circumstances exist

4.2 Principle of the Development

4.2.1 Both the NPPF and the Local Plan contain a presumption in favour of sustainable development, the latest version of which is contained within the NPPF (2019) and states: -

“For decision-taking this means:

- c) approving development proposals that accord with an up-to-date development plan without delay; or
- 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. the application of policies in this Framework that protect areas or assets of particular importance provides 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 this Framework taken as a whole.”

4.2.2 The first stage in the determination of the application is to determine whether it is in accordance with the development plan. In this respect it is noted that the application site lies within West Midlands Green Belt, wherein there is a presumption against inappropriate development. Inappropriate development is, by definition, harmful to the Green Belt and any such development should be considered a departure from the development plan.

- 4.2.3 In respect to whether a proposal constitutes inappropriate development in the Green Belt the starting point should be the Local Plan. Local Plan Policy CP1 states that development 'proposals in the Green Belt will be assessed against the NPPF and Policy CP14. Local Plan Policy CP14 (and bullet point 11 of Policy CP3) relate to impacts on landscape character rather than to whether a proposal constitutes appropriate or inappropriate development.
- 4.2.2 Whether a proposal constitutes inappropriate development is set out in Paragraphs 145 & 146 of the NPPF. Paragraph 145 relates to new buildings whereas Paragraph 146 relates to other forms of development, including the making of material changes of use of land.
- 4.2.3 The proposal does not fall within any of the typologies of development identified as being allowed in the Green Belt as set out in paragraphs 145 and 146 of the NPPF. It is also asserted that the proposal would cause harm to the Green Belt by reason of inappropriateness and through loss of openness and therefore constitutes inappropriate development in the Green Belt. This is consistent with Policy E of the Planning Policy for Traveller Sites (PPfTS) which makes it clear that "Traveller sites (temporary or permanent) in the Green Belt are inappropriate development".
- 4.2.4 Given that the proposal constitutes inappropriate development in the Green Belt the proposal cannot be considered to be in accordance with the development plan.
- 4.2.5 The next test which arises from the 'presumption in favour of sustainable development' requires the decision taker to determine where there are any relevant development plan policies or not, or whether the policies which are most important for determining the application are out-of-date.
- 4.2.6 The requirements of the development plan in this respect are set out in Paragraph 10 of the Government's Planning Policy for Traveller Sites (2015) which states: -

Local planning authorities should, in producing their Local Plan:

- a) identify and update annually, a supply of specific deliverable sites sufficient to provide 5 years' worth of sites against their locally set targets
- b) identify a supply of specific, developable sites, or broad locations for growth, for years 6 to 10 and, where possible, for years 11-15
- c) consider production of joint development plans that set targets on a cross-authority basis, to provide more flexibility in identifying sites, particularly if a local planning authority has special or strict planning constraints across its area

- (local planning authorities have a duty to cooperate on planning issues that cross administrative boundaries)
- d) relate the number of pitches or plots to the circumstances of the specific size and location of the site and the surrounding population's size and density
 - e) protect local amenity and environment.”

4.2.7 Given the above context it should be noted that the development plan is over 6 years old, relying on an evidence base for traveller accommodation need that was published in 2019 and identifies a requirement for 14 Gypsy and Traveller pitches to be provided between 2019 and 2024 (and a further 11 pitches between 2024 and 2038).

4.2.8 However as stated previously, the GTAA only refers to broad locations that may be suitable for traveller sites and defers to the Local Plan (Part 2) to make allocations for traveller sites. Work on the Local Plan Part 2 has now ceased and work has commenced on a new local plan. Furthermore, the local planning authority cannot demonstrate a five year supply of deliverable (that is deliverable now) and developable sites in suitable locations (to meet the accommodation needs of the travelling community).

4.2.9 It can therefore only be concluded that whilst the evidence base is upto date, the Development Plan is out of date and the Council cannot demonstrate a five year supply of deliverable and developable sites in suitable locations.

4.2.10 Having regard to the above; and in accordance with the 'presumption in favour of sustainable development', the decision taker is required to determine whether there any policies in the National Planning Policy Framework that protect areas or assets of particular importance which provide a clear reason for refusing the development proposed. Footnote 6 of the NPPF sets out the policies that this applies to which include policies relating to [amongst other things] "Green Belt". As such it is necessary to consider Green Belt policy.

4.2.11 In the Green Belt it should be noted that paragraph 143 of the NPPF makes it clear that inappropriate development should not be approved except in "very special circumstances". Furthermore, paragraph 144 of the NPPF states that "When considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt" adding "Very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations".

