

**Please ask for:** Mrs W. Rowe  
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7 November 2023

Dear Councillor,

**Planning Control Committee**

**3:00pm, Wednesday 15 November 2023**

**Council Chamber, Civic Centre, Cannock**

You are invited to attend this meeting for consideration of the matters itemised in the following Agenda. The meeting will commence at 3.00pm or at the conclusion of the site visits, whichever is the later. Members should note that the following site visits have been arranged: -

<b>Application Number</b>	<b>Application Location and Description</b>	<b>Start Time</b>
CH/22/0419	<b>1 Brindley Heath Road, Hednesford, Cannock, Staffordshire, WS12 4DR</b> Demolition of existing buildings and erection of 3 no. apartment buildings providing 14 no. dwellings, plus associated development including access, parking, and landscaping	1:50pm
TPO 2023/03	<b>53A Hill Street, Hednesford</b> Tree Preservation Order	2:15pm
CH/23/0341	<b>26 Heath Gap Road, Blackfords, Cannock, WS11 6DY</b> Erection of 1 x 2 bed house	2:30pm

Members wishing to attend the site visits are requested to meet at 1 Brindley Heath Road, Hednesford, Cannock, Staffordshire, WS12 4DR at 1.50pm as indicated on the enclosed plan. Please note that, following a risk assessment, Members undertaking site visits must wear full PPE or they will not be permitted on to the site. In this case, the PPE will constitute a hard hat, hi-vis vest, and safety footwear.

Yours sincerely,



**Tim Clegg**  
Chief Executive

To Councillors:

Fisher, P.A. (Chair)  
Cartwright, S.M. (Vice-Chair)

Aston, J.	Mawle, D.
Fitzgerald, A.A.	Pearson, A.R.
Hoare, M.W.A.	Prestwood, F.
Jones, P.T.	Sutherland, M.
Jones, V.	Thornley, S.J.
Kenny, B.	Wilson, L.J.
Kruskonjic, P.	

## **Agenda**

### **Part 1**

#### **1. Apologies**

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

To declare any 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 18 October 2023 (enclosed).

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

#### **6. Report of the Planning Services Manager**

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

Details about planning applications can be accessed on the Planning section of the Council's [website](#).

### ***Planning Application***

<b>Application Number</b>	<b>Location and Description</b>	<b>Item Number</b>
1. CH/23/0131	<p><b><i>Land bound by Ringway, Church Street and Market Hall Street, Cannock Town centre, WS11 1EB</i></b></p> <p>Outline planning permission with all matters reserved for regeneration of town centre including mixed use leisure and cultural hub, refurbishment of Prince of Wales Theatre, upto 750sqm of new cafe/bar/restaurant premises within the theatre, new cafe building (upto 325sqm), managed workspace (upto 1300sqm), replacement retail unit (upto 1858sqm), new office accommodation (upto 3170sqm), extra care / retirement accommodation (upto 70 dwellings), bicycle hub and associated public realm improvements</p>	6.1 - 6.37

### ***Site Visit Applications***

<b>Application Number</b>	<b>Location and Description</b>	<b>Item Number</b>
2. CH/23/0341	<p><b><i>26 Heath Gap Road, Blackfords, Cannock, WS11 6DY</i></b></p> <p>Erection of 1 x 2 bed house.</p>	6.38 - 6.52
3. CH/22/0419	<p><b><i>1 Brindley Heath Road, Hednesford, Cannock, Staffordshire, WS12 4DR</i></b></p> <p>Demolition of existing buildings and erection of 3 no. apartment buildings providing 14 no. dwellings, plus associated development including access, parking, and landscaping.</p>	6.53 - 6.83
4. TPO 2023/03	<p><b><i>53A Hill Street, Hednesford</i></b></p> <p>Tree Preservation Order</p>	6.84 - 6.88

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

**Held on Wednesday 18 October 2023 at 3:00pm**

**In the Council Chamber, Civic Centre, Cannock**

**Part 1**

**Present:** Councillors

Fisher, P.A. (Chair)	
Cartwright, S.M. (Vice-Chair)	
Aston, J.	Mawle, D.
Buttery, M.S. (substitute)	Pearson, A.R.
Fitzgerald, A.A.	Prestwood, F.
Hoare, M.	Sutherland, M.
Jones, V.	Thornley, S.
Kenny, B.	Wilson, L.
Kruskonjic, P.	

Prior to commencement of the meeting the Solicitor advised Councillors M. Hoare, V. Jones, M. Sutherland, and S. Thornley that application CH/22/0306 had previously been considered by the Committee on 20 September 2023 when Members agreed to defer the application for a site visit.

Councillor M. Buttery had acted as substitute at the meeting on 20 September and he would therefore be able to participate.

She advised that only those Members present at the meeting could participate in the determination of the application today.

**35. Apologies**

An apology for absence was received from Councillor P.T. Jones.

Notification had been received that Councillor M. Buttery would substitute for Councillor Jones.

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

<b>Member</b>	<b>Interest</b>	<b>Type</b>
Sutherland, M.	Application CH/22/0306, The Smallholding, Kingsley Wood Road, Rugeley, WS15 2UF - Replacement of existing dwelling, garage, workshop and green house with new dwelling.  Member received communication regarding the application.	Personal

**37. Disclosure of Details of Lobbying by Members**

Councillor M. Sutherland declared that he had been lobbied in connection with Application CH/22/0306, Application CH/22/0306, The Smallholding, Kingsley Wood Road, Rugeley, WS15 2UF - Replacement of existing dwelling, garage, workshop and green house with new dwelling.

**38. Minutes**

**Resolved:**

That the Minutes of the meeting held on 20 September 2023 be approved as a correct record.

**39. Members Requests for Site Visits**

None.

**40. Application CH/23/0252, 446 Littleworth Road, Cannock WS12 1JB - Erection of 2 storey dwelling to the rear of 446 Littleworth Road, including associated access, parking and landscaping**

Members had been advised that this item had been withdrawn at the request of the applicant.

**41. Application CH/23/0040, Sherbrook Court, Kingsley Wood Road, Rugeley WS15 2UF - Replacement of existing dwelling, garage, workshop and green house with new dwelling**

Following a site visit, consideration was given to the Report of the Planning Services Manager (Item 6.22 - 6.50) presented by the Planning Officer.

The Planning Officer 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 outlined therein.

**42. Application CH/22/0306, The Smallholding, Kingsley Wood Road, Rugeley WS15 2UF - Change of Use of existing building currently approved for repairs, maintenance relating to forestry and agriculture to motor vehicle repairs and maintenance and to include a DVSA for MOT test centre for light vehicles up to 6500kg**

Councillors M. Hoare, V. Jones, M. Sutherland, and S. Thornley had previously been advised that they would not be able to participate in the meeting (Members therefore moved from their seats whilst the application was determined).

Following a site visit, consideration was given to the Report of the Planning Services Manager (Item 6.51 - 6.63) presented by the Interim Development Management Team Leader.

The Interim Development Management Team Leader provided a presentation to the Committee outlining the application showing photographs and plans of the proposals.

Members noted that Vicki Waring, registered to speak against the application, was not in attendance.

The Chair then agreed that a 5-minute adjournment take place as Members had been made aware by the Applicant that she had registered to speak.

The Applicant confirmed that she wished to speak given that the objection to the application was still relevant.

The meeting re-convened, and the Chair agreed that the Applicant be allowed the opportunity to speak on the application.

Prior to consideration of the application representations were made by Mrs Turner, the Applicant, speaking in support of the application.

**Resolved:**

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

(Councillors M. Hoare, V. Jones, M. Sutherland, and S. Thornley returned to their seats).

**43. Application CH/22/0058, 41 Mill Street, Cannock WS11 0DX - Demolition of existing building to create 15 apartments (1 & 2 bed) associated parking and amenity space**

Consideration was given to the Report of the Planning Services Manager (Item 6.64 - 6.86) presented by the Interim Development Management Team Leader.

The Interim Development Management Team Leader 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 Kim Blakemore, an objector, speaking against the application.

Members considered that an additional condition in respect of obscure glazing on one side of the building should be included if the application was to be approved.

**Resolved:**

- (A) That the applicant be requested to enter into an Agreement under S106 of the Town and Country Planning Act 1990 to secure a contribution to mitigate recreation impacts upon the Cannock Chase Special Area of Conservation and for a financial contribution for the provision of off-site affordable housing
- (B) That, on completion of the Agreement, delegated authority to be given to the Head of Economic Development and Planning to approve the application subject to the conditions contained in the report for the reasons outlined therein, and to the following additional condition:

The development hereby permitted shall not be occupied until the window(s) in the side elevation of plots 11 & 15, facing No.6 Price Street, as indicated on Drawing No.2612-05 Rev B (proposed floor plans) are obscure glazed. The window(s) shall be non-opening unless the parts of the window which can be opened are more than 1.7m above the floor of the room in which the window is installed.

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

Reason:

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

**44. Application CH/23/0286, 22 Williamson Avenue, Prospect Avenue, Cannock WS12 0QF - Proposed two storey side extension to form a garage, utility room, 2 additional bedrooms and an ensuite following demolition of existing garage/store**

Consideration was given to the Report of the Planning Services Manager (Item 6.87 - 6.99) presented by the Interim Development Management Team Leader.

The Interim Development Management Team Leader 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 Mr. K. Hyden, an objector, speaking against the application. Further representations were made by Mansel Thomas, the applicant's agent speaking in support of the application.

**Resolved:**

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

The meeting closed at 4:50pm

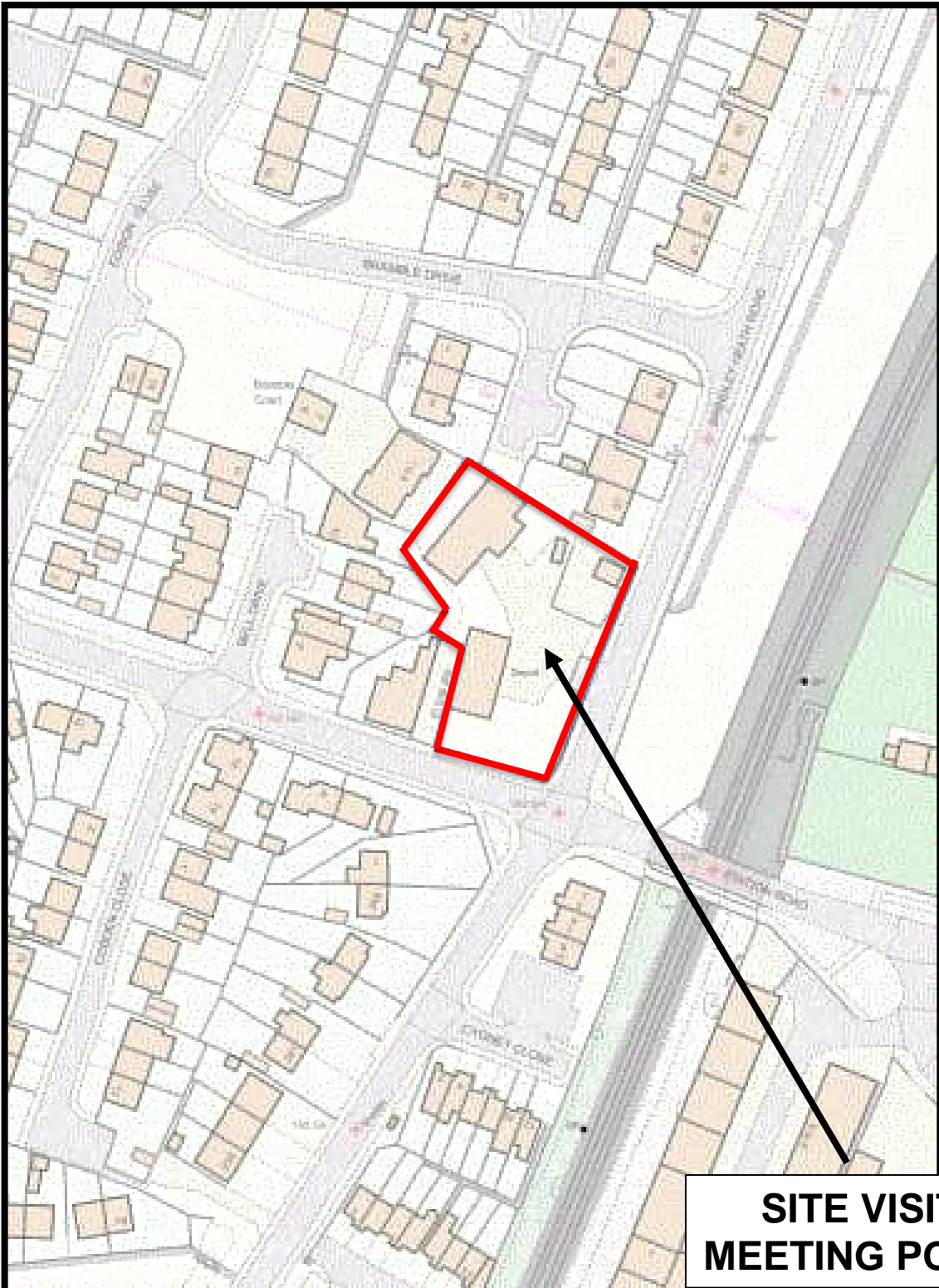
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**Chair**

**Application No:** CH/22/0419

**Location:** 1 Brindley Heath Road, Hednesford, Cannock, A Dunford And Son,  
Brindley Heath Road, Cannock, Staffordshire, WS12 4DR

**Proposal:** Demolition of existing buildings and erection of 3 no. apartment  
buildings providing 14 no. dwellings, plus associated development  
including access, parking, and landscaping

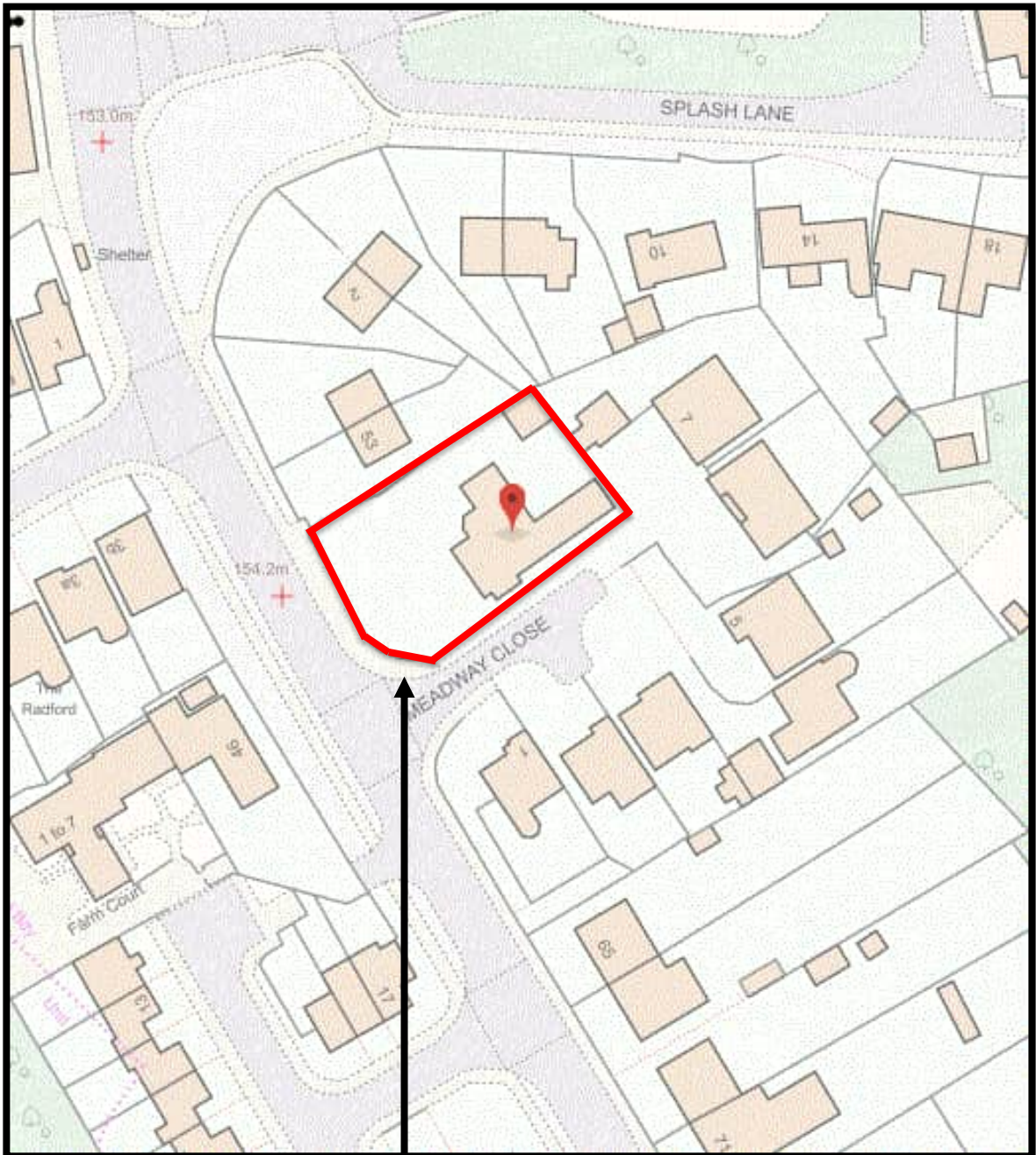


**SITE VISIT  
MEETING POINT**



**Application No:** TPO 2023/03

**Location:** 53A Hill Street, Hednesford,



**SITE VISIT  
MEETING POINT**

**Application No:** CH/23/0341

**Location:** 26 Heath Gap Road, Blackfords, Cannock, WS11 6DY

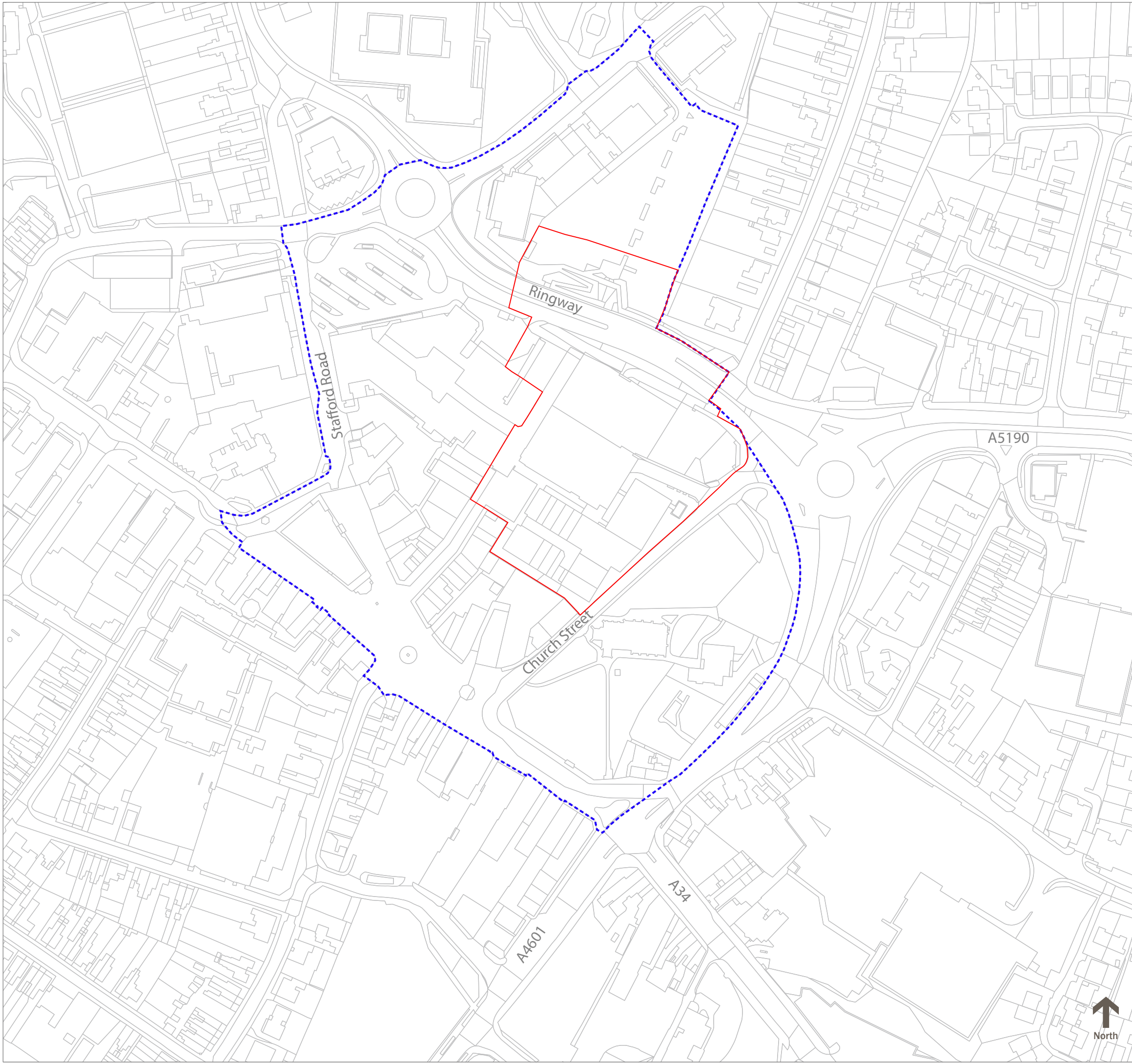
**Proposal:** Erection of 1no x 2 Bed House



**SITE VISIT  
MEETING POINT**

Key

- Red edge of outline planning application
- Blue edge of LUF area



## PLANNING ISSUE

Document control

-	-	-	-	-
4	Correction to Red Edge / Based on OS data	16/3/23	SJ	AC AC
Rev	Description	Date	Dwn	Chk App

**Cannock Town Centre Levelling Up Fund**  
Cannock Chase District Council

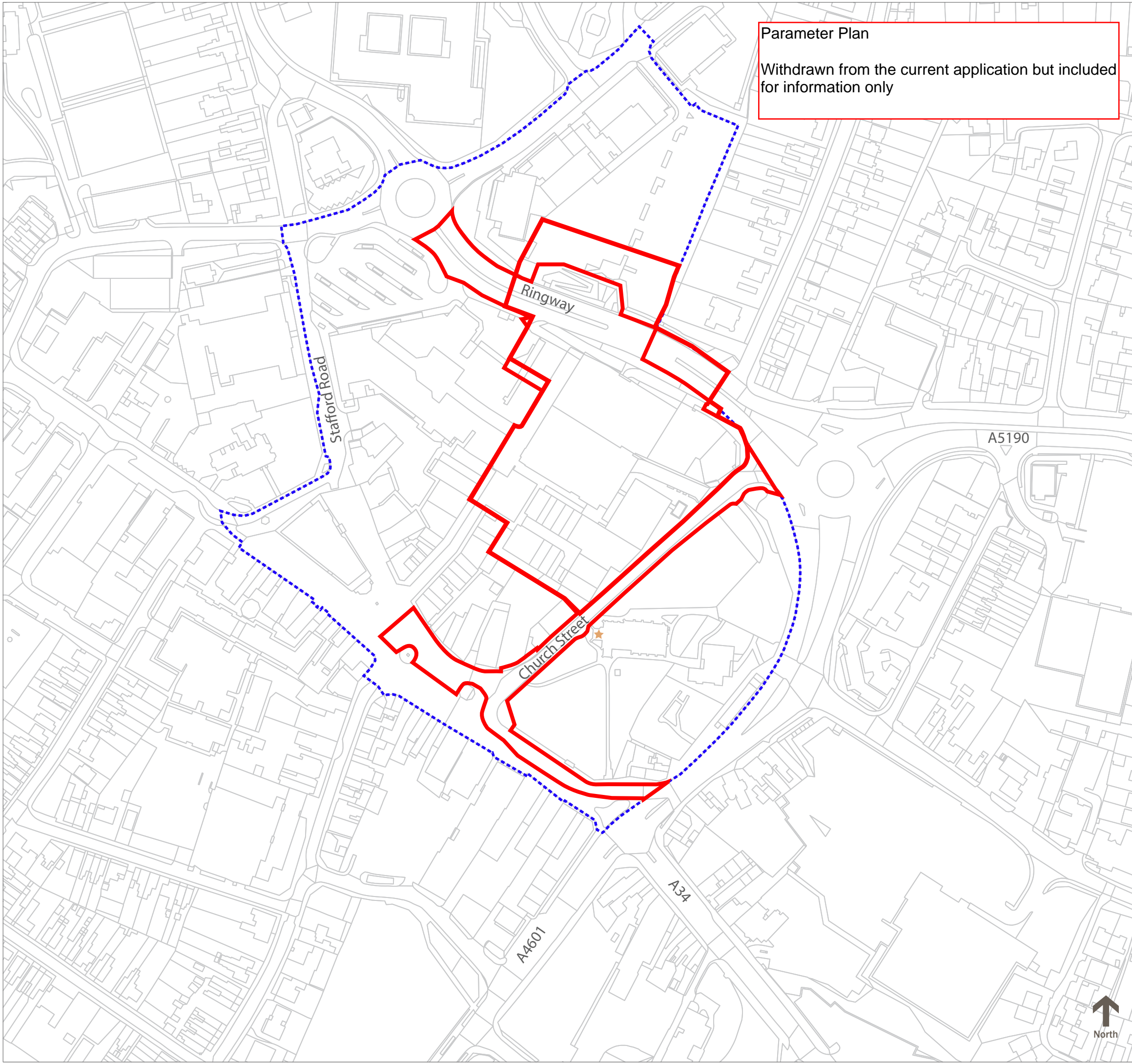
### Red Edge Plan

TTE Proj No	Drwn	Date	Ch'ked	Date	Appr'd	Date	Scale @ A3	Suitability
B033419	SJ	Mar 23	AC	Mar 23	AC	Mar 23	1:2000	S0
Client Proj No	Origin	Vol/System	Level/Location	Type/Code	Role	Drawing No	Revision	
	TTE	00	ZZ	DR	UD	003	P04	

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**Parameter Plan**  
 Withdrawn from the current application but included for information only



- Key:**
- Red edge of outline planning application.
  - Blue edge of LUF area.
  - ➔ Enhanced pedestrian route
  - ➔ Service access to theatre and mixed use scheme
  - ➔ Enhanced town centre servicing
  - ★ St Luke's Church tower (19.67m high)
  - Up to 23.5m high building including:  
 A refurbished Prince of Wales Theatre. New cultural / leisure space.  
 New Cafe, bar and restaurant (up to 750 sqm of new floorspace). Managed workspace (up to 1,300 sqm of new floorspace). Relocated retail (Up to 1,858 sqm of new floorspace). New office space (up to 3,170 sqm of new floorspace).
  - 18m high part of the building near to the church
  - Northern Gateway arrival space with enhanced connectivity to and across Ringway.
  - New cafe building (up to 325 sqm of floorspace)
  - Up to 18m high extra care/retirement development of up to 70 units.
  - Enhanced and refurbished Prince of Wales Theatre.
  - A bike hub, storage, hire and repair within a dedicated new building (up to 300 sqm).
  - Land subject to separate detailed application for servicing within conservation area.
  - Land subject to technical highway design to deliver surface crossing for northern gateway.
  - Beecroft carpark.
  - Cannock town centre conservation area.

**Note:**

- A separate process will be followed to secure approval for demolition and enabling works for land within this red edge.
- A separate detailed application will be submitted for works within the Conservation Area to enable servicing to properties on Market Place which presently rely upon the roof top service areas, access to which will be removed with enabling demotions and the removal of the ramp.
- A separate detailed scheme will be submitted to Staffordshire County Council as highway authority for works to the Ringway to replace the existing subway with a surface pedestrian crossing as part of Northern Gateway.

<b>PLANNIN ISSUE</b>						
Document control						16/3/23
5	Red Edge correction / Based on OS data			KA	SJ	AC
Rev	Description	Date	Dwn	Chk	App	

**Cannock Town Centre Levelling Up Fund**  
 Cannock Chase District Council  
**Parameter Plan**

TTE Proj No	Drwn	Date	Ch'ked	Date	Appr'd	Date	Scale @ A3	Suitability
B033419	KA	Sep 22	SJ	Mar 23	AC	Mar 23	1:2000	S0
Client Proj No	Origin	Vol/System	Level/Location	Type/Code	Role	Drawing No	Revision	
	TTE	00	ZZ	DR	UD	002	P05	

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<b>Telephone No:</b>	<b>(01543) 464 515</b>

<p><b>Planning Control Committee</b></p> <p><b>15 November 2023</b></p>
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<b>Application No:</b>	CH/23/0131
<b>Received:</b>	13 March 2023
<b>Location:</b>	Land bound by Ringway, Church Street and Market Hall Street, Cannock Town centre, WS11 1EB
<b>Parish:</b>	N/A
<b>Ward:</b>	Cannock South, Cannock West
<b>Description:</b>	Outline planning permission with all matters reserved for regeneration of town centre including mixed use leisure and cultural hub, refurbishment of Prince of Wales Theatre, upto 750sqm of new cafe/bar/restaurant premises within the theatre, new cafe building (upto 325sqm), managed workspace (upto 1300sqm), replacement retail unit (upto 1858sqm), new office accommodation (upto 3170sqm), extra care / retirement accommodation (upto 70 dwellings), bicycle hub and associated public realm improvements
<b>Application Type:</b>	Full Planning Application Major

The Application is being presented to Committee due to the application being proposed by Cannock Chase Council – Economic Development Department. Therefore, for probity and transparency the decision is put before the Council’s Planning Committee.

**Recommendation: Approve subject to S106 and Conditions**

It is recommended that delegated authority be given to the Head of Economic Development & Planning to grant planning permission, subject to the completion of a S106 legal agreement to secure contributions as follows:

- to mitigate recreation impacts upon Cannock Chase Special Area of Conservation,
- the provision of 20% affordable housing contribution if C3 dwelling units are provided and not C2 residential care,
- NHS contributions for enhancement of healthcare facilities to address any associated uplift in population. A contribution of £56874 is sought.
- Travel Plan along with a monitoring fee of £10,000

and the conditions as detailed below.

## 1. EXECUTIVE SUMMARY

- 1.1 In October 2021 Cannock Chase District Council (CCDC) were successful in securing a Grant funding award under round one of the UK Governments Levelling-up Fund of £20M to lead the regeneration of the north-eastern part of the town centre. The current application is part of a wider Levelling Up Fund project that will repurpose c. 1.70ha, including vacant retail floorspace, and proposes various redevelopment elements all within Cannock Town Centre. The key aim of the wider project is to enhance accessibility, traffic movement, parking and servicing and the public realm.
- 1.2 The current application seeks an outline planning application with All Matters Reserved for the application description stated. All Matters Reserved Applications are to be treated as not including details of, for example, the layout of the development or details of the access arrangements. In effect the application seeks to establish the principle of the redevelopment proposals. In this case this means that the imagery and draft layouts that have been provided within the submissions, are to be treated as indicative only. It is permissible for applicants to apply for All Matters Reserved under Article 5(3) of DMPO 2015 (as amended) and allows for outline permission to be applied for on a site whilst reserving details any or all of the following Reserved Matters which are then secured by conditions:
- (i) *Access*
  - (ii) *Scale*
  - (iii) *Landscaping*
  - (iv) *Layout*
  - (v) *Appearance*
- 1.3 In terms of assessment of the application, in principle Policy CP11 identifies Cannock as a strategic sub-regional centre and the aims of the policy seek to retain and strengthen this role. The policy identifies main town centre uses which should be given priority in the regeneration of the town centre within the defined boundary. The uses include retail, offices, leisure, and cultural facilities – which fully align with the nature of the current proposals in principle.
- 1.4 By its nature, the All Matters Reserved application contains few details. Indeed, in order to try and appease Historic England, the applicant has withdrawn the Parameter Plan provided from consideration. However, caution is expressed by Historic England that the application does not include sufficient detail to enable adequate assessment of the integration of the proposals with the Grade II\* listed Church and Conservation Area.
- 1.5 Given the large and complex nature of a Town Centre Redevelopment it is reasonable that an applicant is not able to provide the fully designed regeneration proposals. Indeed, it is within the applicant's gift to seek to reserve matters for future discussion as part of the Outline Application process. This is where an applicant can choose to reserve all or some of the relevant design elements such as Scale, Appearance, Layout etc as defined within the DMPO. Whilst it is understandable to want to see the fully designed scheme, it is not necessarily essential for consideration of the current proposals in the Officers view. This is because the outline application in this case seeks an agreement in principle only, and conditions (as for any large outline consent), can require the provision of

reserved details at a later date before any development can proceed. This approach still retains control of the extent of development and its integration with the heritage context of the site. The applicant does need to be aware that this approach could mean in future that the full extent of development consented may not be achievable in the context of overlapping/competing design considerations that would apply to the site. Nevertheless, Officers consider that subject to these Reserved Matter conditions (requiring details of scale, appearance, and layout etc), further assessment of the appropriateness of the development in the context of the Conservation Area and Grade II\* church can be retained and examined in future.

- 1.6 A range of conditions are proposed to deal with key amenity considerations. These include the provision of lighting details once the designs are further progressed, details of any mechanical ventilation to assure controls over the noise and odours emitted, control over operating hours and construction hours, additional noise insulation to the theatre itself and submission and agreement of a Construction Management Plan. Additionally an Air Quality Assessment has been prepared by Tetrattech dated Feb 2023. The report considers potential impacts during the demolition and construction phases of the development and from the operational phases of the development separately. On site dust control measures, wheel wash and road sweeping and communication with impacted stakeholders are key matters for the management of air quality during construction/demolition. In terms of air quality during operation of the development, it is predicted that all receptor locations cited are expected to be exposed to air quality below the Air Quality Objectives for NO<sub>2</sub>, PM<sub>10</sub> and PM<sub>2.5</sub>.
- 1.7 Additional work in terms examining the potential for roosting bats in demolished buildings has been undertaken and found no evidence of bats emerging from structures to be demolished. The application includes an overarching drainage strategy that is supported by the Lead Local Flood Authority subject to further detailed design as required by planning condition.
- 1.8 Key public concerns around assuring access to the local church and nearby businesses are understandable particularly in the absence of detailed plans. Conditions are proposed to require both the provision of detailed phasing demolition and phasing plans as well as a specific plan showing access routes to the public realm and details of screening during site redevelopment.
- 1.9 Overall, the development is assessed as broadly complying with the requirements of Local Plan Policy CP11 which seeks to building upon Cannock Town Centre's role as a subregional strategic centre. The uses proposed align with those within Policy CP11 and the site is a sustainable location which is Previously Developed Land, the re-use of which should be afforded substantial weight, as per NPPF paragraph 118(c). Whilst other matters cannot yet be examined fully, in principle the redevelopment of this town centre site aligns with the NPPF ambition to promote economic growth through the regeneration of sustainably located town centre sites.

