

**Please ask for:** Mrs. W. Rowe  
**Extension No:** 4584  
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8 February 2021

Dear Councillor,

**PLANNING CONTROL COMMITTEE  
3:00 PM, WEDNESDAY 17 FEBRUARY, 2021  
MEETING TO BE HELD REMOTELY**

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

Yours sincerely,



**T. McGovern**  
**Managing Director**

To Councillors:-

Cartwright, Mrs. S.M. (Chairman)

Startin, P. (Vice-Chairman)

Allen, F.W.C.	Pearson, A.R.
Dudson, A.	Smith, C.D.
Fisher, P.A.	Stretton, Mrs. P.Z.
Fitzgerald, Mrs. A.A.	Thompson, Mrs. S.
Jones, Mrs. V.	Todd, Mrs. D.
Layton, A.	Witton, P.
Muckley, A.	

## A G E N D A

### PART 1

#### 1. Apologies

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

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

#### 3. Disclosure of details of lobbying of Members

#### 4. Minutes

To approve the minutes of the meeting held on 3 February 2021 (To follow)

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

#### 6. Report of the Development Control Manager

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

##### *Finding information about an application from the website*

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

## PLANNING APPLICATIONS

<b>Application Number</b>	<b>Application Location and Description</b>	<b>Item Number</b>
1. CH/20/425	<i>Beau Desert Gold Club, Rugeley Road, Hazelslade, Cannock, WS12 0PJ</i> – Erection of Halfway House Structure adjacent to 11 <sup>th</sup> green of golf course	6.1 – 6.18
2. CH/20/336	<i>98 Main Road, Brereton</i> - Construction of self-contained development of 4 no. 2 bedroom houses and 4 no. 1 bedroom apartments including revised access to Main Road and car parking	6.19 – 6.54

**CANNOCK CHASE COUNCIL**  
**MINUTES OF THE MEETING OF THE**  
**PLANNING CONTROL COMMITTEE**

**HELD ON WEDNESDAY 3 FEBRUARY 2021 AT 3:00 P.M.**

**VIA REMOTE ACCESS**

**PART 1**

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

Allen, F.W.C. ( <i>joined at 3:32pm</i> )	Layton, A.
Crabtree, S. ( <i>substitute – joined at 3.08pm</i> )	Pearson, A.R.
Dudson, A.	Smith, C.D.
Fisher, P.A.	Stretton, Mrs. P.Z.
Fitzgerald, Mrs. A.A.	Thompson, Mrs. S.L.
Jones, Mrs. V.	Todd, Mrs. D.M.
	Witton, P.

**(The Chairman advised that the order of the agenda had been amended and Application CH/20/363 would be considered as the first item).**

**95. Apologies**

An apology for absence was received from A. Muckley. Notification was received that Councillor S. Crabtree would be attending as her substitute.

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

**Application CH/20/128, 23 Walsall Road, (Ex-Servicemen's Club car park) Cannock WS11 5BU – outline application some matters reserved, erection of 12 apartments and associated works (re-submission of CH/19/399)**

With regard to the above application Councillor A. Pearson advised that he and Councillor P. Witton thought they were Members of the Ex-Servicemen's Club when this application was considered at a previous Planning Control Committee and therefore declared an interest. However, he confirmed that neither Councillors were Members of the Club as they were required to re-register. He clarified that that they had no involvement with the club or its Members.

<b>Member</b>	<b>Interest</b>	<b>Type</b>
Dudson, A.	Application CH/20/292, Lea Hall Miners Welfare & Social Club, Sandy Lane, Rugeley, WS15 2LB – Proposed development for Platform Housing	Personal and Pecuniary

Association on redundant tennis courts –  
14 residential units – Member of Lea Hall  
Miners Welfare & Social Club

**(NOTE: Councillor A. Dudson withdrew this declaration of interest when the application was considered (See Minute No. 102 below)**

**97. Disclosure of Lobbying of Members**

Councillors Ms. A. Fitzgerald, Mrs. V. Jones, C.D. Smith, P. Startin and Mrs. S.L. Thompson declared that they had been lobbied in respect of Application CH/20/292, Lea Hall Miners Welfare & Social Club, Sandy Lane, Rugeley, WS15 2LB – Proposed development for Platform Housing Association on redundant tennis courts – 14 residential units.

**98. Minutes**

RESOLVED:

That the Minutes of the meeting held on 27 January 2021 be approved as a correct record.

**99. Members requests for Site Visits**

None requested.

**100. Application CH/20/363 Unit 33 Martindale Trading Estate, Martindale, Hawks Green, Cannock WS11 7XN – replace fencing with 5m concrete panels to act as an acoustic barrier between yard and residents to rear**

Consideration was given to the report of the Development Control Manager (Item 6.87 – 6.105 of the Official Minutes of the Council).

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

Prior to consideration of the application representations were made by Councillor Mrs. C. Mitchell, the Ward Councillor and Paul Outhwaite, a local resident. Further representations were made by Louise Jackson, 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 stated therein and to the alteration of condition 4 as follows: -

“Notwithstanding the approved plans, a scheme for the painting of the rear side of the boundary wall (facing Pebble Mill Drive) including the RAL No and paint description shall be submitted to and approved in writing by the Local Planning Authority. **Within one month of the erection of the wall,** the approved scheme shall be implemented in full and shall be retained in

the approved colour for the lifetime of the development”.

*(Councillor S. Crabtree and Councillor F.W.C. Allen joined the meeting whilst the application was being determined and therefore did not take part in the deliberations or vote on the application).*

**101. Application CH/20/128 23 Walsall Road, (Ex-Servicemen’s Club car park) Cannock WS11 5BU – outline application some matters reserved, erection of 12 apartments and associated works (re-submission of CH/19/399)**

Consideration was given to the report of the Development Control Manager (Item 6.1 – 6.37 of the Official Minutes of the Council).

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

RESOLVED:

That the application be approved subject to the conditions contained in the report for the reasons stated therein and to the following additional condition:-

“Notwithstanding details of the approved plans the development hereby approved shall not commence until a scheme showing the access and egress points together with any barrier to the car parking area has been submitted in writing to and approved by the Local Planning Authority. The development hereby approved shall not be brought into use until the works comprising the approved scheme have been implemented in full.

Reason: In the interest of public and highway safety in accordance with Policy CP3 of the Cannock Chase Local Plan and the good design section of the National Planning Policy Framework”.

**102. Application CH/20/292 Lea Hall Miners Welfare & Social Club, Sandy Lane, Rugeley, WS15 2LB – Proposed development for Platform Housing Association on redundant tennis courts – 14 residential units**

Councillor A. Dudson advised that although he had declared a personal and pecuniary interest in this item earlier in the meeting, he was now aware that all memberships to the Lea Hall Miners Welfare & Social Club ended on 31 December, 2020. He therefore withdrew his declaration of interest in this application and confirmed he had not pre-determined the application.

Consideration was given to the report of the Development Control Manager (Item 6.38 – 6.86 of the Official Minutes of the Council).

The Development Control Manager provided the following update to the Committee and confirmed this had been circulated in advance of the meeting:-

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

#### Additional Representation

Councillor Olivia Lyons has made the following representation as her ward immediately abuts the application site:-

“The site in question borders my ward and, as such, I feel that any development would have a significant impact upon residents within Western Springs.

Following the submission of the proposals, I have been approached by a number of residents who are both members and Committee Members of Lea Hall Tennis Club. The concerns I wish to raise relate to the loss of the sports facilities on the site and the direct impact this could have on both residents living within my ward and, more widely, the local Rugeley community.

It is very clear that Lea Hall Tennis Club is an active group and the tennis court on the site in question is very much still in use. There is a 14 strong Tennis Club Team that regularly train on the court and, in addition to this, it is regularly used by members of the Phoenix Club, members of Lea Hall itself and there is an arrangement for regular coaching sessions to take place in partnership with the surrounding local schools.

Within their initial feedback, Sports England expressed concerns surrounding displaced players with which I strongly agree. I do appreciate that not all court users will live within the direct vicinity, but I think it is fair to assume that the majority will be Rugeley residents. I therefore feel that the suggestion expressed within some of the reports in relation to expecting Rugeley players relocate and travel to Cannock is unreasonable.

I appreciate that both Lea Hall Tennis Club, and nearby Etching Hill Tennis Club, are private clubs. However, the popularity of the sport locally is can be seen merely by the fact that the Council’s own courts are heavily utilised, especially in the summer. Due to such heavy use the need for refurbishment at neighbouring Cannock Park and the need for a total rebuild at Heath Hayes Park is well documented.

With these concerns in mind, I would strongly urge that a contribution from any development should be sought to improve local facilities and ensure adequate tennis provision be provided imminently within Rugeley. We cannot wait for a future review leave our local residents without facilities in the short term, particularly in light of the growing importance of exercise and outdoor sports.

It should be noted that the nearest children's play area to the site is Flaxley Road and Chester Road Play Area on the Birches Estate which is accompanied by open

green space. I firmly believe that s S106 contribution should be sought to improve these spaces in order to the benefit of all Rugeley residents.”

#### Asset of Community Value

Members are advised that the Lea Hall Welfare Miners Centre, Rugeley has been nominated for consideration as an Asset of Community Value.

Officers would advise that the fact of the site having been nominated as an Asset of Community Value (ACV) does not prevent the planning application being determined. Although the site has been nominated, it has now been referred to the Council’s Head of Law and Administration/Monitoring Officer, but no decision has been made by him so the site is not on the Council’s list of ACVs.

Furthermore Officers advise that the fact that a building or space has been nominated or accepted as an “Asset of Community Value” it is not a material planning consideration. Members are also advised that the committee report gives full consideration to the loss of the tennis courts.

#### Response from the Lead Local Flood Authority (LLFA) ( 1 February 2021)

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

Condition:-

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

- Drainage Statement, Issue 6, 18/01/2021.

Thereafter, the drainage scheme shall be retained and maintained in accordance with the submitted management and maintenance plan by Banners Gate and Fitzpatrick Group.

Reason

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

#### Officer Response

The Council’s Solicitor has confirmed the site, having been nominated as an Asset of Community Value (ACV), does not prevent the planning application being



determined, therefore there is no reason to delay determination of the planning application at this Planning Committee Meeting.

The revised information submitted to the LLFA has satisfied their requirements. As a result the recommendation can be changed to the following:

“Approve subject to the attached conditions and the completion of a section 106 agreement to secure:-

- (i) A contribution of £221 x 14 to mitigate the impact of the proposed development on the Cannock Chase SAC.
- (ii) The provision of 100% on site affordable housing.
- (iii) A contribution of £21,000 to be targeted at Hednesford Park and Cannock Park to mitigate against loss of the tennis courts.”

The approved details ‘Drainage Statement, Issue 6’, 18/01/2021’ should be added to condition No.14 (plan number condition) and the additional condition noted above and recommended by the LLFA should be added to the decision notice, if the application is approved”.

Following the update and prior to consideration of the application, representations were made by Councillor Mrs. C. Martin, the Ward Councillor. Further representations were made by Mark Fitzpatrick, the applicant, speaking in support of the application.

Tom Walsh, Parks and Open Spaces Manager was also present at the meeting to assist in answering any questions as to why certain tennis courts had been chosen.

A number of Members raised concerns about the S106 contribution being targeted at Hednesford Park and Cannock Park rather than being spent in the Rugeley and Brereton area.

Councillor A. Dudson and Councillor P. Fisher supported the application but considered that Cabinet should decide on the way the £21,000 S106 contribution should be spent.

