



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

15 November 2022

Dear Councillor,

Planning Control Committee
3:00pm, Wednesday 23 November 2022
Council Chamber, Civic Centre, Cannock

You are invited to attend this meeting for consideration of the matters itemised in the following Agenda. The meeting will commence at 3.00pm.

Yours sincerely,

Tim Clegg
Chief Executive

To Councillors:

	Thompson, S.L (Chair)
	Beach, A. (Vice-Chair)
Cartwright, S.M.	Kruskonjic, P.
Crabtree, S.K.	Muckley, A.M.
Fisher, P.A.	Pearson, A.R.
Fitzgerald, A.A.	Thornley, S.J.
Hoare, M.W.A.	Wilson, L.J.
Jones, V.	2 vacancies

Agenda

Part 1

1. Apologies

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

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

3. Disclosure of Details of Lobbying of Members

4. Minutes

To approve the Minutes of the meeting held on 26 October 2022 (enclosed).

5. Members' Requests for Site Visits

6. Report of the Interim Development Control Manager

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

Details of planning applications can be accessed on the Council's website by visiting www.cannockchasedc.gov.uk/residents/planning and then clicking on the square marked 'Planning Applications'.

Planning Applications

	Application Number	Application Location and Description	Item Number
1.	CH/22/0215	71 Old Penkridge Road, Cannock, WS11 1HY Residential development of 2 no. bungalows to land rear of 71 Old Penkridge Road	6.1 - 6.47
2.	CH/21/0023	Castle Inn, 141 Main Road, Brereton, Rugeley, WS15 1DX Demolition of existing building and the erection of an apartment building and associated landscaping, parking and access	6.48-6.95

Application Number	Application Location and Description	Item Number
3. CH/22/0188	416 Rugeley Road, Hednesford, Cannock, WS12 0QP Lawful Development Certificate, 2 No. brick outbuildings in rear garden	6.96-6.119

In accordance with the provisions of Schedule 12A of the Local Government Act 1972 (as amended), Appendices 3, 8-11, and 14-19 of application CH/22/0188 are considered 'not for publication' under the following categories of exemption:

- Exempt paragraph 1 - Information relating to any individual,
- Exempt paragraph 2 - Information that is likely to reveal the identity of an individual.

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

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

Part 1

Present:
Councillors

Beach, A. (Vice-Chair - in the Chair)
Cartwright, S.M. Molineux, G. (substitute)
Hoare, M.W.A. Thornley, S.J.
Kraujalis, J.T. (substitute) Wilson, L.J.
Kruskonjic, P.

45. Apologies

Apologies for absence were received from Councillors S. Thompson (Chair), S. Crabtree, P. Fisher, A. Fitzgerald, J. Fletcher, V. Jones, A. Muckley, and A. Pearson. In the absence of the Chair, Councillor A. Beach took the Chair.

Notification had been received that Councillor J. Kraujalis would substitute for Councillor A. Pearson and Councillor G. Molineux would substitute for Councillor P. Fisher. Councillor A. Muckley had indicated that Councillor J. Elson would act as her substitute; however, she was not in attendance.

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

Member	Interest	Type
Kraujalis, J.T.	Application CH/22/0215, 71 Old Penkridge Road, Cannock, WS11 1HY - Residential development of 2 no. bungalows to land rear of 71 Old Penkridge Road - Member knows the applicant's agent who was speaking at the meeting	Personal

47. Disclosure of Details of Lobbying by Members

Councillors A. Beach, S. Cartwright, S. Thornley and L. Wilson declared that they had been lobbied in respect of Application CH/22/0215.

48. Minutes

Resolved:

That the Minutes of the meeting held on 28 September 2022 be approved as a correct record.

49. Members Requests for Site Visits

None requested.

(Prior to consideration of the following application the Principal Solicitor clarified that only those Members who had been present at the meeting on 28 September, when Application CH/22/0215 had previously been considered, could participate in the determination of the application. The Members eligible to participate were Councillors A. Beach, S. Cartwright, J. Fletcher, M.W.A. Hoare, J.T. Kraujalis, A. Muckley, S. Thornley and L. Wilson.

At this point Councillor P. Kruskonjic left the meeting as he was not present for the consideration of the application on 28 September, having declared a personal and pecuniary interest in the application. Councillor G. Molineux also left the meeting as he was not in attendance at the previous meeting).

50. Application CH/22/0215, 71 Old Penkrige Road, Cannock - Residential development of 2 no. bungalows to land rear of 71 Old Penkrige Road, WS11 1HY

Following a site visit, consideration was given to the report of the Interim Development Control Manager (Item 6.1 – 6.28) presented by the Interim Development Management Team Leader.

The Interim Development Management Team Leader provided a presentation to the Committee outlining the application showing photographs and plans of the proposals. She confirmed that the principle of residential development on the site had been established and there was no change to the two dwellings previously approved in the outline planning application.

Reference was made to the Officer update sheet that had been circulated to Members in advance of the meeting. Several Members indicated that they had not yet seen the update and the Committee therefore adjourned for 15 minutes to allow Members to read the update sheet. This update is attached at Annex A to the Minutes.

The Committee re-convened, and Members were offered the opportunity of asking any questions arising from the update. The Interim Development Control Manager then clarified an issue in relation to the SAC contribution that had been raised with him by a Member during the adjournment.

Prior to consideration of the application, representations were made by Mr. & Mrs. Massey, objectors, speaking against the application, and Colin Sutton, the applicant's agent, speaking in support of the application.

As a matter of clarification, the Interim Development Control Manager advised that during their representation, Mr. Massey stated that they had not been consulted on the previous Reserved Matters application approved in 2019. The Interim Development Control

Manager advised that from Council records, Mr. Massey had been consulted and had in fact objected to the application and cited the email that had been submitted by Mr. Massey.

Councillor J. Kraujalis asked if it were possible for Officers to provide reasons to refuse the application before them. The Interim Development Control Manager advised that this was not possible as this was a matter for the Committee to decide. The officer's report recommended a grant of permission.

The Interim Development Control Manager reminded Members that previous historic decisions were material to the consideration of the application before them and that the principle of residential development on the site had been established. He outlined the various permissions that had previously been granted by the Committee, including an identical scheme in 2017. Should Members be minded to now refuse the application they would need to provide planning reasons to justify a refusal and show what is materially different with this application to the application previously approved by Committee. He clarified that, during their 10-minute representation to Committee, the applicant's agent had indicated he would be willing to look at the levels of the bungalow should Members be minded to approve the application. A condition could be attached to any approval to address this.