## **2. RECOMMENDED CONDITIONS:**

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

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

Reason:

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

2. This permission does not grant or imply approval of the layout/design details accompanying the application which have been treated as being for illustrative purposes only.

Reason:

The application is in outline form with All Matters Reserved for subsequent approval. The illustrative information is not necessarily acceptable from the detailed design or planning point of view and to ensure compliance with Local Plan Policies CP3 - Chase Shaping Design and the NPPF Heritage requirements.

3. No part of the development hereby permitted shall be commenced until approval of the details of access, 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.

4. This permission relates to the following plans only:

784-B033419 -Cannock LUF Red Edge Plan Rev 04 and excludes the withdrawn Parameter Plan (rev 05)

Reason:

For the avoidance of doubt and in the interests of proper planning of an All Matters Reserved Outline Application.

5. Prior to or concurrently with the submission of the first Reserved Matters application, details of the means of demolition, proposed vehicle access routings, site perimeter fencing and means of site restoration shall be submitted to and approved by the Local Planning Authority.

Reason:

In the interests of controlling the means of demolition within the site to protect public amenity, use of nearby public footpaths and highways and visual amenity.

6. Before any development commences in any phase, details shall be submitted for the written approval of the Local Planning Authority indicating:

- Details of the timescale for the infilling of the existing pedestrian subway underneath the A34 Ringway, including engineering details as the how this will be achieved.



- Details of construction vehicle access and the delivery of material to fill the void shall also be provided.
- Details of the Toucan crossing over the A34 Ringway and the proposed timescales for implementation. This shall include detailed engineering drawings, a road safety audit and a Linsig model for auditing.
- Details as to the proposed timescales for the removal of the existing staggered pedestrian only crossing over the A34 Ringway.
- Details of any proposals to alter the existing on-street parking arrangements along Church Street and Market Place.
- Layout of site including disposition of buildings, including access locations for individual parcels/land uses.
- Details of footway and cycle networks.
- Connections through the site and to the surrounding area for all transport modes.
- Details of servicing arrangements for all parcels/land uses.
- Details of the Public Realm including boundary treatments, surfacing materials, landscaping, and tree planting
- Details of parking strategy including the provision of secure cycle parking facilities for all uses.

Thereafter the development shall be carried out in accordance with the approved details.

Reason: In the interests of Highway Safety and safe and efficient functioning of the wider town centre

7. Prior to the commencement of any on site demolition or development, a detailed Demolition and Development Phasing Plan shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be carried out in accordance with the approved Demolition and Development Phasing Plan.

Reason:

In the interests of controlling the phasing of the proposed development

8. Prior to the commencement of any on site demolition or development, full details of proposed closures to the public realm, public footpaths, or highways as well as associated screening type and position, shall be submitted to and agreed in writing by the Local Planning Authority

Reason:

In the interests of maintaining pedestrian and vehicular safety and minimising impacts to footfall to local businesses.

9. Prior to the commencement of development above ground level, a noise assessment shall be submitted to the Local Planning Authority for approval which considers the noise implications for the retirement accommodation. The noise assessment shall assess the acoustic environment and specify mitigation to achieve the following:

Internal habitable spaces (attributable to external sources of noise)

35 dBLAeq - 07:00 - 23:00

30 dBLAeq 23:00 - 07:00

45 dBLAmax 23:00 - 07:00

External spaces (garden areas, balconies, terraces).

50 dBLAeq 07:00 - 23:00

Prior to the development becoming occupied, the approved details shall be implemented in full and maintained in perpetuity.

Reason:

To mitigate potential adverse impacts from noise on residential amenity in line with paragraphs 183-188 of the National Planning Policy Framework.

10. No noise generating equipment shall be installed until a noise assessment has been submitted to the Local Planning Authority for approval. The noise assessment shall assess the acoustic environment, detail the proposed equipment, and specify mitigation to achieve the following:

Internal habitable spaces (attributable to external sources of noise)

35 dBLAeq 07:00 - 23:00

30 dBLAeq 23:00 - 07:00

45 dBLAmax 23:00 - 07:00

External spaces (garden areas, balconies, terraces).

50 dBLAeq 07:00 - 23:00

Prior to the development becoming occupied, the approved details shall be implemented in full and maintained in perpetuity.

Reason:

To mitigate potential adverse impacts from noise on residential amenity in line with paragraphs 183-188 of the National Planning Policy Framework.

11. Prior to the installation of any ventilation or extraction equipment, the specifications for a ventilation extraction system, to include details of the operation and maintenance, shall be submitted to the Local Planning Authority for approval. The approved system shall be installed as specified before the premises comes into use; thereafter, the approved system shall be operated and maintained in accordance with the approved details.

Reason:

To mitigate potential adverse impacts from odour on residential amenity in line with paragraphs 183-188 of the National Planning Policy Framework.

12. Prior to the commencement of development, a noise assessment shall be submitted to the Local Planning Authority for approval. The noise assessment shall assess the acoustic environment, specify mitigation, and model the resultant acoustic environment. Prior to the commencement of operations, the approved details shall be implemented in full and maintained in perpetuity.

Reason:

To mitigate potential adverse impacts from noise on amenity in line with paragraphs 183-188 of the National Planning Policy Framework.

13. All Construction deliveries to the site and related construction waste collections shall not take place outside the hours of 07:00 - 22:00 on any day.

Reason:

To mitigate potential adverse impacts from noise on residential amenity in line with paragraphs 183-188 of the National Planning Policy Framework.

14. Prior to the commencement of development above ground level, a lighting assessment shall be submitted to the Local Planning Authority for approval. The lighting assessment shall consider the potential impacts of the proposed lighting installation, together with appropriate mitigation measures. Prior to the development becoming occupied, the approved mitigation shall be implemented in full and maintained in perpetuity.

Reason:

To limit the impact of artificial light on residential amenity, intrinsically dark landscapes, and nature conservation, in line with paragraphs 183-188 of the National Planning Policy Framework.

15. Construction and demolition activities within the site, including deliveries and ground works, shall be restricted to the following times: • 08:00 – 18:00 Monday to Friday. • 08:00 – 13:00 Saturday. Construction shall not be undertaken on a Sunday or a public holiday.

Reason:

To mitigate potential adverse impacts from construction noise on residential amenity.

16. No development shall take place including any works of demolition, until a Construction Method Statement has been submitted to and approved in writing by the Local Planning Authority with regards to each phase of the development. The approved Statement shall be adhered to throughout the demolition/construction period of each phase. The statement shall provide for:

- i) A site compound with associated temporary buildings
- ii) The parking of vehicles of site operatives and visitors
- iii) Type and dimensions of vehicles accessing the site.
- iv) Times of deliveries including details of loading and unloading of plant and materials
- v) Storage of plant and materials used in constructing the development.
- vi) Duration of works
- vii) Wheel wash facilities or details of how debris will be prevented from leaving the site and being carried onto the public highway.
- viii) Appropriate routing agreement using the most appropriate access routes, especially for HGV's.

Reason:

To mitigate potential adverse impacts from construction activities on residential amenity and pedestrian and highway users.

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

Reason:

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

18. A) Prior to 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 accordance with the written scheme of archaeological investigation approved under Part 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 Part A) and the provision made for analysis, publication and dissemination of the results and archive deposition has been secured.

Reason:

In the interests of examining and documenting (as required) the archaeological potential of the site in accordance with NPPF Para 194.

19. No development shall take place until a fully detailed surface water drainage scheme for the site has been submitted to, and approved in writing by, the Local Planning Authority. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed. The scheme to be submitted shall demonstrate:

- (i) Surface water drainage system(s) design in full accordance with the Non-Statutory Technical Standards for Sustainable Drainage Systems (SuDS), (DEFRA, March 2015), and,
- (ii) Surface water drainage system(s) designed in full accordance with all standards and other criteria within the Staffordshire County Council Flood Risk Management Team (LLFA), SuDS Handbook.
- (iii) Limiting any surface water discharge from the site generated by all equivalent return period critical duration storms events, up to and including the 1 in 100 plus 30% (for climate change), return period, so that this does not exceed 25 l/s, (for the entire, overall development site – in full accordance with the Non-Statutory Technical Standards for SuDS and the SSC SuDs Handbook).

- (iv) Provision of adequate surface water attenuation storage in accordance with the requirements of 'Science Report SC030219 Rainfall Runoff Management for Developments'
- (v) Ground investigation and soak-away testing in full accordance with BRE 365 best practice in order to corroborate or reject the viability of utilising infiltration as a means surface water discharge.
- (vi) The incorporation of adequate surface water treatment in accordance with CIRIA C753 – particularly, the Simple Index Approach, to mitigate surface water quality pollution and maintain water quality.
- (vii) Detailed design (plans, network details and calculations), in support of any surface water drainage scheme, including details of any attenuation system, and the outfall arrangements. Calculations should demonstrate the performance of the designed system for a range of return periods and storm durations, inclusive of the 1 in 1 year, 1 in 2 years, 1 in 30, 1 in 100 years, and 1 in 100 years plus 30% (a climate change allowance), return periods, critical duration storms only.
- (viii) Formal (Section 106 Drainage), agreement with Severn Trent Water (Plc), that confirms surface water discharge is to be accepted into the proposed downstream network that falls under Severn Trent Water (STW), ownership.
- (ix) Plans illustrating flooded areas and flow paths in the event of any exceedance of the drainage system.
- (x) Provision of an acceptable management and maintenance plan for surface water drainage to ensure that surface water systems shall be maintained and managed for the lifetime of the development.
- (xi) Provision of an adequate and satisfactory Construction Environment Management Plan or Construction Surface Water Management Plan.

Reason:

To prevent flooding by ensuring the satisfactory storage and disposal of surface water from the site and to ensure lifetime maintenance of the system to prevent flooding issues.

### **3. INFORMATIVE NOTES TO THE APPLICANT**

- 3.1 Details of acoustic consultancies able to assist with this condition can be obtained from: • Institute of Acoustics [www.ioa.org.uk](http://www.ioa.org.uk) / 01727 848195 • Association of Noise Consultants [www.association-of-noise-consultants.co.uk](http://www.association-of-noise-consultants.co.uk) / 020 8253 4518 Please note that where windows need to be kept closed to achieve internal noise levels, adequate ventilation to prevent overheating must also be demonstrated as part of the acoustic assessment. It is recommended that your acoustic consultant agrees their methodology with the Environmental Protection Team ([environmentalhealth@cannockchasedc.gov.uk](mailto:environmentalhealth@cannockchasedc.gov.uk) / 01543 462621).
- 3.2 Details of lighting consultancies able to assist with this condition can be obtained from: • Institute of Lighting Professionals <https://theilp.org.uk> / 01788 576492 The submitted information would normally be expected to include: • A statement setting out why lighting is required. • The proposed times of use, including any seasonal variations. • A plan showing the area to be lit, the existing landscape features and any mitigation measures. • Full specifications of the proposed

lighting. • Full details of the number and location of lighting units, including mounting and orientation. • Details of the Upward Light Ratio of the Installation (sky glow) as a percentage of luminaire flux. • Details of potential light intrusion into windows described as Vertical Illuminance in Lux as measured flat on the glazing at the centre of the window. Details of potential for glare, as light Intensity in Candelas. • The lux levels at the site ground boundary and for 25 metres outside it. • Where appropriate, details of building luminance in Candelas per m2.

3.3 The matters to be considered as part of the construction management plan should be agreed with the Local Planning Authority; issues to be considered typically include: • Noise and vibration. • Dust. • Lighting. • Waste management. • Traffic management (including deposition of mud on the highways and site deliveries). • Engagement with the local community and complaint handling. It is recommended that you confirm the matters to be considered with the Environmental Protection Team ([environmentalhealth@cannockchasedc.gov.uk](mailto:environmentalhealth@cannockchasedc.gov.uk)/ 01543 462 621). Cannock Chase Council encourages all contractors to be 'Considerate Constructors' by being aware of the needs of neighbours and the environment; we encourage developers adopt the Considerate Constructors Scheme <https://www.ccscheme.org.uk/>.

3.4 Please note that there is no guarantee that the applicant 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 the applicant contact Severn Trent Water us at the earliest opportunity to discuss the implications of our assets crossing your site. Failure to do so could significantly affect the costs and timescales of your project if it transpires diversionary works need to be carried out by Severn Trent.

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

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

- 1m diameter or greater – depends on numerous factors. However, if you apply 7.5m either side of the pipe, again, from the centreline of the sewer as rule of thumb.

## 4. CONSULTATIONS AND PUBLICITY

### EXTERNAL CONSULTEES

- **Staffordshire County Council Highways Authority – No objection subject to conditions**

A Transport Assessment has been produced as part of the planning application submission to determine the level of impact the above proposals will have on the highway network for all users.

It worth noting that the overall scheme will involve the demolition and refurbishment of existing buildings and the construction of new buildings and public realm. A

demolition plan has been submitted (Drawing No. B033419, Revision A) which indicates that Phase 1 of demolition will involve the removal of utility infrastructure, two shops and the glass framed canopy associated with Cannock Shopping Centre. Phase 2 will include the demolition of the Forum Shopping Centre, Phase 3 will demolish the existing vehicular ramp associated with the theatre, Phase 4 will demolish the existing (and closed off) multi-storey car park and finally, Phase 5 will demolish the top two floors above the existing Home Bargains store.

Whilst the Demolition Plan is visually useful at this stage, no real detail has been provided as to how vehicles and equipment (to demolish buildings) will enter and leave the town centre. I acknowledge that this detail will come forward within future reserved matters planning application, however, I request that a planning condition is secured now to make sure that details of how demolition will be managed to not only protect the highway network but also pedestrians and cyclists in the vicinity who will be going about their daily business during the works.

The existing subway underneath the A34 Ringway will be closed and a new surface-level pedestrian and cycle crossing over the road will be provided. There have been no further details provided within this application as to when the existing subway will be closed and how the engineering processes will be carried out to infill such a structure. I accept these details will need to be provided at future reserved matters planning applications and therefore request this detail is conditioned.

In Chapter 5 of the submitted Transport Assessment, the applicant has assessed the impact on future traffic flows in the area by taking into consideration other committed developments. This included land at the corner of Avon Road and Hunter Road which is just south of the town centre site which had a proposal for a care home (Ref. CH/22/0398) and the second phase of the McArthur Glen retail outlet at Mill Green (Ref. CH/15/0048 and CH/21/0405). CH/22/0398 was formally approved by Cannock Chase District Council on the 20th October 2023 which resulted in the loss of some town centre parking as this site was a former public car park, whilst the McArthur Glen Phase 2 applications are yet to be determined due to outstanding information being required. An assessment was however carried out with regards to the likely additional trips the 2nd phase of development would generate around the town centre development site. The results concluded that the increase would be negligible, for example, just two additional vehicles per PM peak hour.

Given the proposed loss of the former public car park (prior to the approval of CH/22/0398), a car parking survey was undertaken in July 2022 to determine whether the proposals to enhance the town centre by reducing some but increasing other land uses would have any detrimental impact on car parking availability. In summary, the survey found that there was adequate parking capacity to meet current needs, even at the busiest times of the week and that there was adequate spare parking capacity to meet the growth in demand over a five-year period, even if planning application CH/22/0398 for a care home was granted planning permission. Whilst I accept that the Levelling Up Fund scheme is expected to generate a small amount of additional parking demand, there is a great opportunity to promote alternative modes of sustainable travel to the town centre and these should be explored in future reserved matters applications.

It is important to remember that the existing land uses within the site of the planning application generate trips to the theatre and the retail units for example, although some of these are vacant or under-used. The proposed scheme may well attract

staff and visitors to the area post the construction of new buildings and the refurbishment of existing buildings whilst the public realm and transport improvements could help to attract more people to the area who walk and cycle through it to other destinations. The conclusion of the exercise showed that additional traffic movements along Ringway would amount to approximately 30-35 additional two-way trips during each peak hour (the peak hour being 08:00 to 09:00 and 16:00 to 17:00) due to the changes in land use within the site.

The county council acknowledges the fact that it is not possible to provide increased highway capacity at either of the main roundabouts adjacent to the site and therefore must consider the proposed traffic impact on the existing network inline with the current National Planning Policy Framework guidelines. I therefore conclude that the increase of 30-35 additional two-way trips in both the am and pm peak hours would not result in an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

- **Staffordshire and Rescue – No objections**

Comments received highlighting the need for fire hydrants in key locations and encouraging the use of sprinkler systems within habitable buildings.

- **Sport England – No development specific comments provided**

As proposals provide new housing, it is suggested that this will generate additional need for sports facilities. If there is not sufficient capacity to absorb this need then further consideration is required.

- **Staffordshire County Minerals and Waste – No objections**

- **Natural England - No objections subject to securing appropriate mitigation for related recreational impacts**

- **NHS (Staffordshire and Stoke on Trent Integrated Care Board) Consultee – No objections subject to Legal Agreement securing monies for health impacts resulting from new dwellings**

The sum (£56,874) requested has been tailored to the level of development sought and would be pooled to support the future adaptation/refurbishment/expansion of premises within the named PCNs as appropriate and as directed by strategic estates plans.

- **Cadent - No objection, informative needed**

- **Severn Trent Water – No objections subject to conditions recommended**

- **Staffordshire County School Organisation – No objection**

As the residential accommodation is extra care/retirement accommodation, the School Organisation Team can confirm that there will be no impact in terms of education, and we would not request in line with the Staffordshire Education Infrastructure Contributions Policy (SEICP). However, we would wish to be reconsulted if the residential use changes.

- **Environment Agency – No comments**



- **Staffordshire Police – No objections**

Staffordshire Police have no objections to this application and are in consultation with Tetra Tech architects for this proposal.

It is recommended that the development should be built to Secured By Design Standards (SBD), which considers security within the design of any development. Guidance can be found in the Secured By Design Homes 2023 or Commercial 2015 V2 guide SBD Design Guides ([securedbydesign.com](https://securedbydesign.com)).

- **Theatres Trust – Support**

The Prince of Wales Theatre was previously the Prince of Wales Centre and is part of a large town centre complex built in the 1960s and 1970s. It sits between the Market Hall which is now vacant and a large car park which was closed due to structural concerns. It is owned by the Council and currently operated by a charitable leisure trust. The theatre has a seated capacity of around 427 and is also used for other functions and events such as wrestling and the town's beer festival. Its live performance programme includes theatre, comedy, and live music. Along with touring shows it also supports productions by local groups. It is a valued cultural facility for Cannock and its surrounding catchment. Paragraph 93 of the NPPF (2021) seeks planning decisions to plan positively for facilities of this nature.

The Trust welcomes this principle of investment and improvement in the theatre and cultural provision in the area.

At this stage, the application is in outline and concepts have been presented. These comments are accordingly high level. One proposal in terms of cultural leisure development is for the theatre and cinema to be linked, subject to viability. The principle of co-location would be supported as there are other examples of this, and it may provide opportunity for creation of a vibrant mixed-use arts facility with greater flexibility. The project team may wish to look at the Storyhouse in Chester and the Hertford Theatre; the latter is a current Council scheme of similar scale. Additionally, the bar/café/restaurant as part of the theatre as shown in visuals would improve vibrancy and bring more people into the building at different times of day, increasing engagement with the theatre and helping to generate additional income to support the core arts function. This is also an approach being taken by several other local authorities and venues.

The current landscaping and public realm proposals would make the area of the theatre much more attractive to visit and dwell within.

At present the plan for the neighbouring sites (other than cultural uses) is for other commercial town centre development to the south and an extra care/retirement development to the north. The former as currently envisaged would not raise any objections. We would however urge caution on the latter because neighbouring noise-generating uses such as theatres and sensitive residential uses are often not compatible. This is because of the risk of noise and disturbance impacting living standards, and in turn the risk of harm or loss of venues should they become constrained by new restrictions arising from complaints. There have been high-profile examples of this which resulted in the introduction of the 'agent of change' principle into the NPPF. This will need to be properly considered as the project progresses towards detailed application stage. It would similarly apply should other residential uses get introduced into the proposed commercial/retail element.

As a statutory consultee and national advisory public body for theatres we would strongly recommend that the project team engage with us as plans are developed. We can provide advice on their proposals for the theatre and highlight at an early stage any challenges which would otherwise risk us being unable to support the granting of permission. This will help ensure the future theatre remains viable and sustainable.

In principle however we are supportive of this project and support the granting of outline planning permission.

- **Staffordshire County Archaeologist – No objection subject to conditions but some concerns**

This is an important development for Cannock Town Centre should also be seen as an opportunity to enhance the setting of the adjacent Conservation Area and nearby listed buildings. Good Quality and sympathetic design, scale, massing, and materials choice will be key factors in achieving this.

It is difficult at this stage to understand what level of below ground archaeological interest remains given the past site clearance associated with the shopping centre, foundations, basements etc. Likewise, it is difficult to understand what level of below ground impact the proposed development, including demolition and site clearance, will have.

Despite this, from an archaeological point of view, I do not wish to raise any objections to the principle of redeveloping the site. Neither am I of the view that archaeological remains that may survive within the site would be of National Significance. However, some level of archaeological evaluation and recording will likely be required by condition.

Conditions are therefore recommended.

- **Staffordshire Lead Local Flood Authority – No objection subject to conditions**

Previous comments prior to those received 5 September raised concerns about insufficient information to allow detailed comment on the drainage arrangements for the proposals.

Following submission of an amended Drainage Strategy Technical Report, the LLFA has no in-principle objection to the re-generation of Cannock Town Centre. Following the LLFA's initial review of the details submitted in support of this planning application, communication, dialogue, and discussions of the proposals have been held including a virtual meeting. Progress has been achieved by the applicant which had resulted in Drainage Technical Report 784-B033419 being produced. Whilst the level of information that has currently been presented has not allowed a fully comprehensive review, or approval of any form of detailed design, the LLFA are satisfied that some degree of flood risk and drainage betterment and resilience may be embedded in the delivery of this development scheme and therefore are prepared to guide the LPA in providing the following pre-commencement condition. The LLFA are satisfied that there is a viable means of surface water discharge.

The applicant has acknowledged that further work is required for detailed design. Therefore, the LLFA would like to emphasise that the designs as currently submitted

are indicative and preliminary only and have not been approved as a detailed design. Therefore, to reiterate, further detailed design work is required.

- **Historic England – Concerns around heritage impacts**

In our letter we explained that whilst we had no objection in principle to the proposed demolition works and support the benefits that the proposed scheme of redevelopment could potentially bring to the town centre, we were concerned that not enough detailed information had been provided to enable a proper assessment of the degree of harm to surrounding heritage assets.

Having considered the email from Tetra Tech dated 19 July 2023 and the associated letter which you kindly supplied to us (your email dated 21 July 2023); we note that it is suggested that a Heritage Impact Assessment would provide greater clarity. We agree that this would be a helpful way forward. We also agree that intrinsic to such an assessment will be further information on the height, massing, and design of the proposed development. In their letter Tetra Tech indicate an intention to engage with Historic England as part of the re-assessment process. We would be happy to be part of those discussions if your Authority would find it of assistance.

Historic England has concerns regarding the application on heritage grounds.

- **Church of Saint Luke and the Parish of Huntingdon: No objection, comments provided**

We have examined the plans in relation to this site and have no comments or objections. Our only concern is regards to the access to our grounds. In particular the effect of absorbing the public highway into the development area would cause difficulties for vehicles and pedestrians who use the accesses as they are now.

## **INTERNAL CONSULTATIONS**

- **Economic Development – No objections**

The scheme is a key regeneration project for the Council and the Corporate Plan Priority 1 has an aim to rejuvenate our town centres and states that over the next 4 years the Council will deliver the Levelling Up Fund regeneration scheme for Cannock Town Centre creating a new cultural hub and high-quality public realm.

The site is also identified in the Cannock Culture and Leisure Hub Development Prospectus as a site for potential leisure and cultural development including cinema, food & beverage, and complimentary retail with possible integration of residential apartments, hotel, or office space.

As the Economic Development team are the lead partner in delivering this project it wouldn't be appropriate to comment further on this application given their conflict of interest.

- **Environmental Health – No objection subject to conditions**

**Noise** - The application is not supported by any documents relating to noise. The outline plan indicates a retirement village will be developed in close proximity to the Ringway; there may also be adverse noise from adjacent commercial buildings (potential sources include exhaust ventilation units, air conditioning units, etc.). Furthermore, there may be adverse noise from the public highway, particularly from patrons leaving the Prince of Wales theatre. The redevelopment around the Prince

of Wales will require careful consideration, to ensure that internal acoustics are acceptable for different users of the proposed development. It may be necessary to restrict delivery hours to the Prince of Wales building, to protect residential amenity. Potential impacts from noise will need to be considered as part of any reserved matters application.

**Odours** - It is noted that two cafés are proposed as part of the development. Subject to the specific proposals, the proximity to the proposed retirement home may lead to adverse impacts from odours, which will need to be considered as part of any reserved matters application.

**Lighting** - The retirement home may be adversely impacted by artificial lighting, from both street furniture and from adjacent buildings. Potential impacts from artificial light will need to be considered as part of any reserved matters application.

**Air Quality** - The application is supported by the following document: • Air Quality Assessment, Tetra Tech, February 2023. I have reviewed the report and am in broad agreement with the contents and the findings. Air quality modelling from the report suggest that air quality is unlikely to have an adverse impact on relevant receptors following the development of the site.

**Construction Management** - The Air Quality Assessment has identified potential adverse impacts on local residents from demolition and construction activities. Given the proximity of the site to existing residents, and the (currently unknown) phasing of the development, constructions activities may give rise to unacceptable impacts from issues such as noise, vibration, dust, and lighting.

Conditions are therefore recommended in relation to ambient noise, noise from the theatre, ventilation and extraction to cafes, site deliveries and waste collections, lighting, construction hours and construction management.

- **Housing Strategy – No contribution required**

Assuming the retirement accommodation is C2 use classification - it is difficult to be certain from the information provided - then there is no affordable housing contribution for this application.

Should the extra care/retirement accommodation actually be C3 dwellinghouse then an affordable housing contribution would be applicable.

- **Parks and Open Spaces – No objection, further comments**

No objection in principle to the development, however, recommend the following:

- further consideration of trees adjacent the car park, use of fastigate varieties with continuous trenches
- Recommend non-commercial elements such as informal areas for play and socialising are incorporated within the landscaping to create more reasons to use the town centre.
- Recommend the landscaping and building layout creates destinations rather than linear spaces to pass through.
- Recommend the planting design and species takes inspiration from the local landscape character.

- Trees to be provided suitable room to grow above and below ground to thrive.
- SUDS features to be incorporated to design.

- **Planning Policy – No objections**

With regard to policy matters the site lies within the built-up area as shown on the policies map of the adopted Local plan and is within Cannock town centre boundary and the primary retail area and is in close proximity to the Cannock Town Centre conservation area and is in the area influenced by the Cannock Chase SAC.

#### Conclusion

In principle the redevelopment plays an important role in ensuring the vitality and viability of the centre through the removal of the vacant car parking and closed indoor market and replacement with a modern mixed-use development to provide a new gateway to Cannock Town Centre. It is not considered that the change of use would result in unacceptable change in the retail character of the immediate area. The proposal incorporates active frontages and recognises the potential for 24hour activity arising from the town centre uses in the area.

The redevelopment of the site in this prominent and sensitive location is supported, comments in relation to the design and detail of the proposal, I leave to the case officer.

## PUBLICITY

The application has been advertised by site notices in the vicinity of the site and letters to nearby occupiers. A total of 5 No. representations have been received.

- One representation is from TJM Morris Limited ('TJM') who are owners of the Home Bargains chain of stores. Their comments in summary state:
  - TJM is committed to Cannock, with existing Home Bargains stores (the trading arm of TJM) currently located out-of-centre at Vine Lane, and within Cannock Town Centre, on Church Street. The latter extends into the Application Site for the pending planning application, for which we have an existing leasehold until 2072.
  - This longstanding commitment has the potential to be undermined by the pending proposals, which will lead to the redevelopment of the existing Home Bargains on Church Street. Whilst the Design and Access Statement submitted in support of the application (at page 20) refers to the replacement retail unit for Home Bargains needed to be provided in advance of the closure and demolition of the existing store, this is not guaranteed. Indeed, no meaningful discussions have taken place with the Applicant, either before or since the planning application has been submitted.
  - This lack of meaningful dialogue is disappointing given that we are a key investor in the town centre. The nature of the proposed development, and its phased demolition – as illustrated by the recently submitted Demolition Plan (dated April 2023) – has the potential to cause significant disruption for a sustained period. This will impact on the trading performance of our store and other existing businesses within the Town Centre. We therefore question the merits of the application proposals currently being advanced, particularly given the current economic climate. TJM supports the Council's aspiration to revitalise Cannock Town Centre, but believes other opportunities could be pursued, that have been

designed with input and support from key stakeholders. At present, the current application has been advanced with no such discussion.

- o Further public representations have been received which in summary state as follows:
  - Concerns exist regarding the proposed removal of the underpass and the effect this would have on traffic flows on the main road. This will cause congestion.
  - More residential uses should be proposed. More office development is not needed in the centre given the shift to remote working since the pandemic.
  - I would like to object in the strongest possible manner on the grounds of this does not sound like regeneration it again sounds like shuffling the deck chairs on the Titanic. There are many simple and very cost-effective ways to regenerate Cannock town centre creating jobs and revenue that can be reinvest into the town. I would be happy to discuss a number of possibilities with. But in the meantime, please do not repeat the mistakes of the passed investing money into white elephants that will come and be gone again within a generation, build a town that will be a place to visit, not a town that ticks the investment boxes because this has been proven here before it, does not work.
  - A facelift on the theatre? Whilst a good idea, is not the way to bring life back to the town, the theatre should be phase 3 or 4. Phase 1 is get people back to the town.

## **5. RELEVANT PLANNING HISTORY**

- 5.1 No relevant history

## **6. SITE AND SURROUNDINGS**

- 6.1 Cannock town centre houses a mixture of independent retailers, chain shops and retail provision and also hosts a local market and includes the prince of Wales Theatre. The Town Centre offers a mix of community services, retail provision, social and leisure activities for the residents of the town. The development site is located within the defined town centre of Cannock, bounded by the Ringway to the north, Market Place to the south and Church Street to the east.
- 6.2 The immediate surrounding area comprises retail/commercial uses, restaurants, Public Houses and Cannock Bus Station, located within Cannock Shopping Centre, High Green Court and along Market Place and Church Street. To the north beyond the Ringway lies a large surface level car park with vehicle access/egress off Beecroft Road/Allport Road and pedestrian link to the site via a subway which passes under the Ringway. To south-east lies a large-scale Morrisons supermarket and further commercial uses. To the north/north-east lies Cannock Chase Hospital and the CCDC Civic building on Brunswick Road/Beecroft Road. To the north-west lies the Chase Leisure Centre on Stafford Road.
- 6.3 Directly to the east of the site lies the Parish of St Luke and St Thomas Church and grounds, beyond which lies the Walsall College Cannock Campus, restaurants and a large-scale commercial building occupied by B&M Home Store. To the south lies Backcrofts Park and the large-scale Asda Supermarket.

- 6.4 The Cannock Town Centre Conservation Area is located to the south of the site. Although the defined application site is not within the Conservation Area, the development proposed would be seen in close association with the Conservation Area and Grade II\* listed Parish Church of St Luke (List UID: 1295000).

## 7. PROPOSAL

- 7.1 The application is part of a wider Levelling Up Fund project that will repurpose c. 1.70ha, including vacant retail floorspace, and proposes various redevelopment elements all within Cannock Town Centre. The key aim is to enhance accessibility, traffic movement, parking and servicing and the public realm.

- 7.2 The current application seeks an outline planning application with All Matters Reserved to include the following elements of development:

- (i) *“Refurbishment of the Prince of Wales Theatre and new workshop/creative space forming a new leisure and cultural hub.*
- (ii) *New café/bar/restaurant (up to 750 square metres floorspace) within the theatre.*
- (iii) *New café building (up to 325 square metres floorspace) in the Northern Gateway.*
- (iv) *Managed workspace (up to 1,300 square metres floorspace).*
- (v) *Replacement retail unit (up to 1, 858 square metres floorspace).*
- (vi) *New office accommodation (up to 3,170 square metres floorspace).*
- (vii) *Extra care/retirement accommodation (up to 70 dwellings).*
- (viii) *Bicycle hub for storage, hire and repair.*
- (ix) *Associated public realm improvements, including the Northern Gateway scheme.*
- (x) *Further ancillary works are proposed outside of the redline boundary to allow for the delivery of the LUF proposals, including enhancement of pedestrian routes, surface crossings on the Ringway, servicing routing technical application at Church Street and a new bike hub. These works will replace the existing subway between the shopping centre and the main town centre car park on Beecroft Road with a surface-level crossing of Ringway and a new set of ramps and steps on the south side of the road, down to shop floor level.”*

- 7.3 Members should note that All Matters Reserved Applications are to be treated as **not including** details of, for example, the layout of the development or details of the access arrangements. In effect the application seeks to establish the principle of the proposals. In this case this means that the imagery and draft layouts that have been provided within the submissions, are to be treated as indicative only. It is permissible for applicants to apply for All Matters Reserved under Article 5(3) of DMPO 2015 (as amended) and allows for outline permission to be applied for on a site whilst reserving details any or all of the following Reserved Matters:

- (i) *Access*
- (ii) *Scale*
- (iii) *Landscaping*

- (iv) *Layout*
- (v) *Appearance*

7.4 To allow for the development to go ahead, a series of demolition works of the existing buildings, including the vacant retail floorspaces are to be applied for in future either as a standalone planning permission or under 'prior approval'. Therefore, the current application does not contain precise details of demolition – such would need to be provided at a later date and future conditions would need to potentially assure this.