4.2.12 Therefore in accordance with paragraph 144 it is considered that substantial weight should be given to the harm to the Green Belt identified above.

4.2.13 This report will now go on to consider what other harms may or may not arise as a consequence of the proposal before going on to consider what 'other considerations' exist in support of the proposal and the weight to be attached to these and then finally proceeding to weigh up those considerations to determine whether they clearly outweigh the harm to the Green Belt and any other harm such that very special circumstances have been demonstrated that would justify approval of the application.

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

4.3.1 The site is located within the Cannock Chase Area of Outstanding Natural Beauty. Paragraph 172 of the NPPF sets out that great weight should be given to conserving the landscape and scenic beauty of an AONB. This is continued in Local Plan Policy CP14 which states:

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

4.3.2 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.

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

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

Planning policies and decisions should ensure that developments:

- a) will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;
- b) are visually attractive as a result of good architecture, layout and

appropriate and effective landscaping;

- c) are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities);
- d) establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit;

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

4.3.6 The area of the application site is covered by TPO 39/2003 however no tree report, arboricultural assessment or tree protection plan was submitted to support the application. Notwithstanding this, the position of the static caravan, the stable and septic tank has been considered to avoid the main tree issues but the tourer bay appears to be under the canopy of a mature tree. While the tourer is unlikely to damage the tree, it would offer little protection in the event of tree failure onto the caravan. As such it is suggested that the tourer parking bay should be positioned away from the tree for the protection of future occupants.

4.3.7 In further considering the impact on the character of the area the comments made by the AONB Unit are noted in particular that the site lies at the transition between Settled Heathland (north of Colliery Road), Sandstone Hills and Heaths, to the east of the site and Forest heathlands. The main character of the valley is Settled Heathland characterised by pastoral farmland and paddocks; small to medium sized hedged fields; dispersed roadside dwellings. The valley and valley sides rise into the unenclosed landscapes occupied by heathland and woodland.

4.3.6 It is also noted that the valley has an intimate character of small to medium hedged pasture fields with occasional brick roadside dwellings. The AONB Landscape Character Review cites a vision to conserve and restore the enclosed small-scale pastoral character of the landscape and mitigate the suburbanising impact of sub-divided horse paddocks, maneges and stabling.

4.3.7 The AONB Unit has objected to the proposal on the grounds that it has introduced uncharacteristic obtrusive structures into the landscape and

overdeveloped an already constrained site, causing detrimental effects on the landscape and natural scenic beauty of this part of the AONB.

4.3.11 Officers accept the comments of the AONB Unit and note that the caravans and other residential paraphernalia have urbanised the site and that this can be seen from the public highway. However, views of the site and the development are localised being screened by the surrounding woodland and rolling topography of the wider area. This reduces the harm caused and in normal situations it would be concluded that moderate weight should be attributed that harm. However, the site is located within the Cannock Chase AONB and paragraph 172 of the NPPF states that great weight should be given to conserving the landscape and scenic beauty of an AONB. The AONB is a finite resource and the weight afforded to any harm to the AONB should reflect that.

4.3.12 Therefore, it is considered that the proposal, due to erosion of the special rural character of the AONB is contrary to Policies CP3 and CP14 of the Local Plan and that in accordance with paragraph 172 of the NPPF that substantial weight should be afforded to that harm.

4.3 Impact on Residential Amenity

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

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

4.4.3 Having regard to the above it is noted that the site is located approximately 70m to the nearest dwelling which is to the north-east and is screened by intervening landscaping and the 2m high close boarded boundary fence that surrounds part of the application site. As such the proposal would not result in any significant level of overlooking, overshadowing or loss of outlook to any existing property in the neighbouring area.

4.4.5 It is therefore concluded that the proposal in respect to the high standard of residential amenity it has attained would not be contrary to Policy CP3 of the Cannock Chase Local Plan and paragraph 127(f) of the NPPF.

4.4 Impact on Highway Safety

4.4.1 Paragraph 109 of NPPF states that development should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

4.4.2 It is clear from the proposal that the compound is more than adequate to accommodate the vehicle parking needs associated with 1 pitch. Furthermore, the Highway Authority has no objections to the proposal subject to the attached condition.

4.4.3 It is therefore considered that subject to the attached conditions the proposal has not resulted in an unacceptable impact on highway safety and that the residual cumulative impacts on the road network have not been severe.