Several Members expressed confusion in relation to the lengthy Officer update sheet which they had read during the adjournment of the meeting. Councillor J. Kraujalis moved that the application be deferred to enable Members more time to digest the information contained in the Officer update sheet.

A motion to approve the application with a condition to look at the levels of the bungalow was moved by Councillor M.W.A. Hoare, but this was not seconded.

The motion to defer was then seconded by Councillor S. Thornley and, following a vote, this was carried.

The Principal Solicitor reminded Members that only those who were present at the meeting today would be able to consider the application at the next meeting and she asked if all would be able to attend. All Members present indicated they were able to attend except for Councillor L. Wilson.

Resolved:

That the application be deferred to the meeting on 23 November 2022 to enable Members more time to digest the information contained in the Officer update sheet.

The meeting closed at 4:12 p.m.

Chair

Cannock Chase District Council

Planning Control Committee 26 October 2022

Officer Update Sheet

CH/22/0215 - 71 Old Penkridge Road, Cannock

Following compilation of the report for the Committee agenda, officers have received, further correspondence from neighbours and also from the applicant.

Neighbours' Representations:

The points raised are summarised below with your Officers response (*shown in italics*) after each point raised:-

- 1) I (objector) haven't seen any reply to the Vis splay check, please can you advise if this has been checked as the drawings appear misleading with the centre of the dotted line? Also why is the distance 43m and not 70m as per a 30-mph road? The drawing provided to planning doesn't show the kerb position at 43m, so I (objector) couldn't accurately judge whether splay visibility is impaired by my hedge on my front border.

Your Officers confirm that The Highway Authority has assessed the application and was satisfied with the plans / details submitted.

Highway Officers have also confirmed that the distance required is 43m not 70m. The 70m was superseded by the 43m distance.

Notwithstanding this, the access into the site together with the drive and rear turning area was approved as part of planning permission CH/19/289 and has been implemented by the applicant.

- 2) I (objector) have scaled the drawing and see that the FFL of the proposed bungalow behind my home is 1.3m higher than my back garden and higher than plot 2 (further up the hill). Thus giving an overbearing ridge height of 7.5m above my garden. I have set out some timber showing the FFL horizontal and front door lintel and ridge height with two small flags. Can I request that the height of this development be reviewed as the impact to my home will be horrendous.

Your Officers confirm that the separation distance between the principal elevations of the existing and the proposed dwellings exceeds the 21.3m required within the Design SPD. No stipulation is stated within the Design SPD for what the separation distance should be where there is a difference in ground levels however the proposal exceeds the requirement by over 3.5m and therefore allows some consideration for the difference in levels. The agent has confirmed the FFL is required to a gravitational drainage scheme.

- 3) The bungalow elevations show horizontal building plots which means steep banking towards my garden and much steeper along number 67. It also means that any screening between our property would need to be over 3m high. When the width of the hedge is reduced by the developer, the hedge height will be lost. Also, the potential water run off may be significant.

Your Officers confirm the plans indicate the hedgerow to the rear of No.69 would be retained. There is a 4.5m deep grassed area behind the hedgerow in front of the dwelling on plot 3 which would absorb surface water run off. There is no detail of any banking indicated within the application and the soft scaped buffer adjacent the hedgerow would be little different from the current situation in terms of acting as a natural soakaway.

- 4) Regardless of previous decisions, this is a new planning application with different details presented. As a result, appropriate rigor can be reapplied to the current drawings and design proposal to ensure whether it is suitable. Previous decisions were made on the back of different objections and where the need for new housing stock trumped the impact to its surrounding environment.

Your Officers confirm that previous planning decisions are material considerations in the determination of this application. There have been no significant revisions to the surroundings or planning policy since the previous applications were determined.

For clarity, the Council approved 2 other applications in 2019 on this site: 1 under delegated authority and 1 at a Development Management Planning Meeting.

A further application was refused, and this was also dismissed on appeal. However, the principle of the proposal wasn't raised as an issue by the Planning Inspectorate, this application was dismissed because there was no mechanism in place to secure the mitigation measures necessary to address the adverse effects to the SAC. The Inspectorate raised no objections within his report to the principle of residential in this location or its impact on neighbouring properties.

- 5) It shows on the drawings that the developers intend to bank up the land under plot 3 by approximately 4' (1.2M). Thus, setting plot 3 higher than the surrounding land and properties. I would like to raise the issue with the finished floor level +FFL 151.70 & subsequent roof ridge height of these bungalows relative to my home. Plot 3 sits lower down a hill than plot 2 yet is set at a higher FFL than plot 2.

Your Officers confirm that the finished floor level for plot 3 would be 151.70, plot 2 would be 151.60 to facilitate drainage. The ground level within the site itself varies between 150.87 and 152.78. As such both plots would sit comfortably within the site in relation to existing ground levels, which are elevated above some of the adjacent properties.

- 6) Due to ground levels, Plot 3 would have the same height as an average UK 2 storey house (relative to my garden and to my house). Why has the proposed Plot 3 so significantly raised from ground level and designed with such a tall roof ridgeline? Is such a tall roof required for a property that will not have loft conversion options? The height of plot 3 will restrict the light coming into my home and garden. From around 14:00 to 18:00 each day.

Your Officers confirm that the application for the Reserved Matters considered the appearance and scale of the two dwellings. The current proposal seeks two dwellings of the same scale, appearance, and design as those previously approved in 2019. The impact of these dwellings was considered at that time and was considered to meet the relevant policy and the requirements of the Design SPD. The Policies and Design SPD remains unchanged since 2019.

Your Officers confirm that the separation distances between the existing and proposed properties are acceptable even with the difference in ground levels in accordance with the Councils Design SPD.

- 7) As the bungalows are shown on level plots, the design must be creating sloping banks from Plot 3 bungalow ground level to the boundaries of numbers 69 and 67, Please can I get some clarity with regards to this as the corner of the tarmac drive is at a higher level than my property, so the natural fall is onto my garden. Are there kerbs/gutters and gulley's planned for rain capture and included in the design.

Notwithstanding, the above query, the extent permission CH/19/289 granted permission for the access drive in the same position as shown on the plan. This permission was approved and has been implemented by the applicant. The current plan proposes no change to that already approved.