Prior to the vote being taken, the Principal Solicitor clarified that what had been moved by Members and they were voting on was the recommendation to approve the application on page 6.46 subject to the completion of a S106 agreement, as detailed in the agenda, and subject to the conditions contained in the report and the additional drainage condition.

RESOLVED:

(A) That the applicant be requested to undertake a Section 106 Agreement to secure:-

- (i) A contribution of £221 x 14 to mitigate the impact of the proposed development on the Cannock Chase SAC;
- (ii) The provision of 100% on site affordable housing;

(iii) A contribution of £21,000 to be targeted at Hednesford Park and Cannock Park to mitigate against loss of the tennis courts.”

(B) On completion of the Agreement the application be approved subject to the conditions contained in the report for the reasons stated therein and the approved details ‘Drainage Statement, Issue 6’, 18/01/2021’ should be added to condition No.14\* (plan number condition) and an additional condition to read:-

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

- Drainage Statement, Issue 6, 18/01/2021.

Thereafter, the drainage scheme shall be retained and maintained in accordance with the submitted management and maintenance plan by Banners Gate and Fitzpatrick Group.

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

**103. Application CH/20/396 412 Rawsley Road, Cannock WS12 1RB Construction of two new 4 bedroom dwellings, re-submission of previous application on the side garden of 412 Rawsley Road**

Consideration was given to the report of the Development Control Manager (Item 6.106 – 6.138 of the Official Minutes of the Council).

The Development Control Manager provided the following update to the Committee and confirmed this had been circulated in advance of the meeting:-

“Point of Clarification

Paragraph 5.1 of the Officers report should read:-

5.1 Human Rights Act

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”.

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

RESOLVED:

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

**104. Application CH/20/425 Beau Desert Golf Club, Rugeley Road, Hazelslade, Cannock, WS12 0PJ – erection of Halfway House Structure adjacent to the 11<sup>th</sup> green of golf course**

Consideration was given to the report of the Development Control Manager (Item 6.139 – 6.155 of the Official Minutes of the Council).

The Development Control Manager provided the following update to Committee and confirmed that this had been circulated prior to the meeting:-

“Point of Clarification

Paragraph 5.1 of the Officers report should read:-

5.1 Human Rights Act

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”.

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

RESOLVED:

That the application be deferred to allow the applicant to investigate accommodating a toilet for use by people with disabilities in the halfway house structure.

**105. Application CH/20/430 1 Hodnet Place, Hawks Green, Cannock WS11 7YF – ground floor rear extension and new site boundary fence and walls**

Consideration was given to the report of the Development Control Manager (Item 6.156 – 6.174 of the Official Minutes of the Council).

The Development Control Manager provided the following update to Committee and confirmed that this had been circulated prior to the meeting:-

“Point of Clarification

Paragraph 5.1 of the Officers report should read as:-

5.1 The proposals set out in this report are considered to be compatible with the Human Rights Act 1998. The recommendation to have a split decision accords with the policies of the adopted Local Plan and the applicant has the right of appeal against that part of the decision for a refusal”.

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

Prior to consideration of the application representations were made by Danny Doleman, the applicant, speaking in support of the application.

The Committee discussed the land ownership issue and the Development Control Manager confirmed that land ownership was not a material consideration and should not be taken into account when determining the application.

RESOLVED:

That a split decision be approved as follows:-

- (A) The new site and boundary fence and walls be refused for the reasons outlined in the report.
- (B) That the ground floor rear extension be approved subject to the conditions contained in the report for the reasons stated therein.

The meeting closed at 5:22 pm.

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CHAIRMAN

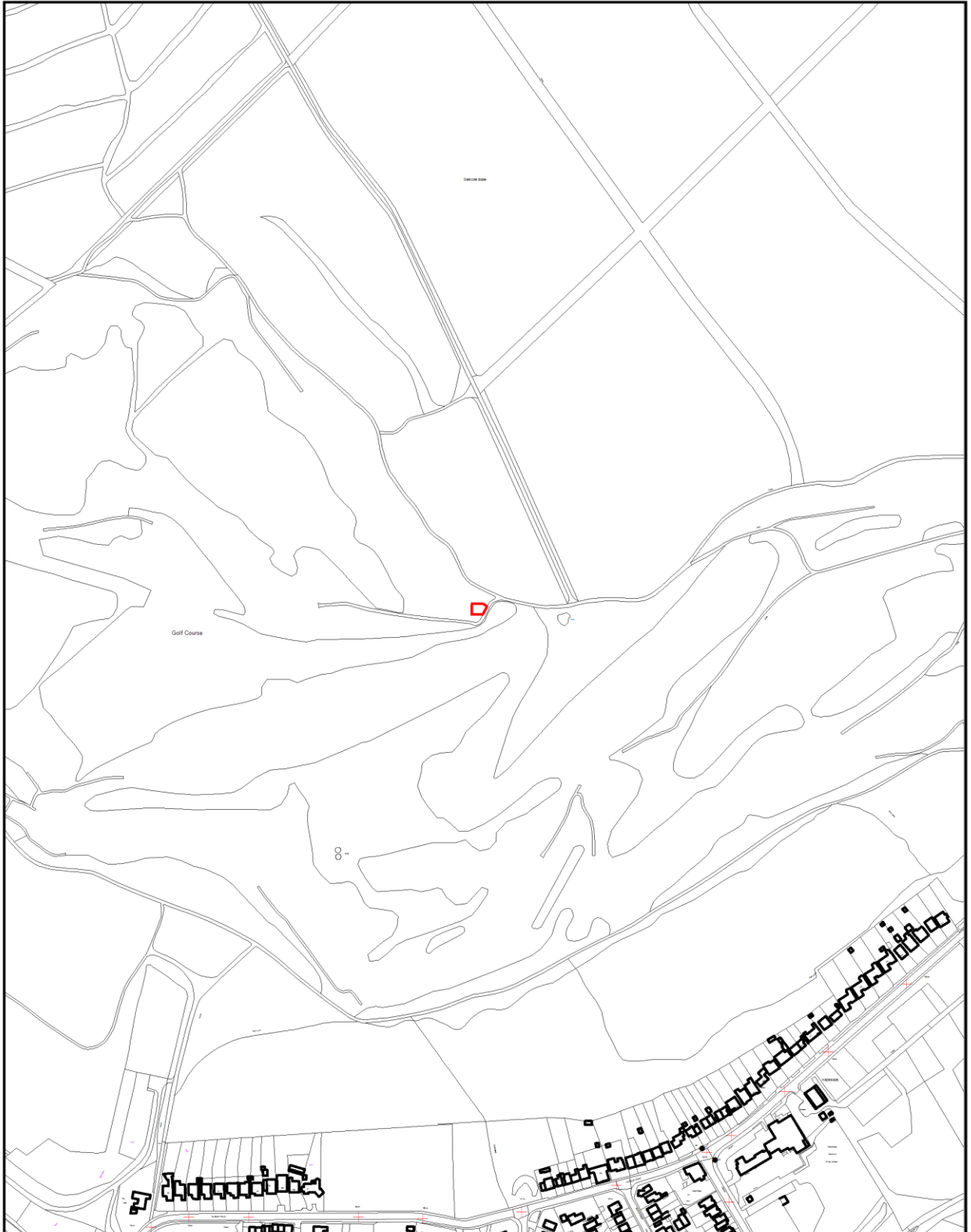


**Application No:** CH/20/425

**Location:** Beau Desert Golf Club, Rugeley Road, Hazelslade, Cannock, WS12 0PJ

**Proposal:** Erection of Halfway House Structure adjacent to 11th green of golf course

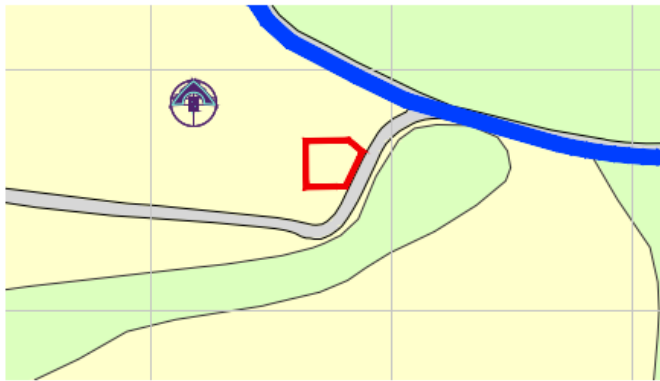
Item no. 6.1





# Location Plan and Block Plan



LOCATION PLAN 1:5000



BLOCK PLAN 1:500

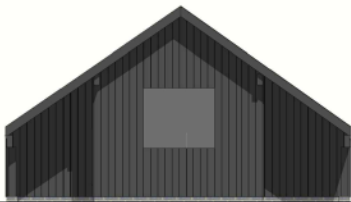
 <b>ridge architecture</b> We do not believe in one-size-fits-all solutions. We believe in custom design and construction. We believe in the power of a good idea.	
By: Beau Desert Golf Club Rugby Road, Hazel Glade, Carnock, Staffs. WS12 0PJ	
For: Proposed Half Way House at Beau Desert Golf Club	
The: Location & Block Plan Proposed 'Halfway House'	
Scale: 1:5000 & 1:500 @ A2	Date: 30/11/20
Title: BDGCH-02	
Date: 2011	
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Beau Desert Golf Club - Half Way House

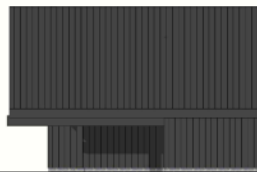


# Proposed Plans and Elevations

1:100



FRONT ELEVATION  
1:100



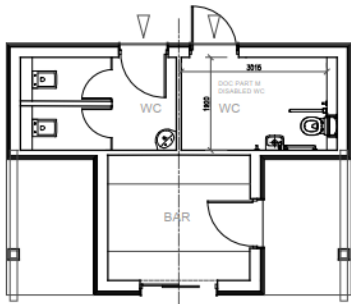
SIDE ELEVATION



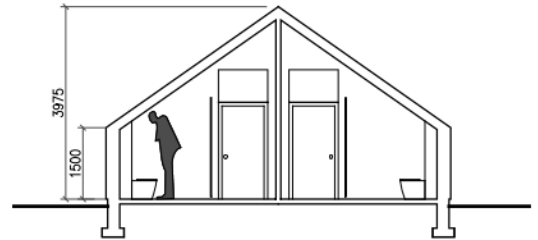
REAR ELEVATION



SIDE ELEVATION



FLOOR PLAN



CONCEPT SECTION



**Contact Officer:** Claire Faulkner

**Telephone No:** 01543 464337

**Planning Control Committee**

**17<sup>th</sup> February 2021**

**Application No:** CH/20/425

**Received:** 02-Dec-2020

**Location:** Beau Desert Golf Club, Rugeley Road, Hazelslade, Cannock, WS12 OPJ

**Parish:** Brindley Heath

**Ward:** Hednesford North Ward

**Description:** Erection of Halfway House Structure adjacent to 11th green of golf course

**Application Type:** Full Planning Application

**Recommendations:** Approve subject to conditions

**Background:** This application was referred to Planning Committee on 3<sup>rd</sup> February 2021 when it was resolved to defer to allow the applicant the opportunity to amend the toilet provision to allow use by people with disabilities. This has been done and has not altered the overall assessment of this application.

**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. No materials shall be used for the external surfaces of the development other than those specified on the application.

Reason

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

3. Prior to the commencement of any construction or site preparation works including any actions likely to interfere with the biological function of the retained trees and hedges, protective fencing shall be erected in accordance with BS5837.

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.