4.6 Crime and the Fear of Crime

4.6.1 Section 17 of the Crime and Disorder Act 1998 places a duty on each local authority 'to exercise its various functions with due regard to the likely effect of the exercise of those functions on, and the need to do all that it reasonably can do to prevent crime and disorder in its area to include anti-social behaviour, substance misuse and behaviour which adversely affects the environment'.

4.6.2 In addition to the above paragraph 127(f) of the NPPF states planning policies and decisions should ensure that development create places which [amongst other things] create places that are safe and where crime and disorder, and the fear of crime, do not undermine quality of life, social cohesion and resilience.

4.6.3 Staffordshire Police Force has confirmed that they have no objections to the proposal.

4.6.4 It is noted that the site is surrounded by a close boarded timber fence and the caravans would be arranged so that there would be a high degree of natural surveillance within the site. In addition the site would be occupied by one family.

4.6.5 As such it is considered that the proposal would be acceptable in respect crime and disorder and the fear of crime and disorder.

4.7 Drainage and Flood Risk

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

4.7.2 The site is located in Flood Zone 1 which is at the least risk of flooding.

- 4.7.3 Much of the site would remain as semi-permeable hard standing which facilitates the discharge of surface water. Foul water would be discharged to a septic tank and details of this would need to be submitted for approval to ensure that it is fit for purpose.
- 4.7.4 Severn Trent and the Local Lead Flood Authority have no objections to the above. The comments of the Local Lead Flood Authority are noted in respect to the small probability of flooding. The Local Lead Flood Authority has recommended that finished floor levels and surrounding ground levels should be designed in accordance with building regulations to direct surface water away from dwellings and set floor levels at least 150mm above surrounding ground levels. Planning Committee is advised that should the application be approved that this issue is dealt with by way of a condition.
- 4.7.5 Given the above, the application, subject to the aforementioned condition would be acceptable in respect to flood risk and would not exacerbate the risk of flooding within this location.

4.8 Mineral Safeguarding

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

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 proposal is not classified as a major application.

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

4.9 Waste and Recycling

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

4.9.2 It is clear that there is sufficient space within the site for waste and recycling facilities and there is sufficient space at the entrance to accommodate a collection point adjacent Colliery Road. As such the proposal is acceptable in respect to Policy CP16(1) (e) of the Cannock Chase Local Plan.

4.10 Ground Conditions and Contamination

4.10.1 The Environmental Health Officer has stated that the site is immediately adjacent to a former infill site, which may have the potential to generate landfill gas.

4.10.2 Paragraph 170 of the NPPF states: -

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

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

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

“Planning policies and decisions should ensure that:

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

- b) after remediation, as a minimum, land should not be capable of being determined as contaminated land under Part IIA of the Environmental Protection Act 1990; and
 - c) adequate site investigation information, prepared by a competent person, is available to inform these assessments.”
- 4.10.4 Finally paragraph 179 of the NPPF makes it clear that where 'a site is affected by contamination or land stability issues, responsibility for securing a safe development rests with the developer and/or landowner'.
- 4.10.5 Given the above the Environmental Health Officer (EHO) has advised that whilst it is assumed that the mobile home will have inherent ventilation due to the absence of foundations, the applicant should seek professional advice to ensure that there is adequate sub-floor ventilation.
- 4.10.6 The site is located in a general area in which the Coal Authority consider to be a development high risk and low risk area. The proposed static mobile home and tourer caravan would be located within the high risk area whilst the septic tank in the low risk area.
- 4.10.7 Within a high risk development area, the Coal Authority set out a list for those types of development for which a Coal Mining Report or subsequent consultation is not required. The “Exemptions List” for the Risk Based Approach to Development Management.
- 4.10.8 The Exemptions List is divided into two parts, namely the “Type of Application” and “Nature of Development”. Only one of these needs to be met. In this instance, the application is for the siting of a static mobile home and a tourer caravan with no foundations and as such, the proposal falls within Part B (Nature of Development):- as a non-permanent structure with no ground works. Whilst the septic tank would be within the ground, this element of the proposal falls within the area designated as low risk. As such, given the above, the Coal Authority does not require consultation on the application and the proposal is considered acceptable in respect of risks from former workings.
- 4.11 Impact on Natural Conservation Interests
- 4.11.1 Policy and guidance in respect to development and nature conservation is provided by Policy CP12 of the Local Plan and paragraphs 170 and 174 of the NPPF.
- 4.11.2 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”.