- 8) As the bungalow walls to be built approx. 2.2m with from 67 boundary, will some walling be required to support the loading close to the boundary? Should this be included in the design proposal? The slope will be banked at 1m high by 1m wide if the tree protection zone is respected.

Your Officers confirm that there is no retaining structure proposed within the plans. Should it be found that a retaining wall would be required it may constitute an engineering operation and may require the benefit of planning permission subject to the size of wall if required.

- 9) The tree root protection looks completely inadequate for the large trees either side of that boundary with number 67 and to the rear in Ferndell Close. Not all trees are shown on the proposed plot plan drawing or considered for tree protection. Is there a reason it is not included?

Your Landscape Officers have assessed the proposal and information submitted and subject to the proposed conditions, raised no objection to the development in terms of impact to the trees.

- 10) I (objector) found the tree report difficult to read due to inaccuracy and labelling on the tree report compared to those drawn on the architects' plan plot drawing. Further, this edited original is not up to the standard to make an informed planning decision around tree & root protection zones? Also has anyone verified the original author has made these changes with appropriate professional consideration of the whole document? The document appears edited with different fonts etc. and does not look like a credible qualified report. Also omitted trees on neighbouring borders and the inaccurate numbering of the trees again question its credibility.

Your Landscape Officers have assessed the proposal and information submitted and subject to the proposed conditions, raised no objection to the development in terms of impact to the trees.

- 11) Memo documents within the application states information is missing from this planning proposal with regards to tree and root protection & landscaping. Therefore, the Tree impact assessment, Method statement and landscaping details are key issues that ought to be resolved prior to passing this proposal. **Surely these issues should be addressed prior to any decision made** in case the design has to change (**or not happen at all**) (objectors' emphasis).

Your Landscape Officers have assessed the application and confirmed that details for the tree protection can be conditioned as recommended.

- 12) I (objector) haven't seen any notes issued from the planning meeting (28/9/22) or anything in the press, however, the developer sent me adversarial texts late on Friday night (within 48 hrs of the meeting) and a subsequent solicitor's letter to attempt to protect his reputation. I'm concerned that the developers didn't appear to have any representatives in the public gallery, yet someone from the meeting passed (albeit incorrectly) my comments on to them within 48 hours of the meeting.

Your Officers confirm that the Development Management Committee Meeting is a public meeting. As such, any conversations held outside the meeting were not bound by privacy requirements. This is not a material consideration for the determination of the planning application.

- 13) I (objector) note that there is a condition that no additional building works can be completed before planning is sought. How does this leave the position with potential dormer windows? Previously I understood that it was a condition that no dormer extension would be agreed upon, but I am now concerned that they will apply for dormer extension very soon after or even during build. The high roof line of the bungalows seems to allow for this. What is the position please?

Your Officers confirm that a condition has been recommended for the removal of Permitted Development rights. This would ensure that any future development of the dwellings would be required to seek planning permission.

- 14) The previous condition that fencing must be added their side of trees at bottom of garden of 73 seems to have been removed? What is the position please?

Your Officers confirm that a condition was imposed on CH/19/289 for fencing to the rear of No.73. This condition still remains on that permission and is relevant.

- 15) It seems impossible for the access road to the 2 bungalows to meet requirements of not damaging tree roots. Would a simple answer be to move the access road 1 metre away from number 73 to avoid this issue?

Your Officers confirm that the access is the same as previously approved under CH/19/289, which has been implemented by the applicant.

- 16) What is the position with application CH19/411. Is this still an option to build a house in the back garden of no 71? Clearly the option of bungalow over house is better for us but not if they are going to get dormer properties via late amendments.

Your Officers confirm that the planning permission CH/19/411 is still valid and could be constructed by the applicant. The applicant would have until 15th January 2023 to implement this permission.

For clarity, planning permission CH/19/411 relates to one two storey dwelling.

- 17) I have to say the whole situation is very stressful for neighbours to this proposal, sadly the owner of 75a passed away, no 69 has tried to sell his property and now no 67 has put his up for sale. We are considering selling also which is something we never dreamed we would. I understand that the owner of 71 is considering buying number 67 so he can add a further back garden property to this build plot.

Your Officers confirm that the above comments are not material considerations for the determination for the planning application.

- 18) I (objector) have rigged up some timber at the bottom of my garden, to be an accurate full-size representation of the finished floor height and it also demonstrates the roof ridge height of plot3. It indicates the physical size of this bungalow which is extremely tall and imposing at the foot of my garden. I invite all readers of this letter especially any decision makers in the planning team to visit my home (at any time prior to the planning meeting) to get this sense of scale & size in the image below; the horizontal timber at chest height shows the proposed floor level of plot3, the vertical poles show the roof ridge height.

Your Officers confirm that a request has been submitted for the site to be viewed from the neighbour's garden. The site visit to the objector's property is at the discretion of the Chair.

- 19) I (objector) don't believe relative building heights were challenged by the planning team in 2019 and this decision was made behind closed doors (I'm guessing no peer review or challenge).

Your Officers confirm that an application determined in 2019 by Officers under delegated Authority related to the Reserved Matters application. The Outline application approved in 2017 was a Development Management Committee decision for access and layout. The Reserved Matters sought the landscaping, scale and appearance as associated with the outline approval.

For clarity, The Council approved two other applications for residential development in 2019: 1 under delegated authority and 1 by Members.

A further application was refused, and this was also dismissed on appeal due to SAC mitigation measures not being secured.

- 20) Previously better car parking provision for each bungalow.

Your Officers confirm that the Parking Standards SPD requires new development to have 2 parking spaces per 2- and 3-bedroom dwelling. As such, the proposal meets this requirement.

- 21) Site entry was from a totally different entrance location & driveway route. Number 71 is now to be redeveloped in a different location (opposite side of the site)

Your Officers confirm that since 2017 four planning permissions have been granted on this site for residential development proposals varying in scale, design, and layout. However, the layout of the dwellings in relation to the existing neighbouring properties has not changed since the last permission and as such the principal of the proposal is unchanged. The frontage property at No.71 has received permission to be demolished and a new dwelling constructed within the front section of the site. This permission was granted by Members at a Development Management Meeting in 2019 and has been implemented by the applicant.