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

BDGC-HH01 Rev A

Reason

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

**Notes to the Developer:**

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

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

## **Consultations and Publicity**

### **External Consultations**

#### AONB Unit

No objection

The site is close to the property boundary, set within an area of scattered trees and accessed from an existing track. The nearest Rights of Way are close to the southern boundary of the Golf Course and views of the development from these are likely to be limited by intervening landform and vegetation. The Design and Planning Statement demonstrates that consideration has been given to site location to avoid views from other paths and tracks to the north of the golf course.

The proposal is for a small detached building to accommodate toilets and a basic catering facility. The footprint is not given but the plans suggest approximately 6 x 4 m; the building is indicated as 3.975m high. The proposed building would be timber clad, stained black. There are trees in the vicinity that could be affected during construction, but no tree survey or tree protection plan has been provided.

Subject to tree retention and protection being secured, that the dimensions are not significantly larger than assumed above and the site is not elevated relative to adjacent ground levels, the AONB has no concerns regarding the proposed development.

#### Natural England

No objection

Based on the plans submitted, Natural England considers that the proposed development will not have significant adverse impacts on statutorily protected nature conservation sites. Natural England's generic advice on other natural environment issues is set out at Annex A.

The proposed development is for a site within or close to a nationally designated landscape namely Cannock Chase AONB. Natural England advises that the planning authority uses national and local policies, together with local landscape expertise and information to determine the proposal. The policy and statutory framework to guide your decision and the role of local advice are explained below.

Your decision should be guided by paragraph 172 of the National Planning Policy Framework which gives the highest status of protection for the 'landscape and scenic

beauty' of AONBs and National Parks. For major development proposals paragraph 172 sets out criteria to determine whether the development should exceptionally be permitted within the designated landscape- Alongside national policy you should also apply landscape policies set out in your development plan, or appropriate saved policies.

We also advise that you consult the relevant AONB Partnership or Conservation Board. Their knowledge of the site and its wider landscape setting, together with the aims and objectives of the AONB's statutory management plan, will be a valuable contribution to the planning decision. Where available, a local Landscape Character Assessment can also be a helpful guide to the landscape's sensitivity to this type of development and its capacity to accommodate the proposed development.

The statutory purpose of the AONB is to conserve and enhance the area's natural beauty. You should assess the application carefully as to whether the proposed development would have a significant impact on or harm that statutory purpose. Relevant to this is the duty on public bodies to 'have regard' for that statutory purpose in carrying out their functions (S85 of the Countryside and Rights of Way Act, 2000).

The Planning Practice Guidance confirms that this duty also applies to proposals outside the designated area but impacting on its natural beauty.

The Town and Country Planning (Development Management Procedure) (England) Order 2015 requires local planning authorities to consult Natural England on Development in or likely to affect a Site of Special Scientific Interest" (Schedule 4, w). Our SSSI Impact Risk Zones are a GIS dataset designed to be used during the planning application validation process to help local planning authorities decide when to consult Natural England on developments likely to affect a SSSI.

### Brindley Heath Parish Council

No objection

### **Internal Consultations**

#### Planning Policy

Thank you for consulting me on this proposed erection of a halfway house structure adjacent to the 11<sup>th</sup> green of the golf course at Beau Desert Golf Club. I can advise that the site falls within the Green Belt and AONB, and at the edge of a Site of Biological Importance. The site does not fall within any other designated areas shown on the Local Plan Policies Map.

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

Having looked at the proposal and the provisions of the Development Plan I would advise that I have no specific policy comments to make; given the sites location within the Green Belt the guidance provided within the NPPF should be considered.

With regards to the design of the proposed development and impact upon the surroundings we are happy to leave this to the judgement of the Case Officer.

### Parks and open Spaces

The site is designated as Green Belt and lies within the Cannock Chase AONB.

The proposed building is located to the south of a line of trees and west of the maintenance access track, the latter sweeps round to form the southern boundary.

No tree survey has been provided thus it is not possible to confirm if the proposed development would impact on the root zones of the trees to the north. As such tree protection fencing will be required to be installed (at the requisite distance specified via BS385837:2012 Trees in relation to Design, demolition & construction) along the northern boundary of the site from the access road. The proposed building is of a design and finish that would sit low in the general setting and against a backdrop of coniferous trees, which would aid screening of the building from most directions. As such it would have a minimal impact on the overall landscape.

### Summary

No objection to the proposals indicated.  
Tree protection fence required as noted.

### **Response to Publicity**

Site notice displayed with no letters of representation received.

### **Relevant Planning History**

None relevant

#### **1.0 Site and Surroundings**

- 1.1 The application site relates to an established golf course and club located within Hazel Slade.
- 1.2 The application site is located close to the northern boundary of the golf course, set within an area of scattered trees and accessed from an existing track.

- 1.3 The site is designated as Green Belt and lies within the Cannock Chase AONB. The application site is also located within a Low Development Risk Area as designated by the Coal Authority and within a Mineral Safeguarding Area as designated by County Minerals.
- 1.4 The application site gives way to Rawnsley Hills to the north, east and west which comprises of rolling hills, well established trees and pockets of open space. The wider golf course is surrounded by several public rights of way, the nearest to the application site being to the north-west at a distance of approximately. 500m+ and to the south at a distance of approximately.370m+. The main golf club pavilion and associated car parking lies to the east. To the south lies Rugeley Road with its linear row of dwellings that back onto Rawnsley Hills. These dwellings are separated from the wider golf course by a dense landscaped buffer.

## **2 Supporting Statement**

- 2.1 The applicant has submitted the following statement in support of the proposal:-
- 2.2 The course was designed by renowned golf course architect Herbert Fowler and was originally opened in 1911. Overtime the course has become one of the best golf courses in the Midlands, listed within the top 100 golf courses in UK and Ireland.
- 2.3 Unlike some golf courses which can return to the club house at the 9<sup>th</sup> hole, Beau Desert was designed as one continuous loop of 18 holes. Although very common, this type of design usually raises the issues of facilities on the golf course and traditionally these are normally located around the 9<sup>th</sup> hole. At Beau Desert however, the area around the 9<sup>th</sup> hole offers difficult constraints, The existing ground levels rise sharply up to the 9<sup>th</sup> green which sits on a small plateau. Not only do the existing levels and trees in this area make siting of a building almost impossible, this area of the course is also more visible to walkers and cyclists generally heading east from the residential areas of Hednesford towards Deercote \ Slade, Rainbow Valley and beyond.
- 2.4 With this in mind, careful consideration was given to finding an alternative location on the course which not only explored the practical constraints but also respected advice relating to the sensitivity of the AONB and Green Belt and preserving its openness.
- 2.5 The suggested location for the structure is adjacent to the 11<sup>th</sup> Green. This area is in a natural secluded corner of the golf course created by a pocket of trees which is sited away from the vast majority of walkers and cyclists travelling east. It also provides an area which is large enough to site the

building away from existing trees and also hidden away from other areas of the golf course by virtue in numerous existing tree scenes.

- 2.6 The only view of the building would be a partial view as you approach the 11<sup>th</sup> green from the fairway and even then the building would sit amongst the shadows of the trees which surround it.
- 2.7 The location of the building would also cater for golfers who are further around the golf course and who can use the facilities as they approach the 15<sup>th</sup> hole (approx.. 1hr later), the view of the building again, be screened by mature trees.
- 2.8 The siting of the building has been deliberately positioned away from existing trees on a small clearing.
- 2.9 The applicants are committed to constructing a sensitive building in appropriate materials which will sit down in the landscape and also weather well in time. The building would provide male and female toilets and basic catering facilities.
- 2.10 The structure has been designed in elevation to create low eaves and ridge height creating a simple timber clad architectural built form. The low slung roof also helps to create a small shelter from rain and sun.

### **3 Proposal**

- 3.1 The application seeks consent for a modest sized detached building to accommodate toilets and a basic catering facility.
- 3.2 The proposed building would measure approximately 5m x 3.5m and would be constructed to a height of 4m high (1.5m to the eaves).
- 3.3 The proposed building would be timber clad and finished in a black stain

### **4 Planning Policy**

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

- CP1 - Strategy – the Strategic Approach
- CP2 - Developer contributions for Infrastructure
- CP3 - Chase Shaping – Design
- CP13 -Cannock Chase Special Area of Conservation (SAC)
- CP14- Landscape Character and Cannock Chase Area of Outstanding Natural Beauty (AONB)

4.4 The relevant policies within the Minerals Plan are

3.2 Mineral Safeguarding.

4.5 National Planning Policy Framework

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

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

4.8 Relevant paragraphs within the NPPF include paragraphs: -

8:	Three dimensions of Sustainable Development
11-14:	The Presumption in favour of Sustainable Development
47-50:	Determining Applications
124, 127, 128, 130:	Achieving Well-Designed Places
143 – 145	Proposals affecting the Green Belt
172	Conserving and Enhancing the Natural Environment
212, 213	Implementation

4.9 Other relevant documents include: -

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

## 5 **Determining Issues**

5.1 The determining issues for the proposed development include:-

- i) Principle of the development in the Green Belt;



- ii) Impact on the character and form of the area and AONB
- iii) Impact upon residential amenity,
- iv) Nature Conservation
- v) Drainage and flood risk
- vi) Mineral Safeguarding
- vii) Ground conditions and contamination

## 5.2 Principle of the Development

5.2.1 The site is located within the West Midlands Green Belt, wherein there is a presumption against inappropriate development, which should only be approved in 'very special circumstances'. Paragraph 144 of the NPPF states that local planning authorities should ensure substantial weight is given to any harm to the Green Belt by reason of inappropriateness and any other harm resulting from the proposal is clearly outweighed by other considerations.

5.2.2 The stages in taking decisions on applications within the Green Belt are as follows.

- a) In the first instance a decision has to be taken as to whether the proposal constitutes appropriate or inappropriate development.
- b) If the proposal constitutes inappropriate development then it should not be allowed unless the applicant has demonstrated that 'very special circumstances' exist which would justify approval.
- c) If the proposal is determined to constitute appropriate development then it should be approved unless it results in significant harm to acknowledged interests.

5.2.3 Local Plan Policy CP1 & CP3 require that development proposals at locations within the Green Belt to be considered against the NPPF and Local Plan Policy CP14.

5.2.4 Whether a proposal constitutes inappropriate development is set out in Paragraphs 145 & 146 of the NPPF. Paragraph 145 relates to new buildings. The lists contained within these paragraphs are closed and therefore are fixed. This includes, amongst other things for: -

“the provision of appropriate facilities (in connection with the existing use of land or a change of use) for outdoor sport, outdoor recreation, cemeteries and burial grounds and allotments; as long as the facilities preserve the openness of the Green Belt and do not conflict with the purposes of including land within it;”

5.2.5 The proposal constitutes a relatively small building providing essential toilet facilities and basic refreshments for club members in an otherwise quite remote

part of the golf course. As such it is considered that the proposal comprise of an constitutes an “appropriate facility” that would be expected on a modern gold course.

5.2.6 In addition to the above, it is noted that the application site is surrounded on all sides by undulating topography covered in swathes of tree planting and as such allows limited views through from the public rights of way. The proposed building would be relatively small and unobtrusive that would, by virtue of its size and location against a small copse, not materially affect the openness of the Green Belt or conflict with the reasons of including land within the Green Belt.

5.2.6 The proposal would therefore constitute appropriate development within the Green Belt and would not be harmful to the openness in accordance with paragraph 145 (b) of the NPPF. As such the proposal is considered to be acceptable in principle.