4.11.3 Paragraph 170 of the NPPF states [amongst other things]: -

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

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

4.11.4 Paragraph 174 goes on to state: -

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

- a) if significant harm to biodiversity resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused;
- b) development on land within or outside a Site of Special Scientific Interest, and which is likely to have an adverse effect on it (either individually or in combination with other developments), should not normally be permitted. The only exception is where the benefits of the development in the location proposed clearly outweigh both its likely impact on the features of the site that make it of special scientific interest, and any broader impacts on the national network of Sites of Special Scientific Interest;
- c) development resulting in the loss or deterioration of irreplaceable habitats (such as ancient woodland and ancient or veteran trees) should be refused, unless there are wholly exceptional reasons and a suitable compensation strategy exists; and
- d) development whose primary objective is to conserve or enhance biodiversity should be supported; while opportunities to incorporate biodiversity improvements in and around developments should be

encouraged, especially where this can secure measurable net gains for biodiversity.”

Site Specific Impacts on Ecology

4.11.5 The site is not designated for any nature conservation purpose and is not known to support any species or habitat which is either legally protected or of ecological/ nature conservation interest, nor has any evidence been provided to suggest that the proposal would impact on any protected species that may inhabit the wider area.

Impacts of Cannock Chase Special Area of Conservation

4.11.8 Under Policy CP13 development will not be permitted where it would be likely to lead directly or indirectly to an adverse effect upon the integrity of the European Site network and the effects cannot be mitigated. Furthermore, in order to retain the integrity of the Cannock Chase Special Area of Conservation (SAC) all development within Cannock Chase District that leads to a net increase in dwellings will be required to mitigate adverse impacts. The proposal would lead to a net increase of 1 dwelling and therefore is required to mitigate its adverse impact on the SAC. Such mitigation would be in the form of a contribution towards the cost of works on the SAC and this is provided through CIL. However, given that the combined floor area of buildings on the site would be less than 100m² the proposal would not be CIL liable. As such the mitigation would be secured through a commuted sum via the alternative means of a unilateral undertaking under section 106.

4.11.9 The LPA has undertaken a Habitats Regulations Appropriate Assessment which concludes that subject to a payment towards mitigating impacts on the SAC the proposal would be acceptable.

4.11.10 Therefore subject to such a contribution been secured via the mechanism of a unilateral undertaking the proposal would be acceptable in respect to the requirements of Policy CP13 and the Habitats Regulations.

4.13 Sustainability

4.13.1 Paragraph 13 of the Planning Policy for Traveller Sites (PPfTS) states that

“Local planning authorities should ensure that traveller sites are sustainable economically, socially and environmentally. Local planning authorities should, therefore, ensure that their policies:

- a) promote peaceful and integrated co-existence between the site and the local community

- b) promote, in collaboration with commissioners of health services, access to appropriate health services
- c) ensure that children can attend school on a regular basis
- d) provide a settled base that reduces both the need for long-distance travelling and possible environmental damage caused by unauthorised encampment
- e) provide for proper consideration of the effect of local environmental quality (such as noise and air quality) on the health and well-being of any travellers that may locate there or on others as a result of new development
- f) avoid placing undue pressure on local infrastructure and services
- g) do not locate sites in areas at high risk of flooding, including functional floodplains, given the particular vulnerability of caravans
- h) reflect the extent to which traditional lifestyles (whereby some travellers live and work from the same location thereby omitting many travel to work journeys) can contribute to sustainability.

4.13.2 Paragraph 25 of the PPfTS goes on to state: -

“Local planning authorities should very strictly limit new traveller site development in open countryside that is away from existing settlements or outside areas allocated in the development plan. Local planning authorities should ensure that sites in rural areas respect the scale of, and do not dominate, the nearest settled community, and avoid placing an undue pressure on the local infrastructure.”

4.13.3 In this respect it is noted that the site lies beyond the limits of the main settlement of Brereton and Ravenhill and is spatially divorced so as to constitute an isolated development. Further, the site is approx 2.8km from Rugeley and approx. 8km from Cannock, where the applicant’s children attend school.

4.13.4 As such the proposal fails in respect to its location and the contribution that makes towards promoting sustainable development.

4.13.5 Given the unsustainable location of the proposal, paragraph 79 of the NPPF states that planning decisions should avoid the development of isolated homes within the countryside unless the proposal meets the test for exemption. In this instance, the proposal would not meet the test and as such fails to accord with paragraph 79 of the NPPF.