Applicant's Representation

In support of the application the applicant has submitted representation which is summarised as follows: -

Number 71 Old Penkrige Road has been the home of our family for over 80 years after being purchased by my grandfather from Mr Lubbock in the 1940's.

The additional land to the rear was originally purchased by Mr Lubbock in the form of 2 building plots at the end of Fern Dell Close which was built after Fern Dell House sold off its land for building use in the early 1940's but he chose to use it as a fruit and vegetable garden at the time. When my grandfather purchased the house and land it included the right to build on the plots, and the deeds of all the surrounding properties contain points clearly detailing that the land was for building purposes and that they are not allowed to object to any building on the land.

After the death of my grandfather in 1975 my father and mother purchased the property from my grandmother and our family moved into the property where we had a great childhood running around and playing in the large back garden, but my father always intended to develop the land at some point.

He first got planning permission for two 4-bedroom houses in the mid 1980's but decided not to build at that point as he still had three young children enjoying it every day. However now we have all grown up, and even our children have grown up, it is no longer used.

When my parents started to struggle with the upkeep of the land and we saw the house itself was falling apart, cold, damp and extremely hard to heat due to the old construction techniques. We firstly tried to get them to sell up and move but my father has flatly refused to move house as his brother and both sisters all live within 100 meters of the property and all his friends are also within walking distance on the Old and New Penkrige Roads. So, at that point we decided to pursue planning permission on the land at the back to finance the rebuild of a new eco-friendly warm and safe place for my parents to safely retire in.

We finally got planning permission in 2018 to build 2 bungalow's and in 2020 we also got planning permission to build a large 5-bedroom house on the land and permission to knock down the existing house and rebuild a new one for them. After talking to the neighbours though the vast majority preferred the bungalows option, so we agreed to go down that route.

Unfortunately, then COVID happened which disrupted the plans and just as we were coming out of that in December 2020 my parents were involved in a serious head on car crash which put all the building plans on hold whilst we nursed them back to health. Unfortunately, as we have never done this before we misunderstood the planning rules and thought we had 3 years from the date we got the detailed planning application agreed on 12th August 2019 to start the work which gave us until 12th August 2022 to start.

So, to sum up we are not developers looking to 'Cash in' from the property but Old Penkrige Road's longest residents who are looking to realise plans of over 40 years and build our parents a safe and warm home to live out their lives amongst our family and friends.

The Officers report, within the Relevant Planning History paragraph, states that Planning application CH/19/289 was Committee approved 20th Sep 2019. Permission implemented.

This should read as follows: - Planning application CH/19/289 was delegated approval 20th Sep 2019. Permission implemented.

Officers Conclusion

Planning History

- CH/17/234 - Outline consent for Residential Development of 2 detached dwellings (outline for layout and access). Committee decision
- CH/19/015 - Residential Development - Demolition of existing frontage dwelling and erection of 2 dwellings; one replacement dwelling to the front and 1 detached dwelling to the rear. Committee Refusal: -

The two-storey dwelling to the rear by virtue of its scale and size, the windows within it and their juxtaposition in respect to neighbouring properties, the difference in ground levels between the site and neighbouring properties and the back land nature of the site would result in unacceptable levels of overlooking and loss of privacy and outlook and therefore fails to protect the residential amenity of the occupiers of the neighbouring properties.

The subsequent appeal was dismissed for the following reason: -

“There is no legally enforceable mechanism associated with the proposal which would secure the mitigation measures necessary to address its adverse effect on the SAC.

The Inspector within his decision also considered the impact of the proposal on the neighbours in respect of privacy, outlook, noise, and disturbance. As such, the residential development of this site was considered acceptable in principle.

- CH/19/236 - Reserved Matters pursuant to CH/17/234 for appearance, scale, and landscape. Delegated decision
- CH/19/289 - Demolition of frontage dwelling and erection of replacement dwelling with detached garage and vehicular access to the rear. Delegated decision.
- CH/19/411- Residential Development - Demolition of existing frontage dwelling and erection of 2 dwellings; one replacement dwelling to the front and 1 detached dwelling to the rear. Resubmission of CH/19/015. Committee decision. Valid until 15th Jan. 2023.

The previous permissions on the site are a material consideration and whilst there have been several on this site of various schemes, layouts designs and accesses, the principle of residential development on this site has been established. The access in the location shown on the proposed plan formed part of planning permission CH/19/289 which has been implemented.

As a point of clarity, the neighbours on the surrounding properties submitted objections to all applications that have been considered previously. The comments were taken into

consideration by Your Officers and Members at a Development Management Meeting, however, at the time, it was found that the objections were not sufficient to warrant refusal of the applications.

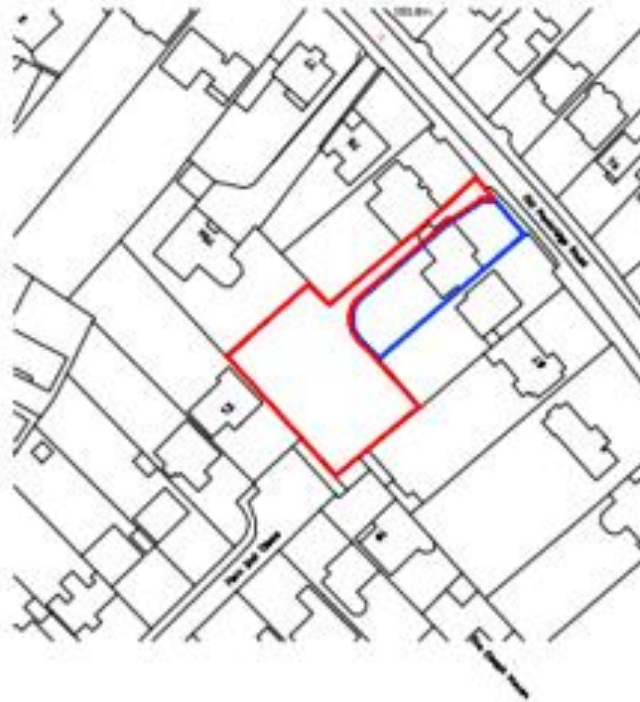
Furthermore, in assessing the 2019 application that was refused by Members of the Development Management Meeting, the Planning Inspectorate only dismissed the appeal because there was no mechanism in place to secure the mitigation measures necessary to address the adverse effects to the SAC. The Inspectorate raised no objections within his report to the principle of residential in this location or its impact on neighbouring properties.