### 5.3 Impact on the landscape character of the AONB

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

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

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

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

Planning policies and decisions should ensure that developments:

- a) will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;
- b) are visually attractive as a result of good architecture, layout and appropriate and effective landscaping;

- c) are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities);
- d) establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit;

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

5.3.6 In this instance, the application site is located close to the northern boundary of the established golf course and is set within an area of scattered trees and accessed from an existing track. The nearest public rights of way are close to the southern boundary with a second being to the north-west of the golf course and views of the development from these are likely to be limited by intervening landform and vegetation. The applicant has demonstrated that consideration has been given to site location in order to avoid views from other paths and tracks to the north of the golf course.

5.3.7 The proposal is for a small detached building to accommodate toilets and a basic catering facility within the grounds of an established golf course. The proposed building would be timber clad, stained black. The AONB Unit was consulted on the proposal in terms of the impact on the AONB and they raised no objection to the proposal.

5.3.8 As such, the proposal would not result in a detrimental impact to the landscape character of the AONB in this location in accordance with Local Plan Policy CP14 and paragraph 172 of the NPPF.

#### 5.4. Impact on Residential Amenity

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

5.4.2 Paragraph 127(f) of the NPPF states that planning policies and decisions should ensure that developments [amongst other things] create places with a high standard of amenity for existing and future users.

5.4.2 The nearest residents to the application site are located approx. 500m to the south and well screened by an established landscaped buffer that runs immediately adjacent the southern boundary of the site. As such, none of the residents adjacent to the site would be significantly impacted by the proposal. As such, the proposal would accord with Local Plan Policy CP3 and paragraph 127 of the NPPF.

## 5.6 Impact on Nature Conservation Interests

5.6.1 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.

5.6.2 As such the site has no significant ecological value and therefore the proposal would not result in any direct harm to nature conservation interests.

## 5.7 Drainage and Flood Risk

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

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

5.7.3 In this respect it is noted that the application proposes to incorporate a septic tank underground to the rear of the building which can be emptied via the maintenance track leading back to the clubhouse. Further, the proposed structure would comprise a modest footprint immediately adjacent to tree planting and fairway greens. As such, there would not be any significant increase in surface water runoff as a consequence of the proposal.

5.7.4 As such, the proposal complies with paragraph 155 of the NPPF and would not create additional flood risk over and above the current situation.

## 5.8 Mineral Safeguarding

5.8.1 The site falls within a Mineral Safeguarding Area (MSAs) for Coal and Fireclay. Paragraph 206, of the National Planning Policy Framework (NPPF) and Policy 3

of the Minerals Local Plan for Staffordshire (2015 – 2030), both aim to protect mineral resources from sterilisation by other forms of development.

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

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

## 5.9 Ground Conditions and Contamination

5.9.1 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.

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

### **Human Rights Act 1998**

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

### **Equalities Act 2010**

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

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

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

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

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

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

Such consideration has been balanced along with other material planning considerations and it is considered that the proposal is acceptable in respect to the requirements of the Act. Having had regard to the particulars of this case officers consider that the proposal would advance equal opportunity for all and therefore be in-line with the aim of the Equalities Act.

## **6 Conclusion**

6.1.1 In respect to all matters of acknowledged interest and policy tests it is considered that the development, subject to the attached conditions, is acceptable.

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

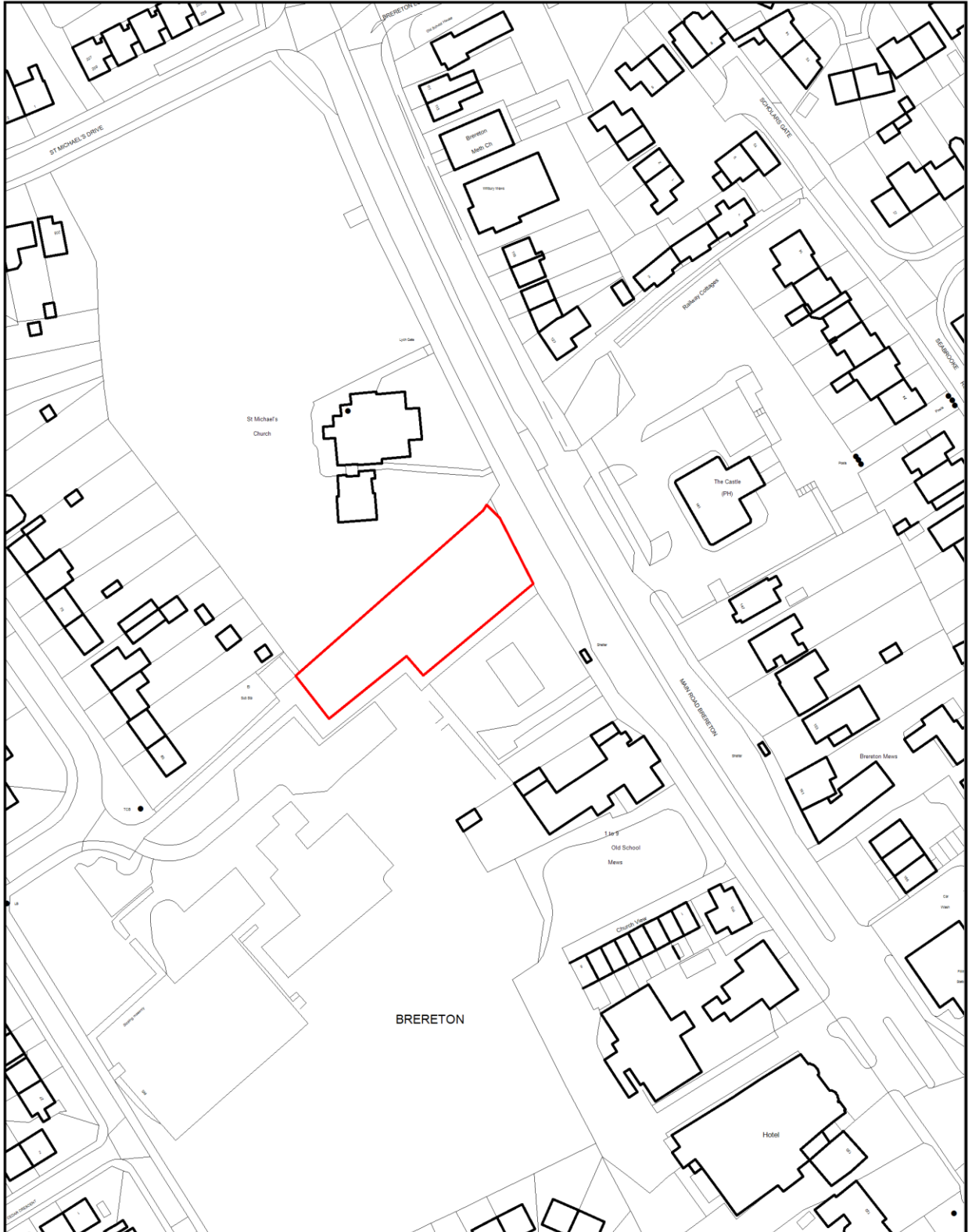


**Application No:** CH/20/336

**Location:** 98 Main Road, Brereton, Rugeley, WS15 1DY

**Proposal:** Construction of self contained development of 4no. 2 bedroom houses and 4 no. 1 bedroom apartments including revised access to Main Road and Car Parking

Item no. 6.19



# Location Plan

27/08/2020

98 MAIN ROAD, BRERETON, RUGELEY, WS15 1DY



Scale: 1:1250 | Area 4Ha | Grid Reference: 405342.316329 | Paper Size: A4

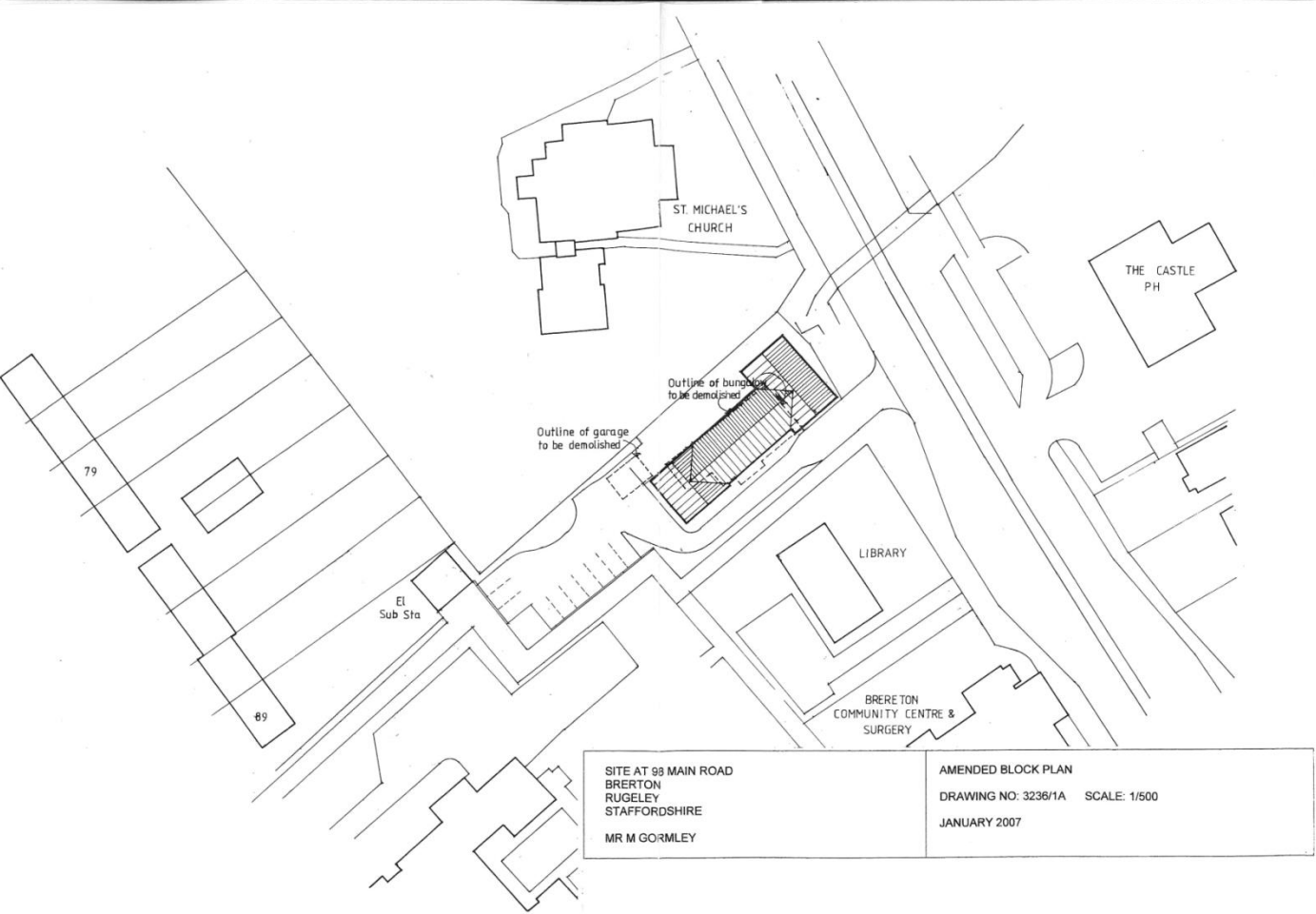


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# Block Plan

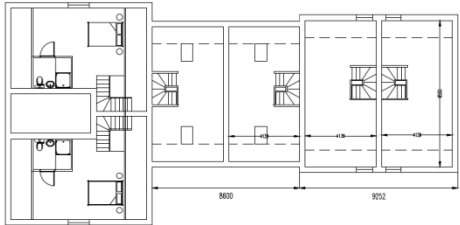
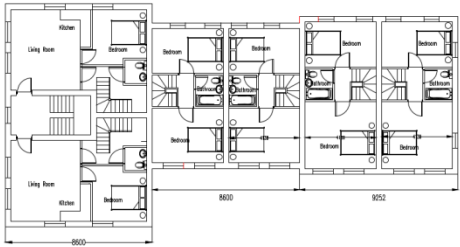
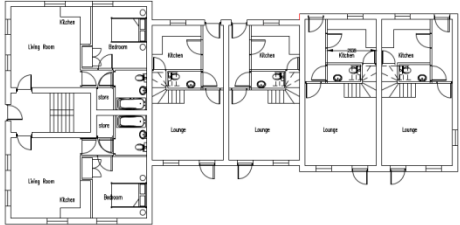


<p>SITE AT 93 MAIN ROAD BRERTON RUGELEY STAFFORDSHIRE MR M GORMLEY</p>	<p>AMENDED BLOCK PLAN DRAWING NO: 3236/1A SCALE: 1/500 JANUARY 2007</p>
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# Proposed Floor Plans and Elevations

THE DRAWING AND THE MODEL VIEWS ILLUSTRATE THE CONCEPT OF DESIGN PARTNERSHIP LLP AND ARE NOT AN ARCHITECTURAL STATEMENT OF FINISHED PROVISIONS.  
THE CONTRACTOR IS TO CHECK AND VERIFY ALL DIMENSIONS, LEVELS AND QUANTITIES AGAINST THE CONTRACT DOCUMENTS AND ALL DIMENSIONS REPORTED IN THE ARCHITECT'S DRAWING.  
THE DRAWING MUST BE MADE IN CONFORMANCE WITH AND DESIGNED ACCORDANT WITH RELEVANT STRUCTURAL.