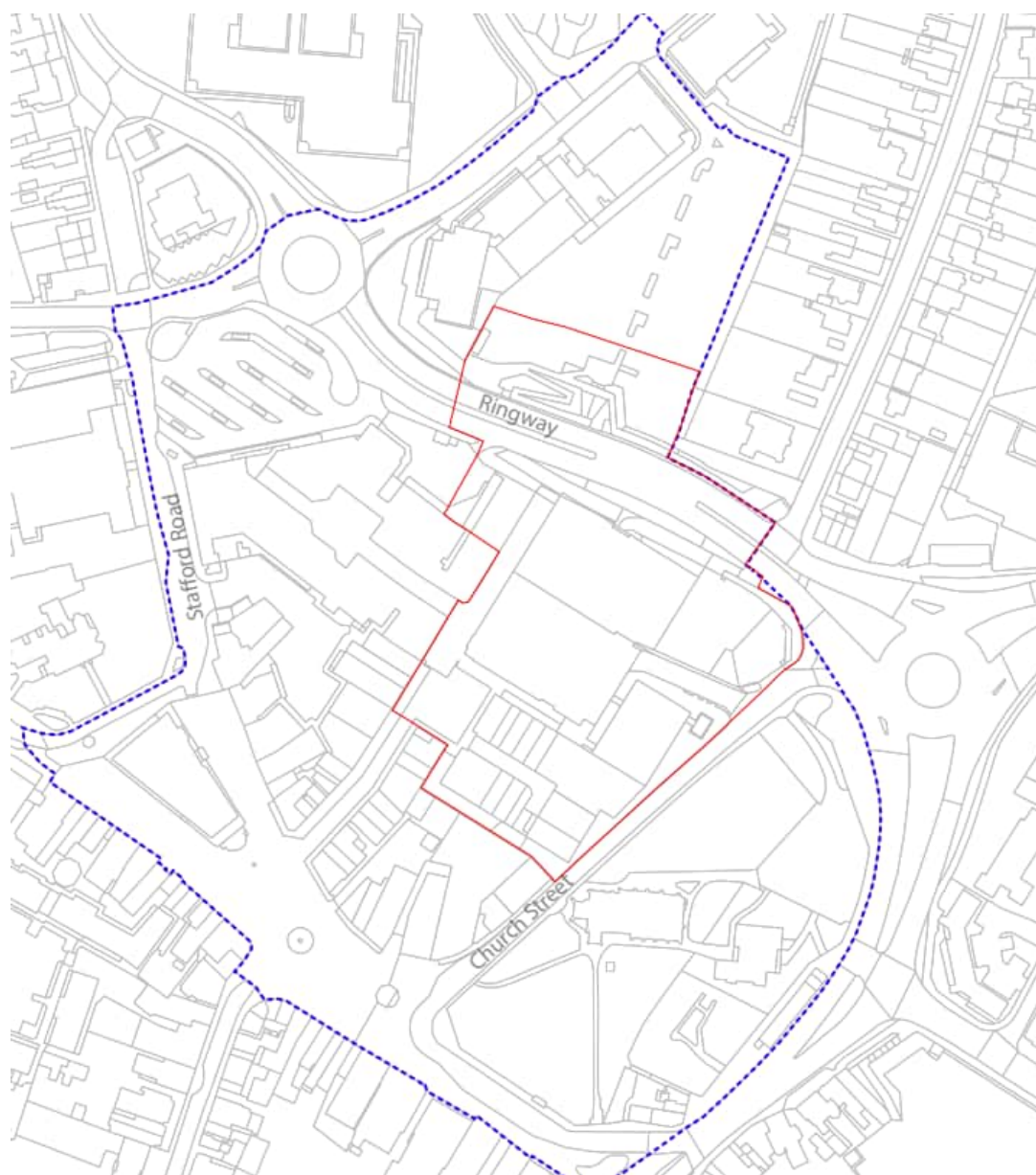


Figure 1: Extract from submitted Location Plan showing the extent of the site area in red, and the extent of the Levelling Up Fund Area in blue.

## 8. PLANNING POLICY

8.1 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.



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

8.3 Relevant Policies within the Local Plan Include: -

CP1:	Strategy
CP3:	Chase Shaping-Design
CP8:	Employment Land
CP10:	Sustainable Transport
CP11:	Centres Hierarchy
CP12:	Biodiversity and Geodiversity
CP13:	Cannock Chase SAC
CP14:	Landscape Character and Cannock Chase Area of Outstanding Natural Beauty
CP16:	Sustainable Resource Use

8.4 The relevant policies within the Minerals Plan are: -

(i) *Mineral Safeguarding*

National Planning Policy Framework

8.5 The NPPF (2021) sets out the Government's position on the role of the planning system in both plan-making and decision-taking. It states that the purpose of the planning system is to contribute to the achievement of sustainable development, in economic, social, and environmental terms, and it states that there should be 'presumption in favour of sustainable development' and sets out what this means for decision taking.

8.6 The NPPF (2021) confirms the plan-led approach to the planning system and that decisions must be made in accordance with the Development Plan unless material considerations indicate otherwise.

8.7 Relevant paragraphs within the NPPF include paragraphs: -

8:	Three dimensions of Sustainable Development
11-14:	The Presumption in favour of Sustainable Development
38:	Decision-making
47-50:	Determining Applications
86, 87, 90, 91:	Ensuring the vitality of town centres
110, 111, 112, 113:	Promoting Sustainable Transport
126, 130-132, 134:	Achieving Well-Designed Places
152, 154, 157, 167: 169:	Meeting the Challenge of Climate Change, Flooding and Coastal Change
183, 184, 186:	Ground Conditions and Pollution
212:	Minerals
218, 219	Implementation

Other relevant documents include: -

Cannock Chase District Council (April 2016) Design Supplementary Planning Document.

Cannock Chase District Council (July 2005), Cannock Chase Local Development Framework; Parking Standards, Travel Plans and Developer Contributions for Sustainable Transport.

Cannock Chase District Local Plan Preferred Options 9 February 2021)

Emerging Policies

SO6.1 Hierarchy of Town and Local Centres

SO6.2 Provision of Main Town Centre Uses and Town Centre Services

## 9. DETERMINING ISSUES

9.1 The determining issues for the proposed development include: -

- a) Principle of development
- b) Character, appearance, and Heritage
- c) Residential amenity
- d) Transport Considerations
- e) Ecological Considerations including bats
- f) Air Quality
- g) Drainage and flood risk
- h) Mineral safeguarding
- i) Developer Contributions

## 10. PRINCIPLE OF THE DEVELOPMENT

10.1 The site is located within the Town Centre boundary. Part of the site falls within an allocated Primary Retail Area, which seeks to retain existing Class A1 retail uses and to which new retail development will be directed. Policies CP3, CP7, CP11, CP13, CP15 and CP16 would therefore be relevant to the consideration of this proposal along with compliance with the habitats regulations.

10.2 National planning policy in the NPPF and PPG supports the role that town centres play at the heart of local communities and advises that a positive approach to their growth, management and adaption should be taken. The NPPF and PPG are suggested within Planning Policy comments as superseding the approach in the adopted Local Plan and that national guidance since production of the Local Plan in relation to town centres has changed. Whilst ensuring the vitality and viability of centres remains paramount the range of uses now included as 'main town centre uses' has expanded. In addition, Para 86 (f) of the NPPF states that 'residential development often plays an important role in ensuring the vitality of centres and encourage development on appropriate sites.

### *Mixed use Proposals*

10.3 Local Plan Policy CP11 - Centres hierarchy is a key consideration as part of the current proposals. Policy CP11 identifies Cannock as a strategic sub-regional

centre and the aims of the policy seek to retain and strengthen this role. The policy identifies main town centre uses which should be given priority in the regeneration of the town centre within the defined boundary. The uses include retail, offices, leisure, and cultural facilities – which fully align with the nature of the current proposals. The policy also identifies that 35000sqm of comparison retail floor space and 30000sqm of office floorspace should be provided for.

- 10.4 Policy CP11 has existed since the adoption of the 2014 Local plan. The main update to these figures comes from the Town Centre Retail Study 2021 and Update 2022. For Cannock no Convenience Goods need is suggested upto 2040. For Quantitative Comparison Goods it is acknowledged in the study that when the Mill Green Development (CH/17/279) is taken into account any surplus capacity for comparison goods sales would be absorbed in Cannock for the short, medium and long term (Page 37). In considering this the study further reports:
- (i) *In this study, the key purpose of any strategy moving forward should be to build upon the individuality of the town centre, provide a focus and hub for the local community and to aim to attract a mix of additional land uses beyond retail and leisure (including residential, educational, community and office uses) and extend the 'dwell time' and spend of visitors/residents visiting the town centre and in turn the vitality and viability of the centre.*
- 10.5 Therefore it is acknowledged that the above study suggests no additional comparison or convenience retail need but that with additional provision of uses (such as the enhanced focus on the theatre and extended night time economy) there is scope to enhance the vitality and viability of the centre. In this regard, and with regard to the wider national aim of enhancing and regenerating town centres, these proposals are nevertheless considered to represent a positive opportunity to regenerate the town. Therefore Officers give this point significant and overriding weight.
- 10.6 Policy CP11 encourages the delivery of more attractive public spaces and streetscapes in Cannock town centre linked in part to a management plan for the town centre conservation area, encourages developments that create safe and attractive public spaces and a more balanced nighttime economy – which the enhanced theatre proposals again complement.
- 10.7 Policy CP11 also notes the importance of retaining and enhancing town centre markets. The site of the former indoor market is likely to ultimately be demolished in the longer term. This has been closed for several years. Since its closure, a street market within the pedestrian area of the town centre now operates and is proving popular and the proposals would appear to complement this. Officers see no reason why this could not be incorporated into the new public square proposed but as elsewhere in this report, the detail is not yet tabled to fully examine this point. It is also relevant the Cannock Chase Retail and Town Centre Uses Study 2021 identifies the relatively high vacancy rate the Town Centre suffers from (20% as stated at Page 36) and that there is an opportunity to redevelop the multi-storey car park, bus station and Beecroft Car Park which this application fully accords with.
- 10.8 The site falls within the primary retail area under Policy CP11 which seeks to retain existing A1 retail uses. The policy states 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. Other uses will only be permitted where they do not detract from the primary retail function of the town centre. Bearing in mind the layout of the development proposed is not up for consideration as part of the All Matters Reserved Outline Application, Officers would find it difficult to examine this point further at the current time. Albeit it is reasonable to conclude that broadly the office, café, retirement, and replacement retail space (of upto 1858sqm) would align with Local Plan Policy CP11.

### ***Extra Care / Retirement Proposals***

- 10.9 NPPF paragraph 60 states it is important that the needs of groups with specific housing requirements (such as the elderly) are addressed, with paragraph 83 stating that planning decisions should recognise and address the specific locational requirements of different sectors. This application seeks outline permission for up to 70 extra care or retirement units alongside a range of other uses. Policy CP7 acknowledges a need for a range of housing choice and encourages development applications for residential accommodation in Use Class C2 in order to assist in 'Housing an Aging Population'. The proposal therefore represents a positive contribution to the specialist needs of the region and is compliant with NPPF ambitions and Policy CP7.

### ***Overall 'In Principle' Conclusions***

- 10.10 The site currently contains a mix of retail uses (alongside the disused Market Hall and parking areas). These disused buildings directly detract from the vitality of the centre and have remained empty for a number of years. Promoting reuse or redevelopment is therefore a priority and is likely to lead to the regeneration of the area, leading to wider enhanced vitality and viability as envisaged by the Policy CP11. Officers therefore see no overriding in principle conflict with the proposals.

## **11. CHARACTER, APPEARANCE AND HERITAGE**

- 11.1 Policy CP3 of the Local Plan supports high-standards of design, and for development to be well-related to existing buildings and their surroundings; including measures to design out crime and anti-social behaviour, and to promote ease of access and mobility within development and from its surroundings. Policy CP15, CP16, the Design SPD and the Town Centre Conservation Area Appraisal and Management Plan are relevant to the consideration of the application, especially given the close visual association of the proposals in the context of the Grade II\* listed Parish Church of St Luke.
- 11.2 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.*
- 11.3 As the proposals are submitted as an All Matters Reserved Outline Application, limited detail is presented as part of the application. Indeed, the nature of the All Matters Reserved Application in practice means that the purpose of the

application is to secure agreement in principle to the redevelopment of the site area. Officers note that the site in question - particularly the area including the redundant market hall and multi storey car park – detract from the character and heritage of the wider Town Centre. Redevelopment of these areas in particular would represent a clear opportunity to enhance the town centre and is acknowledged in a range of Council policy documents and supporting evidence – including the Town Centre Retail Study and in part within the Cannock Town Centre Conservation Area Appraisal.

11.4 Caution is expressed by Historic England that the application does not include sufficient detail to enable adequate assessment of the integration of the proposals with the Grade II\* listed Church and Conservation Area. In particular Historic England and to some extent the County Archaeologist, express that:

(i) *...a Heritage Impact Assessment would provide greater clarity. We agree that this would be a helpful way forward. We also agree that intrinsic to such an assessment will be further information on the height, massing, and design of the proposed development...*

(ii) *We have concerns regarding the potential harmful impact of the proposed new buildings on the significance of St Luke's church and its setting and the adjacent conservation area. An insufficient level of information has been submitted to enable a proper assessment of the degree of harm. We therefore advise your authority to seek additional information from the applicants and to make your own assessment of potential impacts.*

11.5 Given the large and complex nature of a Town Centre Redevelopment it is reasonable that an applicant is not able to provide the fully designed proposals. Indeed, it is within the applicant's gift to seek to reserve matters for future discussion where the process (the DMPO 2015 as amended) allows for this. One such process is that of the Outline consent process where an applicant can choose to reserve all or some of the relevant design elements such as Scale, Appearance, Layout etc as defined within the DMPO. Therefore, whilst it is human nature to want to see the full design, it is not necessarily essential for consideration of the current proposals in the Officers view. This is because the outline application in this case seeks an agreement in principle only, and conditions (as for any large outline consent), can require the provision of reserved details at a later date before any development can proceed. This approach still retains control of the extent of development and its integration with the sensitive heritage context of the site. Officers consider that subject to these conditions that will require details of scale, appearance and layout, further assessment of the appropriateness of the development in the context of the Conservation Area and Grade II\* church can be retained.

11.6 In relation to archaeology, the comments from the County Archaeologist are noted. Nevertheless, similar to the above - conditions are capable of adequately assuring appropriate investigation and recording of archaeological interests at the site.

11.7 Accordingly, Officers assess overall the application in principle represents an opportunity to enhance the town centre, how it presents itself outwardly and how it relates to nearby Heritage Assets. At the current time, the application does not contain detail as to the finished appearance, scale, or layout of the proposals and thus the effects cannot be fully interpreted. However, subject to conditions the

Officers can retain control over the Reserved Matters to assure a high-quality development in line with Local Plan Policy CP3.

## **12. RESIDENTIAL AMENITY**

12.1 Paragraph 130(f) of the NPPF states that planning policies and decisions should ensure that developments [amongst other things] create places with a high standard of amenity for existing and future users.

12.2 In liaison with the Council's Environmental Health team, officers assess the main considerations that could impact existing or future occupants of the site are:

- (i) *Noise from Ringway Traffic impacting future occupiers of the retirement complex*
- (ii) *Noise from proposed commercial buildings such as ventilation or air conditioning*
- (iii) *Noise from patrons leaving the the Prince of Wales Theatre affecting residents in the new retirement complex*
- (iv) *Odour impacts from extraction systems*
- (v) *Lighting impacts*
- (vi) *Construction and Demolition related impacts*

12.3 A range of conditions are proposed to deal with the respective impacts. These include the provision of lighting details once the designs are further progressed, details of any mechanical ventilation to assure controls over the noise and odours emitted, control over operating hours and construction hours, additional noise insulation to the theatre itself and submission and agreement of a Construction Management Plan.

12.4 Subject to these conditions both Officer's and the Council's Environmental Health department are satisfied that adequate controls on the installation of relevant equipment and noise would be assured. As such compliance with NPPF 139(f) and Local Plan Policy CP3 is assured.

## **13. HIGHWAYS CONSIDERATIONS**

13.1 A Transport Statement accompanies the application. This uses existing transport data, reports, committed schemes and relevant planning applications to assess baseline data relating to traffic movements, sustainable modes of transport and car parking. Collision data was interrogated to identify any accident clusters. All relevant modes of transport have been considered including walking, cycling, public transport and car use. The report also reviewed heavy goods vehicle (HGV) access requirements during the demolition and construction phases. Bus routes and frequencies have been identified and pedestrian and cycle routes and facilities have been used in the development of the scheme.

13.2 The evidence base has been used to help identify the high-level impacts of the proposed scheme. The proposed changes to land use and the transport network within the study area will be assessed in terms of routes for all modes, the capacity of the highway to move vehicles, car parking and any transport impacts on the environment and public realm. The report assesses:

- (i) *The [site has a] central location and good accessibility on foot, cycle and public transport means that staff, residents, and visitors to the development have a high likelihood of using sustainable modes rather than generating new vehicle trips.*
- (ii) *There will be a transfer of trips from the existing civic offices in the town centre to the proposed office development, but the 30% reduction in office floorspace is likely to lead to an overall reduction in the number of trips.*
- (iii) *There will be new visitor, resident, and staff journeys to the care / retirement home, likely to be fewer than 20 two-way trips during the peak network hours.*
- (iv) *There will be some increase associated with the refurbished theatre but the number of new trips during the peak will be minimal.*
- (v) *The number of new journeys to the small cultural/leisure space will be negligible.*
- (vi) *The cafés and bar/restaurant will attract some customers during the PM peak period, but many of these customers will be visiting the theatre or the rest of the town centre so they would be 'linked' trips rather than new trips on the network.*
- (vii) *New visitors and staff journeys to the incubator workspace are expected to be fewer than 20 two-way trips during each peak period.*
- (viii) *Minimal change caused by the relocation of large retail unit.*
- (ix) *The demolition of the multi-storey car park will have little impact on current traffic conditions, but it has been operational in the recent past, so that potential to generate vehicle trips will be removed.*
- (x) *Reduced trips to the retail units and Market Hall, although much of this is currently vacant. Small reduction due to the removal of the small retail units.*
- (xi) *Increased trips to the town centre due to the public realm improvements.*

13.3 The Transport Assessment examines likely changes in travel movements as a result of the proposed development. It concludes that the scheme is likely to lead to a relatively small increase in the number of vehicle trips to and from the town centre. Increases in the capacity of the adjacent road junctions are unlikely to be necessary but the proposed Toucan crossing of Ringway that will replace the existing subway will need to be designed to minimise any negative impacts on traffic flow and ensure road safety.

13.4 Whilst the above access design change is mentioned, the application at present is All Matters Reserved and does not contain formal details of the proposed changes. The proposals that are very high level and before the Council at the current time. Staffordshire County Council was consulted, and discussions were undertaken with them with regards to Transport Considerations. Within their formal response agreement to the methodology for calculating traffic uplift is confirmed and the conclusions around the development leading to a negligible uplift at AM and PM peak periods has been confirmed. This is not a severe impact in NPPF highway impact threshold terms. The County Council are also supportive of the sustainable travel options that are available to the site. Recommendations for a Travel and relevant contributions by S106 are recommended by Highways Officers. Overall subject to conditions to secure more detail about the demolitions

process and the proposed works to the underpass, the Highway Authority raise no objections.

- 13.5 Officers do not dispute the conclusions within the Transport Assessment or the response from the Highway Authority. On this basis, in principle the proposals are judged acceptable and further detail can be provided/explored when Access is a component of the Reserved Matters considerations.

## 14. ECOLOGICAL CONSIDERATIONS

### *Direct Site Impacts*

- 14.1 Policy and guidance in respect to development and nature conservation is provided by Policy CP12 of the Local Plan and paragraphs 174 and 180 of the NPPF.
- 14.2 The site does not benefit from any formal or informal designation for nature conservation purposes, nor is it located immediately adjacent to sites of significance. The main risk to ecological assets as part of the development is likely to be the removal of bat roosting opportunities as part of any demolition. Such is required to be considered up front as part of any outline application.
- 14.3 The applicants have provided a Preliminary Roost Assessment which concluded that not all of the buildings were able to be examined and that further survey work was required. A subsequent Bat Emergence Survey dated June 2023 was provided.

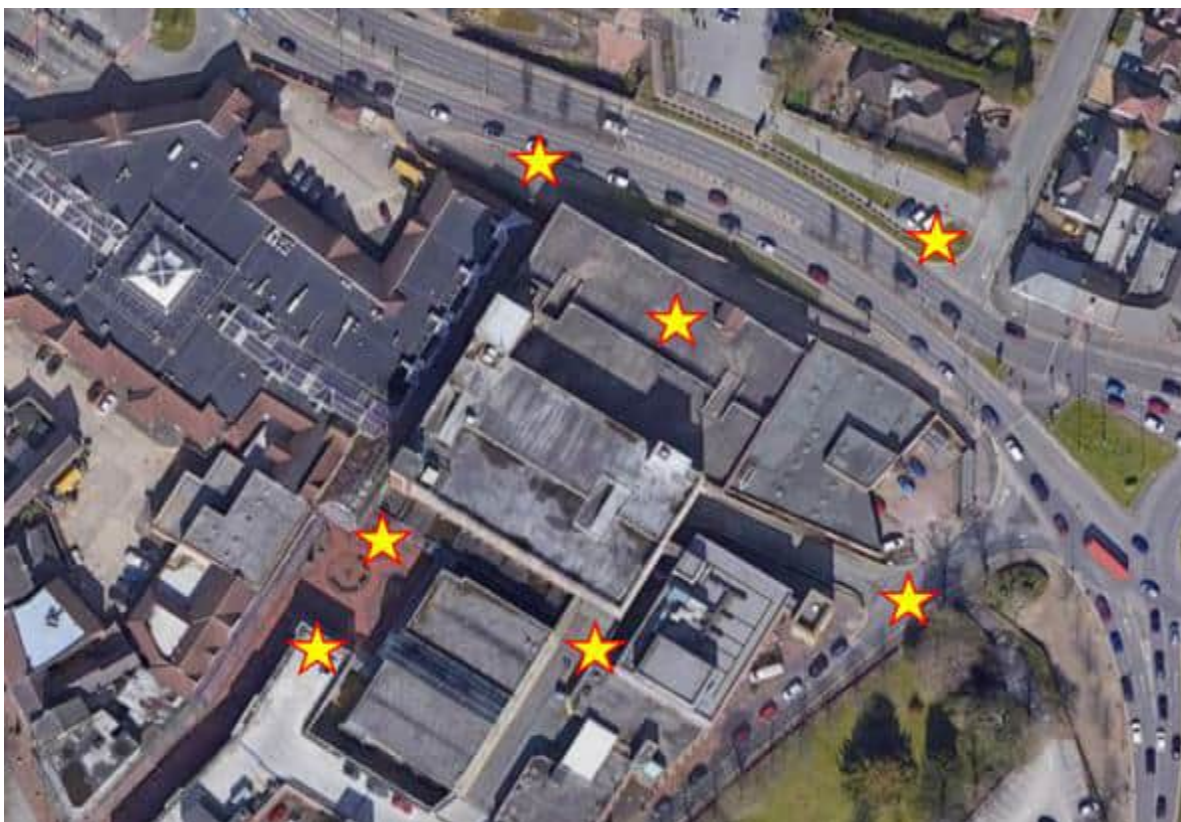


Figure 2: Surveyor Locations during bat survey of the site taken from the submitted report.

- 14.4 This confirmed that having carried out on site emergence work on the 4th May and 7th June respectively, no bats were seen to emerge from buildings in the centre of the town. As such the conclusions within the report state there are no further survey requirements identified during the emergence surveys conducted to date.



However, populations of bats were observed to be using both the site and surrounding habitats for commuting or feeding so a level of protection must be implemented during development to prevent disturbance. This should include general site protocols to avoid entrapping animals and control over lighting in particular. Control over lighting is a suggested condition within this report. In light of this condition, the application is considered to be in accordance with Policy CP12.

### ***Cannock Chase SAC Contributions***

- 14.5 The development in this case seeks to provide residential units aimed at meeting the needs of the elderly. The Council's CIL Officer confirms that Community Infrastructure Levy is not chargeable on specialist retirement housing and the development in this case would not be liable for CIL.
- 14.6 In such circumstances where housing is proposed but it is not CIL liable, a S106 is usually employed to secure monies to go towards mitigating impacts of recreation upon the Cannock Chase SAC. Whilst these proposals are described as retirement accommodation, these could conceivably contribute to recreational use of the Cannock Chase SAC. Additionally, it is noted that only '*Sheltered accommodation and care homes falling within Use Class C3*' are required within the Council's guidance to provide SAC contributions. No clear rationale as to why the use proposed is not C3 is made in the submissions and therefore Officers assess that a contribution to SAC mitigation should be required in line with the Council's published guidance.
- 14.7 Subject to this contribution, Natural England Standing Advice confirms that the impacts upon the SAC are proportionately mitigated against.

### ***Environment Act 2021***

- 14.8 Although the provisions of the Environment Act 2021 constitute a material consideration there is currently no legislative or policy requirement for a 10% Biodiversity Net Gain. Notwithstanding this there is still a requirement under paragraph 174 of the NPPF for decisions to contribute to and enhance the natural and local environment. However, it is considered that given the site is predominantly hard standing, this enhancement would be achieved through an appropriate landscape plan as required by condition.
- 14.9 Therefore, it is considered that subject to the attached conditions the proposal would not be contrary to policies CP12 and CP13 of the Local Plan and paragraphs 174 and 180 of the NPPF.

## **15. AIR QUALITY**

- 15.1 An Air Quality Assessment has been prepared by Tetrattech dated Feb 2023 and accompanies the planning application for the proposed development. The report considers potential impacts during the demolition and construction phases of the development and from the operational phases of the development separately.
- 15.2 In relation to construction/demolition, the main potential effects are dust emissions from a range of sources (e.g., tracked out materials during earthworks, construction, and demolition. In relation to these sources the report suggests the following mitigation:

- (i) *Communications with stakeholders and engagement prior to commencement should be undertaken. Displaying the name and contact details of the person accountable for air quality and dust issues on the site.*
  - (ii) *Implementing dust management protocols, recording complaints, liaison with other construction sites in the vicinity, implementing inspection processes, plan site layouts so dust generating uses are located away from receptors as far as possible, taking account of weather, enclosing high dust generating activity, avoiding site run off.*
  - (iii) *During demolition using water suppression, soft stripping buildings ahead of demolition, avoiding explosive blasting.*
  - (iv) *Minimising trackout of material, avoiding dry sweeping, implementing wheel wash facilities, installing hard surfaced haul routes where required.*
- 15.3 In relation to the operational phase of the development, Baseline 2019 traffic data and projected 2024 Future Year Baseline traffic data have been obtained for the operational phase assessment in the form of Annual Average Daily Traffic figures (AADT). For the operational year of 2024, assessment of the effects of emissions from the proposed traffic associated with the scheme, has been undertaken using the Emissions Factor Toolkit (EFT) 2024 emissions rates which take into account of the rate of reduction in emission from road vehicles into the future with the following factors:
- (i) *2019 Baseline = Existing Baseline Conditions; and,*
  - (ii) *2024 Future Year Baseline = Baseline Conditions + Committed Development Flows (through local growth factor).*
- 15.4 Taking account, the expected uplift, detailed dispersion modelling of traffic pollutants has been undertaken for the proposed development. An operational year assessment for 2024 traffic emissions has been undertaken to assess the effects of the Proposed Development. The impacts during the operational phase take into account exhaust emissions from additional road traffic generated due to the proposed development. The conclusions within the report state:
- (i) *All proposed receptor locations are expected to be exposed to air quality below the Air Quality Objectives for NO<sub>2</sub>, PM<sub>10</sub> and PM<sub>2.5</sub>.*
- 15.5 The Council's Environmental Health Officer raises no objections to the proposed methodology utilised to examine the effects of the development. Furthermore, the results are below the Air Quality Objective levels set by Government and as such comments from Environmental Protection state the development is unlikely to have an adverse impact on receptors following the development of the site. No further conditions are recommended, therefore.
- 15.6 Officers conclude that subject to conditions requiring the provision of a Construction Management Plan, therefore would be no significant risk from air quality impacts as part of the demolition and construction phases. As such compliance with Local Plan Policy CP3 is assured.

## **16. DRAINAGE AND FLOOD RISK**

- 16.1 The application is accompanied by a Drainage Technical Report and Flood Risk Assessment. In particular the Drainage Technical Report highlights the site in is

formed of two distinct areas which will be served by 3 separate networks with the existing impermeable areas as follows:

**Table 1 - Existing Impermeable Areas**

Location	Existing Areas (sqm)			Total
	Adopted Highway	Roofs	Walkways etc.	
Northern Gateway	1862	390	374	2626
Theatre and Public Realm	1119	4246	1511	6876

*Figure 3: Table taken from Drainage Technical Report document showing extent of existing impermeable areas within the application site area.*

- 16.2 In discussions with the Lead Flood Authority, it was agreed to try to reduce the peak runoff from the theatre and public realm area to as close to 20l/s as reasonably practical, treating the area as a single catchment and subdividing the target outflow to create efficient networks.
- 16.3 The report goes on to explore means of achieving this reduced run off rate. Importantly it is noted that:
- (i) *5.4 Infiltration to the ground around the Northern Gateway is unlikely to be feasible. The creation of steps and a series of ramps to address the level difference between the existing A34 Ringway and the current shopping area will dictate the use of demolition arisings to make up levels creating a depth of “made ground” of increasing thickness towards the northern boundary of the site.*
  - (ii) *5.5 At present and based on currently available Ground Investigation the area around the existing Prince of Wales Theatre is not expected to offer opportunities for percolation or infiltration, but further tests will be carried out following the demolition of the car park. Infiltration requires several other criteria beyond simple percolation such as standoffs from existing and proposed foundations and the requirement to ensure that any percolation structure is at least 1m above the seasonal groundwater level.*
- 16.4 Taking the above into account it is concluded that the surface water network for the site will need to discharge to existing surface water sewers.
- 16.5 In the case of the Northern Gateway Area and in the absence of infiltration type drainage, to provide betterment to the existing system and to provide water quality enhancements, sustainable drainage will be incorporated within the planters to both increase the time of concentration which will reduce peak flows and provide a treatment path through a filtration process. Other areas such as the service yards and Civic Square public realm space, both Green Roof solutions and permeable paving (where appropriate) are viable options.
- 16.6 The LLFA have considered the options presented and are satisfied that some degree of flood risk and drainage betterment and resilience may be embedded in the delivery of the proposals. Additionally, the LLFA are satisfied that there is a viable means of surface water discharge, but that further work is required on the detailed design of the solutions. The designs as tabled currently are indicative and preliminary only and have not been approved as a detailed design by the LLFA. Therefore, conditions are recommended which seek to tie in the proposed

25/L/s discharge rate amongst a range of other matters. Therefore, to reiterate, further detailed design work is required. Subject to these conditions Officers are satisfied the proposals seek to achieve drainage buffering and betterment above and beyond the existing scenario and that the proposals would therefore be acceptable in flood risk and drainage terms.

## **17. MINERAL SAFEGUARDING**

17.1 The site falls within a Mineral Safeguarding Area (MSAs) for superficial sand and gravel deposits. Paragraph 2010(c) 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.

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

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

17.3 Table 7 of Appendix 6 outlines “Exemptions Criteria for Mineral Safeguarding” and includes, amongst other things, safeguarding areas (see 13 below).

17.4 Applications that fall within the development boundary of urban areas and rural settlements identified in an adopted development plan document, other than:

- a) non- exempt applications that fall within the mineral consultation zones around mineral sites, mineral site allocations and mineral infrastructure sites; and,
- b) non- exempt applications that fall within the coal and fireclay

17.5 In this respect it is noted that the site is relatively small in area and located within the main urban area of Cannock and as such is considered to constitute an exemption from Mineral Safeguarding Policy.

17.6 It is therefore concluded that the proposal is therefore acceptable in respect to mineral safeguarding and the requirements of paragraph 210(c) of the NPPF and Policy 3.2 of the Minerals Local Plan

## **18. DEVELOPER CONTRIBUTIONS**

### ***NHS Health Contributions***

18.1 The ICB has considered the case and has no objection subject to the level of developer contributions set out below being secured by way of a S106 obligation. These contributions would be drawn down at an appropriate time to address the requirements of the relevant primary care network highlighted below. The sum (£56,874) requested has been tailored to the level of development sought and would be pooled to support the future adaptation/refurbishment/expansion of

premises within the named Primary Care Networks as appropriate and as directed by NHS strategic estates plans. The NHS representative suggests a unilateral undertaking (pursuant to S106 of the Planning Act) would be the appropriate mechanism to secure the funds which should be released upon commencement of development and the amount should be index linked to the Construction Tender Price Indices (TPIs).

- 18.2 Officers see no reason to dispute the request and the applicant has confirmed agreement to paying the required amount, subject to production of the Unilateral Agreement.

### ***SAC Recreational Impacts***

- 18.3 For the reasons set out within the Ecological Considerations section of this report, a SAMM recreational impacts contribution as is typical sought for new housing is justified in this case. As such for all residential units, the developer contribution for the 2023-2024 financial year is set at £329.83 per unit.

### ***Affordable Housing***

- 18.4 The Council's Housing Officer confirms that assuming the retirement accommodation is C2 use classification - then there is no affordable housing contribution for this application. Should the extra care/retirement accommodation actually be C3 dwellinghouse then an affordable housing contribution would be applicable.
- 18.5 Officers see no reason to dispute this and suggest that affordable housing requirements for C3 units should be incorporated into any future S106.

## **19. OTHER ISSUES**

- 19.1 The comments from the owners of Home Bargains about a lack of engagement are noted. This is not strictly a material planning consideration and nevertheless, liaison with the Council's Economic Development Manager suggests that engagement, but not ultimately agreement, with the owners of Home Bargains has been undertaken over a prolonged period with further discussions scheduled.
- 19.2 Irrespective of the above, it is understood that the existing store in its current format would be retained and worked around. Concerns around disruption to the store during the redevelopment process are understandable and to assure this point is dealt in a similar manner to that raised by the adjacent church, more precise information reference the means of demolition and access arrangements will be required. A detailed demolition and development phasing plan will be required, and the submission and agreement of details pertaining to all closures or impacts on the public realm (including vehicular and pedestrian circulation spaces) will be required. Subject to these conditions and effective planning of pedestrian routings during the works, Officers are satisfied that impacts on the trading performance of nearby stores can be minimised.
- 19.3 Various other observations from interested parties point to unquantified observations the proposals do not contribute to regeneration of the centre. The office proposals, improvements to the theatre, improved public realm and new residential uses will all contribute to the viability of the centre and as such Officers see no basis for this assertion. In relation to the observation that the Theatre refurbishment should feature later in the build programme, this application seeks

solely overarching approval and conditions requiring details of the phasing are included. As such phasing considerations are not as yet a consideration for meaningful discussion.