4.14 The Applicant’s Case for Very Special Circumstances

4.14.1 In support of the application the applicant has provide the following statement to demonstrate that very special circumstances exist that would justify approval of the application: -

“The Cannock Chase Gypsy and Traveller Accommodation Assessment (GTAA), March 2019, distinguishes between need arising from gypsies and travellers who meet the definition in Annex 1 of PPTS and, those whose status is unknown. In total, the GTAA estimates a need for a total of 29 permanent pitches in the period 2019 — 2038.

Apart from 4 pitches granted planning permission in the Green Belt at Stokes Lane, Norton Canes, no other pitches appear to have been approved in Cannock Chase District since before 2012.

Furthermore, the Council does not have an up-to-date Development Plan policy for the provision of new gypsy and traveller sites. Policy CP7 of Part 1 of the Local Plan sets out the Council’s intention to provide 41 residential pitches in the period 2012-2028, through the allocation of land in Part 2 of the Local Plan. Work on the Part 2 Local Plan has been abandoned in favour of production of a new Local Plan and, this is not expected to be adopted before July 2022. In the meantime, the Council will be unable to fulfil its obligations to the gypsy and traveller communities and, identify a five-year supply of deliverable land for gypsy sites.

Just because the District is affected by Green Belt and AONB designations does not excuse the Council from meeting the identified need for gypsy and traveller sites.

The identified need for additional gypsy sites, the absence of a five-year supply and, the failure of policy which has led to this situation are all matters that weigh in favour of the proposal.

The proposed caravan site would accommodate:

the applicant and his wife together with their 5 children. All of the younger children are attending school in Cannock.

The applicant and his extended family currently live on a site at [a site] in Cannock but, they have outgrown the site. There are 3 household living on a site which should accommodate a single bungalow. The applicant’s mother lives in the bungalow; the applicant has been living with his wife and 5 children in a mobile home and tourer; and, the applicant’s sister, and her daughter, are having to live in a tourer. The applicant’s sister now needs a larger home, in the form of a mobile home but, in order for this to be accommodated, the applicant is having to remove his own mobile home from the site (which currently takes up much of the front garden). Continuing to live at [the site] has become untenable for the applicant and his family: there is now insufficient vehicle parking and manoeuvring space, and nowhere for the children to play.

The applicant wishes to move to the application site in order to relieve over-crowding on the existing site and, provide a decent standard of accommodation for his own household.

Failure of this application would mean that the applicant's family would have no suitable alternative site to go to. This would amount to an interference with his family's human rights under Article 8 of the Human Rights Act, which addresses respect for family life and home. It would also have a negative effect on the applicant's children.

It is consistent with caselaw that the best interests of children should be a primary consideration in the determination of this application, although not necessarily the determinative factor. There are 4 children in this case. Their best interests would be for the site to be developed as proposed. It would give them the best opportunity for a stable and secure family life, for continued access to regular schooling and health care, and with opportunities for play and personal development.

On balance, the unmet need for sites; the [applicant's] family's personal accommodation needs and personal circumstances; the absence of alternative sites; the failure of the development plan to bring forward suitable land for traveller sites in a timely manner; the likelihood that pitch provision will have to be made in the Green Belt; and the needs of the children, clearly outweigh harm to the Green Belt and any other harm. Very special circumstances therefore exist to justify the granting of planning permission."

4.16 Appraising the Applicant's Case

4.16.1 In essence the applicant's case that very special circumstances exist can be distilled into the following points: -

- (i) There is an unmet need for sites of gypsies and travellers in the District;
- (ii) failure of the development plan to bring forward suitable land for traveller sites in a timely manner;
- (iii) the absence of alternative sites;
- (iv) the likelihood that some pitch provision will be made in the Green Belt;
- (v) the family's personal accommodation needs and personal circumstances;
- (vi) the needs of the children,

This report will consider each of the above issues in turn.