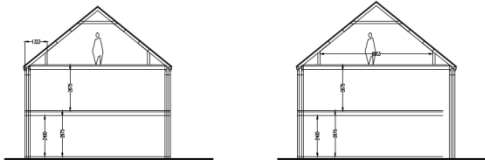
250m Elevation South View

Front Elevation South View



250m Elevation South View

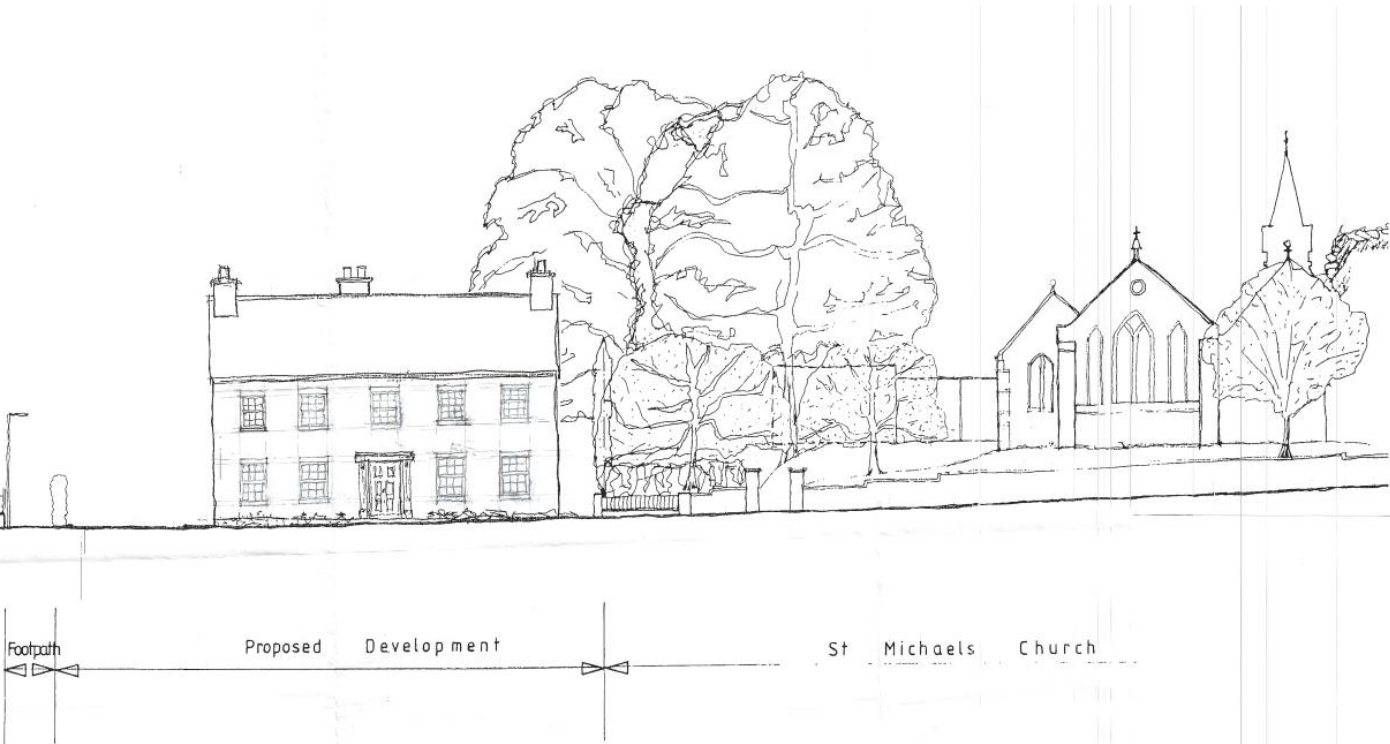
Rear Elevation South View



Rev A: Windows oriented to south facing elevation Sept 2020

**J T Design Partnership LLP**  
The City Centre, Court Street, Birmingham, LONDON, W14 6UG  
TEL: 0203 4910300  
CLIENT: C D Homes and Developments  
PROJECT: Houses and Apartments  
98 Main Road, Birston  
Rugby  
Proposed Plans and Elevations  
DRAWING: 1/200  
SCALE: 1/200

# Proposed Street Scene Elevation



**Contact Officer:** Claire Faulkner

**Telephone No:** 01543 464337

**Planning Control Committee**

**17<sup>th</sup> February 2021**

**Application No:** CH/20/336

**Received:** 25-Sep-2020

**Location:** 98 Main Road, Brereton

**Parish:** Brereton & Ravenhill

**Ward:** Brereton & Ravenhill

**Description:** Construction of self contained development of 4no. 2 bedroom houses and 4 no. 1 bedroom apartments including revised access to Main Road and Car Parking

**Application Type:** Full Planning Application

**Recommendations:** Approve subject to conditions

**Reason(s) for Recommendation:**

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

**Conditions (and Reasons for Conditions):**

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

Reason

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

Act 1990.

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

Details shall include materials to be submitted with wooden windows and doors throughout, colour details for all woodwork and a date stone to be incorporated on the frontage.

The details shall thereafter be implemented in accordance with 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. The approved arboricultural work detailed within the Braemar Tree Report Ref: BALDS033-20 Rev B dated 1<sup>st</sup> February 2021 shall be carried out fully in accordance with the submitted details including timetable and to BS 3998 Tree Work & BS 5837 Trees in Relation to Construction, unless otherwise approved in writing by the Local Planning Authority.

Reason

To ensure the retention and appropriate maintenance 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.

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

Heritage Statement

JMD 642-01 A Proposed Plans & Elevations

Block Plan

Bat & Bird Survey

Braemar Tree Report Ref: BALDS033-20 Rev B dated 1<sup>st</sup> February 2021

Reason

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

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

Reason

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

6. A brick built bat box as identified on page 14 of the Bat & Bird Survey shall be installed at the gable apex of one elevation of the development hereby approved. Thereafter, the bat box shall be retained for the lifetime of the development.

Reason

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

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

Reason:

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

8. Prior to the occupation of the development hereby approved, details of an information interpretation board and its location shall be submitted to and approved in writing by the Local Planning Authority. The board shall outline the history of the rail track that ran through the site.

Within 3 months of the first occupation of any dwelling on the site the information board shall be erected in accordance with the approved. The board shall thereafter be retained and maintained for the lifetime of the development.

Reason:

To make information about the historic significance of the site publicly accessible in accordance with para. 188 of the NPPF.

Reason

In the interests of the historic environment

9. No phase of the development shall take place, including any demolition works, until a Construction Management Plan has been submitted to and approved in writing by the Local Planning Authority. The approved statement shall be adhered to throughout the construction period. The statement shall include:

- Arrangements for the parking of site operatives and visitors
- Loading and unloading of plant and materials
- Storage of plant and materials used in constructing the development
- Construction hours
- Delivery routeing and hours
- Measures to remove mud or debris carried onto the highway.
- Means of piling should piling beused on the site.

The Construction Management Plan shall thereafter be implemented during the construction of the development.

Reason

In ther interests of highway safety and in accordance with paragraph 109 of the NPPF.

10. Prior to the first occupation of the development hereby approved the site access shall be completed within the limits of the public highway as a vehicular dropped crossing. The surface of the accesses to the rear of the carriageway edge shall be constructed with a porous bound material for a minimum of 12m.

Reason

In ther interests of highway safety and in accordance with paragraph 109 of the NPPF.

11. Prior to the first occupation of the development hereby approved the parking and manoeuvring areas as broadly indicated on submitted Plan JMD 642-02 shall be completed and surfaced in a porous bound material. The parking and manoeuvring areas shall thereafter be retained for resident parking only for the life of the development.

Reason

In ther interests of highway safety and in accordance with paragraph 109 of the NPPF.

12. Prior to the first occupation of the development hereby approved details shall be submitted to and approved in writing by the Local Planning Authority indicating adequate covered and secure cycle storage facilities for the proposed development. The cycle storage facilities shall thereafter be provided and retained for those purposes only prior to first occupation of the development.

Reason

In ther interests of highway safety and in accordance with paragraph 109 of the NPPF.



13. Any gates shall be hung to open inwards and set back a minimum of 12m from the rear of the carriageway edge.

Reason

In the interests of highway safety and in accordance with paragraph 109 of the NPPF.

14. No part of the development hereby approved shall be undertaken above ground level until an appropriate noise assessment has been submitted to and approved in writing by the Planning Authority.

The assessment shall consider the extent to which the proposed residential uses will be impacted by all significant noise sources within surrounding area, in particular the main road, and the extent to which suitable internal noise levels can be achieved within the proposed use. The assessment shall inform design criteria for any noise mitigation measures required to achieve appropriate internal noise levels.

If the assessment(s) concludes that noise mitigation measures are required, then

- (i) details of these shall be submitted in a detailed scheme for approval by the Local Planning Authority prior to the commencement of construction; and
- (ii) A post-installation verification report shall be submitted for approval prior to occupation of the development.

Reason

To ensure that a high standard of amenity is secured for future residents in accordance with paragraphs 172 and 180 of the NPPF

15. No development shall commence until a Phase 1 Contamination Report has been prepared and submitted to the Local Planning Authority for approval. This shall document the previous history of the site and surroundings, identifying the potential sources of contamination and the impacts on land and/or controlled waters relevant to the site. A Conceptual Site Model should be produced for the site which should identify all plausible pollutant linkages.

Where the phase 1 report has identified potential contamination, an intrusive site investigation shall be carried out to establish the full extent, depth and cross-section and composition of the contamination. Ground gas, water and chemical analysis, identified as being appropriate by the desktop study, shall be carried out in accordance with current guidance using UKAS/MCERTS accredited methods. The details of this investigation (including all technical data) shall be

submitted to the Planning Authority as a phase 2 report, for approval prior to any site demolition, remediation or construction works.

In those cases where the phase 2 report has confirmed the presence of contamination, a Remediation Method Statement shall be submitted (for approval prior to works) detailing the exact manner in which mitigation works are to be carried out. The Statement shall also include details of validation testing that will be carried out once works have been completed.