- 19.4 Some comments raise the issue of there being no need for office accommodation. As planning decision takers, Officers and Members must determine applications in accordance with relevant policies in the first instance. Both national and local policies affirm that offices are a Main Town Centre use and in the absence of more site-specific policies or a design brief, in principle the proposals are acceptable. In these circumstances it is not for the Planning Process to seek to question the 'need' for the development where it is shown to be policy compliant.

## **20. HUMAN RIGHTS ACT 1998 AND EQUALITY ACT 2010**

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

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

### ***Equality Act 2010***

- 20.2 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.
- 20.3 By virtue of Section 149 of that Act in exercising its planning functions the Council must have due regard to the need to:
- (i) *Eliminate discrimination, harassment, victimisation, and any other conduct that is prohibited.*
  - (ii) *Advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it.*
  - (iii) *Foster good relations between persons who share a relevant protected characteristic and persons who do not share it.*

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

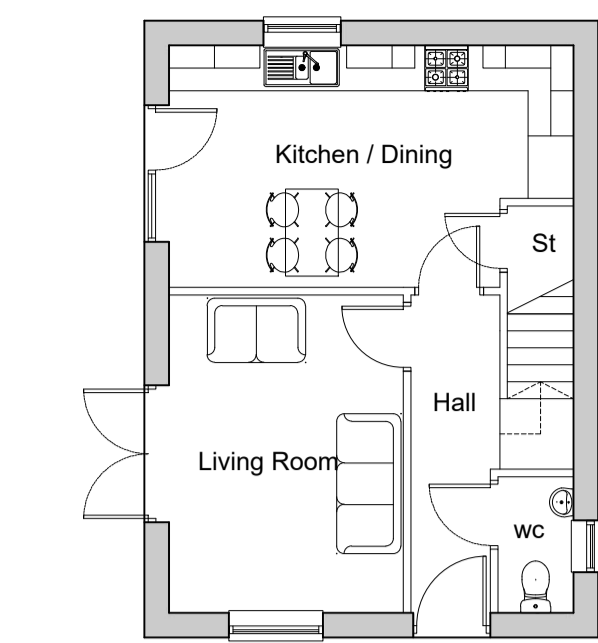
Such consideration has been balanced along with other material planning considerations and it is considered that the proposal is acceptable in respect to the requirements of the Act. Having had regard to the particulars of this case officers consider that the proposal would not conflict with the aim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

## **21. CONCLUSION**

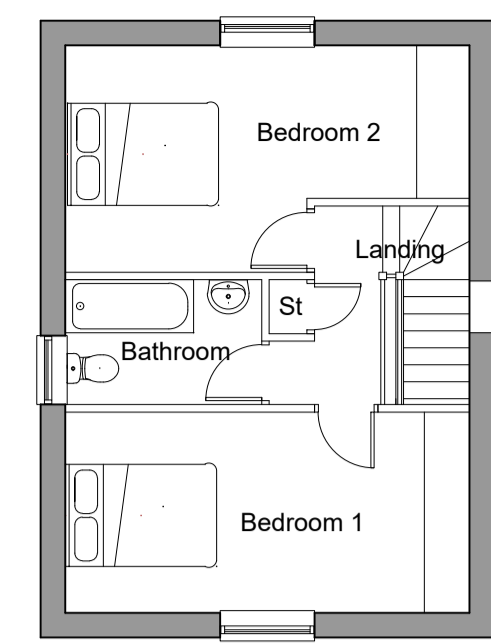
- 21.1 The application is part of a wider Levelling Up Fund project that will repurpose c. 1.70ha, including vacant retail floorspace, and proposes various redevelopment elements all within Cannock Town Centre. The key aim is to enhance accessibility, traffic movement, parking and servicing and the public realm.
- 21.2 In terms of assessment of the application, in principle Policy CP11 identifies Cannock as a strategic sub-regional centre and the aims of the policy seek to

retain and strengthen this role. The policy identifies main town centre uses which should be given priority in the regeneration of the town centre within the defined boundary. The uses include retail, offices, leisure, and cultural facilities – which fully align with the nature of the current proposals in principle.

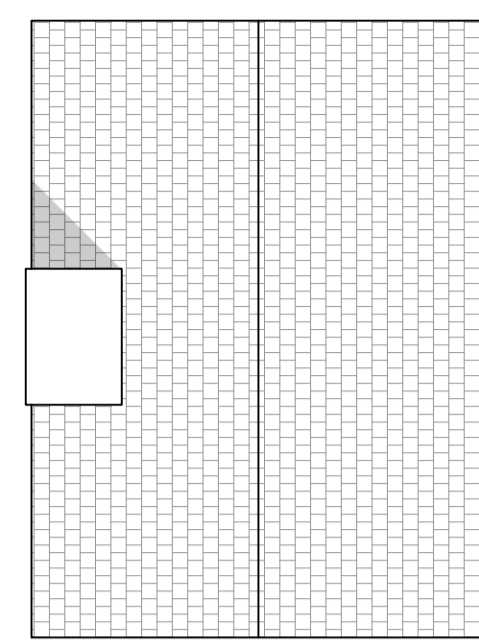
- 21.3 Key public concerns around assuring access to the local church and nearby businesses are understandable particularly in the absence of detailed plans. Conditions are proposed to require both the provision of detailed phasing demolition and phasing plans as well as a specific plan showing access routes to the public realm and details of screening during site redevelopment.
- 21.4 Overall, the development is assessed as broadly complying with the requirements of Local Plan Policy CP11 which seeks to building upon Cannock Town Centre's role as a subregional strategic centre. The uses proposed align with those within Policy CP11 and the site is a sustainable location which is Previously Developed Land, the re-use of which should be afforded substantial weight, as per NPPF paragraph 118(c). Whilst other matters cannot yet be examined fully, in principle the redevelopment of this town centre site aligns with the NPPF ambition to promote economic growth through the regeneration of sustainably located town centre sites.



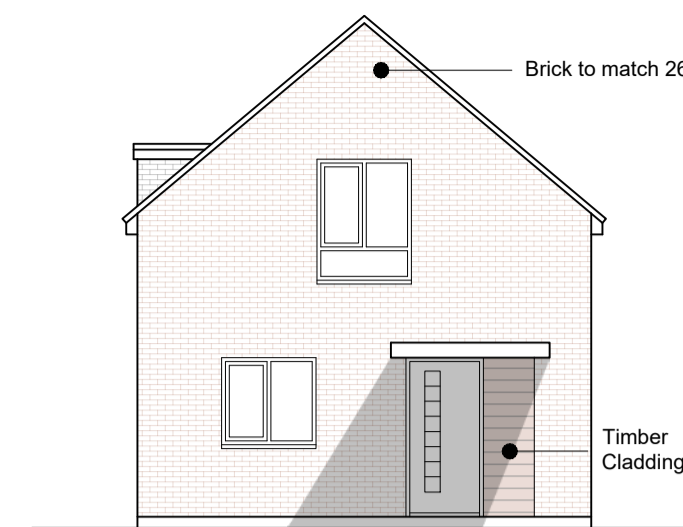
1 Ground Floor Plan - Proposed  
1:100



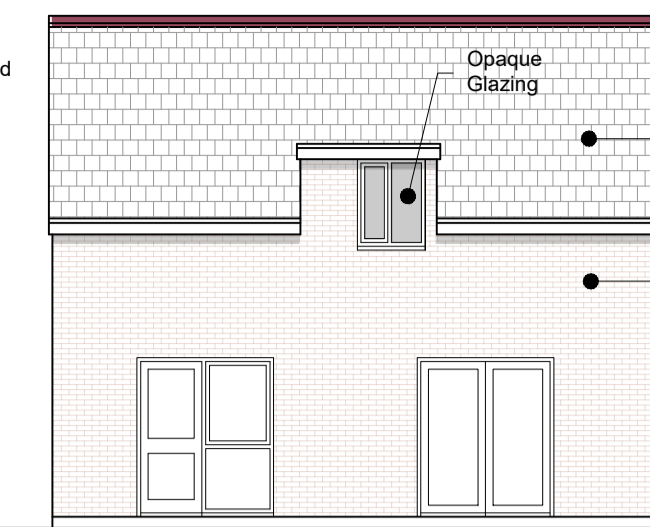
2 Ground Floor Plan - Proposed  
1:100



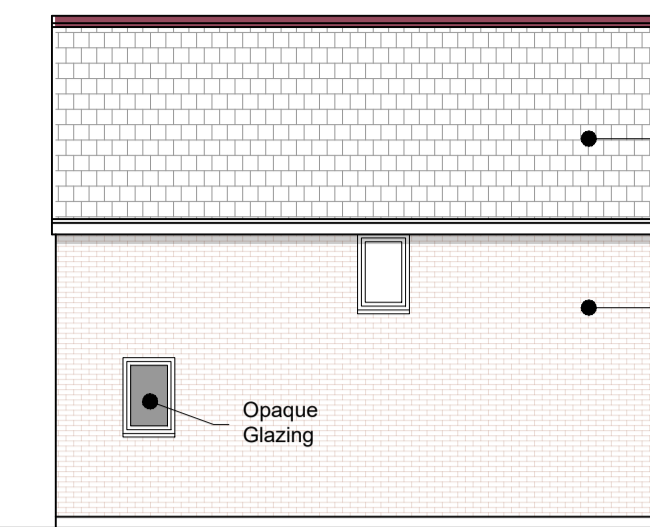
3 Roof Plan - Proposed  
1:100



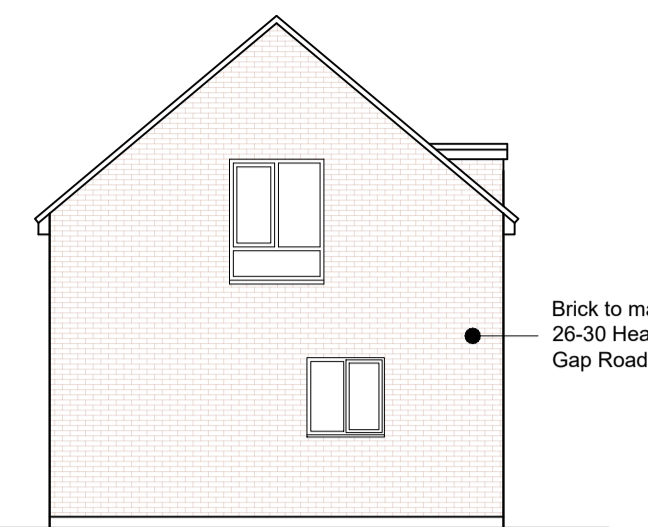
4 Front Elevation - Proposed  
1:100



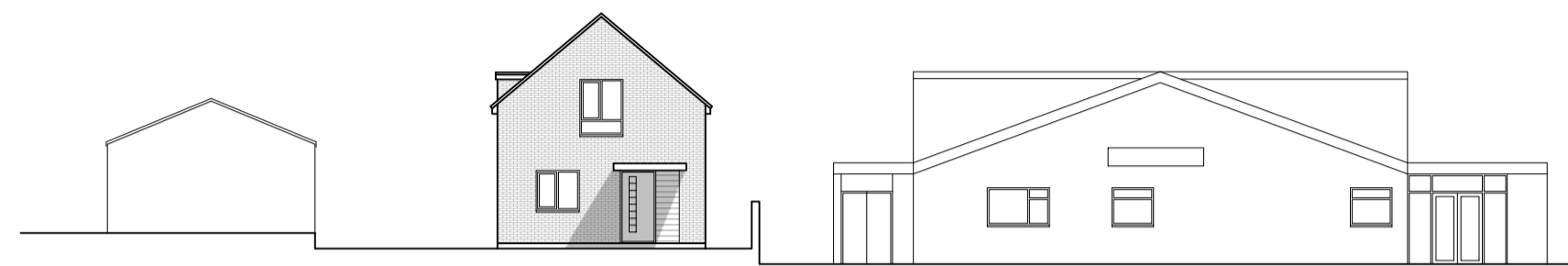
5 Side Elevation - Proposed  
1:100



6 Side Elevation 2 - Proposed  
1:100



7 Rear Elevation - Proposed  
1:100



7 Site Section AA  
1:200



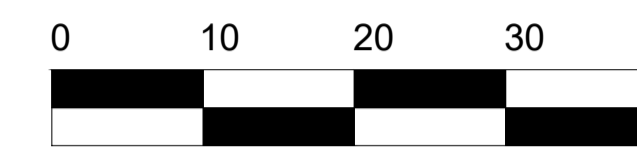
8 Site Section BB  
1:200



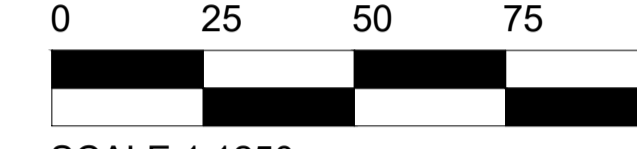
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SCALE 1:200

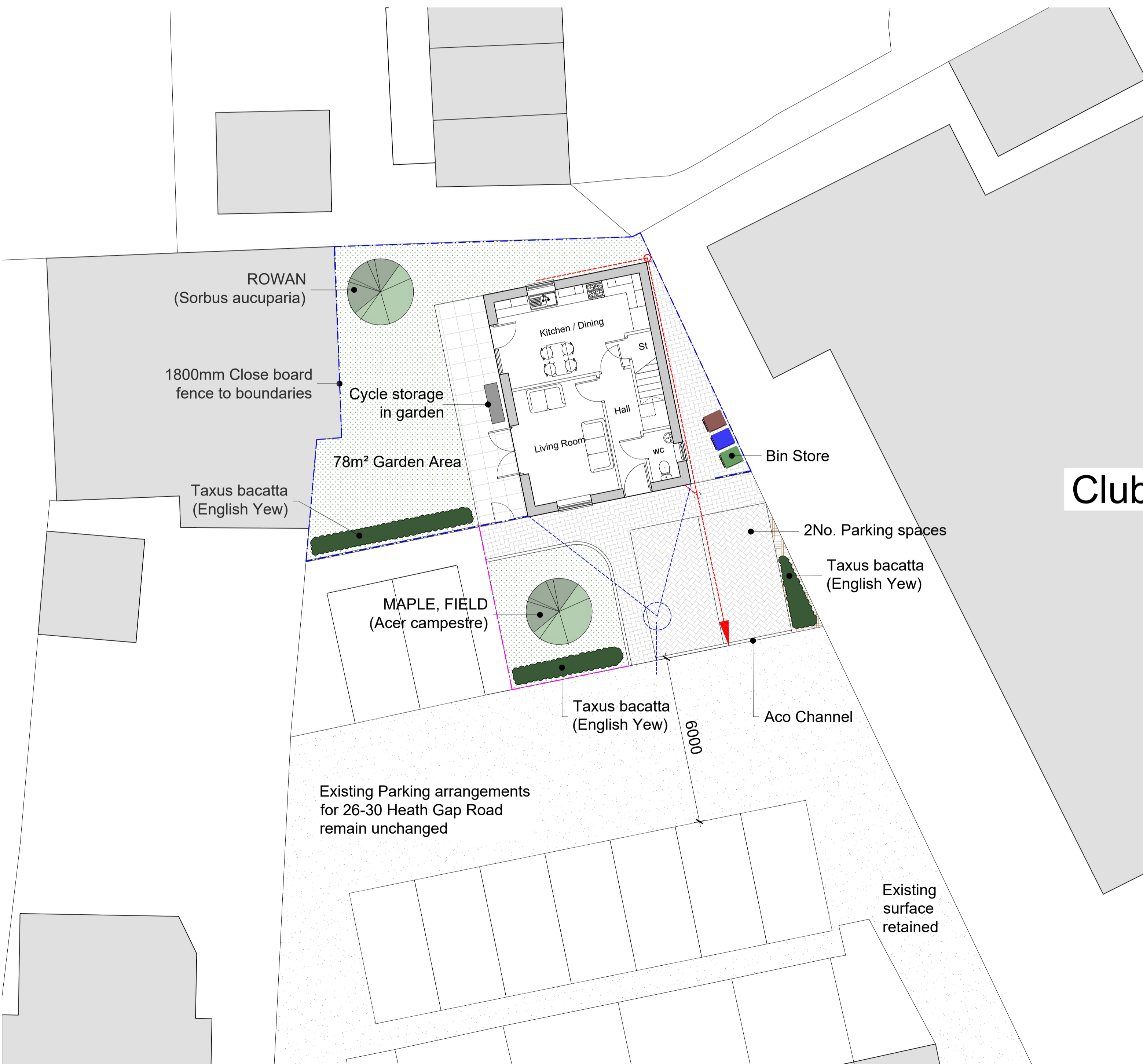


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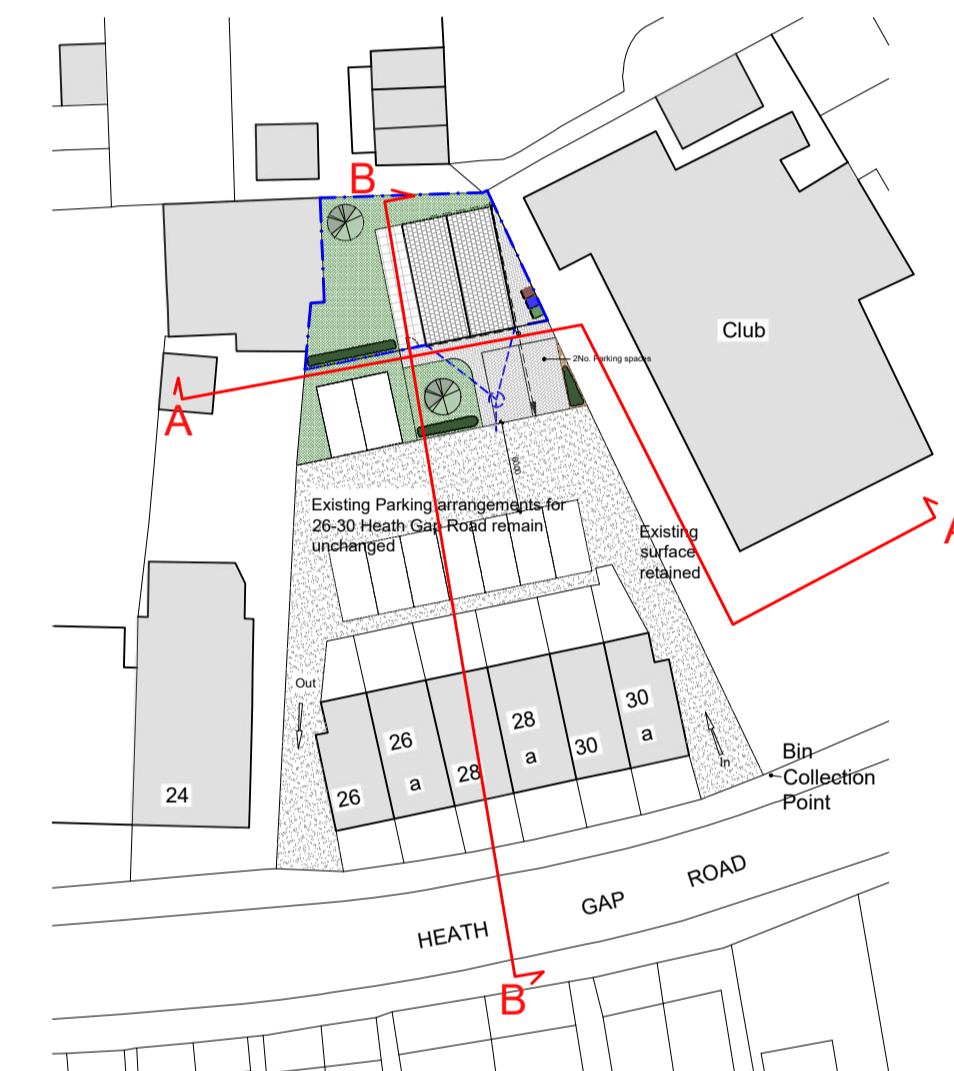


SCALE 1:1250

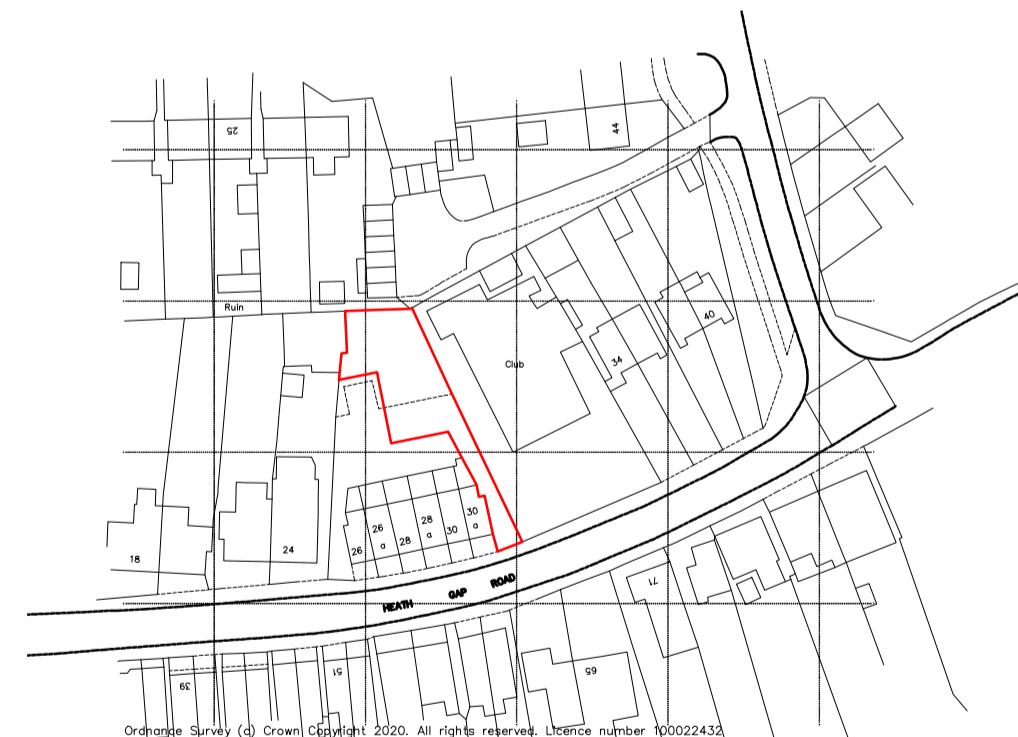
- Key:
- Site boundary
  - 1.8m Closeboard fence
  - 900mm post & rail fence
  - Soft Landscaping Area (Lawn)
  - Paving slabs
  - Red Brindle Block Paving
  - Wood chip



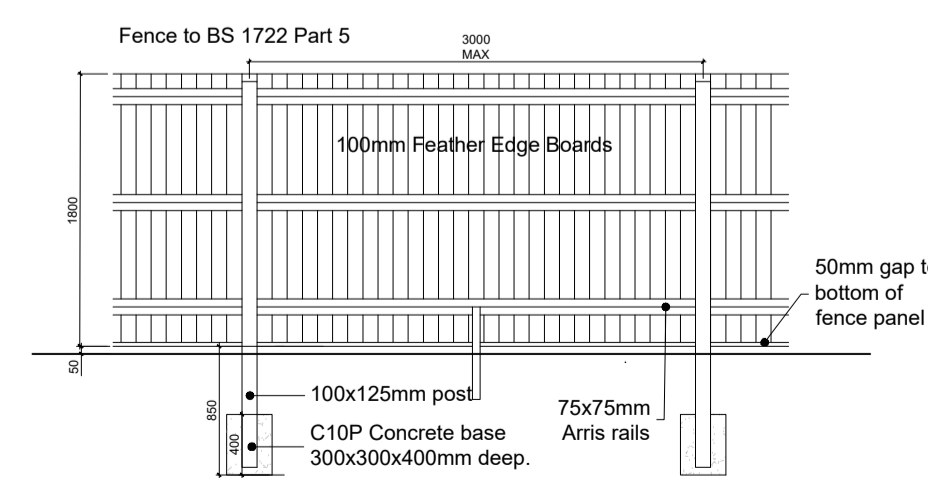
9 Site Plan  
1:100



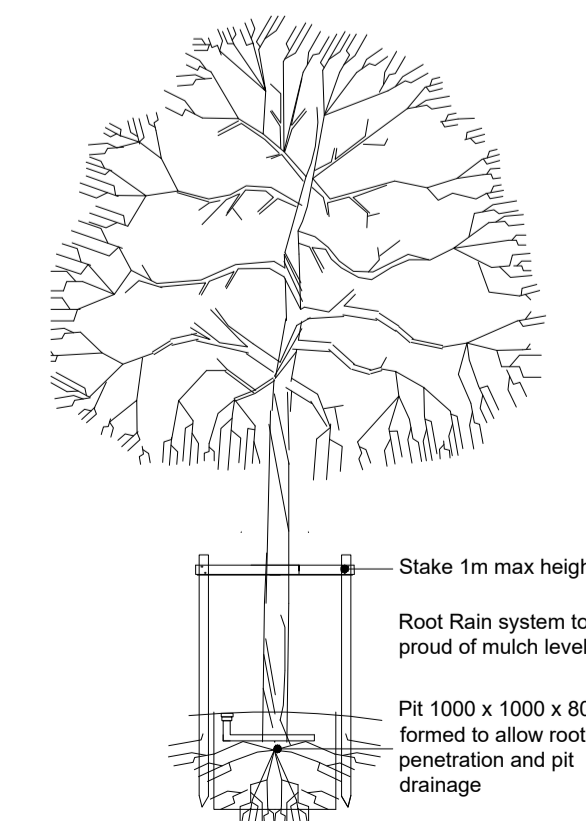
10 Block Plan  
1:500



11 Location Plan  
1:1250



12 Landscape Details  
1:50



GENERAL NOTES:

1.0 SOILS: Subsoil to be scarified to 300mm depth prior to spreading topsoil to alleviate compaction. Imported topsoil to be in accordance with BS3882 'Premium Grade' or as approved. As saved topsoil (and imported if requested) to be laboratory tested to BS3882 and ameliorated as required to meet the required specification. Screened or manufactured topsoil is not acceptable. Grass areas to be a minimum depth of 150mm, shrub beds 450mm depth and forestry / transplants 300mm depth. Incorporate proprietary non peat compost to BSI PAS 100 to 50mm depth evenly worked into soil.

2.0 EXISTING TREES: Where trees are to be retained they should be subject to a full arboricultural inspection to assess condition and safety. Retained trees shall be protected from damage by erection of 2.3m weldmesh fencing on a scaffold framework in accordance with BS 5837:2005 Fig 2. These barriers shall be maintained in position and in good condition until works are complete. Fencing to be located in accordance with Table 2 at a radius of 12 times the stem diameter (single stem trees) or 10 times the basal diameter (trees with more than one stem below 1.5m from ground) refer to Clause 5.2.2 Further precautions are to be taken as detailed within BS5837:2012

3.0 TREE SURGERY / REMOVAL: Tree surgery and tree removal to be carried out by a registered tree surgeon in accordance with BS 3998:1989.

4.0 TREE PLANTING: All trees to be in accordance with BS 3936 / 5236. Trees to be planted in accordance with BS4428.

Stakes to be softwood, peeled chestnut, larch or oak, straight, free from projections and large or edge knots and with pointed lower end. Preservative treatment to provide a 20-year service life. Nails: To BS 1202-1, galvanized, minimum 25mm long and with 10 mm diameter heads. Stake size (minimum) 75 mm diameter and sufficiently long to allow 600mm of stake to be driven into undisturbed ground at bottom of tree pit. Staking to comprise of two stakes, a crossbar and a tie; to hold the root collar steady.

Trees to be planted in pits 1000x1000x750mm backfilled with topsoil mixed with tree planting compost, ensuring tree pits are a minimum of 75mm deeper and 150mm wider than the tree roots. Base of pits to be broken up to a depth of 150mm. All trees to be container grown. The base of trees to be planted in grass areas are to be covered with 75mm depth bark mulch to 1.0m diameter and kept weed free.

7.0 HEDGE PLANTING: Plants to be in accordance with BS3936 and handled in accordance with CPSE guidelines and planted in accordance with BS 4428. Hedge plants to be planted in double staggered rows 300mm apart at 450mm centres. Well water plants immediately after planting and prior spreading of mulch. Shrub areas to be covered with 75mm bark mulch and kept weed free.

8.0 TURFING: Grass turf areas to be Tillers 'Arena' or similar approved cultivated Topsoil to be cultivated and levelled as required and any debris or stones greater than 50mm diameter removed. Pre-turfing fertiliser to be applied in accordance with manufacturers instructions. Turf to be laid from planks with broken joint well butted up. Well water after laying to avoid shrinkage.

9.0 MAINTENANCE: To be carried out at approximately monthly intervals to include the following:

- Eradicate weeds by hand or chemical means
- Cut out dead or/ and damaged stock or branches, prune as required
- Ensure all shrubs and trees are firmed in, securely staked and tied
- Collect litter, sweep and tidy site
- Apply suitable pesticides, fungicides and fertilisers as required
- Carry out grass mowing to turf when attained 100mm, cut to 35mm

CDM 2015

Unless stated below, J Mason Associates has not identified any significant risks associated with the design intent shown on this drawing where a competent Contractor would not be able to manage safely.

Where risks have been identified in the below table, refer to the project risk register and pre-construction information pack

ELEMENT/OPERATION	IDENTIFIED HAZARDS

WHERE THE ABOVE IS BLANK - NO UNUSUAL RISKS HAVE BEEN IDENTIFIED

RISK LEGEND

- COMPULSORY ACTION
- PROHIBITIVE ACTION
- INFORMATION
- WARNING

Rev:	Details:	By / Ck:	Date:
C	Amendments in line with LPA comments	MB	01.11.23
B	Minor Amendments	-	-
A	Minor Amendments	-	-
X	FIRST ISSUE.	-	-

Copyright of this drawing is vested in J Mason Associates and it must not be copied or reproduced without formal consent. Do not scale off this drawing for construction purposes. All contractors and sub-contractors are responsible for taking and checking all dimensions relative to their work.

Notify J Mason Associates immediately of any variation between drawings and site conditions.

DO NOT SCALE OFF THIS DRAWING FOR CONSTRUCTION PURPOSES - IF IN DOUBT ASK.

Where drawings are based on survey information received, surveys are available on request.

All drawings to be read in conjunction with all relevant Structural and M&E Engineers drawings and specifications.

H&S HAZARDS: 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.

This drawing is to be read in conjunction with all other hazards/risks which have been identified and recorded within the construction phase H&S plan.

It is assumed that all works on this drawing will be carried out by a competent contractor working, where appropriate, to an approved method statement.

Significant hazards are defined as:-

- 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.

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5003992

Client:  
**Mr. Hughes**

Project:  
**Land Rear of: 26 Heath Gap Road Cannock**

Drawing Title:  
**Scheme Proposals**

Stage:	Status:	Sheet Size:
RIBA 3	S2 - For Information	A1
Job Number:	Date:	Scale:
2515	01.11.2023	As Noted
Revision:		

**2515-02C**

**C**



<b>Contact Officer:</b>	<b>Maria Philpott</b>
<b>Telephone No:</b>	<b>(01543) 464 528</b>

<p><b>Planning Control Committee</b></p> <p><b>15 November 2023</b></p>
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<b>Application No:</b>	CH/23/0341
<b>Received:</b>	26 September 2023
<b>Location:</b>	26 Heath Gap Road, Blackfords, Cannock, WS11 6DY
<b>Parish:</b>	Non-Parish Area
<b>Ward:</b>	Cannock East
<b>Description:</b>	Erection of 1 x 2 bed house
<b>Application Type:</b>	Full Planning Application

**The application is being presented to Members for determination as the applicant has requested to address the Planning Committee.**

**Recommendation: Refuse for the following reasons:**

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.

**Character of the Area**

- 1) The proposal would break the established layout of buildings and spaces and would appear as an anomaly in this location by reason of its scale together with its singular and isolated form on an undeveloped rear garden. As such, the proposal would fail to reflect the continuity of the street and undeveloped spaces to the rear of Heath Gap Road and would not maintain the prevailing character of the area or its setting contrary to Policies CP3 of the Local Plan, the Council's Design Guide SPD, and paragraph 134 of the NPPF.

**Noise Survey**

- 2) The applicant has failed to submit an appropriate noise survey with the application to provide sufficient information to demonstrate that the proposal can be constructed without detriment to the future occupants of the development and is therefore contrary to Policy CP3 of the Cannock Chase Local Plan and paragraphs 174 (e) and 185 of the National Planning Policy Framework.

## Residential Amenity

- 3) By reason of the loss of residential amenity, to include loss of privacy, for the occupiers of the existing properties at 26-30 Heath Gap, the proposal would fail to provide a high standard of amenity contrary to Policy CP3 of the Cannock Chase Local Plan and paragraph 130 (f) of the National Planning Policy Framework.

## Consultations and Publicity

### ***Internal Consultations***

#### **Environmental Health - Objection**

The proposal is adjacent to a working men's club which regularly hosts events on a Friday and/or Saturday evening, noise from which may adversely impact the future occupants. An Acoustic Assessment was submitted in support of the previous applications (CH/22/0319 and CH/20/0443) which was considered to be inadequate and therefore an objection remains. This objection can be overcome by the submission of an appropriate noise assessment.

*Case Officer Comment: For Member's benefit, the Acoustic Assessment previously undertaken was considered to be inadequate as a number of assumptions had been made regarding the potential significance of the adjacent working men's club as a source of noise. That Acoustic Assessment has not been resubmitted as part of this re-submission application given it was considered inadequate. If all other matters are considered to be acceptable, the applicant would look to resolve the noise concerns with an updated noise assessment, but this has not been done due to other fundamental concerns with the proposal as set out in this report.*

#### **Planning Policy - Comments**

Advice is given in respect of relevant paragraphs and sections in the NPPF, relevant policies in Local Plan, guidance in the Council's Design SPD and the Parking Standards, Travel Plans and Development Contributions for Sustainable Transport SPD. The Council can demonstrate a 5-year supply of housing and passes the Housing Delivery Test with a result of 231%.

It is considered that the proposal should respect the character and density of the area and promote the creation of better places in which to live and work.

#### **CIL Officer - Comments**

The development would be CIL liable.

### ***External Consultations***

#### **Staffordshire Fire and Rescue - Comments**

Advice is given in respect of providing supplies of water for firefighting and vehicle access. Roads and drives should be capable of withstanding the weight of Staffordshire firefighting appliances (17800Kg). It is also recommended that residential sprinkler systems are provided.