Application No. CH/22/0215
Location: 71 Old Penkridge Road, Cannock, WS11 1HY
Proposal: Residential Development of 2No. Bungalows to land rear of No. 71 Old Penkridge Road.

NOTES:

The copyright © of this drawing is vested in the Architect and must not be copied or reproduced without consent.

All Contractors must visit the site and be responsible for taking and checking dimensions relative to their work. Sutton and Wilson Chartered Architects to be advised of any variation between drawings and site conditions.



Produced on 30 August 2016 from the Ordnance Survey National Geographic Database and incorporating surveyed revision available at the date.
This map shows the area bounded by 287334.310562 287334.310703 287475.310562
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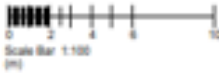
Application No. CH/22/0215
Location : 71 Old Penkridge Road, Cannock, WS11 1HY
Proposal: Residential Development of 2No. Bungalows to land rear of No. 71 Old Penkridge Road.

Site Plan



Application No. CH/22/0215
Location: 71 Old Penkridge Road, Cannock, WS11 1HY
Proposal: Residential Development of 2No. Bungalows to land rear of No. 71 Old Penkridge Road.

Proposed Plans & Elevations



Part 1 (Part 2 Needed)
GROUND FLOOR PLAN



Part 1 (Part 2 Needed)
FRONT ELEVATION



Part 1 (Part 2 Needed)
SIDE ELEVATION



Part 1 (Part 2 Needed)
REAR ELEVATION



Part 1 (Part 2 Needed)
SIDE ELEVATION

The applicant is responsible for obtaining all necessary planning permissions for this development.

MATERIALS LEGEND

- ① Red Tile - Gable/Endless Side/Wall Tiles
- ② PVCu Frame & Sill Boards - Colour Grey
- ③ PVCu Windows/Gables & Down Pipes - Colour Grey
- ④ PVCu Double Glazed Windows & Doors - Colour White
- ⑤ White Vertical Slatted Timber Cladding
- ⑥ Steel Colour GFF Door - Colour Dark Blue
- ⑦ Through Colour underlayment - Colour Grey

BUNGALOW PROPOSAL	
DATE	15/01/2022
SCALE	1:100

PLANNING ISSUE

Proposed Residential Development of 2No. Bungalows at 71 Old Penkridge Road, Cannock, Staffordshire, WS11 1HY

20/01/2022

GUYTON GIBB WELLS

CHARTERED ARCHITECTS

DATE	NO.	REVISED BY	DATE

Planning Control Committee

23th November 2022

Application No:	CH/22/0215
Received:	08-Jun-2022
Location:	71, Old Penkridge Road, CANNOCK, WS11 1HY
Parish:	Non Parish Area
Ward:	Cannock West
Description:	Residential development of 2No. bungalows to land rear of 71 Old Penkridge Road.
Application Type:	Full Planning Application

UPDATE

The application was deferred at Planning Committee on 26th October to allow Members to further consider the representations provided on the Officer update sheet .

Subsequently, the applicant has revised the plans to reduce the finished floor level which would reduce the overall height of plot 3 by 0.55m.

In light of the revisions, the following condition(s) would need to be amended as follows:-

Condition 1

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

2411-27 Location Plan
2411-29 Vis splays
2411-28 F Proposed Site Plan
2411-20 Proposed Bungalows Plans & Elevations
2411-23F Bat and Bird box details
2411-22C Construction Management Plan together with information provided within email dated 14th September 2022
Tree survey 2022 V5

Reason

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

In light of the tree comments an additional condition has been recommended as follows:-

Condition 14

Notwithstanding the approved plan, no part of the development hereby approved shall commence or any actions likely to interfere with the biological function of the retained trees and hedges shall take place, until details for revised tree and hedge protection have been submitted to and approved by the Local Planning Authority.

Thereafter, the approved fencing shall be erected in the positions identified and retained throughout the construction period.

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.

Further to the revised plan being received, the following representation has been submitted:-

- 1) The objector states that we acknowledge the two current planning permissions already in existence for this site i.e. to demolish and rebuild 71 Old Penkrige Road and to build a single detached 2 storey dwelling at the back of 71 Old Penkrige Road. We are, therefore, clear that the principal of development has been set for this site. However, despite Planning Officer's assertions to the contrary, this particular planning application CH/22/0215 is a new application which is materially and significantly different from the previous lapsed bungalow permission and can be rejected. Specific changes are:-
 - o Different road entrance and access driveway to the bungalows
 - o Substantially less provision for parking and turning

Your Officers confirm that the entrance and access to the site is different from the previous permission however this has been implemented under planning permission CH/19/289.

The previous permissions CH/17/234 and CH/19/236 provided the dwellings with 2 parking spaces; one within the garage and one to the front of the garage per dwelling. The turning area however was larger. Notwithstanding this, Your Officers confirm that in accordance with the Parking Standards SPD 2 parking spaces are required per 3 bedroom dwelling. As such, the proposal provides a sufficient level of parking. The turning space provided whilst less than the previous application would still allow vehicles to turn/manoeuvre within the site and leave in a forward gear.

Given the above, Your Officers reiterate that the current proposal is not significantly materially different to the previous permissions to the extent that would warrant refusal.

- 2) The objector states that in the 26/10/22 Planning committee, Councillors requested support from Planning officers around 'how to reject this proposal?' This request for support was denied by Planning Officers as the Officers had already given their support to the development. Not only did this response from Officers undermine the Planning process, it showed a complete lack of objectivity.

Your Officers confirm that at paragraph 9.3 of the Scheme of Delegation within the constitution, it states that if you (Members) are proposing, seconding, or supporting a decision contrary to officer recommendations or the Development Plan, it is for Members to provide the planning reasons leading to this conclusion/decision.

- 3) The objector states that at this meeting (26/10/22), the Senior Planning Officer was clear that there is NO legal reason why a previously passed application (even if the applications were exactly the same) must be passed once it has lapsed.

Your Officers confirm that there is no legal requirement for this application to be approved based on previous decisions however, the previous decisions are material considerations in the determination of the current planning application.

To recap our (objectors) four basic objections:

- 4) The objector states that this application is materially and significantly different to previous ones, as noted above 1.

Your Officers confirm that there are no significant material circumstances between the schemes that have been approved previously and the current proposal.