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

The development shall not be occupied until a validation/ phase 3 report has been submitted to and approved in writing to the Local Planning Authority. The Validation Report shall confirm that all remedial works have been completed and validated in accordance with the agreed Remediation Method Statement.

Reason

In accordance with a paragraph 178 of the NPPF

16. Notwithstanding the details in the approved plans, details for the removal of the existing slab base shall be submitted to and approved by the Planning Authority prior to the commencement of development.

Reason

In the interests of amenity and to protect the adjacent landscape in accordance with paragraph 127 of the NPPF

17. Notwithstanding the approved plans, details of any boundary treatments shall be submitted to and approved in writing prior to the first occupation of the development.

The development shall not be occupied until the approved boundary treatments have been constructed in accordance with the approved details.

Reason

In the interests of amenity and to protect the adjacent landscape in accordance with paragraph 127 of the NPPF

18. No part of the development hereby approved shall commence above ground level until a scheme detailing the provision of landscaping within the site and the provision of services has been submitted to and approved by the Local Planning

Authority. The details shall be in the form as specified in Annex C of the Supplementary Planning Guidance 'Trees, Landscape and Development'.

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

Reason

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

19. Notwithstanding the approved plan, the development shall not be occupied until details of the bin storage area and collection points have been submitted to and approved in writing by the Local Planning Authority and the works comprising the approved scheme have been implemented.

The approved scheme shall thereafter be retained for the lifetime of the development.

Reason

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

### **Notes to the Developer:**

- 1) Please note that prior to access works commencing, a Section 184 Notice of Approval from Staffordshire County Council is required. Please email [nmu@staffordshire.gov.uk](mailto:nmu@staffordshire.gov.uk) for further details. The link below provides an overview of the permissions and licences required for undertaking work on or adjacent to the adopted highway:  
<https://www.staffordshire.gov.uk/Highways/licences/Overview.aspx>
- 2) Severn Trent Water advise that there may be a public sewer located within the application site. Although their records do not show any public sewers within the area specified, there may be sewers that have been recently adopted under the Transfer of Sewer Regulations 2011. Public sewers have a statutory protection and may not be built close to, directly over or be diverted without consent and contact must be made with Severn Trent Water to discuss the proposals. Severn Trent will seek to assist in obtaining a solution which protects both the public sewer and the building.
- 3) The proposed development lies within a coal mining area which may contain unrecorded coal mining related hazards. If any coal mining feature is

encountered during development, this should be reported immediately to the Coal Authority on 0345 762 6848.

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

## **Consultations and Publicity**

### **External Consultations**

#### Landor Society

No response to date.

#### Brereton & Ravenhill Parish Council

Object - This development would constitute substantial harm to the Church [listed building] and its curtilage. It would have an adverse impact on the Brereton Conservation Area as its size is disproportionate to location and would have an adverse impact on parking.

#### Staffordshire County Council

In response to the above planning application the School Organisation team has the following comments:

This development falls within the catchments of Redbrook Hayes Community Primary School and The Hart School. The development is scheduled to provide 4 x 2-bedroom market dwellings and 4 x 1-bedroom apartments. Including accounting for any demolitions, the threshold for calculating education contributions on residential developments is 11 or more dwellings, or a site greater than 0.2 hectares. Therefore no education contribution is requested for this application.

The above is based on current demographics; we would wish to be consulted on any further applications for this site.

#### Travel Management and Safety

A site visit was carried out on 16/10/2020.

The application site is located to the south-west of Main Road in Brereton, Rugeley. Within proximity to the application site, Main Road is a single lane dual carriageway with central reservation and is subject to a 40mph speed limit. Main Road is an A class road (road number A0460), is lit with footway provision on both sides of the carriageway. There is a signalised staggered pedestrian crossing located to the immediate north of the application site. On and off-road cycle lanes are provided along the site frontage extending along Main Road. A bus stop with layby, shelter and adjacent seating is located to the immediate south-east of the application site. A number of local conveniences are located a short walk away from the application site including a convenience store, take-aways, hairdressers and a place of worship.

Current records show that there is 1 personal injury collision (PIC) within 120 metres of the site, on Main Road (A0460), for the previous five years. Although all PICs are regrettable, the overall volume of collisions does not suggest there are any existing safety problems that would be exacerbated by the proposed development.

It is understood that the proposed development is for 4no. two bedroom houses and 4no. one-bedroom apartments (Use Class C3) with associated access and parking. A new site access would be created onto Main Road to serve the site.

Although the site access is located close to the bus stop and visibility may be blocked temporarily when a bus is serving the stop, it is not considered that this would be a safety issue as the bus service has a half hour frequency and would only be stopped at the bus stop for very short periods of time. Further, as vehicular trip generation from the site would be very low, the circumstances where a vehicle is exiting the site at the same time a bus is waiting at the bus stop would be very infrequent.

Following the receipt of amended plans and additional information, previous concerns regarding the internal access arrangements have now been addressed.

There are no objections on Highway grounds subject to conditions being included on any approval:

#### Severn Trent Water Ltd

I can confirm that we have no objections to the proposals subject to the inclusion of a condition.

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

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

Staffordshire County Council Rights of Way Officer

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

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

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

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

Staffordshire County Historic Environment Officer

No objection

**Internal Consultations**Conservation Planning Officer

## Policy Context

The site is located within the Brereton Conservation Area and is immediately adjacent to the Church of St Michael which is a Grade II listed building and also lies within the setting of several other listed buildings within the conservation area, including Brereton House and the Cedar Tree.

Regard should therefore be had of sections 69 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990, Policy CP15 of the Cannock Chase Local Plan (2014) and paragraphs 189, 190, 192, 193, 194, 195, 196, 199 and 200 of the NPPF.

## Assessment

In accordance with the requirements of paragraph 189 of the NPPF the applicant has submitted a Heritage Statement prepared by Philip Heath IHBC which has been supplemented with Historical Map Regression to demonstrate how the surrounding area has developed over time and a streetscene drawing.

It is also noted that a very similar proposal was approved subject to planning consent CH/07/0111. Whilst there have been several changes of policy since this permission was granted notably the introduction of the NPPF and its emphasis on the 'significance' of heritage assets, the Cannock Chase Local Plan, Design Guide and the Brereton Conservation Area Appraisal, the legal framework set out in the Planning (Listed Buildings and Conservation Areas) Act 1990 has remained unaltered.

Having considered the above I note that the site has changed considerably over the last two centuries, comprising open land at the beginning of the C19th before being developed as part of a railway in the mid C19th and later being developed as a bungalow which has been subsequently demolished. Apart from the embankment of the railway line alongside the church ground nothing appears to remain of this former use.

I agree with the conclusions reached in the Heritage Statement. The proposal as it fronts onto the highway reflects the size, scale and architectural detailing of similar buildings (some listed) within the conservation area and which contribute most to its character and appearance. Similar the rear projection in depth reflects some of the other characteristics of the conservation area where one sees development in depth on what appears to be burgage plots.

In terms of the height in comparison to the adjacent church this potential impact is ameliorated by the fact that the church is on higher ground and set well back into its site. Furthermore, the application site contributes nothing of significance to the setting of St Michaels Church

I conclude I do not consider that the proposal is harmful to the significance of the setting of the listed church or any other listed building and does not have a detrimental impact on the character, appearance and significance of the conservation area.

I therefore conclude having had regard to the provisions of the Planning (Listed Buildings and Conservation Areas) Act 1990 that the proposal accords with Policy CP15 of the Local Plan and the relevant sections of the NPPF.

#### Ecologist

No objection

#### CIL Officer

In respect of the above development, if permission were to be granted for this development, the Community Infrastructure Levy chargeable amount would be £30,535.36. This figure is based on the CIL additional information form submitted. Please note, this figure only applies if permission is granted in 2020.

#### Waste and Engineering Services

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

All waste collection points must be positioned within 10m of an adopted metalled highway and at the same level.

If the roadway is to be un-adopted the bin collection points will be required adjacent to the metalled (adopted) highway; in accordance with the above requirement.

The proposed drawing would suggest that waste containers (bins) could be placed at the side of the metalled highway on the day of collection by occupiers however this would mean up to 16 bins being left at the kerbside.

Bin collection points should be within 25m of the property they are designed to serve.

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

Bin storage points should be constructed to a sufficient size and quality for the number of bins required and consideration given to their proper environmental screening.

Properties should be designed with bin storage points on the rear or sides of the property to maintain the street scene environment. If they are to be placed on the front of properties then adequate environmental screening should be considered.

#### Environmental Health

Thank you for referring this matter for consideration. No objection subject to conditions

An appropriate noise assessment must be submitted for approval. There is an electrical substation immediately behind the rear of the site, I would therefore ask for a contaminated land investigation.

#### Strategic Housing

No objection.

#### Development Plans and Policy Unit

The National Planning Policy Framework (NPPF) (2019) sets out that development proposals should be approved where they accord with the development plan and there are no policy restrictions. The Cannock Chase Local Plan (part 1) 2014 policy CP1 supports sustainable development.

Policy CP3 defines the high design standards that will need to be addressed in relation to the development proposal including the expectation that buildings will reflect local identity and enhance the character of the local area. It also aims to protect the amenity of existing properties including supporting mixed uses whilst avoiding incompatible ones. The Design SPD provides additional guidance.

The building is located within a Conservation Area; the Conservation Area Appraisal and Management Plan should be consulted for further information. It is also adjacent to Brereton Church and in the vicinity of other older buildings that form part of the original village centre. Policy CP15 aims to protect the special character in conservation areas by requiring new development to be of the highest standard. Policy CP3 also requires high quality design and integration with the existing historic environment.



The site is within the Brereton and Ravenhill Neighbourhood Area, for which the Parish Council is writing a Neighbourhood Plan. The plan is currently at an early stage of production and does not currently contain any adopted policies for consideration.

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

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

In conclusion it is considered that the principle of development is appropriate in this location, subject to careful consideration of the building design to take into account the heritage of the local area.

### Tree Officer

#### Objection

The implementation of the development would require the removal of T5. By the consultant's own admission this is a category B tree situated on the site frontage in full view of the public from within the conservation area. The report simply states that its removal can be mitigated but doesn't say how! The building is close to the front of the site and so there is little space for planting, certainly for trees this size.

The rear is also completely covered with hard surface and so there is no scope for soft landscaping. Quite clearly, its removal cannot be mitigated.

Demolition — the report states that the concrete slab will be removed from south to north but doesn't say how. While the removal in the direction is generally acceptable the method will also be paramount. Removal of the slab using a 360 or JCB will undoubtedly cause damage to trees situated within the designated conservation area.

Foundations — the report states that the building will be within the RPAs which isn't openly supported. As mitigation it suggests offsetting the RPAs into the churchyard. There is no consideration of what the impact of this will be! Saying that the building is in the edge of the RPA is vague, why has this not been quantified so that the impact can be fully assessed? No consideration has been given to the quality of the ground in which the RPAs are being offset. The offsetting of RPAs must be based on sound arboricultural advice and not as a generic comment.

The report again suggests mitigating the loss of T7 — how?

Hard standing — the suggestion is that 75mm protecaWeb will be used for the parking area. This is insufficient for vehicle hard standing and carparks. The specification for the surface is vague with many missing elements. E.g. edge supports, infill stone size, separation materials, etc. The information on excavations is seriously lacking. What is the point in digging with an airspade if there is no advice on treatment of exposed root!

Services — While it may be feasible to route services to the front of the site without impacting RPAs, this will need to be demonstrated. Additionally, the default position for the discharge of surface water should be onsite and this is unlikely to be at the front.