### **Natural England - No objection subject to appropriate mitigation**

A Habitats Regulations Assessment must be completed as the proposal is likely to have a significant impact on a European Protected Site (Cannock Chase Special Area of Conservation (SAC)).

### **Local Highway Authority - No comments received**

*Case Officer Comment: Although no comments have been received from the Local Highway Authority, they did comment on the previous (nearly identical) application (CH/22/0319) and recommended refusal as the applicant had failed to provide a parking plan with the required spaces for each existing property (26-30 Heath Gap Road) along with cycle parking for the proposed dwelling. The proposed location of the bin store was also not acceptable as it appeared to be further than 30m from the kerb.*

*The drawing originally submitted with the current application is identical regarding these aspects and therefore it is reasonable to conclude that Highways would make the same objection this time around.*

### **Response to Publicity**

The application has been advertised by neighbour letter. 3 letters of objection have been received on the following grounds:

- Loss of car parking spaces.
- Loss of privacy.
- Increased traffic would be a danger to children playing outside.
- Increased traffic on Heath Gap Road.
- Concerns regarding construction access and parking and delivery of materials.
- There is no change in the proposals from the earlier refusals.
- The site is landlocked and requires access over land owned by Bromford Housing Association.

<b>Relevant Planning History</b>
----------------------------------

CH/22/0319: Erection of 1 x 2-bed house. Refused on 7<sup>th</sup> October 2022 for five reasons: 1) character of the area, 2) insufficient noise survey, 3) residential amenity, 4) future occupancy amenity and 5) highways and parking.

CH/20/0443: Erection of 1 x 3-bed house. Refused in June 2021 for two reasons: 1) residential amenity and 2) impact on the character of the area.

CH/92/0632: Conversion of existing house into 2 apartments and construction of a further 6 apartments. Refused in January 1993 due to Units 7 and 8 constitute unacceptable backland development out of character with surrounding development and seriously detrimental to the visual amenity of the area.

CH/92/0378: Conversion of existing house into 2 apartments and construction of a further 4 apartments. Approved in September 1992

## 1 Site and Surroundings

- 1.1 The application site comprises an irregular shaped parcel of land to the rear of a row of six terraced properties that front onto Heath Gap Road. Part of the land is tarmacked and currently used as car parking to serve the row of six terraces. Beyond the car parking area there is an area of vacant grassland which is fenced off with close boarded fencing. The north and eastern boundaries of the site comprise brick retaining walls approximately 1m in height. The western boundary is adjacent to an outbuilding that is in the rear garden of the adjacent property, No. 24.
- 1.2 There are already two existing accesses into the courtyard area, one adjacent to No. 26 and the other adjacent to No. 30. It is the access that is adjacent to No. 30 that forms the access into the application site. The six terraced properties adjacent to the site each have very small rear courtyards that are divided by low fencing.
- 1.3 The application site is located in a residential area and is therefore surrounded by residential properties on all sides, with the exception of the eastern side where there is a Working Men's Club which provides social events. The Working Men's Club comprises a single storey building with car parking to the front. The majority of residential properties in the area are two-storey although No.'s 18-24 comprise of bungalows, some of which have rooms in the attic space. At the rear of the site there is a row of domestic garages accessed directly from Sankey Road with other residential properties on Hardie Green. There is a difference in land levels between the application site and the properties on Hardie Green of approximately 3m. Red brick, painted render and tiles form the prevailing materials in the immediate vicinity.
- 1.4 The site is not allocated or designated within the Cannock Chase Local Plan (Part 1). The site does fall within a Mineral Safeguarding Area for coal and fireclay and is also within a Coal Authority Low Risk Development Boundary.

## 2 Proposal

- 2.1 The application seeks consent for the construction of a detached two-bedroomed dwelling with associated private amenity space to the side and rear (comprising 78 sq. m.) and car parking provision for two cars to the front.
- 2.2 The dwelling would comprise of two storeys and be constructed in facing brickwork with a tiled roof. The dwelling would occupy a footprint of 6m x 8.2m and be constructed to a height of 6.8m with a resulting gross internal floor area of approximately 80.5sq m.
- 2.3 For clarification purposes, this application is nearly identical to the previous refused application (CH/22/0319). A minor change was shown on the proposed drawing that relates to the window serving the rear bedroom on the first floor. The side dormer window has been removed and instead the rear window has been made larger. This leaves just one side dormer window at first floor level that will serve the bathroom.

- 2.4 During the course of considering the application, the applicant has made some minor amendments to the scheme set out below in order to address some of the previous reasons for refusal:
- An additional window has been provided on the ground floor north elevation to serve the kitchen area.
  - The proposed layout plan shows that the existing car parking will be retained for No.'s 26-30 Heath Gap Road and has confirmed that there will be no subdivision in the courtyard.
  - A bin collection point is shown.
  - Cycle storage is shown.
  - The site section has been amended to remove reference to the previous bedroom dormer window which has now been removed (this was a discrepancy on the plan).
- 2.5 The amended plan has not been reconsulted on or renotified on given that these are minor points to address some of the previous reasons for refusal only. They do not fundamentally change the proposals.

### 3 Planning Policy

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

#### ***The Development Plan***

##### 3.3 *Cannock Chase Local Plan Part 1*

- CP1- Strategy – the Strategic Approach
- CP2 - Developer Contributions for Infrastructure
- CP3 - Chase Shaping – Design
- CP6 - Housing Land
- CP7 - Housing Choice
- CP12 - Biodiversity and Geodiversity
- CP13 - Cannock Chase Special Area of Conservation (SAC)
- CP16 - Climate Change and Sustainable Resource Use

##### 3.4 *Minerals Local Plan for Staffordshire*

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

*Case Officer Comment: This site falls within the exemptions set out in Appendix 6, Table 7 of the Minerals Local Plan by virtue of Point 4 in that the proposal falls within the development boundary of an urban area and by virtue of Point 13 in that the proposal does not constitute 'major' development.*

### **Other Material Considerations**

#### 3.5 *The National Planning Policy Framework (NPPF)*

Relevant Paragraphs:

8:	Three dimensions of Sustainable Development
11-14:	The Presumption in favour of Sustainable Development
47-50:	Determining Applications
60, 74, 75, 76, 77:	Delivering a Sufficient Supply of Homes
111:	Highway Safety and Capacity
126, 130, 134:	Achieving Well-Designed Places
174, 176, 180-182:	Biodiversity
174, 185:	Pollution (noise)

#### 3.6 *Other relevant documents*

- Design Guide Supplementary Planning Document, April 2016.
- Cannock Chase Local Development Framework Parking Standards, Travel Plans and Developer Contributions for Sustainable Transport, July 2005.

## **4 Determining Issues**

4.1 The determining issues relating to the proposed development are as follows:

- Principle of the Development
- Design and Impact on the Character and Form of the Area
- Impact on Residential Amenity
- Future Occupancy (including Noise Issues)
- Impact on Highway Safety
- Impact on Nature Conservation and the Cannock Chase Special Areas of Conservation (SAC)
- Drainage and Flood Risk
- Waste and Recycling Facilities

### **Principle of the Development**

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

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

'For decision taking this means:

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

4.4 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.”

4.5 In this instance, the proposal relates to a ‘windfall’ greenfield site. Although the Local Plan has housing policies (CP6 and CP7), it is silent in respect of its approach to windfall sites on both greenfield and previously developed land. As such, in accordance with Policy CP1 of the Local Plan, the proposal falls to be considered within the presumption in favour of sustainable development, outlined in paragraph 11 of the NPPF. The proposal is however in accordance with the thrust of Policy CP1 insofar as it would provide new housing in an existing settlement.

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

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

4.8 The proposal does not engage any of the policies in the NPPF that protect areas or assets of particular importance (e.g., Green Belt, AONB, habitats sites). This being the case the application should be determined on the basis as to whether any adverse impacts of granting approval would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.

4.9 The site is within a residential location in the urban area of Cannock. The site is close to the schools and served by bus routes giving access by public transport. As such the site has good access by public transport, walking and cycling to a range of goods and services to serve the day to day needs of the occupiers of the proposed development. The site is not located within either Flood Zone 2 or 3, and it is not designated as a statutory or non-statutory site for nature conservation.

The site is therefore considered to be a suitable location for housing development in principle planning policy terms.

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

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

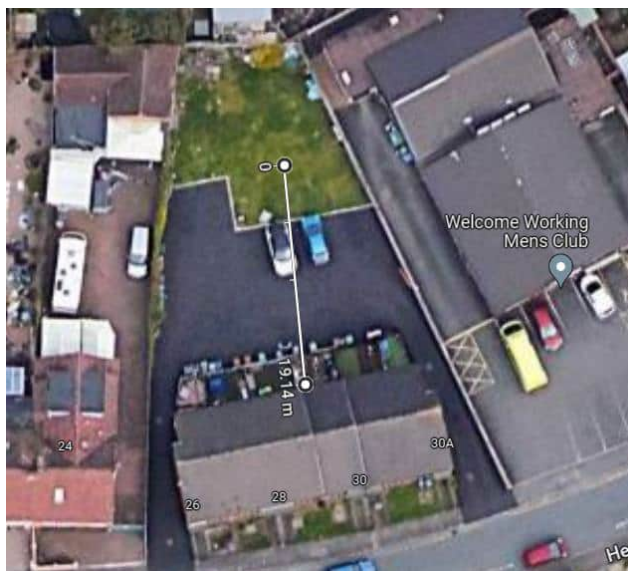
- 4.11 The prevailing character of the area is of frontage residential development with small front gardens and long rear gardens. There is much evidence of various ancillary domestic structures (outbuildings, garden sheds etc.) positioned at the end of these rear gardens, however they form part of the same planning unit as the main dwelling. It is understood that when the frontage properties were granted consent, the land to the rear was to be used as 'communal amenity space,' but sometime since, it has been fenced off, allowing residents access to the parking court only.
- 4.12 The proposed development seeks consent for a new dwelling on the former 'communal amenity space' which is a small, irregular shaped parcel of land which essentially comprises 'backland development', positioned immediately behind other dwellings that have a street frontage. This would create a new planning unit with shared access, parking and turning arrangements with the existing six terraced properties that front Heath Gap Road.
- 4.13 Policy CP3 of the Local Plan requires that, amongst other things, developments should be well-related to existing buildings and their surroundings in terms of layout, density, access, scale appearance, landscaping, and materials. The NPPF also provides advice with respect to design and achieving well-designed places in paragraphs 126, 130 and 134. Paragraph 126 makes it clear that the creation of high-quality places is fundamental to what the planning and development process should achieve.
- 4.14 Whilst the proposal meets the standards for residential garden sizes (78sq. m. which is in excess of the required 40-44sq. m. in the Design Guide for a 2-bedroom dwelling), there are inadequate separation distances between the proposed dwelling and the existing dwellings at the front of the site with only around 19m achievable (under the required 21.3m). Furthermore, the relationship would be at odds with the prevailing character of the area, density, and pattern of development, creating an isolated dwelling set back from the road frontage. It would appear as an anomaly and would break the established layout of buildings and spaces by reason of its scale together with its singular and isolated form on an undeveloped rear garden. As such, the proposal would fail to reflect the continuity of the street and undeveloped spaces to the rear of Heath Gap Road and would not maintain the prevailing character of the area or its setting contrary to Policies CP3 of the Local Plan and paragraph 134 of the NPPF.

### **Impact on Residential Amenity**

- 4.15 The nearest neighbours to the application site are the six residential properties at the front of the site, No's 26-30 Heath Gap Road. Each of these dwellings have very small courtyard gardens of which there is substantial mutual overlooking between these properties. No. 24 adjacent to the site could also be affected, along with properties 21 and 31 Hardie Green to the rear of the site.



- 4.16 The proposed dwelling would directly overlook the rear gardens and elevations of 26-30 Heath Gap Road. The Council's Design Guide requires separation distances of 21.3m to be provided between principal elevations (in this case front to rear) and 12m separation distances between principal and side elevations. In this instance, the proposal does not comply with these measurements as the separation distance from the front elevation of the proposed dwelling to the rear elevation of the existing terraces only allows for approximately 19m as can be seen in **Figure 1** below.



**Figure 1:** Extract from Google Maps using the measuring tool to show the distance from the approximate front elevation of the proposed dwelling to the rear elevation of the existing dwellings.

- 4.17 Conversely, the position of the proposed dwelling allows for approximately a 28m separation distance to the properties on Hardie Green when measuring to the nearest edge of No. 21 (**Figure 2**). Therefore, in this respect, it is considered that there is unlikely to be any loss of amenity to these dwellings. Only one window is proposed on the rear elevation here to serve a bedroom and whilst there is a difference in land levels, the separation distance will minimise any overlooking. The window will also only overlook at a slightly off-set angle and will more directly overlooking the garaging to the rear.



**Figure 2:** Extract from Google Maps using the measuring tool to show the distance from the approximate rear elevation of the proposed dwelling to the rear elevation of No. 21 Hardie Green.

- 4.18 On the basis of this information, it is considered that the proposal will continue to overlook No. 26-30 Heath Gap Road and will have an overbearing impact due to the close relationship and constrained nature of the site to the detriment of their amenity. However, it is not considered that the Council could sustain an objection to the proposal in relation to any loss of amenity to the properties to the rear, despite a difference in levels, due to the separation distances.
- 4.19 It is not considered that there will be any overlooking to No. 24 Heath Gap Road as there will now only be one window on the side elevation of the proposed dwelling which will serve a bathroom and could be provided with obscure glazing.
- 4.20 It is also noted that the land proposed to be developed was previously intended to be used as communal amenity space for the residents of 26-30 Heath Gap Road. Given the small size of their private rear gardens, this communal area would increase their residential amenity and its loss through development would be detrimental to that amenity.
- 4.21 It is therefore considered that the proposal is contrary to Policy CP3 of the Local Plan, the Design Guide SPD and the NPPF. A reason for refusal will continue to be imposed in relation to the loss of residential amenity to 26-30 Heath Gap Road.

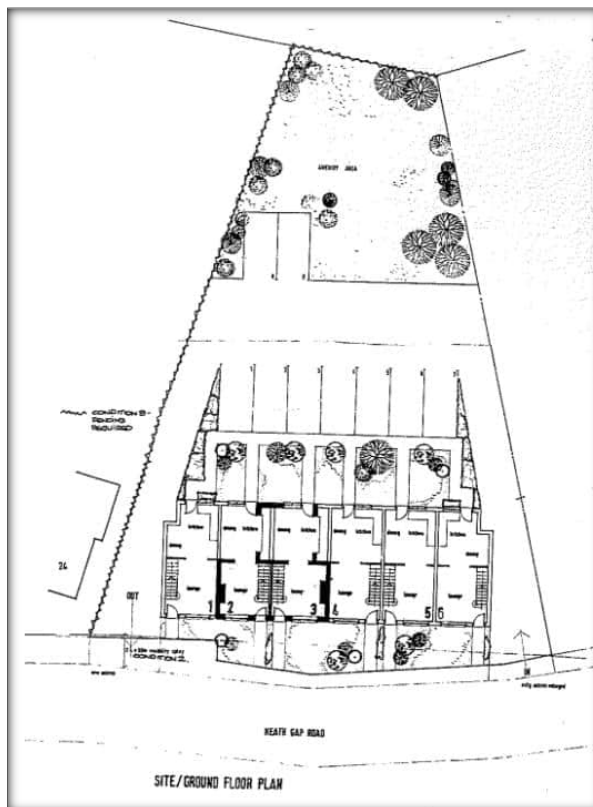
**Impact on Future Occupancy (including noise issues)**

- 4.22 Given the proposal relates to a small dwelling on a constrained plot and adjacent to a Working Men's Club, consideration needs to be given to whether the dwelling will provide adequate standards of residential amenity for future occupiers in accordance with the NPPF, the Design Guide SPD and Policy CP3 of the Local Plan.
- 4.23 Paragraph 185 of the NPPF requires new development to ensure that it is appropriate for its location taking into account the likely effects of pollution on health and living conditions. In this instance, no Noise Assessment has been submitted with the application to assess the noise levels from the adjacent club. An Acoustic Assessment was submitted with the previous application, but that assessment was considered by Environmental Health to be inadequate as assumptions had been made about the significance of the noise resulting from the club. Given the other concerns regarding this application, the applicant has not wished to undertake further survey work at this stage and thus, this application has been submitted without an updated noise survey. This therefore forms a further reason for refusal of the application, albeit it may be possible to overcome.
- 4.24 Concern was raised previously that the dwelling would not receive sufficient light to the ground floor and that due to the small garden and an adjacent outbuilding, there would be an overbearing impact from the boundaries and there would be insufficient daylight and sunlight. However, this issue has been addressed by the amended plan which now shows an additional window to be inserted on the rear elevation of the ground floor to serve the kitchen area. Given this would be at ground floor level it would not cause any overlooking. The window would be north facing so would not permit any sunlight but would further benefit future occupiers with additional daylight.
- 4.25 Otherwise, the dwelling will benefit from sufficient garden space of 78 sq. m. which is in excess of the standard required in the Design Guide SPD which requires 40-44 sq. m. The gross internal floor area also meets the Nationally Prescribed

Space Standards by providing 80.5sq. m and 2.9sq m of storage. As a result, it is not considered that the proposal would lead to unacceptable levels of amenity for future occupiers by reason of the design and layout of the proposal dwelling and the proposal complies with Policy CP3 of the Local Plan, the Design Guide SPD and the NPPF in this respect.

### Impact on Highway Safety

- 4.26 Paragraph 111 of the NPPF states that development should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.
- 4.27 In this instance, the application proposes to utilise an existing access to serve one additional dwelling. The additional traffic movements associated with one dwelling in this residential area is not considered to cause an impact on highway safety or cumulative impacts on the road network that could be considered as severe. The proposal includes two car parking spaces which meets Cannock Chase District Council's currently parking standards for two-bedroomed dwellings.
- 4.28 It was not clear from the original proposed plans how the parking for the existing dwellings would be maintained. Provision was made when they were built for nine parking spaces to be provided (1.5 spaces per dwelling). These are shown in **Figure 3** below.



**Figure 3:** Extract from the Planning Statement dated June 2022 by Planning House showing the approved parking layout as part of the 1992 approval for the terraced dwellings (CH/92/0378)

- 4.29 However, the applicant has amended the plans to show that the existing parking spaces are retained and confirmed that there will be no physical subdivision in the car parking court so that the car parking court retains its current open appearance and turning space will continue to be available for all dwellings. A condition should be imposed if Members were minded to approve the application to ensure that

there is no subdivision in the car parking court in perpetuity so that the existing parking and turning can be maintained.

- 4.30 It is noted that the Local Highway Authority also previously commented that the bin storage location was further than 30m from the highway and that cycle parking was not shown. The proposed plan simply showed where in the site bins can be stored. Any future occupier would be responsible for moving the bins down to the public highway for collection. This has been shown on the amended plan. Furthermore, there is sufficient space within the garden area for cycle storage and this has also been indicated on the amended plan. A condition could also be imposed to ensure that this is provided if Member's were minded to approve the application.
- 4.31 For the reasons set out above, it is not considered necessary to refuse the application on grounds of parking, bin storage and cycle storage. Each of these matters have been addressed in the amended plan and conditions can also be imposed to ensure those matters are retained if all other matters regarding the application were considered acceptable. The proposed development would not result in an unacceptable impact on highway safety or severe impacts on the road network and as such would accord with paragraph 111 of the NPPF.

#### **Impact on Nature Conservation and the Cannock Chase Special Area of Conservation (SAC)**

- 4.32 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. There is a net increase in one dwelling on this site and as such, SAC mitigation contributions are required. If the application were to be approved, such contributions will be secured by CIL as the proposed development is CIL liable and no exemption has been applied for at this stage.
- 4.33 The application site is not subject to any formal or informal nature conservation designation and is not known to support any species that is given special protection, or which is of particular conservation interest. As such the site has no significant ecological value and therefore the proposal would not result in any direct harm to nature conservation interests.
- 4.34 Given the above it is considered that the proposal, would not have a significant adverse impact on nature conservation interests either on, or off, the site. In this respect the proposal would not be contrary to Policies CP3, CP12 and CP13 of the Local Plan and the NPPF.

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

- 4.35 The site is located in Flood Zone 1 (low risk of flooding) on the Environment Agency's Flood Zone Maps. The applicant has stated on the application form that surface water will be directed to a soakaway. Given the site's location in a built-up urban area it is considered reasonable that connection to the existing network will be feasible. A drainage condition could be imposed if Members were minded to approve the application.

## **Waste and Recycling Facilities**

- 4.36 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).
- 4.37 In this instance, bin storage can be provided on site and bin collection will already be in place in this existing and established urban area. Any occupier of the new dwelling will be able to bring the bins to the back of the existing highway for collection.

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

### **Human Rights Act 1998**

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

### **Equality Act 2010**

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

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

- Eliminate discrimination, harassment, victimisation, and any other conduct that is prohibited.
- Advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it.
- Foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

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

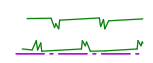


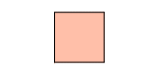
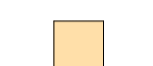
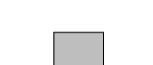



Such consideration has been balanced along with other material planning considerations and it is considered that the proposal is acceptable in respect to the requirements of the Act. Having had regard to the particulars of this case officers consider that the proposal would not conflict with the aim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

## **6 Conclusion**

- 6.1 The proposal would break the established layout of buildings and spaces and would appear as an anomaly in this location by virtue of its significant scale together with its singular and isolated form on an undeveloped rear garden. As

such, the proposal would fail to reflect the continuity of the street and undeveloped spaces to the rear of Heath Gap Road and would not maintain the areas prevailing character or setting contrary to Policies CP3 of the Local Plan, the Design Guide SPD and paragraph 130 of the NPPF.

- 6.2 The proposal would also continue to result in the loss of residential amenity to No. 26-30 Heath Gap Road, through the loss of the communal amenity space and the direct overlooking and inadequate separation distances between the proposed dwelling and the existing properties rear elevations contrary to Policy CP3 of the Local Plan and paragraph 127(f) of the NPPF.
- 6.3 The applicant has also failed to demonstrate that the proposal will not be unduly affected by noise from the adjacent Working Men's Club due to the absence of a submitted Noise Assessment with the application and is therefore contrary to Policy CP3 of the Local Plan and paragraphs 174 (e) and 185 of the NPPF.
- 6.4 Other matters relating to the proposal since the previous application have been addressed by the amended plan. The future occupancy of the dwelling in terms of sufficient daylight has been addressed by the insertion of an additional window to the rear elevation to serve the kitchen area. It has also been confirmed that the existing car parking can be retained and there will be no subdivision in the courtyard. Bin and cycle storage can be provided in the site and bin collection can be adjacent to the highway.
- 6.5 The proposal would make a modest contribution to the Council's housing stock but given the Council can demonstrate a 5-year supply of housing and the Delivery Test, the harm to residential amenity and the character of the area clearly outweighs this benefit.
- 6.6 It is therefore recommended that the application be refused for the reasons set out in this report.

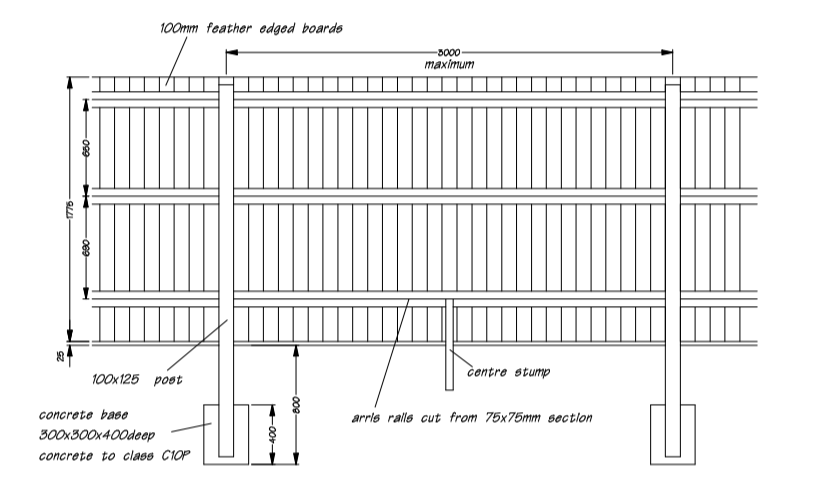
-  0.6m timber hooped top railing and box hedge (Ref: Pegasus Hard/Soft Landscape drawing)
-  1.8m timber close boarded fence (Ref: Pegasus Hard Landscape Plan)
-  Grass
-  Block Paving (Ref: Pegasus Hard Landscape Plan)
-  Paving slabs (Ref: Pegasus Hard Landscape Plan)
-  Tarmac
-  New Planting/tree (Ref: Pegasus Soft Landscape drawing)
-  Electric charging point
-  Proposed Levels
-  Existing levels



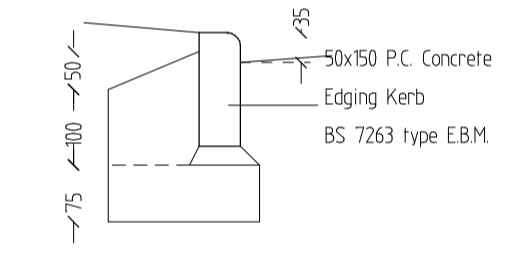
SITE PLAN 1:200



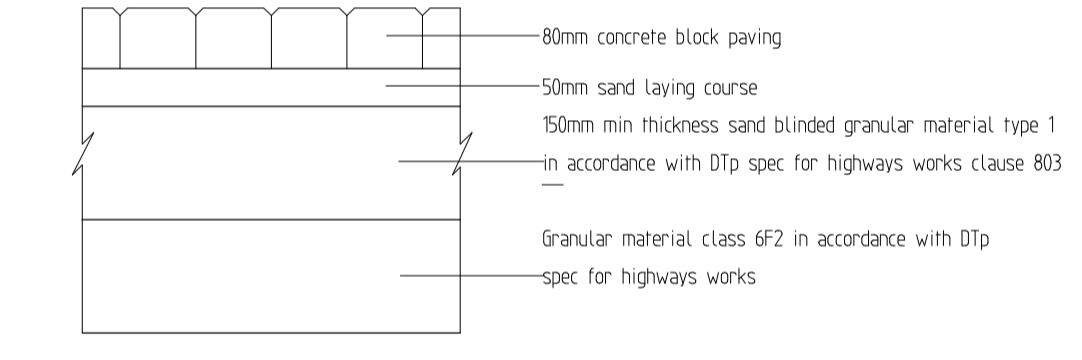
LOCATION PLAN 1:1250



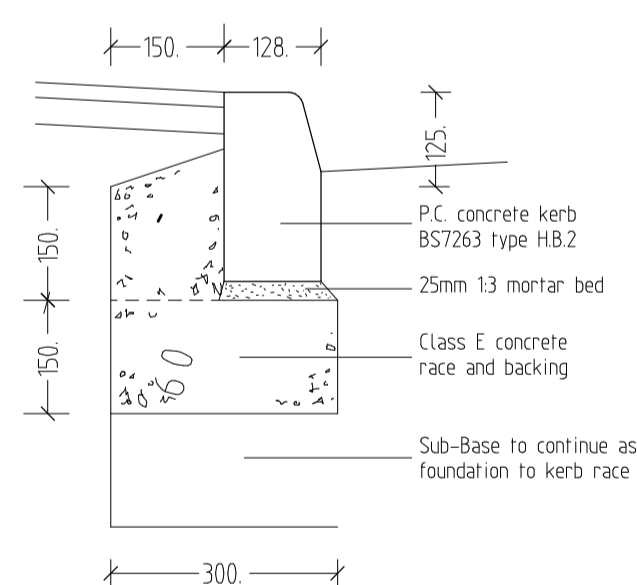
1.8m close boarded fence to BS 1722 Part 5



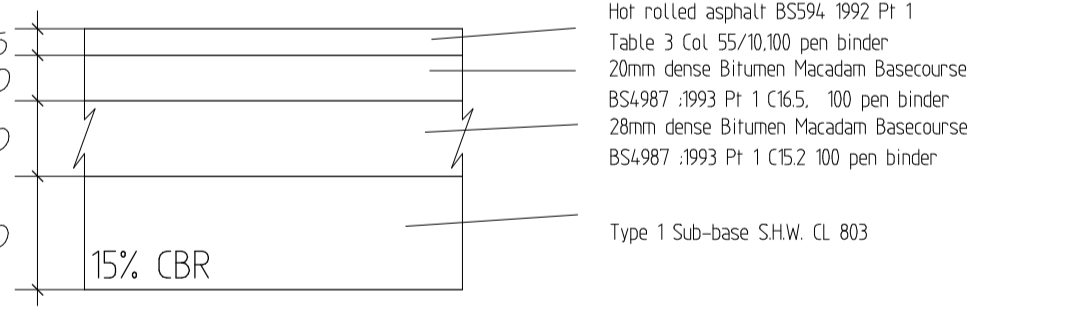
EDGING KERB DETAIL (1:10)



CONCRETE BLOCK PAVING



FULL KERB (1:10)