Unmet Need

- 4.16.2 The Authority Monitoring Report (2018) which monitors Local Plan policies outlines that only 9 pitches have been provided to meet the Local Plan (Part 1) requirements to date and that the Council does not have a five year supply of sites.
- 4.16.3 Policy CP7 of the Local Plan states that provision for gypsies, travelers will be made through the allocation of sites in a Local Plan Part 2. However, due to the extent of more recent changes to the national and local policy context the Council has since ceased work on the Local Plan (Part 2) and is now undertaking a review of the Local Plan.
- 4.16.4 The Local Plan Review (Issues and Options) was consulted upon in May 2019 and acknowledges the difficulties that have been faced in terms of identifying sites for gypsy and traveller uses since the adoption of the Local Plan (Part 1). This is largely due to a combination of the inability of existing gypsy and traveller sites in the District to expand further (due to physical and landownership constraints) and a lack of new sites being available, that is landowners are promoting alternative uses of their land.
- 4.16.5 As part of the Local Plan Review in March 2019 the Council has published a new Gypsy and Traveller Accommodation Assessment (GTAA 2019) which provides an up to date assessment of need within the District. This identifies a need for an additional 14 pitches during 2019-2024 and a further 11 pitches between 2024-2038 arising from existing households falling within the definition within the District and potentially a further 4 more from undetermined households to 2038. It uses 2018 as the base date and excludes any shortfall from the previous plan period to avoid double counting.
- 4.16.6 A number of Cannock's neighbouring local authorities have advised that they would be unable to help meet Cannock District's needs as they too are either unable to meet their own current needs or have an existing need of their own which already requires Green Belt site options to be considered.
- 4.16.7 Given the above it is considered that there is a clear unmet need for suitable sites to accommodate the housing needs for gypsies and travellers in Cannock District.

Failure of the Development Plan to Bring Forward Suitable Land for Traveller Sites in a Timely Manner

- 4.16.8 The Local Plan (Part 1) was adopted in 2014. Policy CP7 of the Plan stated

“The Cannock Chase Gypsy and Traveller Accommodation Needs Assessment 2012 will be used as a basis for levels of provision within the District requiring 41 additional residential pitches and four Travelling Showpeople plots over the plan period and five transit pitches as follows:

Residential Pitches	
2012-18	22
2018-23	10
2023-28	9
2012-28	41

4.16.9 In the six years from the adoption of the Local Plan (Part 2) in 2014 the Council has received 3 applications for gypsy and traveler accommodation. These are

CH/20/305: Change of use of the land to a Gypsy and Traveller residential site with the siting of up to ten caravans of which no more than five would be static caravans, the construction of a utility block, and the creation of a new vehicular access and the laying of hard standing at Land at Lime Lane, Pelsall, WS3 5AT. Approved 15-Feb-2021.

CH/20/198: Change of use of land to use as a residential caravan site for 4 gypsy families at Stokes Lane, Norton Canes. Approved 03-Sep-2020.

CH/19/048: Change of Use of land to Gypsy Traveller Residential site for up to 7 caravans, of which no more than 3 would be static caravans. The construction of a day room block and utility block, creation of a new vehicular access and the laying of hard standing at Grove Colliery. Refused 15-Jan-2020.

4.16.10 Planning approval CH/20/305 involved the same family involved in the refusal under planning application CH/19/048 at Grove Colliery who had come forward with an alternative site which would not involve the demolition of a non - designated heritage asset.

4.16.11 The above has resulted in the approval of up to 9 gypsy and traveller pitches and demonstrates that the Council has worked proactively with applicants to deliver sites in the appropriate locations. Notwithstanding this it is also clear that the Local Plan has failed to deliver 13 of the 22 pitches that were identified to be delivered by 2018.

4.16.10 It is also clear that at the present time the Council has no firm plan to deliver any identifiable, deliverable or affordable site in the immediate future, either in the form of a planning permission or indeed a planning application. As such it

can only reasonably be concluded that the Development Plan has failed to bring forward suitable land for traveller sites in a timely manner. This is a factor that weighs in favour of the proposal.

The Likelihood that some Pitch Provision will be Made in the Green Belt and AONB

- 4.16.10 Adopted policy CP7 refers to a broad area of search for Gypsy and Traveller sites, matching travel patterns and based along the A5 road corridor which is identified in the Key Diagram. The Key Diagram is provided at page 7 of the Local Plan (Part 1) and covers a swathe of land which includes the settlement of Norton Canes, a swathe of the countryside west of Norton, south of the Cannock/ Lichfield Road (A5190) and east of the Poplars Landfill site and Kingswood Lakeside Industrial Estate; and a second swathe of countryside comprising most if not all of the land within the District that falls south of the A5.
- 4.16.11 The open land within the settlements of Rugeley-Brereton & Ravenhill, Hednesford or Norton Canes appears to be designated as Green Space Network and has value to the community as either a recreational resource or for its nature conservation value. Outside of the urban area much, if not all of the open land is designated as Green Belt. As such it is highly likely that any future provision for gypsy or traveller accommodation will need to be found within the Green Belt. Indeed the main area of search for such accommodation identified within the Local Plan largely comprises land within the designated Green Belt.
- 4.16.12 It is also worthy of note that the two applications that have been granted planning permission recently, those being CH/20/305 Lime Lane and CH/20/198 Stokes Lane, are located within the Green Belt.
- 4.16.13 As such on basis of the available evidence it is concluded that some, if not all pitches that will come forward within this identified area of search are likely to be within the Green Belt.
- 4.16.14 Notwithstanding the above it is noted that the AONB only takes up a proportion of the District and that it falls well outside the broad area of search for Gypsy and Traveller sites referred to in Policy CP7.