Boundary treatments — no information has been provided on the installation of fence posts within RPAs. The storage area is not clearly defined on the plan and to suggest that 3 or 4 parking bays will be sufficient for storage, parking and welfare facilities for a development of this size is simply wrong.

Seasonal nuisance — seems to be limited to a generic comments about installing gutter guards. While this is a good starting point as a minimum there has been no consideration for the impact of seasonal honeydew. In particular, the canopy spread for T8 has been significantly under stated on the plan and is shown as extending only slightly into the site. In reality, the canopy extends more than halfway across the site and so the tree will deposit honeydew onto parked vehicles and lead to intense pressure for pruning and removal. This is evident when viewed onsite, on the Google aerial photos, and in fact within the tree report where canopy dimensions don't match those on the tree protection plan. The tree canopy extends approximately 10m into the site.

Pressure for tree removal is assessed as being low — see above for T8 in particular. Why does T8 need to be lifted to 5m, this is sufficient clearance for HGV vehicles?

The application constitutes over development as it requires the removal of trees with no scope for replacement. The building has been pushed as far north toward the trees as possible. This will lead to pressure for pruning and removal. Although the trees are to the north and do not block direct sunlight, their close proximity to the building will block diffuse light and appear dominant.

There is no consideration of issues to be address by the arboricultural method statement while will clearly be required if this was to be approved.

## Response to Publicity

Site notice erected and adjacent occupiers notified with no letters of representation received.

## Relevant Planning History

- CH/07/0111 Residential development - 4 dwellings with studios in roof space & 4 Flats. Outline-Approval With Conditions.
- CH/06/0539 Residential development - 8 terraced dwellings (outline)  
Outline – Refuse.

## 1 Site and Surroundings

- 1.1 The application site relates to a parcel of land located off Main Road, Brereton.
- 1.2 The application site is mainly level, is roughly triangular in shape, and covers an area of approx.. 1,117.79m<sup>2</sup>. The site is currently overgrown and has remained unmaintained since the former 1930s bungalow was demolished around 2005.
- 1.3 The application site is located within Brereton Conservation Area and is bound to the north by St Michaels Church (Grade II Listed Building) and the churchyard. The Church and churchyard stand on a higher level than the application site and are bound by a low retaining wall. To the south of the site is a former school which has been converted into a residential use. To the rear of the site lies St Michaels Road which gives access to residential properties. To the rear also lies an area of land previously used by the County Council for education however this currently lies empty and overgrown with large areas of hardstanding remaining. Opposite the application site lies the modern building of The Castle Public House with its surrounding car park.
- 1.4 The application site is located within the Brereton Conservation Area but remains undesignated within the Cannock Chase Local Plan. The site is located in a Low Risk Area Boundary as defined by the Coal Authority and within a Mineral Safeguarding Area.

## 2 Proposal

- 2.1 The applicant is seeking consent for the development of one x 3 storey block of residential accommodation comprising of 4 x 2 bedroom houses and 4 x 1 bedroom apartments, including parking and amenity space.

- 2.2 The proposed building would be a three storey building with the third floor being provided within the roof space. The proposed building would be constructed from facing brickwork under a tiled roof with detailing around the windows in the form of brick cills and double chimney detailing to the roof.
- 2.3 The layout of the site would be off the private driveway located to the front of the site which would lead along the front of the building to a communal car park at the rear which would provide parking for 10 vehicles. The proposed building would be set back from the rear of the highway by 4-5m behind a grassed frontage.
- 2.4 The proposed dwelling would have a footprint of 23m x 11.5m adjacent the highway before reducing down in width to 7.5m. The proposal would be constructed to a maximum height of 9m (5.5m to the eaves). The proposed dwelling would be of a bespoke design with the proposed flats adjacent the highway and the dwellings to the rear.
- 2.5 Private amenity space would be provided to the rear of the proposed dwellings and would comprise an area of 64m<sup>2</sup> with further amenity space to the front of the proposed building comprising of 54m<sup>2</sup>.

### **3 Planning Policy**

- 3.1 Section 38 of the Planning and Compulsory Purchase Act 2004 requires planning applications to be determined in accordance with the provisions of the Development Plan, unless material considerations indicate otherwise.
- 3.2 The Development Plan currently comprises the Cannock Chase Local Plan (2014) and the Minerals Local Plan for Staffordshire (2015-2030).
- 3.3 Relevant Policies within the Local Plan Include:
- CP1 - Strategy – the Strategic Approach
  - CP2 - Developer contributions for Infrastructure
  - CP3 - Chase Shaping – Design
  - CP6 - Housing Land
  - CP7 - Housing Choice
  - CP13 -Cannock Chase Special Area of Conservation (SAC)
  - CP15- Historic Environment
- 3.4 The relevant policies within the Minerals Plan are
- 3.2 Mineral Safeguarding.
- 3.5 National Planning Policy Framework

- 3.6 The NPPF (2019) sets out the Government's position on the role of the planning system in both plan-making and decision-taking. It states that the purpose of the planning system is to contribute to the achievement of sustainable development, in economic, social and environmental terms, and it states that there should be "presumption in favour of sustainable development" and sets out what this means for decision taking
- 3.7 The NPPF (2019) confirms the plan-led approach to the planning system and that decisions must be made in accordance with the Development Plan unless material considerations indicate otherwise.
- 3.8 Relevant paragraphs within the NPPF include paragraphs: -
- |                     |  |
|---------------------|--|
| 8:                  | Three dimensions of Sustainable Development          |
| 11-14:              | The Presumption in favour of Sustainable Development |
| 47-50:              | Determining Applications                             |
| 124, 127, 128, 130: | Achieving Well-Designed Places                       |
| 184 – 202           | Protecting and Enhancing the Historic Environment    |
| 212, 213            | Implementation                                       |

3.9 Other relevant documents include: -

Design Supplementary Planning Document, April 2016.  
 Cannock Chase Local Development Framework Parking Standards,  
 Travel Plans and Developer Contributions for Sustainable Transport.  
 Brereton Conservation Area Appraisal

## 4 Determining Issues

4.1 The determining issues for the proposed development include:-

- i) Principle of development
- ii) Design and impact on the character and form of the area including the Conservation Area and the setting of the Listed Building
- 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
- x) Ground conditions and contamination
- xi) Affordable Housing Provision

## 4.2 Principle of the Development

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

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

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

With regard to Habitats 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.

4.2.3 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.

4.2.4. In respect to whether there are policies within the NPPF that protect areas or assets of particular importance it is noted that these are identified within foot note 6 of the NPPF and include

“habitats sites (and those sites listed in paragraph 176) and/or designated as Sites of Special Scientific Interest; land designated as Green Belt, Local Green Space, an Area of Outstanding Natural Beauty, a National Park (or within the Broads Authority) or defined as Heritage Coast; irreplaceable habitats; designated heritage assets (and other heritage assets of archaeological interest referred to in footnote 63); and areas at risk of flooding or coastal change.”

4.2.5 In this respect it is noted that the site is located within the Brereton Conservation Area which, constitutes a ‘designated heritage asset’ and as the potential to affect the setting of the adjacent listed church and as such the proposal engages those policies set out in paragraph 12 of the NNPF which seek to protect and enhance the historic environment. This issue is addressed in the next section of the report.

4.2.6 In other respect it is noted that the site is located within a predominantly residential location approximately 1km from Rugeley Town 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. As such it is concluded that the application site would be in a sustainable location and would conform to the predominant land use. As such, subject to the proposal meeting the requirements relating to the protection of heritage assets it is concluded that the proposal is acceptable in principle.

4.2.7 However, although a proposal may be considered to be acceptable in principle it is still required to meet the provisions within the development plan in respect to matters of detail. The next part of this report will go to consider the proposal in this respect.

#### 4.3 Design and the Impact on the Character and Form of the Area including the adjacent Conservation Area and the setting of a Listed Building

4.3.1 The application site lies within Brereton Conservation Area and is also within close proximity to a Grade II Listed Building (St Michaels Church). In this respect, it is noted that Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 sets out the local planning authority’s duties that in considering whether to grant planning permission for development which affects a Listed Building or its setting the local planning authority shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

4.3.2 With regard to the impact on the conservation area it is noted that section 72(i) of the Planning (Listed Buildings and Conservation Areas) Act 1990 places a general duty on a local planning authority in the exercise of its functions, with respect to any buildings or other land in a conservation area, to pay special

attention to the desirability of preserving or enhancing the character or appearance of that area.

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

4.3.4 Relevant policies within the NPPF in respect to design and achieving well-designed places include paragraphs 189 - 196. Paragraph 192 makes it clear that the creation of high quality buildings and places is fundamental to what the planning and development process should achieve.

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

4.3.6 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;

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

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

Planning policies and decisions should ensure that developments:

- a) will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;
- b) are visually attractive as a result of good architecture, layout and appropriate and effective landscaping;



- c) are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities);
- d) establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit;

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

4.3.10 In respect to the application site the Brereton Conservation Area Appraisal considered that the previous 1930s bungalow had a neutral impact on the Conservation Area. However, now that it has been subsequently demolished it is considered by Officers that the site in its present derelict state actually detracts from the character and appearance of the conservation area and the setting of the nearby listed buildings.

4.3.11 Main Road, in Brereton, is the main spine that runs through the Conservation Area. The conservation area appraisal states that whilst this modern intervention divided the Conservation Area, it has retained a balance of some of the substantial buildings and mature trees along both frontages, it has however also reduced the cohesion of the frontages. Front gardens remain enclosed for the most part with walls, hedges and railings defining public and private space. Conversion of the larger buildings into residential use has generally included communal parking at the rear, avoiding opening up of front gardens for parking.

4.3.12 The appraisal continues that St. Michael's churchyard remains the one significant area of landscaped green open space at the north end of the Area, with the War Memorial in its small garden creating a landscape feature at the south end. Most of the larger historic gaps in the built-up frontages have already been developed, but smaller gaps between buildings are valuable in affording views of planting to the rear. The majority of the older buildings face Main Road, however in places short rows of cottages run back from it at 90 degrees. The Area is characterised by substantial detached buildings, some rising to three storeys, in generous plots.

- 4.3.13 The applicant has submitted a Heritage Statement in accordance with the requirements of the NPPF. This makes reference to a railway embankment that ran adjacent the Churchyard with the churchyard having been located on the top of the embankment adjacent to the railway line in former times.
- 4.3.14 The Heritage Assessment continues that in 1805 the tramway crossed Main Road on a level crossing, with slight deviations from its general direct alignment, but, by 1902 it had been straightened out and a tunnel had been constructed to take the tramway under the road. The main motive for this change was to enable the tramway, to travel all the way down to the canal to be operated on a steam- powered rope haulage system, used until the 1905 when canal trade died off. The unused tunnel under the road was used as an air raid shelter in the Second World War, and then as an underpass, being filled-in in 2003.
- 4.3.15 By 1961, the course of the tramway across the edge of the application site had been filled in and the former bungalow No. 98 Main Road, had been built.
- 4.3.16 The Councils Conservation Officer concurred with the findings of the Heritage Statement, adding that the site has changed considerably over the last two centuries, comprising open land at the beginning of the C19th before being developed as part of a railway in the mid C19th and later being developed as a bungalow which has been subsequently demolished. Apart from the embankment of the railway line alongside the church ground nothing appears to remain of this former use.
- 4.3.17 The Conservation Officer has advised that the proposal as it fronts onto the highway reflects the size, scale and architectural detailing of similar buildings (some listed) within the conservation area and which contribute most to its character and appearance. Similarly the rear projection in depth reflects some of the other characteristics of the conservation area where one sees development in depth on what appears to be burgage plots. In terms of the height in comparison to the adjacent church this potential impact would be ameliorated by the fact that the church is on higher ground and set well back into its site.
- 4.3.18 Given the above, the proposal is not considered harmful to the significance of the setting of the listed church or any other listed building and does not have a detrimental impact on the character, appearance and significance of the conservation area.
- 4.3.19 The application site sits adjacent St. Michaels Church wherein there are a number of mature trees along the boundary with the application site which are protected by virtue of the Conservation Area status and make a significant contribution to the character and appearance of the Conservation Area. As such, the applicant has submitted a full tree survey with which to inform the

application. This outlines that the quality of trees is categorised as follows: -A (high quality and value), B (moderate quality and value), C (low quality and value ) and U which are considered as unsuitable for retention. In this respect it is noted that the trees within the application site are category C to U.