- 5) The objector states that the site already has active and agreed permissions to build two dwellings on the site. Increasing this to three dwellings constitutes over development, out of character with the local neighbourhood and contrary to the LDP2 which notes Shoal Hill specifically as an example area. Two tightly packed

bungalows which barely meet minimum planning criteria behind a large detached house are out of context.

Your Officers confirm that planning permission was granted previously for the two bungalows to the rear of No.71 Old Penkridge Road; one in 2017 for the outline which was a committee decision and included the layout and one in 2019 for the Reserved Matters (based on the Outline permission) which was a delegated decision. The proposal was not at these times considered to be over development or out of character with the neighbourhood.

- 6) The objector states that the application is based on flawed technical details including:

-Visibility splay appears to be drawn incorrectly on the plans - (2411-28 E) splays appears drawn from the wrong centre point. (Asked planning to verify appropriate visibility, initial response presented the following inaccuracy) .

-In their support of this proposal the Highways Authority letter accepts drawing 2411-29 which is not a document referenced as part of this proposal. How can planning conditions be applied to inaccurate drawings, or not included within this proposal? (asked planning to verify via email)

Your Officers confirm that the Highway Authority has been consulted on the application and raised no objection to the proposal. The revision to condition 1 includes the vis-splay plan as accepted by The Highway Authority.

Notwithstanding this, the access drive and visibility splay has been implemented under CH/19/289.

- 7) The tree report appears to be inaccurate. The provided tree report & plans do not appear to capture/protect neighbours trees i.e. number 67's Laburnum & the large tree on the border with 13 Ferndell Close (asked planning to verify via email).

Your Landscape Officer has stated that whilst it is acknowledged that the neighbouring Laburnum tree has not been plotted within the tree protection plan, there is protective fencing provided in this area which would limit construction activities in close proximity. It is also noted that there is no hard landscaping within approx. 5m of the tree and limited hard landscaping within the owners garden in close proximity to the tree meaning the root system would not have

not been negatively impacted to cause an irregular spread of roots into the application site.

The Landscape Officer continued that the tree within Ferndell Close would be expected to be outside of the Root Protection Area. Notwithstanding this, there is root protection fencing along the boundary with Ferndell Close to protect the trees within the application site that would also protect the tree within Ferndell Close.

The tree officer did suggest revising the line of the protective fencing and this would be secured via the additional recommended condition (No. 14).

- 8) The height and positioning of Plot 3 bungalow will materially lead to a loss of light and privacy with elevated windows looking directly into our home on all levels (ground, first and second floor.) The Applicant architect's recent offer to lower the floor height by half a metre will make no significant difference to this, although we acknowledge and appreciate the gesture of flexibility. To this end, we have also made suggestions that would negate our objections:
- o Rotate Plot 3 bungalow by 90 degrees
 - o Reduce the ridge height
 - o Reduce the floor height by c1.5m (using a different drainage system to enable this.)

Your Officers confirm that the proposal to be considered is the proposal as submitted and whilst the neighbour has raised objections to the proposal it is not for them to redesign the scheme to suit their preferences.

Your Officers confirm that the applicant has reduced the finished floor level of plot 3 by 0.55m. The applicant's agent has stated that it is not possible for the plot to be rotated as it would not meet required separation distances from plot 2. The agent confirmed that the windows facing the rear of No.69 are bedroom and therefore mainly used at night. Furthermore, it would not be possible to see into the garden of No.69 due to the 2m high copper beech hedgerow. The highest part of the bungalow is the ridge however this would be sited back from the shared boundary within the site by 10m.

Your Officers confirm that the proposed dwelling within plot 3 provides a separation distance greater than that required within the Design SPD which would take into account the difference in ground level.

The objector continues that as demonstrated in the last minute published Officer's update sheet at the 26/10/22 planning meeting, the planning officers used earlier different planning decisions and weak or partial responses to any prior objection or query in order to promote their initial recommendation rather than looking at the validity of the objections.

Your Officers confirm that the issues raised were considered prior to the planning meeting. These comments / queries did not outweigh the proposal and as such would not alter the initial recommendation.

The objector states that as a resident of Cannock all of my life I thought that planning officers would have a balanced approach to protect neighbourhoods as much as their need to pass planning applications. This has been shown to not be the case and as for the applicant's assertion that this is not a financially based decision, this is clearly not the case otherwise they would have commenced building the already approved single dwelling at the back of number 71.

Your Officers confirm that a balanced approach was taken to the recommendation. Furthermore, financial gain is not a material consideration for the determination of the planning application.

The objector states that putting Plot 3 on a raised hill, and the size of each dwelling are profit based decisions not considerate of blending in with the existing dwellings surrounding them .

Your Officers confirm that the application site is already sited on higher ground than that of the neighbouring properties. The applicant has lowered the floor level of plot 3 by 0.55m since the last committee meeting. Your Officers reiterate that profit is not a material consideration for the determination of the planning application.

The objector states that all previous applications to build at this site have received neighbour objections. Many aspects of the proposals have been objected to by

surrounding neighbours to this site. We are not professional planners, but amateur concerned neighbours who may not have raised our objections loud enough previously. We almost sold our own home because of this development & we are currently considering this option again, given the massive impact it will potentially have. Such strength of local feeling should give some idea of local impact. This point was raised by other objectors.

Your Officers confirm that the neighbours comments from all applications have been considered at the appropriate time, either through the delegated process or by Members of the Planning Committee and none of the objections outweighed the proposals to such an extent that the application was refused.

Your Officers note the comments received however they do not change the officers recommendation. The applicant has reduced the finished floor level by 0.55m as suggested at the previous meeting in light of the objectors concerns. This reduction was acknowledged by the objector however the objections are still maintained by the neighbour (as listed above).

Previous Update dated 26th October 2022

The application was deferred at Planning Committee on 26th September to allow Members to carry out a site visit.

Since the application was deferred by Members at the last Planning Committee meeting, Officers have received a letter of representation from a further neighbour. The letter is summarised as follows:-

- We do not have any objections to the proposal.
- The development so far has been carried out in a professional and considerate nature, no noise and no interruption noted.
- This site needs to be finished as soon as it is allowed so we are not looking at an unfinished project for any longer.

Following compilation of the report for the Committee agenda, officers have received, further correspondence from neighbours and also from the applicant.