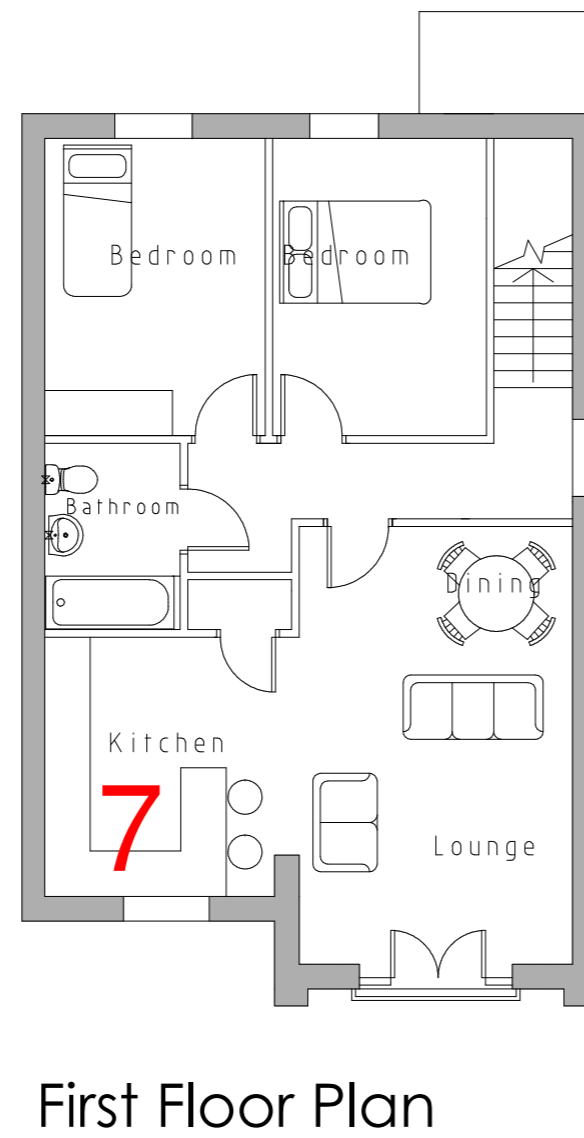
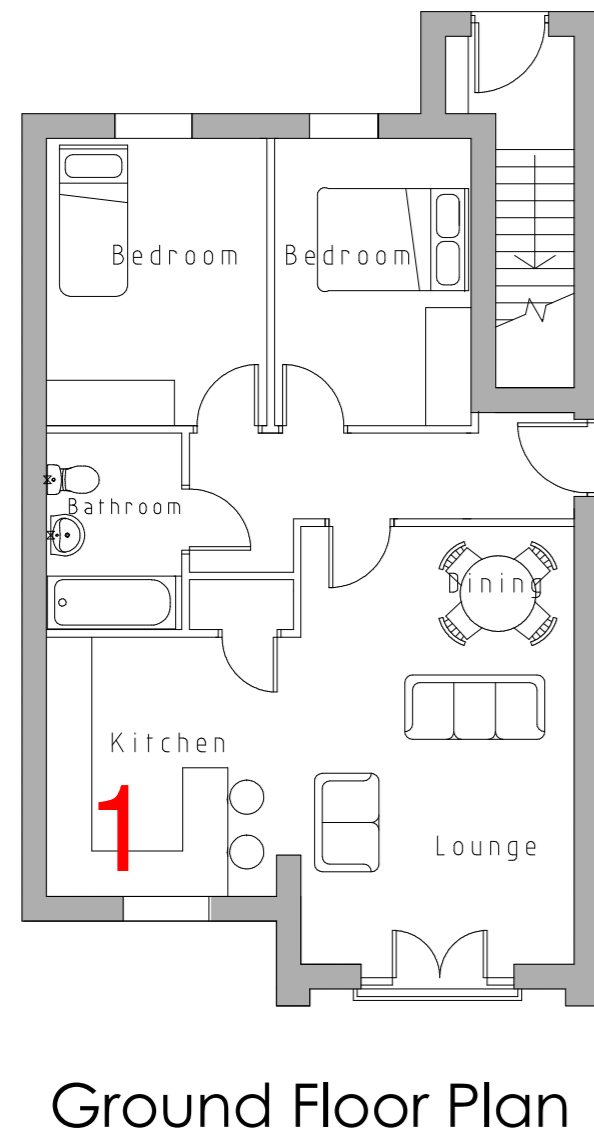
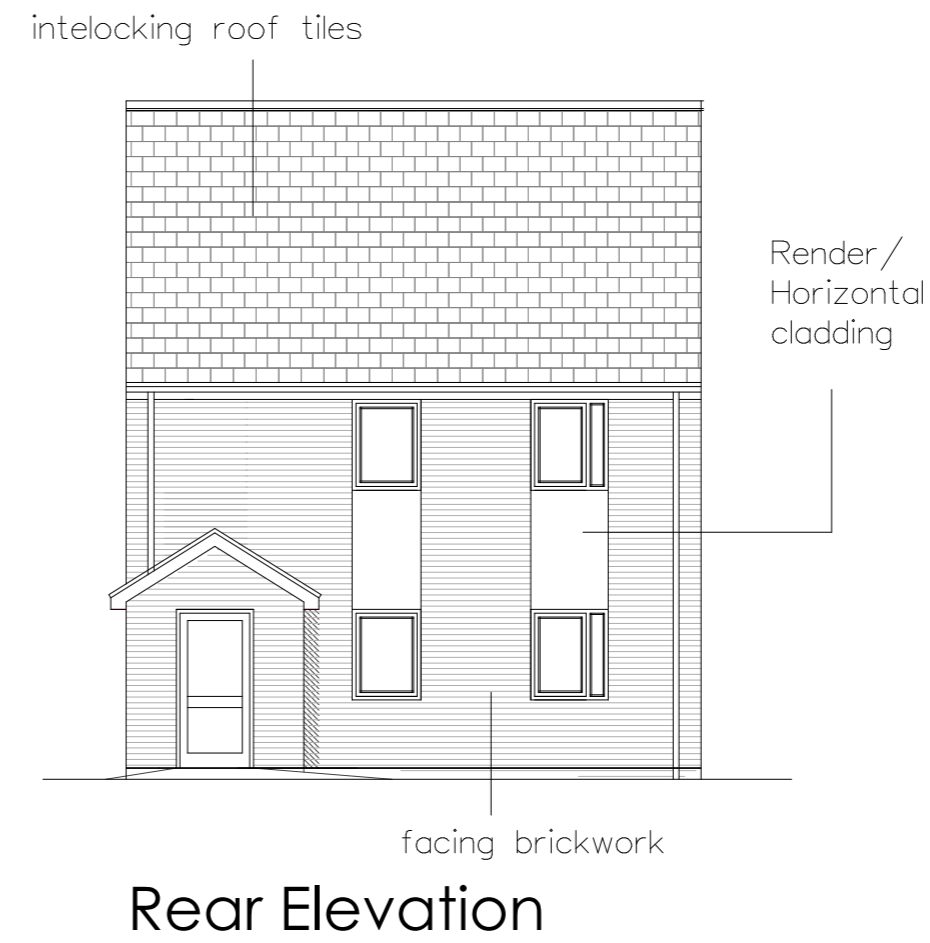
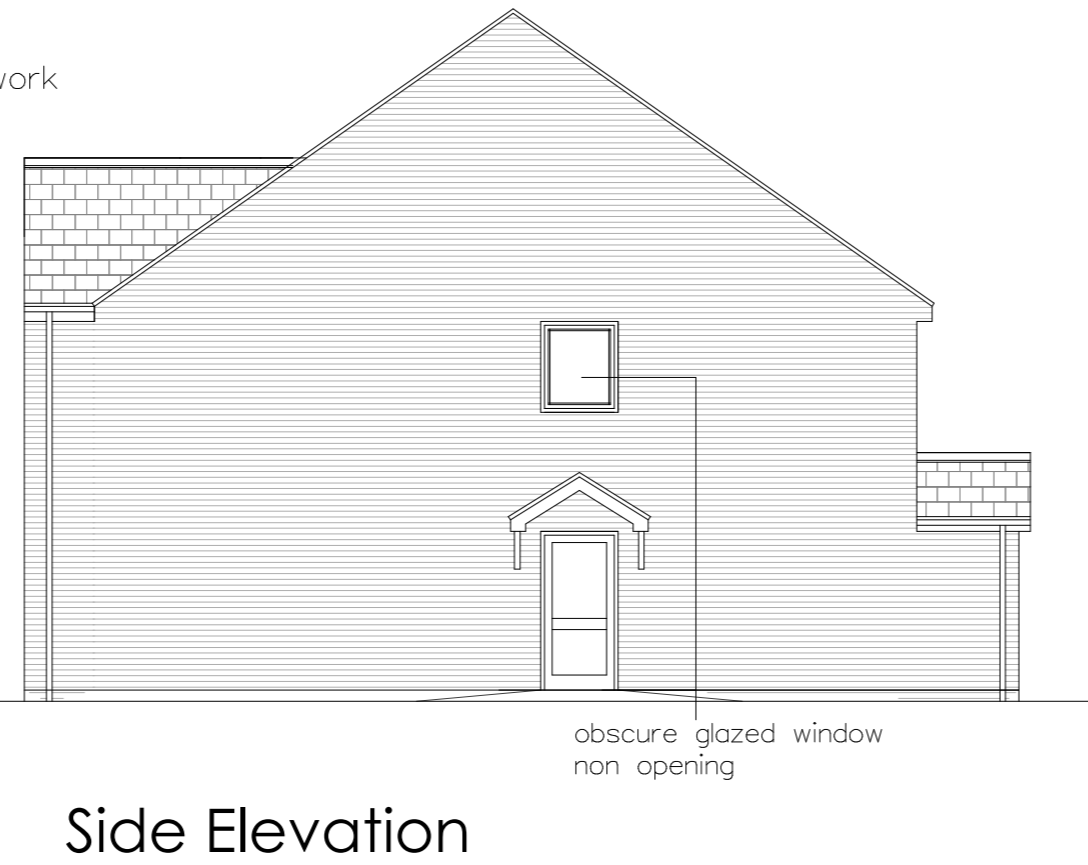
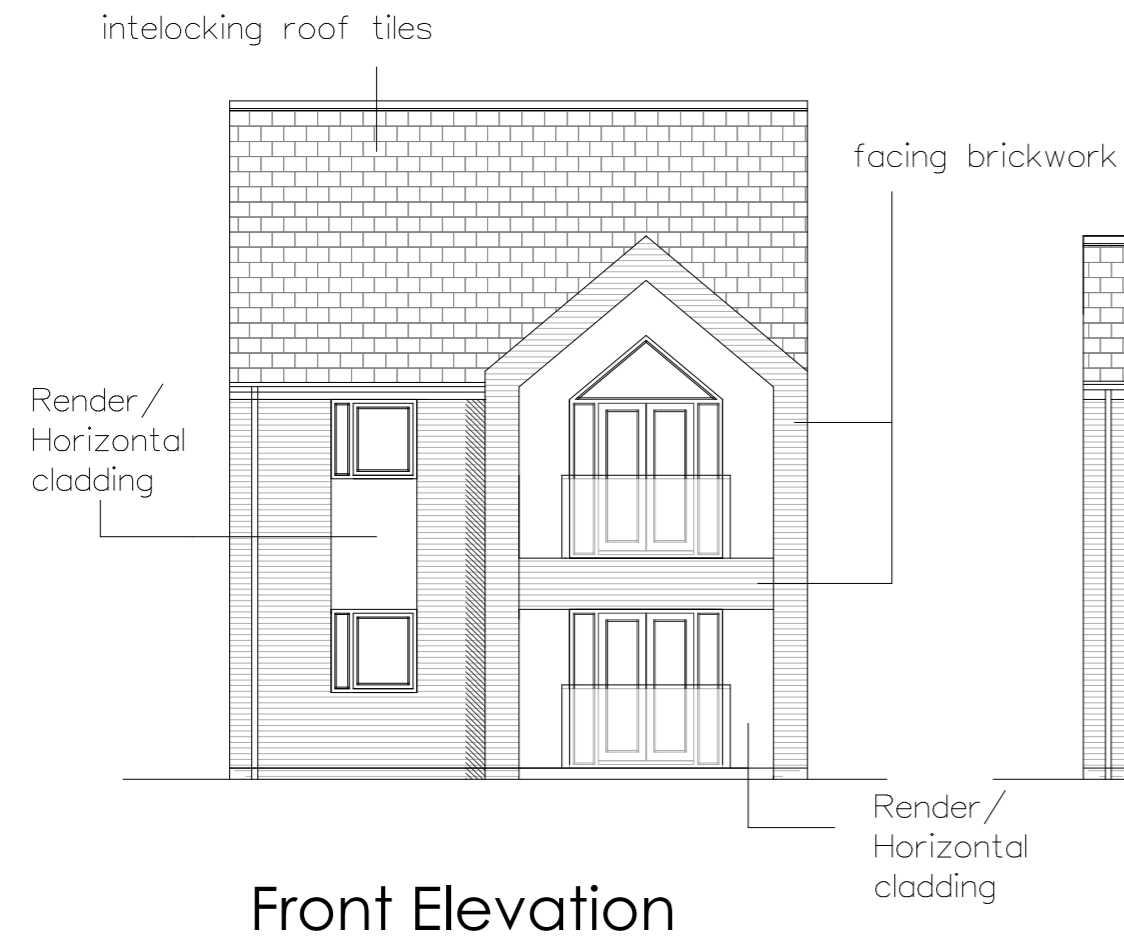


Tarmac Construction Details

This symbol indicates significant hazards which require further action. In addition to hazards and risks generally associated with works detailed on the drawing.

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Stage: Planning	Status: PRELIMINARY	Sheet Size: A1	Scale: 1:200	Date: 10.01.2022	
Job Number: 2667				Revision: J	

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Accommodation Schedule  
 No1. 2 Bed Apartments 69m<sup>2</sup>  
 No7. 2 Bed Apartments 73m<sup>2</sup>

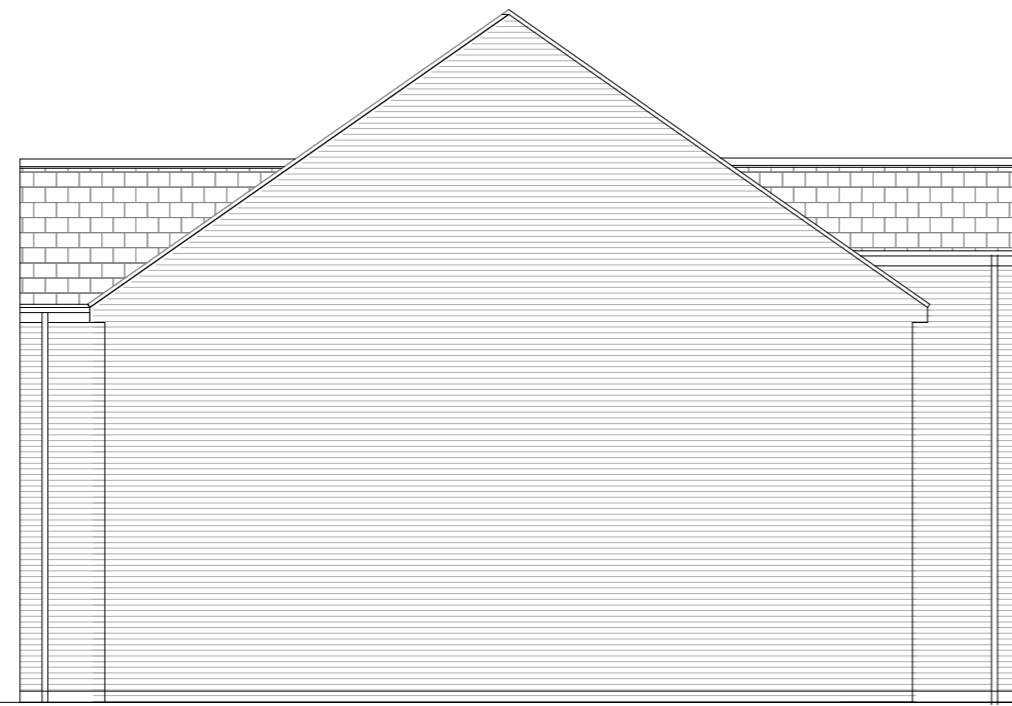
PLOTS 1 & 7

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Client:		GLOBE homes Ltd				
Project:		Residential Development 1 Brindley Heath Road Hednesford		Drawing Title: BLOCK A Elevations & Floor plans		
Stage:	Status:	Sheet Size:	Scale:	Date:		
Planning	PRELIMINARY	A2	1:100	10.01.2022		
Job Number:		2667			2667.11	Revision: A
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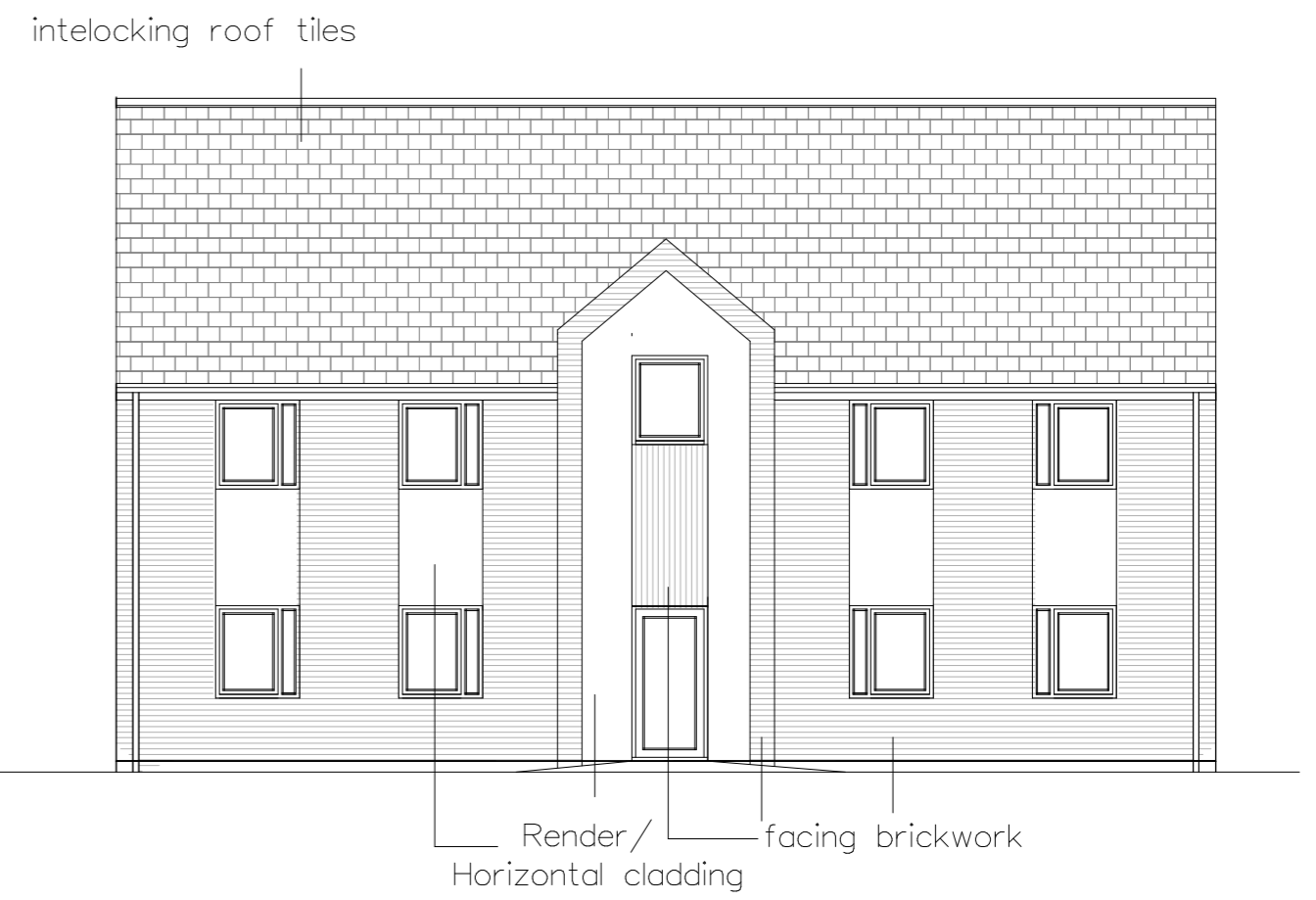




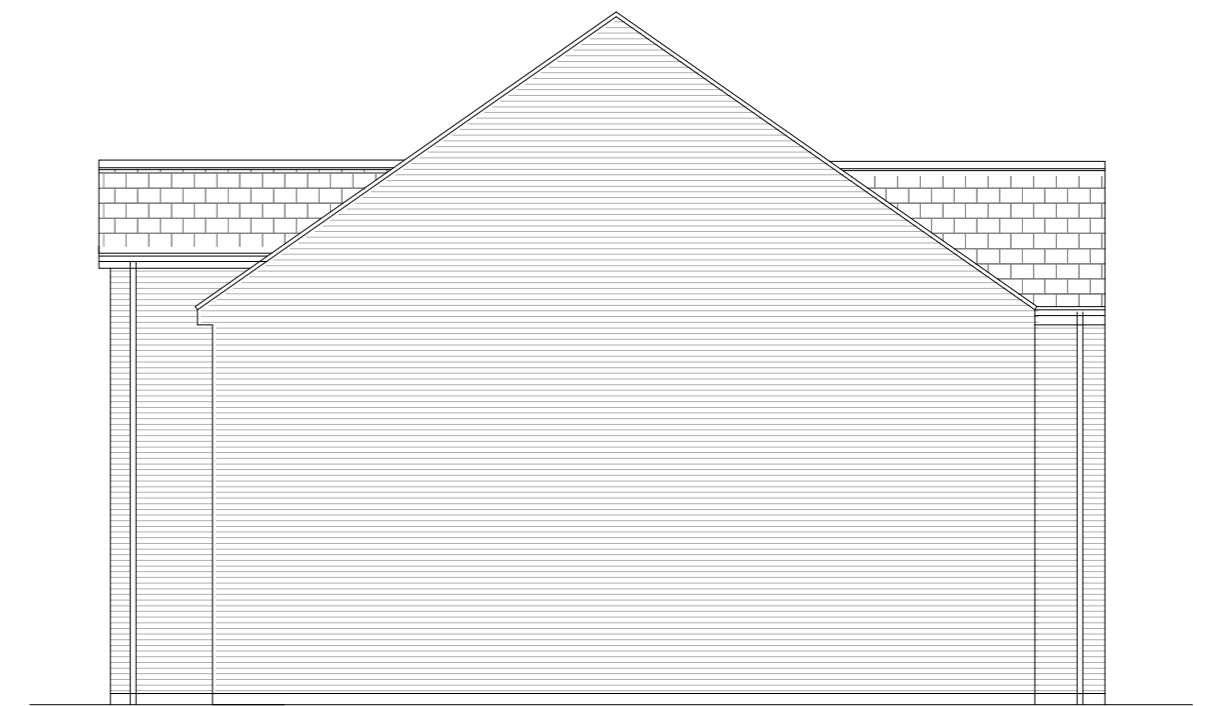
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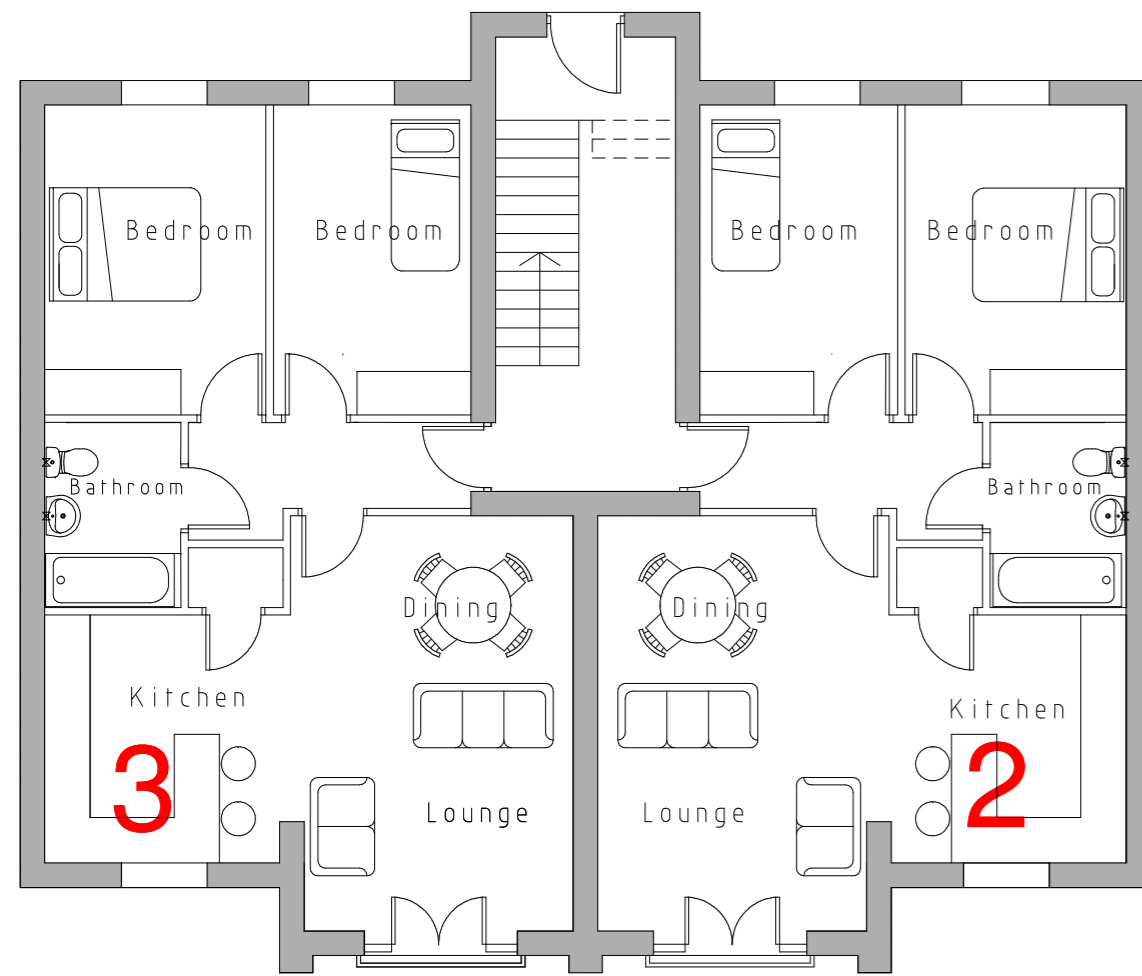
Side Elevation



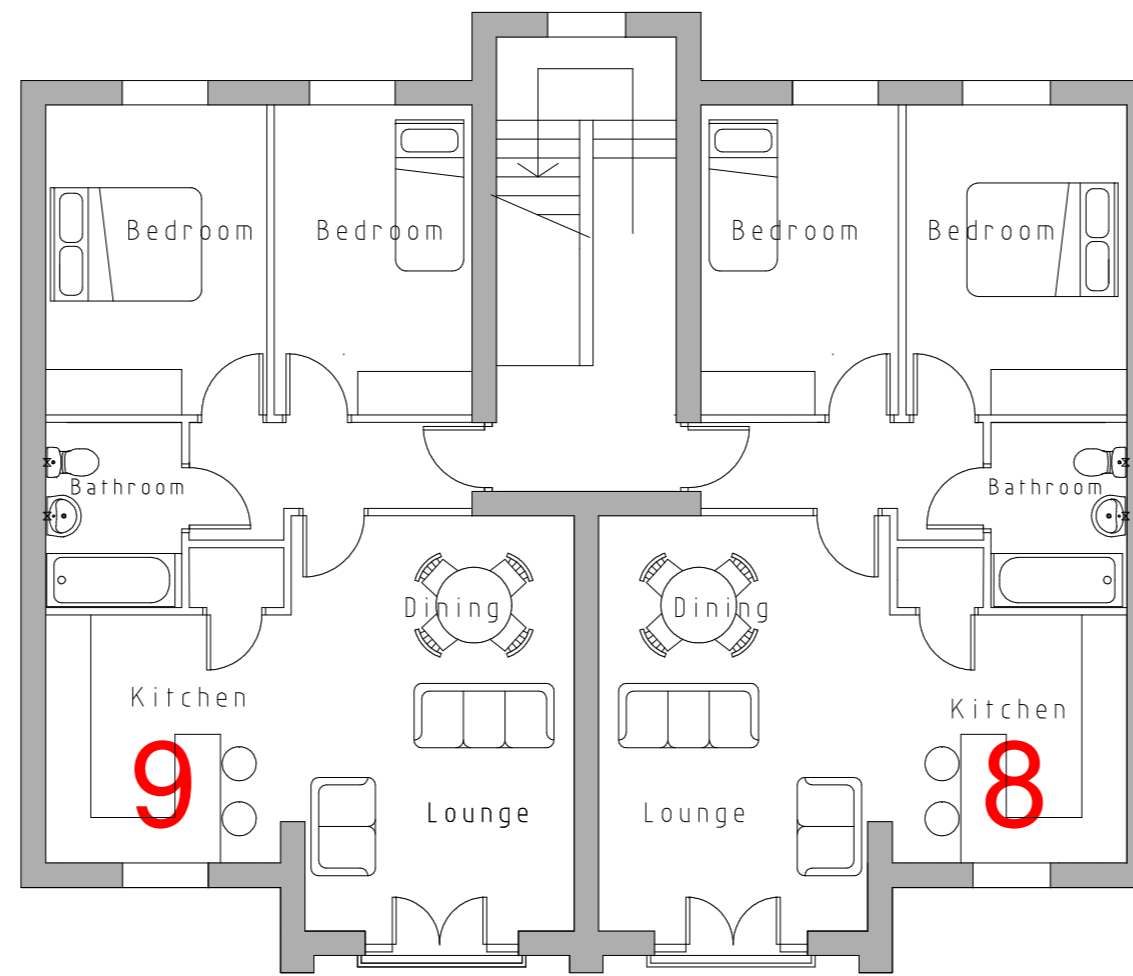
Rear Elevation



Side Elevation



Ground Floor Plan



First Floor Plan

Accommodation Schedule  
 No2. 2 Bed Apartments 66m<sup>2</sup>  
 No3. 2 Bed Apartments 66m<sup>2</sup>  
  
 No8. 2 Bed Apartments 66m<sup>2</sup>  
 No9. 2 Bed Apartments 66m<sup>2</sup>

PLOTS 2-3 & 8-9

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Client: GLOBE homes Ltd		Drawing Title: BLOCK B Elevations & Floor plans			
Project: Residential Development 1 Brindley Heath Road Hednesford		Stage: Planning	Status: PRELIMINARY	Sheet Size: A2	Scale: 1:100
Date: 10.01.2022		Job Number: 2667		Revision: A	
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Front Elevation



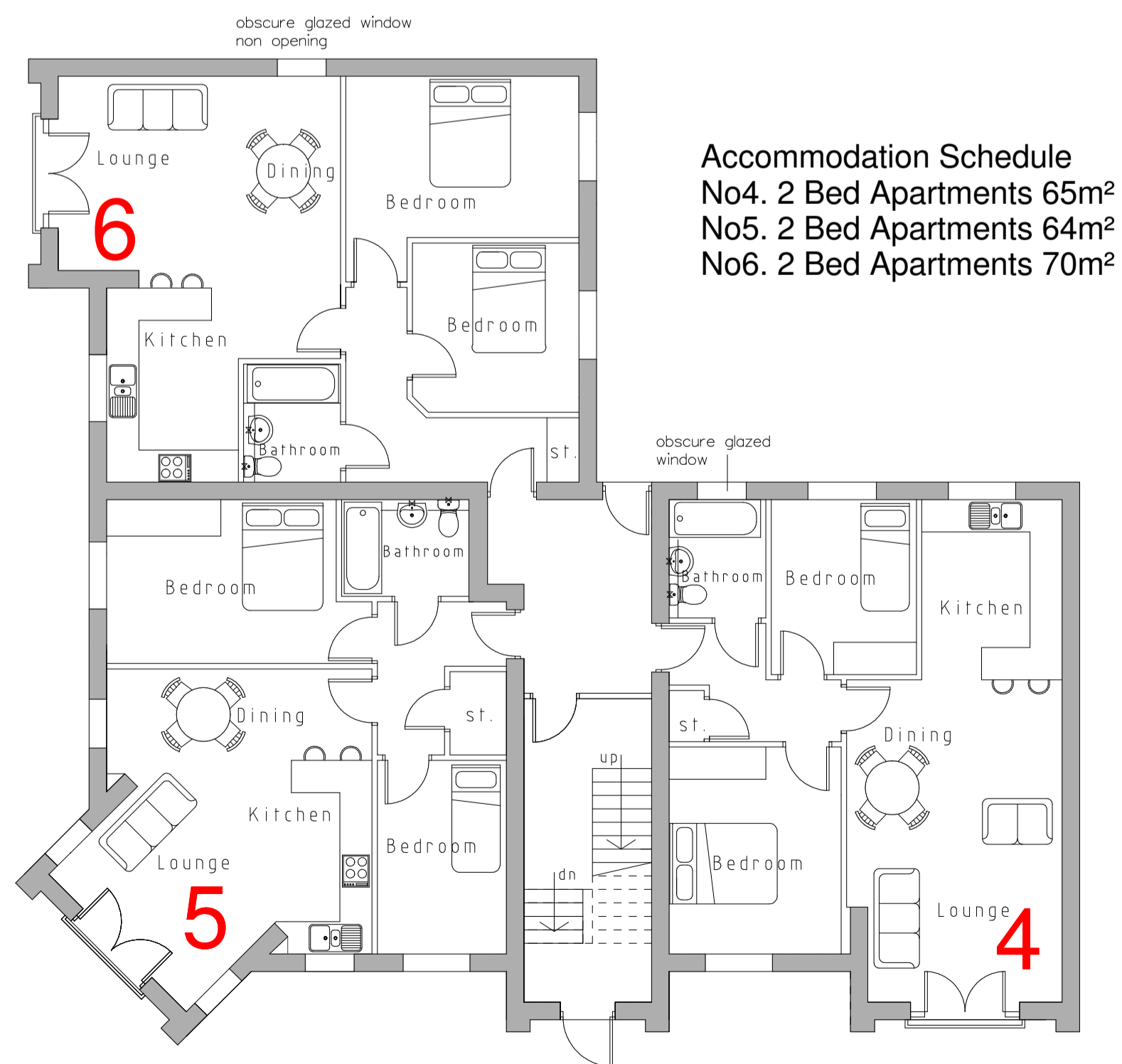
Side Elevation



Side Elevation

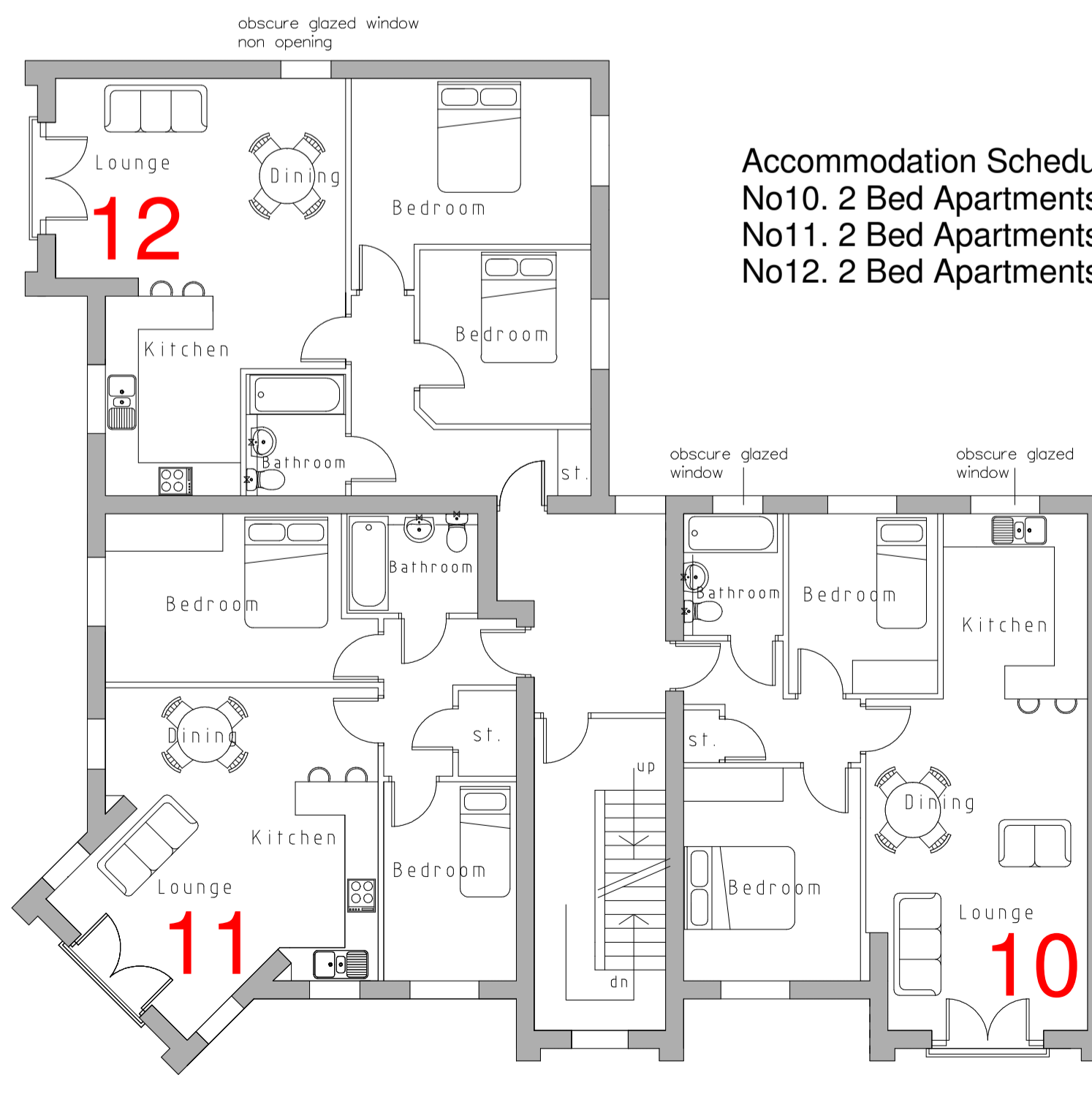


Rear Elevation



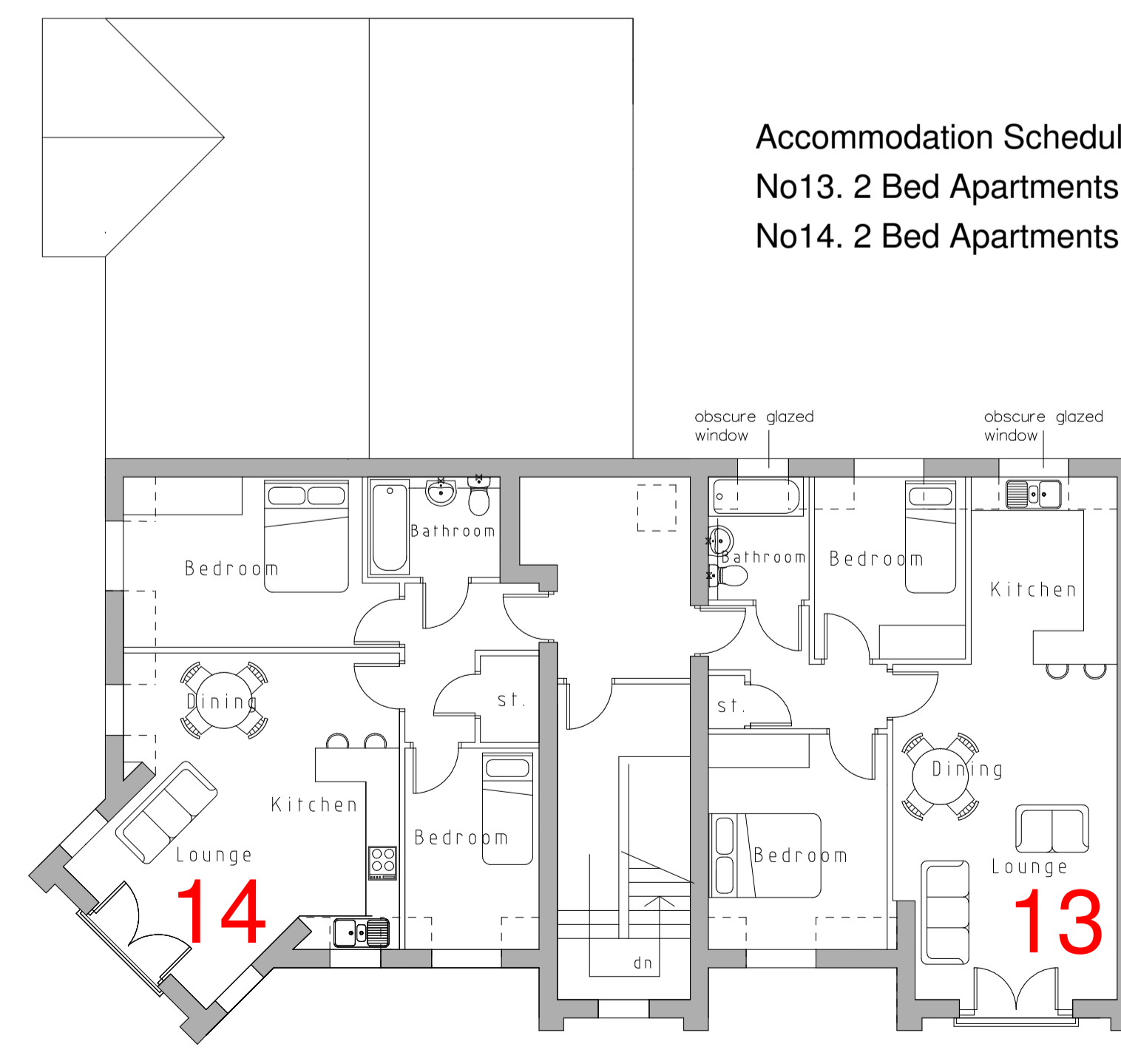
Ground Floor Plan

Accommodation Schedule  
 No4. 2 Bed Apartments 65m<sup>2</sup>  
 No5. 2 Bed Apartments 64m<sup>2</sup>  
 No6. 2 Bed Apartments 70m<sup>2</sup>



First Floor Plan

Accommodation Schedule  
 No10. 2 Bed Apartments 65m<sup>2</sup>  
 No11. 2 Bed Apartments 64m<sup>2</sup>  
 No12. 2 Bed Apartments 70m<sup>2</sup>



Second Floor Plan

Accommodation Schedule  
 No13. 2 Bed Apartments 65m<sup>2</sup>  
 No14. 2 Bed Apartments 64m<sup>2</sup>

PLOTS 4-6, 10-12 & 13-14

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Rev:	Details:		

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**H&S HAZARDS:**  
 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.