- 4.3.20 The report goes on to state that the scheme would involve the loss of trees T5, 6 & 7 (Category B & C) to facilitate the development and the loss of T15 & 16 due to their condition (Category B & C). Replacement trees could be incorporated into the site in locations that would enhance the street scene to mitigate the loss of the removed trees. It is noted that the trees proposed to be removed are Category B & C trees and of low quality and value.
- 4.3.21 The Council's Landscape Officer raised concern with regard to the loss of the trees required to facilitate the proposal. Of particular note are trees T5 and T6. Tree T5 is a 10m high Lawson's Cypress which is clearly visible from the road and is categorised as a category B (moderate quality) tree. Tree T6 is a 6m high Norway Maple. However, these trees would need to be removed as it would not be possible to accommodate an access in this position and to retain the trees. Whilst it is agreed with the landscape Officer that it would not be possible to mitigate against the loss of these particular trees by new planting within the site (due to the constraints on the proposed development) it is considered that any harm to the character and appearance of the conservation and the setting of the surrounding listed buildings would be so slight as to be substantially outweighed by the contribution the development would make to the character of the conservation area and the wider sustainability benefits of the provision of homes in a sustainable location on a previously developed site. As such, on balance, the loss of the trees T5 and T6 is considered acceptable.
- 4.3.22 The Landscape Officer also raised concern with the removal of the concrete slab of the former bungalow. Whilst no details have been submitted it is considered that this would be a technical issue and therefore it would not be unreasonable for a condition to be imposed requiring the details to be provided.
- 4.3.23 Concern regarding the location of the proposed development within the Root Protection Area (RPA) of the trees was also raised by Landscape Officers. The applicant's arboriculturist has confirmed that the retaining wall identified on the northern boundary does run halfway along the site and as such retains the tree roots within the grounds of the church. The significance of this is that the proposed building would not be located within the root protection areas of retained trees and as such all foundations could be constructed using a standard strip foundation. It is noted that the trees are located on higher ground than that of the application site, ranging from approximately 1m nearest to the highway up to almost 2m towards the rear. It is also noted that the proposed building would, for the majority, be constructed in the same position within the site as the former bungalow for which the concrete slab currently remains in situ.

4.3.24 The Landscape Officer has raised concern regarding the location of the building being pushed to the north of the site. The Landscape Officer has concern that this will lead to pressure for pruning and removal. Although the trees are to the north and do not block direct sunlight, their close proximity to the building would block diffuse light and appear dominant. Your Officers note that the proposal is identical to the application previously approved under CH/07/0111. No objections were made to the previous application in terms of future pressure of pruning and removal of the trees or impact on light, which would have been relevant when the previous application was considered and approved. It is also noted that many of the trees in the churchyard that are closest to the application site are relatively small, poor specimens which are often multi-stemmed and their pruning would not in itself cause significant harm to the character of the conservation area or the setting of the listed church.

4.3.25 The Landscape Officer also made reference to the provision of services and fencing in respect to lack of details that have been provided. In both instances the Landscape Officer has not objected and states that the provision of services to the front is feasible. As such the provision of details for services and fencing would be secured via the recommended conditions.

4.3.26 For the reasons listed above, the proposal is considered to not only to preserve, the character and appearance of the conservation area and the setting of the Listed Building and its significance as an historic townscape but to also to enhance the conservation area and the setting of the listed buildings within it. Therefore it is concluded that the proposal would be acceptable having had regard to Policy CP15 of the Local Plan and the guidance contained within the NPPF.

4.3.27 In order to better reveal the significance of the conservation area it is recommended that an interpretation board is included to provide information on the conservation area and in particular the railway track that used to run through the application site.

#### 4.4. Impact on Residential Amenity

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

4.4.2 Paragraph 127(f) of the NPPF states that planning policies and decisions should ensure that developments [amongst other things] create places with a high standard of amenity for existing and future users.

- 4.4.3 In general the Design SPD sets out guidance for space about dwellings, stating that for normal two storey to two storey relationships there should be a minimum distance of 21.3m between principal elevations (front to front and rear to rear) and 12m between principal elevations and side elevations. Furthermore, the Design SPD sets out minimum rear garden areas, recommending 40-44sqm for 1 or 2 bed dwellings, 65sqm for 3 bed dwellings and 80sqm for 4 bed dwellings.
- 4.4.4 However, it should always be taken into account that these distances are in the nature of guidance. When applying such guidance consideration should be given to the angle of views, off-sets and changes in levels.
- 4.4.5 The layout plan demonstrates the proposed development would be constructed to the approx.. 50m from Old School Mews. As such, the proposal would have no significant impact on the occupiers of this residential building. The dwelling to the rear of the site, within St Michaels Road, lies partially to the rear of the application site and partially to the rear of the church yard, however this is at a distance of over 40m to the boundary and a further 30m to the proposed building. The proposed building would be partially screened by the existing trees within the churchyard and separated by the proposed parking area. Given the above, 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.
- 4.4.5 With regard to the proposed building, this would provide a combination of 4x one bedroom flats and 4x two bedroom terraced dwellings. The individual dwellings would have a small degree of private amenity space which would measure approx..30m<sup>2</sup> and would back onto the landscaped churchyard. No amenity space is proposed to the flats. The Design SPD requires an area of 44m<sup>2</sup> per two bedroom dwelling and 30m<sup>2</sup> flat. Whilst it is noted that there would be a shortfall in on-site amenity space provision, however it is also noted that the site is located within a green setting adjacent to areas of undeveloped land and adjacent to the pleasant landscaped churchyard. The site is also within 500m of Brereton & Ravenhill Park which comprises of open and landscaped space and a childrens' play area.
- 4.4.6 The proposed development would provide off road parking for future occupiers of the site within a pleasant setting.
- 4.4.6 Overall, the proposed development would generally 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 109 of NPPF states that development should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.
- 4.5.2 In this respect, the proposed dwelling comprises of a 4x two bedroom dwelling and 4x 1 bedroom flats therefore requires adequate parking for twelve vehicles in accordance with the Parking Standards SPD. In this instance, it is noted that the proposal would fall short in parking provision by two spaces. However, it is noted that the application site is immediately adjacent a bus shelter (to the front) and on a main road with cycle lanes to the Town Centre (located approx.. 1km from Rugeley Town Centre). The application site is also within close proximity to the Local Centre within Redbrook Lane. Notwithstanding, it is noted on the plans that there is sufficient space to position two tandem parking spaces along the northern boundary of the site to the side of the proposed building.
- 4.5.3 Staffordshire County Highways Department was consulted on the proposal and raised no objections to the proposal in terms of highway safety, subject to conditions.
- 4.5.4 Given the above, the proposal would not result in an unacceptable impact on highway safety in accordance with paragraph 109 of the NPPF.

#### 4.6 Impact on Nature Conservation Interests

- 4.6.1 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. The applicant submitted a Bat & Bird Survey given the overgrown nature of the site, with which to inform the application. This concluded that there are no opportunities for bats to use trees on the site as a place of shelter and there was no evidence of birds nesting in the trees on site. As such, the application site is of no significant ecological value. The Councils Ecologist was consulted on the application and he raised no objection to the proposal or the contents within the Bat & Bird Survey.
- 4.6.2 The Bat & Bird Survey identified Records show that there are populations of crevice dwelling bats locally. New roosting opportunities for these species of bats can be created when the new dwelling is built if planning permission is granted, to meet the requirements of the National Planning Policy Framework (2018). A condition has been recommended for the installation of a brick built bat box to be installed at the gable apex of one elevation of the new dwellings as identified within the applicants survey. As such the site has no significant ecological value and the proposals would enhance new roosting opportunities and would not result in any direct harm to nature conservation interests.

4.6.2 Under Policy CP13 development will not be permitted where it would be likely to lead directly or indirectly to an adverse effect upon the integrity of the European Site network and the effects cannot be mitigated. Furthermore, in order to retain the integrity of the Cannock Chase Special Area of Conservation (SAC) all development within Cannock Chase District that leads to a net increase in dwellings will be required to mitigate adverse impacts. The proposal would lead to a net increase in dwellings and therefore is required to mitigate its adverse impact on the SAC. Such mitigation would be in the form of a contribution towards the cost of works on the SAC and this is provided through CIL.

#### 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 which is at least threat from flooding. Although the applicant has not indicated the means of drainage it is noted that the site immediately abuts main roads and is on the edge of a predominantly built up area. As such it is in close proximity to drainage infrastructure that serves the surrounding area and is considered acceptable.

4.7.2 Severn Trent was consulted on the application and raised no objection to the proposal subject to a drainage condition being imposed.

4.7.3 As such, the proposal would accord with the requirements of paragraph 155 of the NPPF which seeks to steer new development away from areas of flooding.

#### 4.8 Mineral Safeguarding

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

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

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

#### 4.9 Waste and Recycling Facilities

4.9.1 Policy CP16(1) (e) 'Climate Change and Sustainable Resource Use' of the Cannock Chase Local Plan states that development should contribute to

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

4.9.2 In this respect, it is noted that Cannock Chase Council does not routinely allow its refuse collection vehicles to travel on private roads / property in order to access waste containers. All waste collection points must be positioned within 10m of an adopted metalled highway and at the same level. If the roadway is to be un-adopted the bin collection points will be required adjacent to the metalled (adopted) highway; in accordance with the above requirement. The proposed drawing would suggest that waste containers (bins) could be placed at the side of the metalled highway on the day of collection by occupiers however this would mean up to 16 bins being left at the kerbside.

4.9.3 The Waste & Recycling Officer has confirmed that if a bin collection point is proposed then it should be within 25m of the property they are designed to serve. Bin collection points should also be designated for a minimum of two 240ltr. wheeled bins per property. They should be constructed to a sufficient size and quality for the number of bins required and consideration given to their proper environmental screening. The Officer continues that bin storage points should be constructed to a sufficient size and quality for the number of bins required and consideration given to their proper environmental screening. Properties should be designed with bin storage points on the rear or sides of the property to maintain the street scene environment. If they are to be placed on the front of properties then adequate environmental screening should be considered. A condition requiring the final details for the bin store is recommended.

#### 4.10.2 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.

4.10.2 The Councils Environmental Officer was consulted on the application and raised no objection to the proposal subject to conditions given the close proximity of the sub station near to the rear boundary of the site.

4.10.3 In this instance, the application together with the proposed conditions is considered to be in accordance with paragraphs 170, 178 & 179 of the NPPF and is therefore acceptable.



#### 4.12 Affordable Housing

4.12.1 Under Policy CP2 the proposal would be required to provide a contribution towards affordable housing. However, given the order of the Court of Appeal, dated 13 May 2016, which give legal effect to the policy set out in the Written Ministerial Statement of 28 November 2014, and the subsequent revision of the PPG it is considered on balance that the proposal is acceptable without a contribution towards affordable housing.

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

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

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

#### **Equalities Act 2010**

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

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

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

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

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

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

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

## **6 Conclusion**

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