The points raised are summarised below with Your Officers response after each point raised:-

- 1) I (objector) haven't seen any reply to the Vis splay check, please can you advise if this has been checked as the drawings appear misleading with the centre of the dotted line? Also why is the distance 43m and not 70m as per a 30 mph road?

The drawing provided to planning doesn't show the kerb position at 43m, so I (objector) couldn't accurately judge whether splay visibility is impaired by my hedge on my front border.

Your Officers confirm that The Highway Authority has assessed the application and was satisfied with the plans / details submitted.

Highway Officers have also confirmed that the distance required is 43m not 70m. The 70m was superseded by the 43m distance.

Notwithstanding this, the access into the site together with the drive and rear turning area was approved as part of planning permission CH/19/289 and has been implemented by the applicant.

- 2) I (objector) have scaled the drawing and see that the FFL of the proposed bungalow behind my home is 1.3m higher than my back garden and higher than plot 2 (further up the hill) Thus giving an overbearing ridge height of 7.5m above my garden. I have set out some timber showing the FFL horizontal and front door lintel and ridge height with two small flags. Can I request that the height of this development be reviewed as the impact to my home will be horrendous.

Your Officers confirm that the separation distance between the principle elevations of the existing and the proposed dwellings exceeds the 21.3m required within the Design SPD. No stipulation is stated within the Design SPD for what the separation distance should be where there is a difference in ground levels however the proposal exceeds the requirement by over 3.5m and therefore allows some consideration for the difference in levels. The agent has confirmed the FFL is required to a gravitational drainage scheme.

- 3) The bungalow elevations show horizontal building plots which means steep banking towards my garden and much steeper along number 67. It also means that any screening between our property would need to be over 3m high. When the width of the hedge is reduced by the developer, the hedge height will be lost. Also the potential water run off may be significant.

Your Officers confirm the plans indicate the hedgerow to the rear of No.69 would be retained. There is a 4.5m deep grassed area behind the hedgerow in front of the dwelling on plot 3 which would absorb surface water run off. There is no detail of any banking indicated within the application and the soft scaped buffer adjacent the hedgerow would be little different from the current situation in terms of acting as a natural soakaway.

- 4) Regardless of previous decisions, this is a new planning application with different details presented. As a result appropriate rigor can be reapplied to the current drawings and design proposal to ensure whether it is suitable. Previous decisions were made on the back of different objections and where the need for new housing stock trumped the impact to its surrounding environment.

Your Officers confirm that previous planning decisions are material considerations in the determination of this application. There have been no significant revisions to the surroundings or planning policy since the previous applications were determined.

For clarity, The Council approved 2 other applications in 2019 on this site; 1 under delegated authority and 1 at a Development Management Planning Meeting.

A further application was refused and this was also dismissed on appeal. However, the principle of the proposal wasn't raised as an issue by the Planning Inspectorate, this application was dismissed because there was no mechanism in place to secure the mitigation measures necessary to address the adverse effects to the SAC. The Inspectorate raised no objections within his report to the principle of residential in this location or its impact on neighbouring properties.

- 5) It shows on the drawings that the developers intend to bank up the land under plot 3 by approximately 4' (1.2M). Thus setting plot 3 higher than the surrounding land and properties. I would like to raise the issue with the finished floor level +FFL 151.70 & subsequent roof ridge height of these bungalows relative to my home. Plot3 sits lower down a hill than plot 2, yet is set at a higher FFL than plot2.

Your Officers confirm that the finished floor level for plot 3 would be 151.70, plot 2 would be 151.60 to facilitate drainage. The ground level within the site itself varies between 150.87 and 152.78. As such both plots would sit comfortably within the site in relation to existing ground levels, which are elevated above some of the adjacent properties.

- 6) Due to ground levels, Plot 3 would have the same height as an average U.K. 2 storey house (relative to my garden and to my house). Why has the proposed Plot 3 so significantly raised from ground level and designed with such a tall roof ridgeline? Is such a tall roof required for a property that will not have loft conversion options? The height of plot 3 will restrict the light coming into my home and garden. From around 14:00 to 18:00 each day.

Your Officers confirm that the application for the Reserved Matters considered the appearance and scale of the two dwellings. The current proposal seeks two dwellings of the same scale, appearance and design as those previously approved in 2019. The impact of these dwellings was considered at that time and was considered to meet the relevant policy and the requirements of the Design SPD. The Policies and Design SPD remains unchanged since 2019.

Your Officers confirm that the separation distances between the existing and proposed properties are acceptable even with the difference in ground levels in accordance with the Councils Design SPD.

- 7) As the bungalows are shown on level plots, the design must be creating sloping banks from Plot 3 bungalow ground level to the boundaries of numbers 69 and

67, Please can I get some clarity with regards to this as the corner of the tarmac drive is at a higher level than my property so the natural fall is onto my garden. Are there kerbs/gutters and gulley's planned for rain capture and included in the design.

Notwithstanding, the above query, the extent permission CH/19/289 granted permission for the access drive in the same position as shown on the plan. This permission was approved and has been implemented by the applicant. The current plan proposes no change to that already approved.

- 8) As the bungalow walls to be built approx 2.2m with from 67 boundary, will some walling be required to support the loading close to the boundary? Should this be included in the design proposal? The slope will be banked at 1m high by 1m wide if the tree protection zone is respected.

Your Officers confirm that there is no retaining structure proposed within the plans. Should it be found that a retaining wall would be required it may constitute an engineering operation and may require the benefit of planning permission subject to the size of wall if required.

- 9) The tree root protection looks completely inadequate for the large trees either side of that boundary with number 67 and to the rear in Ferndell Close. Not all trees are shown on the proposed plot plan drawing or considered for tree protection. Is there a reason it is not included?

Your Landscape Officers have assessed the proposal and information submitted and subject to the proposed conditions, raised no objection to the development in terms of impact to the trees.

- 10)I (objector) found the tree report difficult to read due to inaccuracy and labelling on the tree report compared to those drawn on the architects' plan plot drawing. Further, this edited original is not up to the standard to make an informed planning decision around tree & root protection zones? Also has anyone verified

the original author has made these changes with appropriate professional consideration of the whole document? The document appears edited with different fonts etc. and does not look like a credible qualified report. Also omitted trees on neighbouring borders and the inaccurate numbering of the trees again question its credibility.

Your Landscape Officers have assessed the proposal and information submitted and subject to the proposed conditions, raised no objection to the development in terms of impact to the trees.