The Absence of Alternative Sites

- 4.16.14 Although the Council has recently approved 9 pitches, this only partially meets the objectively assessed need for gypsy and traveller accommodation. The site at Stokes Lane is already built up and fully occupied and its occupation is restricted to a particular family. The Lime Lane site has yet to be built out and should it be then that again would be fully occupied by its intended family. There

are no further proposals in the form of planning applications to meet the objectively assessed need.

4.16.18 Given the above, it is concluded that there is an absence of lawful alternative sites which are available to the applicant. Furthermore at this point in time, given the stage of preparation of the Local Plan there is no guarantee that any such site would come in the immediate or medium term.

The Family's Personal Accommodation Needs and Personal Circumstances and Best Interest of the Children

4.16.19 The comments put forward by the applicant's agent and outlined in paragraph 4.15.1 of this report are noted. No substantive evidence has come forward to challenge any of the assertions made on behalf of the family. It is quite clear that there are no sites available that would enable the family to live together as a family group with sufficient space for all members to live comfortably.

4.16.20 It is therefore clear that the extended family have a need for accommodation to provide a safe and secure home for the children, and a permanent base from which the children can gain access to education and the wider family can gain access to medical care.

4.16.21 Should this application be refused the extended family would have to leave the application site. This would result in an interference with their human rights with regard to Article 8 of the European Convention on Human Rights, which encompasses respect for family life and the home.

4.16.22 There are 5 children currently living on the site of which 4 are under the age of 18. It is consistent with relevant caselaw that the best interests of these children should be a primary consideration in my decision, although not necessarily the determining factor. The best interests of the 4 children are to remain on the application site and for it to be developed as proposed. An ordered and settled site would afford them the best opportunity of a stable, secure and happy family life, opportunities for education, access to health and other services and opportunities for play and personal development. Although a roadside existence would not necessarily prevent all access to education and health services it is likely that the prolonged absence of a settled site would lead to serious disruption to access to education, health and other services for these children. This is another factor that weighs significantly in favour of the application and should be afforded weight as a primary consideration in determining this application.

4.17 Assessment as to whether the Harm to the Green Belt and Any Other Harm is Clearly Outweighed By Other Circumstances Such that Very Special Circumstances Exist to Justify Approval

- 4.17.1 Inappropriate development in the Green Belt should only be approved where 'very special circumstances' have been demonstrated to exist. The term 'very special circumstances' is not defined in the NPPF, which merely states that they will not exist unless the harm to the Green Belt and any other harm is clearly outweighed by other considerations.
- 4.17.2 The Planning Policy for Traveller Sites, at paragraph 16 states that, subject to the best interests of the child, personal circumstances and unmet need are unlikely to clearly outweigh harm to the Green Belt and any other harm so as to establish very special circumstances. However, it should be made clear that the paragraph 16 uses the word "unlikely". This should not be construed to mean that in all cases the "best interests of the child, personal circumstances and unmet need" will not clearly outweigh harm to the Green Belt and any other harm. Ultimately, each case has to be judged on its own merits with weight given to all relevant considerations according to their relative gravity.
- 4.17.3 In this respect it is considered that, consistent with paragraph 144 of the NPPF substantial weight should be afforded to the harm to the Green Belt, including the harm to the openness of the Green Belt and the purposes of including land within it. In addition it is considered that substantial weight should be afforded to the harm to the character of the Cannock Chase AONB.
- 4.17.4 In addition to the above it is noted that the site is relatively remote and would rely totally on the private car to meet day to day needs. It is also noted that the family have previously resided at Bridgtown Cannock and that the children go to school in Cannock. As such the site provides no particular benefits in access to these educational facilities or to any other service. As such the proposal conflicts with aim of planning policy to facilitate sustainable development and it is considered that limited weight should be afforded to the harm resulting from conflict with policy.
- 4.17.4 Turning now to the issue of other considerations which weigh in favour of the proposal. It is considered that substantial weight should be afforded to the personal need of the family for a settled site, personal circumstances with regard to health and education and the effect on the human rights if the family is required to leave the site. The best interests of the 4 children living on the site are a primary consideration and therefore should also be given substantial weight in favour of the proposal.
- 4.17.5 Furthermore, the current uncertainty regarding the future provision of sites for travellers in the district and the neighbouring districts, and the strong likelihood that should future sites come forward in the District that they will also be in the Green Belt, the benefits of providing a settled site, each carries moderate weight in the appellant's favour.