This drawing is to be read in conjunction with all other hazards/risks which have been identified and recorded within the construction phase H&S plan.  
 It is assumed that all works on this drawing will be carried out by a competent contractor working, where appropriate, to an approved method statement.

Significant hazards are defined as:-  
 - 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.

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 5093902

Client:  
**GLOBE homes Ltd**

Project:  
**Residential Development  
 1 Brindley Heath Road Hednesford**

Drawing Title:  
**BLOCK C  
 Elevations & Floor plans**

Stage: Planning	Status: PRELIMINARY	Sheet Size: A1
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Job Number: 2667	Date: 10.01.2022	Scale: 1:100
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2667.13		Revision: D
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Brindley Heath Road - Street Scene



Bradbury Lane - Street Scene

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Project:	Residential Development 1 Brindley Heath Road Hednesford		Drawing Title: Street Scene	
Stage:	Status:	Sheet Size:	Scale:	Date:
Planning	PRELIMINARY	A1	1:100	10.01.2022
Job Number:	2667	2667.14	Revision: C	
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IMPLEMENTATION AND MAINTENANCE GUIDELINES

10 GENERAL
All plants shall conform to BS 3103 and be in accordance with the National Plant Specification. Supplying nurseries shall be registered under the NTA Nursery Certification Scheme. All plants shall be packed and transported in accordance with the Code of Practice for Plant Handling as produced by CPSE. Planting shall not be carried out when the ground is waterlogged.

20 ORNAMENTAL SHRUBS AND TREES
Ground Preparation
Where necessary treat existing weeds with a glyphosate based herbicide and allow a suitable period as recommended by the manufacturer for this to take effect.

21 Maintenance
The landscape contractor shall maintain all areas of new planting for a period of 12 months following practical completion. All trees deemed to be dead, dying or diseased within the defects period shall be replaced by the contractor at his own cost.

22 Planting
Shrubs and hedges are to be set out as shown on the drawing and pit planted into the prepared soil with minimal disturbance to the rootball and well firmed in.

23 Grass
Preparation
The area to be turf or seeded shall be sprayed out with a glyphosate herbicide and cultivated to a depth of 100mm removing all weeds, debris and stones over 25mm diameter.

24 Topsoil
Existing Topsoil
Pre-planting herbicide application:
Apply by suitable spraying apparatus, an approved translocated systemic herbicide to the manufacturer's instructions and to 1997 Control of Pesticides Regulations and 2003 COSHH regulations on all beds, except those which are both weed free and are to receive aggregate sheet mulch.

25 Key
Site boundary
Existing trees and vegetation to be retained
Existing trees and vegetation to be removed

26 Soft Landscape Proposals
Refer to plant schedule for details.

27 Bench seating
Steel framed with hardwood timber bench seat. Ref. BX14.026 'Medway Seat' steel framed timber slat version, as supplied by Broxap or similar approved. Bench to be installed with submerged fixing set in concrete footings to manufacturer's specification.

28 Tree root barrier locations
Location of tree root protection barriers. ReRoot 1000 GreenBlue Urban Ltd (or similar approved), 1000mm depth to be specified to the edge of hard surface or building foundation and extended minimum of 2m beyond the expected mature tree canopy, or within 2m of services (to be installed on the side of services only) as directed by the project engineers.

29 Ecological Enhancements
Locations advised by project Ecologist. Exact specification of the ecological enhancements to be agreed and specified by the project Ecologist prior to installation. Landscape proposals to be read in conjunction with Focus Environmental Consultants 7.2.2 Enhancement Plan Ref: August 2022

30 Log/brush pile location
Hedgehog house location
Indicative hedgehog access point
Swift bricks location
1SP Schwegler Sparrow terraces location
Wall-mounted/Integrated Bat box location

31 Plant Schedule
PROPOSED TREES
Table with columns: ABBR, SPECIES, COMMON NAME, SUPPLY HEIGHT (CM), HABIT, CENTRES (M), QTY (No.)

32 Proposed Specimen Shrubs
Table with columns: ABBR, SPECIES, SUPPLY HEIGHT (CM), HABIT, CENTRES (M), QTY (No.)

33 Proposed Hedgerows
Table with columns: ABBR, SPECIES, SUPPLY HEIGHT (CM), HABIT, CENTRES (M), QTY (No.)

34 Proposed Individual Shrubs
Table with columns: ABBR, SPECIES, SUPPLY HEIGHT (CM), HABIT, CENTRES (M), QTY (No.)

35 Proposed Individual Grasses
Table with columns: ABBR, SPECIES, SUPPLY HEIGHT (CM), HABIT, CENTRES (M), QTY (No.)

36 Proposed Ornamental Shrub Mixes
Table with columns: MIX NAME, ABBR, SPECIES, COMMON NAME, HABIT, CENTRES (M), MIX % AREA, QTY (No.)

37 Proposed Lawn Turf
Table with columns: MIX NAME, SEED MIX SUPPLIER, AREA

38 Notes
All trees, feature shrubs, climbers, shrubs and hedgerows to be planted in accordance with the implementation and maintenance guidelines. All landscape proposals must be referred to by the Structural Engineer during foundation design.

39 Individual shrub/herbaceous/grass species to be planted in groups of 3-7.

40 Individual species within ornamental shrub mixes to be planted in groups of 5-9.

41 Lower growing species within ornamental shrub mixes to be planted at the front of the shrub bed (as indicated).

42 Individual bulb species to alternate every 2 linear metres.

43 Native hedgerow shrubs to be supplied as bare root stock unless stated.

44 Hedgerow shrubs to be planted within a 80cm wide bed and mulched.

45 Any native hedgerow shrubs to be planted on a double staggered row, 250mm apart with no less than 6 per linear metre within a 50cm wide bed in accordance with implementation and maintenance guidelines.

46 Any feathered stock is to have an upright central stem furnished with evenly spaced and balanced lateral growth the full length of the stem. If feathered hedgerow stock is proposed, shrubs are to be attached to a double line support line for feathered stock at 1m high and one for transplant stock at 60cm high fence using an approved clip tie and cut back to 1.2m in height at time of planting.

47 Pond marginal planting to be sourced from certified local provenance plant stock.

48 Soiling operations to be carried out in accordance with the implementation and maintenance guidelines.

49 All planting to be in accordance with the implementation and maintenance guidelines.

50 No species, variety, size or position to be amended without the Landscape Architects prior approval.

51 Before trees are planted, the Landscape Contractor shall ascertain the location of drains from the site manager, and shall if necessary make minor adjustments to tree positions to ensure that they are planted at least 1.5m from drains. They should however be planted no closer to houses/garages than is shown on the drawing, and if shown located in shrub beds, the shape of the latter should be adjusted if necessary to accommodate the revised tree position.

52 All planting must be mulched in accordance with the implementation and maintenance guidelines.

53 If planting is required outside the October-March season, bare root shrubs will be replaced by 3L pot grown plants, and trees will be replaced by a contained equivalent to be approved by the project landscape architect.

54 Log/brush pile location

55 Hedgehog house location

56 Indicative hedgehog access point

57 Swift bricks location

58 1SP Schwegler Sparrow terraces location

59 Wall-mounted/Integrated Bat box location

60 Log/brush pile location

61 Hedgehog house location

62 Indicative hedgehog access point

63 Swift bricks location

64 1SP Schwegler Sparrow terraces location

65 Wall-mounted/Integrated Bat box location

66 Log/brush pile location

67 Hedgehog house location

68 Indicative hedgehog access point

69 Swift bricks location

70 1SP Schwegler Sparrow terraces location

71 Wall-mounted/Integrated Bat box location

72 Log/brush pile location

73 Hedgehog house location

74 Indicative hedgehog access point

75 Swift bricks location

76 1SP Schwegler Sparrow terraces location

77 Wall-mounted/Integrated Bat box location

78 Log/brush pile location

79 Hedgehog house location

80 Indicative hedgehog access point

81 Swift bricks location

82 1SP Schwegler Sparrow terraces location

83 Wall-mounted/Integrated Bat box location

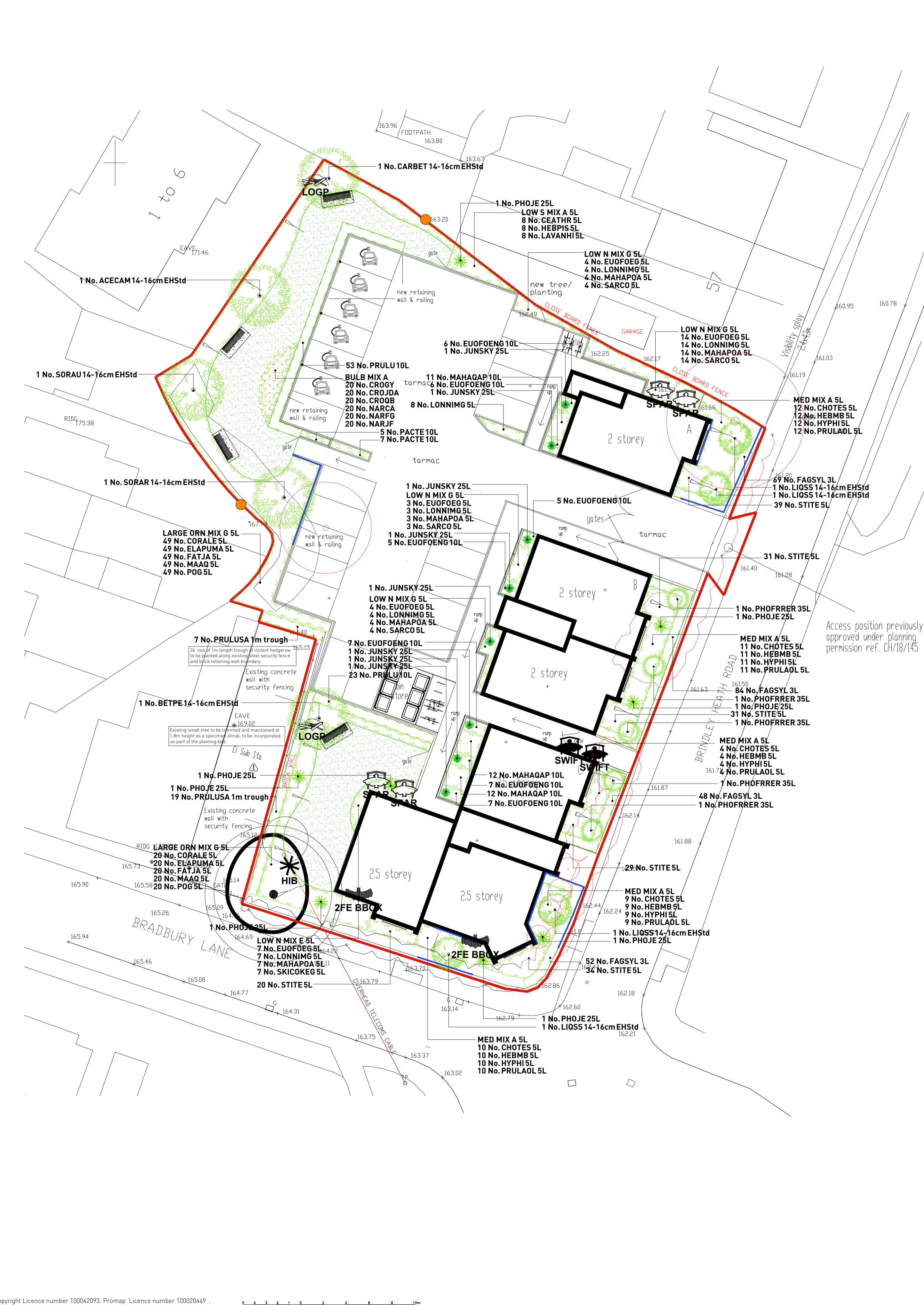


Table with 5 columns: ABBR, SPECIES, COMMON NAME, SUPPLY HEIGHT (CM), HABIT, CENTRES (M), QTY (No.). Rows include: PROPOSED TREES (ACECAM Acer compostre, BETRE Betula pendula, CARBET Carpinus betulus, LIQSS Liquidambar styraciflua, SORAR Sorbus aria, SORAU Sorbus aucuparia).

Table with 5 columns: ABBR, SPECIES, SUPPLY HEIGHT (CM), HABIT, CENTRES (M), QTY (No.). Rows include: PROPOSED SPECIMEN SHRUBS (JUNSKY Juniperus 'Strycket', PHOFRRR Phorlita fraseri, PHOJE Phormium 'Jester').

Table with 5 columns: ABBR, SPECIES, SUPPLY HEIGHT (CM), HABIT, CENTRES (M), QTY (No.). Rows include: PROPOSED HEDGEROWS (FAGSYL Fagus sylvatica, PRULU Prunus lusitanica, PRULUSA Prunus lusitanica).

Table with 5 columns: ABBR, SPECIES, SUPPLY HEIGHT (CM), HABIT, CENTRES (M), QTY (No.). Rows include: PROPOSED INDIVIDUAL SHRUBS (EUOFOEG Euonymus fortunei, LONNIMG Lonicera nitida, MAHAQAP Mahonia aquifolium, PACTE Pachyandra terminalis).

Table with 5 columns: ABBR, SPECIES, SUPPLY HEIGHT (CM), HABIT, CENTRES (M), QTY (No.). Rows include: PROPOSED INDIVIDUAL GRASSES (STITE Stipa tenuissima).

Table with 5 columns: MIX NAME, ABBR, SPECIES, COMMON NAME, HABIT, CENTRES (M), MIX % AREA, QTY (No.). Rows include: PROPOSED ORNAMENTAL SHRUB MIXES (LARGE ORN MIX G, LARGE ORN MIX C, LARGE ORN MIX O, LARGE ORN MIX S, LARGE ORN MIX P, LOW N MIX E 5L, LOW N MIX E 5L, LOW N MIX G 5L, LOW N MIX G 5L, LOW N MIX G 5L, LOW N MIX G 5L, LOW S MIX A 5L, LOW S MIX A 5L, LOW S MIX A 5L, MED MIX A 5L, MED MIX A 5L, MED MIX A 5L).

Table with 5 columns: MIX NAME, ABBR, SPECIES, COMMON NAME, HABIT, CENTRES (M), MIX % AREA, QTY (No.). Rows include: PROPOSED BULBS (BULB MIX A CROGY, BULB MIX A CROUDA, BULB MIX A CROGB, BULB MIX A NARCA, BULB MIX A NARFC, BULB MIX A NARJF).

Table with 5 columns: MIX NAME, SEED MIX SUPPLIER, AREA. Rows include: PROPOSED LAWN TURF (Medalon Turf Rolawn Limited).

NOTES

All trees, feature shrubs, climbers, shrubs and hedgerows to be planted in accordance with the implementation and maintenance guidelines. All landscape proposals must be referred to by the Structural Engineer during foundation design.

Individual shrub/herbaceous/grass species to be planted in groups of 3-7.

Individual species within ornamental shrub mixes to be planted in groups of 5-9.

Lower growing species within ornamental shrub mixes to be planted at the front of the shrub bed (as indicated).

Individual bulb species to alternate every 2 linear metres.

Native hedgerow shrubs to be supplied as bare root stock unless stated.

Hedgerow shrubs to be planted within a 80cm wide bed and mulched.

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Any feathered stock is to have an upright central stem furnished with evenly spaced and balanced lateral growth the full length of the stem. If feathered hedgerow stock is proposed, shrubs are to be attached to a double line support line for feathered stock at 1m high and one for transplant stock at 60cm high fence using an approved clip tie and cut back to 1.2m in height at time of planting.

Pond marginal planting to be sourced from certified local provenance plant stock.

Soiling operations to be carried out in accordance with the implementation and maintenance guidelines.

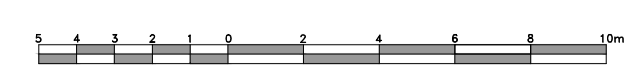
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All planting must be mulched in accordance with the implementation and maintenance guidelines.

If planting is required outside the October-March season, bare root shrubs will be replaced by 3L pot grown plants, and trees will be replaced by a contained equivalent to be approved by the project landscape architect.



Land off Brindley Heath Road,
Hednesford
Detailed Soft Landscape
Proposals
Drawing Ref: P21-2409\_EN\_0001\_D\_0001
Client: GLOBE HOMES

Date : 20/02/2023
Drawn by : AP
Checked by : AP
Scale : 1 : 200 @ A1



D - 03/04/2023 JZAI Updated to the client comments.
C - 12/02/2023 JZAI Updated to screen existing steel security fence and retaining wall at the west of the site boundary.
B - 07/02/2023 JZAI Updated to add ecological enhancement locations.
A - 12/02/2023 APJ First issue.
Revisions:



<b>Contact Officer:</b>	<b>Claire Faulkner</b>
<b>Telephone No:</b>	<b>(01543) 464 337</b>

<p><b>Planning Control Committee</b> <b>15 November 2023</b></p>
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<b>Application No:</b>	CH/22/0419
<b>Received:</b>	08/11/22
<b>Location:</b>	1 Brindley Heath Road, Hednesford, Cannock, A Dunford and Son, Brindley Heath Road, Cannock, Staffordshire, WS12 4DR
<b>Parish:</b>	Hednesford CP
<b>Ward:</b>	Hednesford North
<b>Description:</b>	Demolition of existing buildings and erection of 3 no. apartment buildings providing 14 no. dwellings, plus associated development including access, parking, and landscaping
<b>Application Type:</b>	Full Application

**Reason for committee decision: Town Council objection due to overdevelopment of the site and Cllr call in for a site visit.**

**Recommendation:**

It is recommended that delegated authority be given to the Head of Economic Development & Planning to grant planning permission, subject to the completion of a S106 legal agreement to secure a financial contribution for the provision of off-site affordable housing, and the conditions as detailed below.

**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 approved, shall be undertaken in accordance with the external materials detailed within the approved plans.

Reason

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

3. Prior to the occupation of the development hereby approved, the proposed acoustic details in the Hepworth Acoustics report (reference P23-031-R01v1 February 2023) shall be implemented in full and maintained in perpetuity.

Reason:

To mitigate potential adverse impacts from noise on residential amenity in line with paragraphs 183-188 of the National Planning Policy Framework.

4. The development hereby approved shall be undertaken in accordance with the approved Geo-environmental Assessment produced by Geo-risk Management. Where site investigations have confirmed unacceptable risks from land contamination, potential remediation options should be appraised and a remediation strategy, prepared in accordance with Environment Agency Land Contamination: Risk Management guidance, shall be submitted to the Local Planning Authority for approval.

Thereafter, the development shall be constructed with the approved remediation strategy in accordance with Environment Agency Land Contamination: Risk Management guidance, following which a verification report shall be submitted to the Local Planning Authority for approval.

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 in accordance with the National Planning Policy Framework.

5. Identification of contamination that was not previously identified by site investigations shall be reported to the Local Planning Authority as soon as is practicable. Where applicable, details on how the identified contamination is to be addressed shall be submitted to the Local Planning Authority for approval.

Remediation shall, if required, thereafter, be undertaken in accordance with the approved details. Following development, if no further contamination was identified then comment to this effect shall be submitted to the Local Planning Authority for approval prior to first occupation.

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 in accordance with the National Planning Policy Framework.

6. No dwelling shall be occupied until the access and parking areas have been provided in accordance with the approved plans.

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

Reason:

In the interest of highway safety. To comply with the principles set out in the National Planning Policy Framework.

7. Prior to the development being constructed above ground level, details for safe, secure, and covered cycle parking facilities shall be submitted to and approved in writing by, the Local Planning Authority.

Thereafter, the approved facilities shall be provided prior to first occupation of the dwellings and retained in perpetuity.

Reason:

In the interest of highway safety. To comply with the principles set out in the National Planning Policy Framework.

8. Prior to first occupation of the development hereby approved, the visibility splay as approved on Dwg.No.2667.01 J (Site & Location Plans) shall be provided.

Thereafter, the splays shall be clear from any obstructions above 600mm above the carriageway.

Reason:

In the interest of highway safety. To comply with the principles set out in the National Planning Policy Framework.

9. No development shall commence until the final detailed surface water drainage design has been submitted to and approved by the Local Planning Authority.

The design must be in accordance with the principles outlined in the Drainage Strategy, Drawing No. P21-2409-PEG-XX-XX-DR-C-001-S2-R02, dated 11/09/2023 and must demonstrate:

- Surface water drainage system(s) designed in accordance with the non-technical standards for sustainable drainage system (DEFRA, March 2015).
- SuDs design to provide sufficient water quality treatment, in accordance with the CIRIA SuDS Manual Simple Index Approach and SuDS treatment design criteria.
- Limiting the discharge rate generated by all events up to the 100 years plus 40% Climate Change to 2 l/s as outlined in the Drainage Strategy drawing.
- Final detailed design (plans, network details and full hydraulic calculations) of the surface water drainage scheme, including details on any attenuation system, and the outfall arrangements. Calculations should demonstrate the performance of the designed system for a range of return periods and storm durations, to include as a minimum the 1 year, 30 year and 100-year plus 40% climate change scenarios.
- Evidence that a connection to the Severn Trent Water sewerage network is permitted at the proposed point of discharge at the rate proposed.
- Plans illustrating flooded areas and flow paths in the event of exceedance of the drainage system. Finished floor levels to be set higher than ground levels to mitigate the risk from exceedance flows.

- Provision of an acceptable management and maintenance plan for the surface water drainage to ensure that surface water drainage systems shall be maintained and managed for the lifetime of the development. To include the name and contact details of the body responsible for management and maintenance of the system.

The development shall thereafter be completed in accordance with the approved details.

Reason:

To prevent flooding by ensuring the satisfactory storage of / disposal of surface water from the site, in accordance with the requirements of the Local Plan and NPPF.

10. The developer is to ensure that satisfactory arrangements for the control of surface water are in place as part of any temporary works associated with the permanent development, to ensure that flood risk is not increased prior to the completion of the approved drainage strategy.

Reason:

To prevent flooding by ensuring the satisfactory storage of / disposal of surface water from the site, in accordance with the requirements of the Local Plan and NPPF.

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.

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

Reason:

To prevent flooding by ensuring the satisfactory storage of / disposal of surface water from the site, in accordance with the requirements of the Local Plan and NPPF.

12. The landscape works as indicated on the Site & Location Plan Dwg.No. 2667.01 J and detailed on Dwg.No. P21\_2409\_EN\_0001\_D\_0001 Detailed Soft Landscape Proposals shall be carried out in the first planting and seeding season following the occupation of any buildings or the completion of the development whichever is the sooner.

Reason

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

13. The development hereby permitted shall not be commenced until the tree protection scheme as detailed within the Arboricultural Survey & Impact Assessment (AIA) and as demonstrated on Dwg.No.2456-P-12 (within the arb survey), for the protection of the tree located to the south-west corner of the site has been erected.

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.

14. 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.

15. The development hereby permitted shall not be occupied until the following window(s) as indicated on the approved plans are obscure glazed:

a) Block A Floor Plans:

- i) The windows in the side elevation of flat 7 facing No. 5 Brindley Heath Road

b) Block C Floor Plans:

- i) The windows in the side elevation of flats 6 & 12 facing towards The Old Chapel.  
ii) The windows in the rear elevation of flats 10 & 13 facing towards The Old Chapel.

The window(s) shall be non-opening unless the parts of the window which can be opened are more than 1.7m above the floor of the room in which the window is installed.

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

Reason

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

16. Construction activities and deliveries of construction materials to the site shall not take place outside of the hours of 08:00 hours to 18:00 hours Monday to Friday, 08:00 hours to 13:00 hours on Saturday and at no time on Sundays and Bank Holidays.

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.

17. Notwithstanding the approved plans, prior to first occupation of the development hereby approved, details of the bin store areas shall be provided to and approved in writing by the Local Planning Authority.

Thereafter the approved details shall be implemented and retained for the lifetime of the development.

Reason:

To ensure development is appropriate to the residential location in accordance with Policy CP3 of the Cannock Chase Local Plan and the relevant paragraphs of the National Planning Policy Framework.

18. Prior to first occupation of the development, the ecological enhancements as identified within the Preliminary Ecological Appraisal dated March 2022 and the Ecological Mitigation & Enhancement Strategy dated August 2022 both produced by Focus Environmental Consultants and as demonstrated in Dwg. P21-2409\_EN\_0001\_D\_0001 Detailed Soft Landscape Proposals shall be provided. The enhancements shall integrate bat boxes, bird boxes, hedgehog house and boundary gaps / holes.

Thereafter, the enhancements shall be retained and maintained for the lifetime of the development.

Reason:

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

19. Notwithstanding the approved plans, prior to the construction of the development above ground level, details for a solar panel scheme shall be submitted to and approved in writing by the Local Planning Authority.

Thereafter, the approved scheme shall be implemented and retained and maintained for the lifetime for the development.

Reason:

In the interests of reducing climate change impacts and in accordance with paragraph 153 of the NPPF.

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

2667.01 Rev J Site & Location Plans

2667.11 Rev A Block A Elevations & Floor Plans

2667.12 Rev A Block B Elevations & Floor Plans

266.7.13 Rev D Block C Elevations & Floor Plans

2667.14 Rev C Street Scene

P21-2409\_EN\_0001\_D\_0001 Detailed Soft Landscape Proposals

P21-2409\_EN\_0002\_C\_0001 Boundary Treatment & Hard Landscape Zoning Plan

2456-P-12 Tree Removal Protection Plan

Reason:

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

**Notes to Developer:*****Environmental Health***

The site is known or suspected to be contaminated. The responsibility for safe development and secure occupancy of the site rests solely with the developer.

Please note that Environmental Health comments relate to risks posed from land contamination to human health only; the Environment Agency and other agencies may have additional requirements.

The Local Planning Authority will determine the application on the basis of the information submitted to it. Please be aware that should a risk of harm from contamination remain post development, the applicant is likely to be liable under Part 2(a) of the Environmental Protection Act 1990 for any additional remediation.

The applicant is advised that should there be a requirement as part of the Remediation Strategy to treat, reuse or remove contaminated material on the site, the Environment Agency should be consulted, as these activities may need to be licensed or permitted.

Cannock Chase Council is keen to liaise with all stakeholders involved in this application. As such, we recommend that a proposed scope of works is forwarded the Environmental Protection Department and agreed in principle prior to site investigation works being undertaken. Environmental Protection is also prepared to review draft copies of reports prior to final submission to the Local Planning Authority in order to ensure that works undertaken are sufficient to gain approval of contaminated land conditions. Further information regarding the requirements of Cannock Chase Council can be obtained from Environmental Protection

***Fire Safety***

The applicant is asked to familiarise themselves with the comments of the Fire Safety Officer which are available on the Councils website.

***Designing Out Crime Officer***

The applicant is asked to familiarise themselves with the comments of the Designing Out Crime Officer which are available on the Councils website.

**Consultations and Publicity****External Consultations**

- **Hednesford Town Council - Objection**
  - The position, height and scale of the apartment buildings will result in an oppressive form of development to detract from the open and spacious character of the junction. The proposal would have an adverse effect on the established structure and layout of the area.
  - The parking provision meets only minimum standards leading to the likelihood that an excess of vehicles and visiting traffic will park on the roadside creating safety issues on Brindley Heath Road and Bradbury Lane and nuisance to surrounding residents. Mitigation measures would be needed in this regard.

- The single access point serving all fifteen[sic] dwellings is relatively close to the crossroads/junction and will provide limited visibility to motorists entering and exiting the site when traffic is accelerating into Brindley Heath Road from the traffic lights at the crossroads.
- The adverse effects of the development on Cannock Chase SAC, particularly in the absence of adequate mitigation and avoidance measures to protect its integrity.
- The Parish Council supports the comments made by the Environmental Protection Section as the noise from the road and railway line may present a risk to the amenity of future residents.

- **Staffordshire County Highways - No objection subject to conditions**

- **Local Lead Flood Authority - No objection subject to conditions**

- **School Organisation - No education contribution required.**

- **Natural England- No Objection**

Subject to appropriate mitigation being secured in regard to the SAC.

- **Severn Trent - No objection subject to conditions**

- **Crime Prevention Design Advisor - No objection some recommendations made**

#### **Internal Consultations**

- **Parks & Open Spaces - Objection**

The Site falls within the Forest of Mercia Community Forest boundary, however it does not currently contain any trees covered by Tree Preservation Orders (TPO).

- **Environmental Health - No objection**

- **Strategic Housing - No objection**

On sites of 10-14 units a financial contribution is required for affordable housing, in line with the Local Plan and NPPF thresholds.

- **Policy - No objection.**

The site is in proximity to the Cannock Chase AONB and adjacent from the Green Belt Boundary, and that the site is located outside of the Brindley Village Settlement Boundary and is within the Hednesford Neighbourhood Plan Area.

The site comprises of SHLAA site C469 (0-5year site). The site does not fall within any other designated areas shown on the Local Plan Policies Map.

#### **Response to Publicity**

The application was advertised by neighbour letter and site notice. Three letters of representation were received to the application with a further two letters received from the same objectors in regard to the amended plans. These are summarised below:

- Security.
- Diminished Natural Light

- Diminished outlook across Hednesford Hills
- Noise
- Damage to third party property
- Anxiety
- Impact on Listed Chapel
- Impact from extra traffic in an already very busy crossroads,
- Not enough parking which will lead to on road parking.
- Impact on privacy
- Planning was refused for houses so why is the proposal now being considered for flats, neighbours would prefer houses.
- Development should not be approved near this beautiful area by the Heritage Trail.

### Relevant Planning History

CH/18/145: Erection of 4 no. 2 bed houses and 3no. bed houses (outline application with all matters reserved except access and layout). Approved 10th July 2019.

CH/15/0241: Skip Storage. Refused for the following reasons:

*1. The area used for skip storage is near to existing dwellings. As such the noise and disturbance associated with the skip storage use results in an adverse impact on the amenity of nearby residents. Therefore, the proposal is contrary to Local Plan Policy CP3 and the NPPF, both of which seek to safeguard the amenity of existing occupiers from incompatible uses.*

*2. The skip storage area is accessed via a narrow entrance and is in close proximity to an existing junction. Consequently, it is considered that large vehicles using a narrow entrance near to a junction would be detrimental to highway safety. As such, the proposal is contrary to Local Plan Policy CP3 and the NPPF.*

## 1 Site and Surroundings

- 1.1 The application site comprises a commercial yard and associated buildings sited to the north-west of the junction of Station Road, Bradbury Lane, and Brindley Heath Road, Hednesford. Existing vehicular access into the application site is from Brindley Heath Road.
- 1.2 The application site is an irregular shaped parcel of land comprising an area of approximately 0.22 ha. The application site is currently occupied by A Dunford and Son Tree Surgeons who occupy two steel framed industrial buildings. There is also a vacant compound area, formerly used by a vehicle recovery and scrap operator.

- 1.3 The site is generally bound by fencing and hedges along its boundaries. Hardstanding surrounds the buildings with limited areas of existing soft landscaping primarily in the south and south-east of the Site. Existing trees are present in the north-west and south-west of the application site and a hedgerow forms the eastern and southern site boundaries. None of the trees are protected by a TPO. An embankment is present along the western site boundary.
- 1.4 The application site rises from east to west with the lowest part at the north-eastern corner with Brindley Heath Road, and highest part at the western boundary with properties to the west accessed from Bell Drive. The changes in levels are around 3-4 metres from west to east across.
- 1.5 Bordering the application site to the north, is a one storey residential bungalow and its curtilage accessed from Brindley Heath Road with further residential bungalows beyond. Immediately abutting the application site to the west is Bell Drive, a cul-de-sac comprising two storey dwellings, and to the north-west are two storey dwellings located off Bramble Drive; all of which are positioned on higher ground than the application site.
- 1.6 A substation adjoins the application site to the west, accessed off Bradbury Lane, with No.3 Bradbury Lane (a converted former chapel now used as a dwelling) located beyond that. Opposite the application site to the south and south-west, beyond Bradbury Lane itself, is further two storey residential development. A train line runs to the east of the application site, beyond Brindley Heath Road and parallel to it, positioned at a much lower level than the application site with intervening vegetation in between. Beyond the railway line to the south-east is an area of industrial and employment development, neighbouring residential development.
- 1.7 Residential properties in the area comprise of various designs, styles, and sizes, with render/cladding and red brick common features.
- 1.8 The existing building is of an industrial appearance being roughly two storeys in height and of a brick and corrugated metal construction. Further structures within the site are open sided units in a dilapidated condition sited along the western boundary. Several skips are sited within the curtilage of the site and two large metal containers are sited adjacent the eastern boundary.
- 1.9 The site is in part unallocated and undesignated in the Cannock Chase Local Plan (Part 1). A boundary of the Cannock Chase Area of Outstanding Natural Beauty (AONB) runs behind the properties on Rugeley Road to the east, approx. 170 metres from the application site with further boundaries to the west and north beyond adjoining residential development. The Cannock Chase Special Area of Conservation is located approx. 800 metres to the north.

## **2 Proposal**

- 2.1 The application seeks full planning permission for the demolition of existing buildings and erection of 3 no. apartment buildings plus associated development including access, parking, and landscaping.
- 2.2. The proposed development is for residential development (Use Class C3) and will deliver a total of 14 no. two bedroom apartments.

- 2.3. Apartment blocks A and B would be located to the north of the application site facing onto Brindley Heath Road, comprising two storeys in height corresponding with surrounding development. Apartment block C is the largest building, positioned on the corner of the junction of Brindley Heath Road, Station Road, and Bradbury Lane. Apartment block C has been designed as 2 and 3 storeys in height (2 storey nearest the Church Building to the west).
- 2.4 The proposed buildings front onto the adjoining roads broadly following the variable building lines of neighbouring development. Parking for the apartments is located to the rear, along with shared amenity space, communal areas, bin store and cycle stores.
- 2.5 The proposed vehicular access position would utilise the existing access position into the application site. The proposal provides a private road for the development with associated private parking to the rear of the buildings. Gates are proposed between blocks A and B to provide security for the development and secure vehicular and pedestrian access to the proposed rear parking area and associated cycles stores, communal areas, and amenity space.
- 2.6 A total of 628m<sup>2</sup> of shared amenity space would be provided for the occupiers of the flats. This area would be divided into two separate parcels. One parcel with an area of 340m<sup>2</sup> would be located adjacent to the western boundary. The other parcel with an area of 288m<sup>2</sup> would be located along the south-western and southern boundaries adjacent to apartment block C.
- 2.7 A total of 23 no. car parking spaces would be provided within the rear courtyard style car park. Large 'Sheffield' cycle stands would also be provided in the rear communal areas, enough to accommodate 16 bicycles. There would be a communal refuse bin storage point, situated within easy walking distance of the apartment buildings with communal footpaths providing access.
- 2.8 The proposed buildings would comprise a modern, contemporary appearance, and would be finished in facing brickwork and render/cladding. The proposed development would require the removal of existing hedgerows and trees; however, this would be compensated with new native, species rich tree, shrub, and hedgerow planting throughout the application site. The existing tree located within to the south-west corner would be retained. Ecological mitigation and enhancement measures would also be provided throughout including integrated bat boxes, bird boxes, hedgehog house and boundary gaps/holes, log piles, and a variety of native, wildlife friendly planting species.

### **3 Planning Policy**

- 3.1 Section 38 of the Planning and Compulsory Purchase Act 2004 requires planning applications to be determined in accordance with the provisions of the Development Plan unless material considerations indicate otherwise.
- 3.2 The Development Plan currently comprises the Cannock Chase Local Plan Part 1 (2014), The Hednesford Neighbourhood Plan 2017 - 2028 and the Minerals Local Plan for Staffordshire (2015 – 2030).

*Cannock Chase Local Plan Part 1*

- 3.3 Relevant policies within the Local Plan include:
- CP1 - Strategy – the Strategic Approach
  - CP2 – Developer Contributions
  - CP3 - Chase Shaping – Design
  - CP6 – Housing Land
  - CP7 – Housing Choice
  - CP8 – Employment Land
  - CP10 - Sustainable Travel
  - CP12 – Biodiversity and Geodiversity
  - CP13 – Cannock Chase SAC
  - CP15 - Historic Environment
  - CP16 – Climate Change
- 3.4 Relevant Policies within the Minerals Plan Include:
- Policy 3: - Safeguarding Minerals of Local and National Importance and Important Infrastructure
- 3.5 Relevant Policies within the Hednesford Neighbourhood Plan include:
- Policy BE1:- Buildings proposed for inclusion in the local list.
- 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                                   |
| 64:                 | Affordable housing not required for non-major applications |
| 111:                | Highway Safety and Capacity                                |
| 126, 130, 132, 134: | Achieving Well-Designed Places                             |
| 174, 180:           | Biodiversity   |
| 183-185             | Ground Conditions and Pollution                            |
| 218, 219            | Implementation   |
- 3.7 Other relevant documents include: -
- (i) Design Supplementary Planning Document, April 2016.
  - (ii) Cannock Chase Local Development Framework Parking Standards, Travel Plans and Developer Contributions for Sustainable Transport.
  - (iii) Manual for Streets
  - (iv) Hednesford Neighbourhood Plan



## 4 Determining Issues

4.1 The determining issues for the proposed development include:

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

### 4.2 Principle of the Development

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

4.2.2 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.

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

4.2.4 In respect to the principle of the proposal it is noted that the site is within a residential location approximately 0.7km from Hednesford District Centre, close to the schools and served by bus routes giving access by public transport. As such the site has good access by public transport, walking and cycling to a range of goods and services to serve the day to day needs of the occupiers of the proposed development.

4.2.5 The site is not located within either Flood Zone 2 or 3, and it is not designated as a statutory or non- statutory site for nature conservation, nor is it located within a Conservation Area (CA). The adjacent former chapel building (converted to residential) sited to the west however is identified as a non-designated heritage

asset and is locally listed within the Hednesford Neighbourhood Plan under Policy BE1.

- 4.2.6 A locally listed building is of architectural or historic interest which makes a valuable contribution to the character of an area but does not qualify for inclusion on the statutory list. In light of this and in accordance with Paragraph 203 of the NPPF a balanced judgement must be reached with regard to the scale of any harm or loss caused and the significance of the heritage asset.
- 4.2.7 In this respect, the application site is separated from the locally Listed building by the existing sub-station to the north-west, a distance of approx. 6m. The proposed development would replace the existing large industrial building that is located immediately adjacent the boundary with the sub-station and replace it with a residential development comprising two and three storeys that would be further separated from the boundary by a distance of 8m to provide an area of amenity and landscaping. The existing tree sited to the south-west, between the proposed development and the adjacent property would also be retained.
- 4.2.8 The locally listed chapel building sits within close proximity to other modern residential developments to the north and west. The proposed development would create a wider degree of separation to the chapel building than the current situation and would replace the incongruous industrial buildings with one of a residential appearance and a residential use. The proposed building has been designed to respect the adjacent church building and would remain as two storeys in this location before rising to three storeys at the corner. As such, Officers considered the degree of harm to the locally Listed building to be less than substantial; that being at the lowest end of the scale (negligible) when balanced against the current context of the site and would represent an effective use of brownfield land within an existing sustainable location.
- 4.2.9 In addition, the previous outline planning permission for residential development at the application site, is also a significant material consideration when considering the principle of residential development. This development, whilst in outline to include layout, was granted approval for a building in a similar location to the proposed building C. Whilst, this development was for houses as opposed to flats as currently proposed, the built development within the curtilage of the site would, in part, be in a similar position to that currently proposed and of a similar scale. It is also noted that the proposed access utilises the same access as approved under the previous permission.



*Fig showing the previously approved plans for CH/18/145*

4.2.10 Given the above, the proposal would be acceptable in principle at this location. Although a proposal may be considered to be acceptable in principle it is still required to meet the provisions within the development plan in respect to matters of detail. The next part of this report will go to consider the proposal in this respect.

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

4.3.1 In respect to issues in relation to design the layout of the application site is logical and addresses both street scenes within Bradbury Lane and Brindley Heath Road. The proposal would construct three separate blocks of flats with associated amenity and parking provision.

4.3.2 The design approach that has been adopted seeks a scale that provides a two and three storey design of development which takes into consideration the differing ground levels. The proposed three-storey element would be located at the prominent junction to create a focal point with the two storey elements being adjacent the existing buildings.



Fig. showing the street scene with the properties to the rear on higher ground visible above the proposed development.

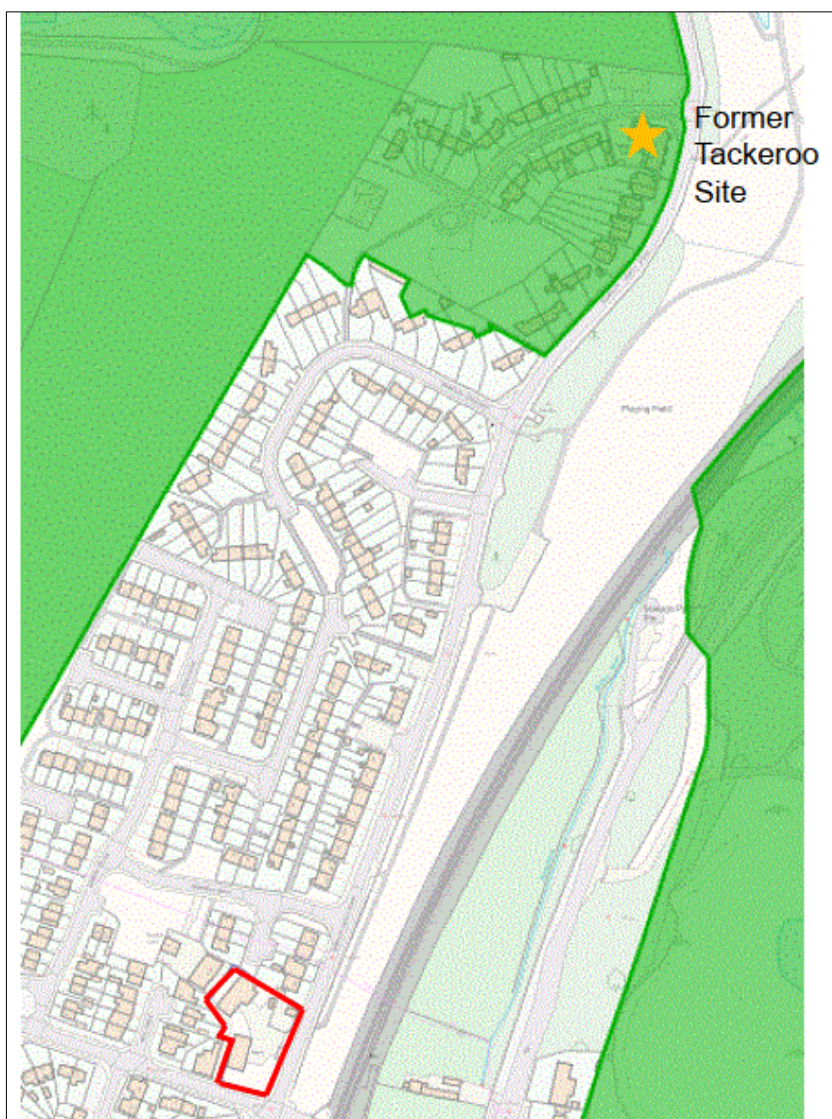
4.3.3 The objections received in respect to the proposed modern flats not being in keeping with the surrounding properties are noted however, design is subjective and, in this instance, whilst the contemporary design of the buildings would not reflect the immediate properties it is considered that the design and finish would complement the surroundings and reflect development permitted within the wider area. The height of the proposed building would sit comfortably within the site due to the significant difference in ground levels. The additional height of Block C would not have any overbearing impact on the street scene, with the railway to the east and development to the south and north set well back from the site, separated by the highway junction and properties to the rear, still positioned higher than the proposed building in the street scene, due to land levels. As such it is considered that the proposal would assimilate well within the already varied street scene which includes the two and three storey development at the former Tackeroo site.



Fig. showing the development at the Tackeroo Site on Brindley Heath Road CH/16/144

4.3.4 There are trees sited within the application site and a mature hedgerow around the street boundaries with a gap for the access. With the exception of the tree sited to the south-west corner of the site, it is proposed that the majority of existing trees and hedgerows are removed to accommodate the proposed dwellings. None of the trees are protected by Tree Preservation Orders (TPO). Paragraph 131 of the NPPF stresses the importance trees make to the character and quality of urban environments and that opportunities are taken to incorporate trees into new development.

- 4.3.5 In this respect, the applicant has submitted an Arboricultural Survey & Impact Assessment (AIA), including a Tree Survey and Constraints Plan and Tree Protection Plan with which to inform the application.
- 4.3.6 The AIA shows that the removal of two trees, five shrubs, one vegetative group and two hedgerows is required to facilitate the proposed development (ten vegetation items in total). In order to mitigate for the proposed loss of vegetation twenty-seven new trees / large shrubs have been presented within the indicative landscape design, shown on the submitted site layout drawing, including direct replacement of frontage vegetation in order to maintain and improve the amenity benefits of the application site. A condition for the landscaping works scheme to be provided has been recommended.
- 4.3.7 It is noted that the proposal retains one mature tree in the south-west corner of the application site, which makes a significant contribution to the street scene along Bradbury Lane and helps screen the application site from No.3 Bradbury Lane to the west. There were no objections from the Tree Officer in regard to the Tree Survey or the findings within.
- 4.3.8 The comments of the Tree Officer are noted in respect to the impact on the landscape character however, looking at the wider context of the site, it is noted that the location is wholly residential location wherein there is a difference in levels between the site and the surrounding buildings. The proposed development seeks to utilise the differences in the levels to facilitate the proposed scheme. It is also noted that the proposal would remove the existing industrial buildings and provide a comprehensive replacement landscape scheme which would soften the overall impact of the proposed development. Also, in this respect as previously noted, the modern flat development on the site formerly known as The Tackeroo, located some 500m to the north also comprises a three-storey building (in part) with no significant landscaping provided. It is also noted that this site is located immediately to the periphery of the built development at the entrance to the Cannock Chase and is within the AONB designated boundary.



*Fig. shows the application site in relation to the former Tackeroo Site and the AONB designation.*

- 4.3.9 On balance, the proposal has demonstrated that the development would be well-related to existing buildings and their surroundings, would replace an existing industrial use and would provide additional planting to mitigate the required loss of existing trees, shrubs and hedgerows whilst also providing ecological enhancements as well. Therefore, having had regard to Policy CP3 of the Local Plan the proposal would be acceptable in respect to its impact on the character and form of the area.

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

- 4.4.1 In this respect, the application site is surrounded by residential properties; to the north along Brindley Heath Road are single storey dwellings, to the northern corner of the site is Bramble Drive, which is a short cul-du-sac that terminates at the boundary of the application site and gives rear access to the Brindley Heath Road properties and further properties within Bramble Drive. To the north-west are six flats, accommodated in a two-storey building that backs onto the application site in a significantly elevated position. The properties to the west, located within Bell Drive, also back onto the rear boundary of the application site in an elevated position. Within Bradbury Lane and to the west of the application site lies a former chapel building, since converted to residential, which sits in an

elevated position to the application site but is separated by a plot of land that is approx. 6m wide and accommodates a substation.

- 4.4.2 The layout plan demonstrates a separation distance of at least 36m to the rear of the dwellings within Bell Drive, which is well over the 21.3m required by the Design SPD. It is also noted that these properties are sited on significantly higher ground than that of the application site. As such, there would be no significant detrimental impact to the occupiers of these dwellings.
- 4.4.3 The nearest dwelling within Bradbury Lane is a former chapel building which has been converted to provide residential accommodation. This dwelling does not benefit from principle windows in the front elevation but does instead have windows in the side elevation which lead to habitable rooms. The proposed building would have a side elevation facing the former chapel at a distance of approx. 14.5m distant. The Design SPD seeks separation distances of 12.2m. In this instance the proposed dwelling is sited on lower ground than the former chapel and is separated by the substation. Therefore, the proposal complies with the requirements of the Design SPD. Furthermore, it is noted that the existing two storey industrial building (whilst set back into the site by 9m) is located immediately adjacent the boundary 6m from the side elevation of the former chapel, separated only by the substation.



*Fig showing the relationship between the proposed building and the converted chapel on Bradbury Lane.*

- 4.4.4 The proposed development would side onto the boundary No. 5 Brindley Heath Road at a distance of approx. 2.5m. The proposed development would be further separated from the neighbouring property by their driveway and detached garage, which is located to the side, giving an overall distance of separation of approx. 8m. There are no side facing windows in the proposed development other than to a first-floor landing, however, to ensure the privacy is retained to this neighbouring property a condition has been recommended for the window to be obscure glazed. The obscure glazed condition also relates to the windows in the side of Block C which face towards the former Chapel building.
- 4.4.5 In conclusion, the separation distances to neighbouring properties are appropriate for the proposal and over and above the requirement of those set out within the Councils Design SPD. Further, conditions have also been recommended to ensure the continued privacy to the existing properties is retained.
- 4.4.6 With regard to the proposed dwellings, the nearby railway line and employment area to the south-east are located some distance away and at a lower level than the application site, with intervening vegetation, built development and

residential properties. Notwithstanding, the applicant has submitted a full noise assessment with which to inform the application.

- 4.4.7 The noise assessment found that the proposed development would not be detrimentally impacted by noise generated from the surrounding land uses. The Council's Environmental Health Officer agreed with the findings, and, subject to the recommended conditions raised no objection to the proposal in this respect.
- 4.4.8 The minimum size for gardens/amenity spaces for 'flats with communal space', as set out in the Council's adopted Design Guide SPD, is 30 sqm per flat. In line with this SPD, the total amount of amenity space required for the scheme would be 420m<sup>2</sup> (30sqm per flat). The proposed development would deliver a total of 628m<sup>2</sup> on-site communal amenity space provision, which significantly exceeds the Council's Design SPD standard for communal space for flats/apartments.
- 4.4.9 One bin storage point would be provided within the rear communal area of the application site, located towards the centre of the site, adjacent to the car parking area, to allow for acceptable bin storage and collection by a private waste management company, and without causing any detrimental effects on neighbouring residents and residents of the development. Full details of the bin store would be required for assessment which is recommended by condition.
- 4.4.10 Parking would be provided within the site on the basis of 23 spaces and would be accessed from Brindley Heath Road and along a private and gated road.
- 4.4.11 Overall, the proposed development would comply with the Council's Design SPD in terms of protecting the amenity of existing occupiers as well as any future occupiers of the site.

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

- 4.5.1 Paragraph 111 of NPPF states that development should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe. In this respect, the comments of the objectors are noted.
- 4.5.2 The proposed access for this development with Brindley Heath Road has been previously approved under planning permission reference CH/18/145, which utilises existing access arrangements. An associated private internal access road would lead between two of the blocks of flats and would give access to the proposed communal parking area located to the rear of the site.
- 4.5.3 A total of 23 no. car parking spaces would be provided within the proposed communal parking area, which provides over the required 1.5 spaces per dwellings, in line with the Parking Standards, Travel Plans and Developer Contributions for Sustainable Transport SPD (July 2005). The proposed parking spaces within this development meet the size requirements of this SPD.
- 4.5.4 The proposal also provides 2 communal cycle storage areas. Full details of the cycle stores has been recommended as a condition to ensure the provision is suitable. The parking areas and cycle stores are positioned adjacent to, and overlooked by, the apartment buildings to provide natural surveillance, with soft landscaping between these areas and ground floor apartments to help provide suitable privacy to occupiers of those dwellings.



4.5.6 The Highway Authority was consulted on the application and raised no objection to the proposal in terms of parking provision or highway safety in relation to the proposed access.

4.5.7 Given the above, and subject to the relevant conditions being recommended, the proposal would not result in significant harm to highway safety in accordance with paragraph 111 of the NPPF.

#### 4.6 **Impact on Nature Conservation Interests/Cannock Chase SAC**

4.6.1 Under Policy CP13 development will not be permitted where it would be likely to lead directly or indirectly to an adverse effect upon the integrity of the European Site network and the effects cannot be mitigated. Furthermore, in order to retain the integrity of the Cannock Chase Special Area of Conservation (SAC) all development within Cannock Chase District that leads to a net increase in dwellings will be required to mitigate adverse impacts. There is a net increase in dwellings of 14 No. such that SAC mitigation contributions are required. Such contributions will be secured by CIL / s106.

4.6.2 The application site is not subject to any formal or informal nature conservation designation and is not known to support any species that is given special protection, or which is of particular conservation interest. As such the site has no significant ecological value and therefore the proposal would not result in any direct harm to nature conservation interests. An appropriate Habitats Regulation Assessment has been undertaken as part of the due process.

4.6.3. A Preliminary Ecological Appraisal with Preliminary Roost Assessment (PEA - March 2022), a Bat Survey (June 2022) and an Ecological Mitigation & Enhancement Strategy (EMES - August 2022) have been prepared and are submitted with this application. This found that the buildings were identified as having 'low' suitability for bats and the Bat Survey continued that no roosting bats were identified at the site. Therefore, there would be no impact on roosting bats as a result of the development and that no further bat surveys were required to support the planning application.

4.6.4. It was noted that the Bat Survey report recommended precautionary measures to be undertaken during demolition of the building identified as B2, and a suitable condition for this has been recommended by officers.

4.6.5 The Preliminary Ecological Appraisal also outlined recommendations for the removal of potential bird nesting habitat, control of artificial night lighting, and the drawing up a Japanese Knotweed Management Plan, all of which would be followed for the development and an appropriate condition to secure these details recommended by Officers.

4.6.6 In order to enhance the nature conservation opportunities for the site, the proposal includes integrated bat boxes, bird boxes, hedgehog house and boundary gaps/holes, log piles, and a variety of native, wildlife friendly planting species. Such enhancements would provide a net gain to this location and would be secured via the relevant conditions that Officers have recommended.

4.6.7 Given the above, the proposed development would not negatively impact designated sites in the area and not negatively impact protected species and other notable mammals, invertebrates, and plants. A HRA was carried out by

the Planning Authority as the competent Authority. Natural England raised no objections to the proposal subject to appropriate mitigation being secured. Given the above it is considered that the proposal, would not have a significant adverse impact on nature conservation interests either on, or off, the site. In this respect the proposal would not be contrary to Policies CP3, CP12 and CP13 of the Local Plan and the NPPF.

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

4.7.1 The site is located in Flood Zone 1 on the Environment Agency's Flood Zone Maps.

4.7.2 In this respect it is noted that paragraph 159 of the NPPF states 'inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk (whether existing or future)' adding 'where development is necessary in such areas, the development should be made safe for its lifetime without increasing flood risk elsewhere'.

4.7.3 It is noted that the site is within close proximity to a main road and is within a built-up area. Notwithstanding, the applicant has provided a Drainage Strategy with which to inform the application. Severn Trent was consulted on the application and raised no objection to the proposal subject to the recommended conditions. Furthermore, Staffordshire Lead Flood Authority was also consulted on the application and raised no objection to the proposal in terms of flood risk subject to the recommended conditions.

4.7.4 Given the above, it is concluded that the proposal would be acceptable from a flood risk and drainage perspective.

#### **4.8 Mineral Safeguarding**

4.8.1 The site falls within a Mineral Safeguarding Area (MSAs) for Coal and Fireclay. Paragraph 209, of the National Planning Policy Framework (NPPF) and Policy 3 of the Minerals Local Plan for Staffordshire (2015 – 2030), both aim to protect mineral resources from sterilisation by other forms of development.

4.8.2 Notwithstanding this, the site is small, and constrained by residential development on all sides, so it is unlikely that extraction of any underlying shallow coal would be practicable or environmentally acceptable in the foreseeable future.

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

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

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

4.9.2 In this respect, it is noted that the proposed layout makes provision for a bin storage area within the rear parking area of the site. Given the location of the proposed bin points the bin areas would need to be housed appropriately. A

condition has been recommended for the details of the bin areas to be provided to ensure they are appropriate to their location.

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

- 4.10.1 The site is located in a general area in which Coal Authority consider to be a development low risk area. As such, the Coal Authority does not require consultation on the application, and it is advised that any risk can be managed by the attachment of an advisory note to any permission granted.
- 4.10.2 The Council's Environmental Health Officers were consulted on the application and raised no issue in terms of ground contamination or stability issues. Any matters pertaining to foundations would be covered through Building Regulations.

#### **4.11 Affordable Housing**

- 4.11.1 Under Policy CP2 the proposal would be required to provide a contribution towards affordable housing. On developments of between 10 and 14 dwellings a financial contribution should be sought for the provision of off site housing. The overall affordable housing contribution can be delivered via a s106 legal agreement in this respect.

#### **4.12 Crime and the Fear of Crime**

- 4.12.1 An objection was raised around security; however, no specific issue was provided in this regard. Officers are of the view that the 24-hour use of the site for residential purposes would improve the security of the site and the security for the surrounding residents.
- 4.12.2 The Crime Prevention Officer has no objection to the proposal and makes recommendations for the scheme to achieve SBD Accreditation. These will be attached as an informative to any permission granted bringing to the applicant's attention the advice of the crime prevention officer.

#### **4.13 Comments raised not covered in the body of the report above**

- 4.13.1 An objection raised concerns regarding a potential for diminished outlook across Hednesford Hills. This objection falls to be considered under two parts: outlook and view. Your Officers confirm that the issue of outlook has been considered within the body of the report and in line with the requirements of the Design SPD. The matter relating to views however is not a material consideration for the determination of the planning application. It is noted that the views are achieved over third-party land and neighbours are not entitled to a view over land they do not control.
- 4.13.2 An objection was raised in regard to noise however, the objection does not elaborate on how noise would impact on them specifically. Your Officers confirm that noise from the adjacent highway and railway networks has been considered in the body of the report above. If the objector is concerned regarding noise from the site itself, the construction period would be temporary and a condition to restrict construction hours has been recommended. The proposed use of the site would be residential and as such any noise from the completed site would be similar to the noise already experienced within the residential location.

- 4.13.3 An objection was raised in regard to potential damage to third party property. Your Officers confirm that this is not a material consideration for the determination of the planning application and would be a civil matter between the parties involved.
- 4.13.4 An objection was raised in regard to anxiety however your Officers confirm that this is not a material consideration for the determination of this application.
- 4.13.5 A comment from a neighbour alluded to the previous application for residential dwellings as being refused, so questioned why is the proposal now being considered for flats, neighbours would prefer houses. Your Officers confirm that the previous outline planning application for the development of 7 dwellings was approved. No subsequent Reserved Matters was submitted in this respect. Notwithstanding this, the application before Members is for 14 flats with associated parking and amenity space and not the previously approved application.
- 4.13.6 An objector stated that development should not be approved near this beautiful area by the Heritage Trail. Your Officers confirm the heritage trail runs along the railway and upon to Bradbury Lane, opposite the application site. The proposed development however comprises of a residential development that would sit within an existing residential backdrop. As such, there would be little difference to the wider area when viewed from the nearby Heritage Trail.

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

### **Human Rights Act 1998**

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

### **Equality Act 2010**

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

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

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

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

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

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

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

<b>6 Conclusion</b>
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- 6.1 In respect to all matters of acknowledged interest and policy tests it is considered that the proposal, subject and appropriate S106 and 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 completion of a s106 for affordable housing provision and SAC mitigation and the attached conditions.

<b>Contact Officer:</b>	<b>Peter Scholes</b>
<b>Telephone No:</b>	<b>(01543) 464 225</b>

<p><b>Planning Control Committee</b> <b>15 November 2023</b></p>
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<b>Tree Preservation Order Reference:</b>	TPO 2023/03
<b>Location:</b>	53A Hill Street, Hednesford,
<b>Ward:</b>	Hednesford South

**Reason for committee decision:**

An objection was raised in response to the making of the TPO, this has to be duly considered with the associated comments, by the Committee in order to confirm or not the TPO.

**Recommendation:**

To confirm Tree Preservation Order No: 2023/03 without modification.

**Reason for Recommendation:**

To protect the amenity value that the tree provides to the locality.

<b>1 Policy Context</b>
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- 1.1 Section 198 of The Town and Country Planning Act 1990 (as amended) empowers Local Planning Authorities to protect trees or woodlands in their area in the interest of amenity by making tree preservation orders.
- 1.2 Local Planning Authorities can make a Tree Preservation Order (TPO) if it appears to them to be 'expedient in the interests of amenity to make provision for the preservation of trees or woodlands in their area'. In this respect, 'expediency' means that there is a risk of trees being felled or pruned severely so as to spoil the amenity of the trees or be detrimental to the health of the trees. An Order prohibits the cutting down, topping, lopping, uprooting or wilful destruction of trees without the Local Planning Authority's written consent.
- 1.3 Amenity, whilst not defined in law, is a matter of judgement for the Local Planning Authority. In terms of the purpose of TPOs, they should be used to protect selected trees and woodlands if their destruction or removal would have a significant negative impact on the local environment and its enjoyment by the public. Before authorities make or confirm an Order, they should be able to show that protection would bring a reasonable degree of public benefit in the present or future. Matters to consider are:

## Visibility

The extent to which the trees or woodlands can be seen by the public will inform the authority's assessment of whether the impact on the local environment is significant. The trees, or at least part of them, should normally be visible from a public place, such as a road or footpath, or accessible by the public.

## Individual, collective, and wider impact

Public visibility alone will not be sufficient to warrant an Order. The authority is advised to also assess the particular importance of an individual tree, of groups of trees or of woodlands by reference to its or their characteristics including:

- size and form.
- future potential as an amenity.
- rarity, cultural or historic value.
- contribution to, and relationship with, the landscape; and
- contribution to the character or appearance of a conservation area.

## Other factors

Where relevant to an assessment of the amenity value of trees or woodlands, authorities may consider taking into account other factors, such as importance to nature conservation or response to climate change. These factors alone would not warrant making an Order.

- 1.4 An Order comes into effect on the day that it is made, and once made, interested parties have a minimum of 28 days to make representations either supporting or objecting to the Order. A Local Planning Authority has six months in which to confirm the Order or to decide not to confirm it. An Order cannot be confirmed unless the LPA has considered duly made representations made in response to the Order.

## 2 Description of Site and Tree

- 2.1 The tree is growing centrally in a raised island bed together with other shrubs that fronts onto Hill Street, Hednesford. At some stage in the past the original single access to the property was amended to incorporate a second access point onto Hill Street which resulted in creation of the island raised bed. The latter is approximately 1.0m tall to the Hill Street side and 0.5m to the rear.



*Google Street view 2023*

- 2.2 The particular tree species has purple leaves which act as a perfect foil for other green plants. The tree therefore stands out and thus increases its prominence in the street scene and local area.
- 2.3 The tree contains a macro leaf texture which are particularly good at filtering out pollutants especially solid particulates out of the atmosphere and with its ability to absorb carbon dioxide and release oxygen helps fulfil the Council's Urban Forestry Strategy, which does not differentiate between private or Council trees in that they all contribute to the urban forest.

### **3 Representations**

- 3.1. One objection has been received from the resident via their solicitor.
- 3.1.1 The raised bed itself is constructed from a blockwork skin, infilled with soil, and planted with plants and shrubs, together with this tree. As the tree has grown an increasing amount of pressure has clearly been applied to the blockwork which has resulted in cracking through the depth of several blocks on the pavement side. This cracking has been repaired by Mr Harrison as and when necessary. My clients have photographs of their repairs which they would be happy to share with you. However, it is clear to my clients that this damage to the wall will become increasingly severe as the tree grows and that it is likely to lead eventually to instability of the wall, with the risk that this wall and/or the substantial tree itself may collapse across the pavement and onto the road. My clients are of the opinion that a tree of this kind should never have been planted in a raised bed such as this. They are now concerned that the tree will become increasingly dangerous and that, being aware of the potential danger, their insurance cover may be invalidated, and this is why they originally contacted the council in relation to the removal of the tree.

### **4 Response to Representations**

- 4.1. It is noted that there have been numerous cracks to all the walls either side of the driveways and frontage onto Hill Street and that all these have been repointed at the same time. Whilst there does not appear to be any bulging or major shifting of the walls to the raised bed at this moment, it would be advisable to monitor the situation. Rebuilding of the walls could be undertaken without the need to remove the tree although this would need the input of a structural engineer to determine any appropriate specification required for the walls.
- 4.2 The tree is semi mature so will continue to grow however, a trees growth will be limited by the nature and extent of available rootzone. The tree is growing centrally within an area of approximately 18m<sup>2</sup> and in a raised bed encased by solid walls. The raised and enclosed nature of the bed will result in harsher growing conditions for any plants especially when compared to open gardens. Thus, the limited rootzone has and will impact on the growth rate and limit the ultimate size of the tree. It is however very difficult to quantify what this limiting effect will be and the trees ultimate size. There is nothing however to suggest that the tree will not develop into a healthy specimen in this location.



- 4.3 There is always a possible or potential risks from trees in any situation, however these alone are not justification for the pre-emptive removal of trees. Regular inspections of the trees by a competent and qualified person is recommended (every 2 years) and would identify what and when any action is needed. Undertaking and recording of such inspections would demonstrate a positive approach by an owner to their 'duty of care' and be taken into consideration within any insurance dealings. Should any significant defect be identified with the tree or wall then an application could be submitted with appropriate evidence to carry out remedial works. Supporting evidence may be supplied from other relevant professionals i.e., structural engineers.

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

### **Human Rights Act 1998**

- 5.1 The proposals set out in this report are considered to be compatible with the Human Rights Act 1998. The recommendation to confirm the Order accords with the relevant legislation which aims to secure the proper planning of the area in the public interest.

### **Equality Act 2010**

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

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

- Eliminate discrimination, harassment, victimisation, and any other conduct that is prohibited.
- Advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it.
- Foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

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



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

## **6 Conclusion**

- 6.1 In respect to all matters of acknowledged interest and all relevant legislation, it is considered that TPO 2023/03 should be confirmed without modification.

7 Enclosure

7.1 TPO plan

	<b>TPO 2023/03</b> <b>53A Hill Street, Hednesford</b> <b>Cannock WS12 2DW</b>	
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