4.17.5 As in the previous two decisions it would be concluded that the benefits arising from the proposal would clearly outweigh the harm to the Green Belt this site is located within the Cannock Chase AONB. These along with National Parks constitute the country's most valued and protected landscapes. They are also a finite resource. It is considered that the harm to this finite resource tips the balance in favour of refusing the application. So does the fact that as the Council has shown although it may be inevitable that gypsy and traveller accommodation may have to be in the Green Belt it is highly unlikely that it will need to be found within the AONB.

4.17.6 It is therefore concluded that the harm to the Green Belt, the harm to Cannock Chase Area of Outstanding Natural Beauty and to the policy objective of achieving sustainable development is not clearly outweighed by the above considerations such that very special circumstances exist that would justify approval of the application in this respect.

5 Human Rights Act 1998 and Equalities Act 2010

Human Rights Act 1998

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

Equalities Act 2010

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

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

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

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

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

Such consideration has been balanced along with other material planning considerations and it is considered that the proposal is acceptable in respect to the requirements of the Act. Having had regard to the particulars of this case, officers consider that the proposal on balance has taken into account the objectives of the Equalities Act 2010 and balanced these against other consideration of public interest.

6 Conclusion

- 6.1 The applicant is seeking consent for change of use of land to use as a stable for horses and a residential caravan site for 1 gypsy family with 2 caravans (1 x static) and associated septic tank.
- 6.2 The application site lies within West Midlands Green Belt, wherein there is a presumption against inappropriate development. Inappropriate development is by definition harmful to the Green Belt and any such development should be considered a departure from the development plan.
- 6.3 The proposal constitutes inappropriate development in the Green Belt. Paragraph 143 of the NPPF makes it clear that inappropriate development should not be approved except in "very special circumstances".
- 6.4 It is concluded however, that the proposal would result in harm to the special character and scenic beauty of this part of the Cannock Chase Area of Outstanding Natural Beauty by virtue of the introduction of uncharacteristic and obtrusive structures into the landscape which would result in overdevelopment of an already constrained site. As such, the application is contrary to Policies CP3 and CP14 of the Local Plan and having had regard to paragraph 172 of the NPPF it is considered that substantial weight should be afforded to that harm.
- 6.5 In respect to the factors which weigh in favour of the proposal it is considered that substantial weight should be afforded to the personal needs of the family for a settled site, personal circumstances with regard to health and education and the effect on the human rights if the family is required to leave the site. The best interests of the 4 children living on the site are a primary consideration and therefore should also be given substantial weight in favour of the proposal.
- 6.6 Furthermore, the current uncertainty regarding the future provision of sites for travellers in the district and the neighbouring districts, and the strong likelihood that should future sites come forward in the District that they will also be in the Green Belt, the benefits of providing a settled site, each carries moderate weight in the appellant's favour.

- 6.7 Although, as in the previous two decisions it would be concluded that the benefits arising from the proposal would clearly outweigh the harm to the Green Belt it also has to be acknowledged that this site is located within the Cannock Chase AONB. Areas of Outstanding Natural Beauty along with National Parks constitute the country's most valued and protected landscapes. They are also a finite resource and are sensitive to changes. It is considered that the harm to this finite resource tips the balance in favour of refusing the application. It is also noted that although it may be inevitable that gypsy and traveller accommodation may have to be provided in the Green Belt it is highly unlikely that it will need to be found within the AONB.
- 6.8 It is therefore concluded that the harm to the Green Belt, the harm to the character of Cannock Chase Area of Outstanding Natural Beauty and to the policy objective of achieving sustainable development is not clearly outweighed by the above considerations such that very special circumstances exist that would justify approval of the application.
- 6.9 As such, refusal is recommended.