- 11) Memo documents within the application states information is missing from this planning proposal with regards to tree and root protection & landscaping. Therefore the Tree impact assessment, Method statement and landscaping details are key issues that ought to be resolved prior to passing this proposal. **Surely these issues should be addressed prior to any decision made** in case the design has to change (**or not happen at all**) (objectors emphasis).

Your Landscape Officers have assessed the application and confirmed that details for the tree protection can be conditioned as recommended.

- 12) I (objector) haven't seen any notes issued from the planning meeting (28/9/22) or anything in the press, however, the developer sent me adversarial texts late on Friday night (within 48 hrs of the meeting) and a subsequent solicitors letter to attempt to protect his reputation. I'm concerned that the developers didn't appear to have any representatives in the public gallery, yet someone from the meeting passed (albeit incorrectly) my comments on to them within 48 hours of the meeting.

Your Officers confirm that the Development Management Committee Meeting is a public meeting. As such, any conversations held outside the meeting were not bound by privacy requirements. This is not a material consideration for the determination of the planning application.

- 13) I (objector) note that there is a condition that no additional building works can be completed before planning is sought. How does this leave the position with potential dormer windows? Previously I understood that it was a condition that no dormer extension would be agreed upon but I am now concerned that they

will apply for dormer extension very soon after or even during build. The high roof line of the bungalows seems to allow for this. What is the position please?

Your Officers confirm that a condition has been recommended for the removal of Permitted Development rights. This would ensure that any future development of the dwellings would be required to seek planning permission.

- 14) The previous condition that fencing must be added their side of trees at bottom of garden of 73 seems to have been removed? What is the position please?

Your Officers confirm that a condition was imposed on CH/19/289 for fencing to the rear of No.73. This condition still remains on that permission and is relevant.

- 15) It seems impossible for the access road to the 2 bungalows to meet requirements of not damaging tree roots. Would a simple answer be to move the access road 1 metre away from number 73 to avoid this issue?

Your Officers confirm that the access is the same as previously approved under CH/19/289, which has been implemented by the applicant.

- 16) What is the position with application CH19/411. Is this still an option to build a house in the back garden of no 71? Clearly the option of bungalow over house is better for us but not if they are going to get dormer properties via late amendments.

Your Officers confirm that the planning permission CH/19/411 is still valid and could be constructed by the applicant. The applicant would have until 15th January 2023 to implement this permission.

For clarity, planning permission CH/19/411 relates to one two storey dwelling.

- 17) I have to say the whole situation is very stressful for neighbours to this proposal, sadly the owner of 75a passed away, no 69 has tried to sell his property and

now no 67 has put his up for sale. We are considering selling also which is something we never dreamed we would. I understand that the owner of 71 is considering buying number 67 so he can add a further back garden property to this build plot.

Your Officers confirm that the above comments are not material considerations for the determination for the planning application.

18)I (objector) have rigged up some timber at the bottom of my garden, to be an accurate full size representation of the finished floor height and it also demonstrates the roof ridge height of plot3. It indicates the physical size of this bungalow which is extremely tall and imposing at the foot of my garden. I invite all readers of this letter especially any decision makers in the planning team to visit my home (at any time prior to the planning meeting) to get this sense of scale & size In the image below; the horizontal timber at chest height shows the proposed floor level of plot3, the vertical poles show the roof ridge height.

Your Officers confirm that a request has been submitted for the site to be viewed from the neighbours garden. The site visit to the objectors property is at the discretion of the Chair.

19)I (objector) don't believe relative building heights were challenged by the planning team in 2019 and this decision was made behind closed doors (I'm guessing no peer review or challenge) .

Your Officers confirm that an application determined in 2019 by Officers under delegated Authority related to the Reserved Matters application. The Outline application approved in 2017 was a Development Management Committee decision for access and layout. The Reserved Matters sought the landscaping, scale and appearance as associated with the outline approval.

For clarity The Council approved two other applications for residential development in 2019; 1 under delegated authority and 1 by Members.

A further application was refused and this was also dismissed on appeal due to SAC mitigation measures not being secured.

20) Previously better car parking provision for each bungalow.

Your Officers confirm that the Parking Standards SPD requires new development to have 2 parking spaces per 2 and 3 bedroom dwelling. As such, the proposal meets this requirement.

21) Site entry was from a totally different entrance location & driveway route.

Number 71 is now to be redeveloped in a different location (opposite side of the site)

Your Officers confirm that since 2017 four planning permissions have been granted on this site for residential development proposals varying in scale, design and layout. However, the layout of the dwellings in relation to the existing neighbouring properties has not changed since the last permission and as such the principal of the proposal is unchanged. The frontage property at No.71 has received permission to be demolished and a new dwelling constructed within the front section of the site. This permission was granted by Members at a Development Management Meeting in 2019 and has been implemented by the applicant.

In support of the application the applicant has submitted representation which is summarised as follows:-

Number 71 Old Penkrige Road has been the home of our family for over 80 years after being purchased by my grandfather from Mr Lubbock in the 1940's.

The additional land to the rear was originally purchased by Mr Lubbock in the form of 2 building plots at the end of Fern Dell Close which was built after Fern Dell House sold off its land for building use in the early 1940's but he chose to use it as a fruit and vegetable garden at the time. When my grandfather purchased the house and land it included the right to build on the plots, and the deeds of all the surrounding properties contain points clearly detailing that the land was for building purposes and that they are not allowed to object to any building on the land.

After the death of my grandfather in 1975 my father and mother purchased the property from my grandmother and our family moved in to the property where we had a great childhood running around and playing in the large back garden but my father always intended to develop the land at some point.

He first got planning permission for two 4 bedroom houses in the mid 1980's but decided not to build at that point as he still had three young children enjoying it every

day. However now we have all grown up, and even our children have grown up, it is no longer used.

When my parents started to struggle with the upkeep of the land and we saw the house itself was falling apart, cold, damp and extremely hard to heat due to the old construction techniques. We firstly tried to get them to sell up and move but my father has flatly refused to move house as his brother and both sisters all live within 100 meters of the property and all his friends are also within walking distance on the Old and New Penkridge Roads. So at that point we decided to pursue planning permission on the land at the back to finance the rebuild of a new eco friendly warm and safe place for my parents to safely retire in.

We finally got planning permission in 2018 to build 2 bungalow's and in 2020 we also got planning permission to build a large 5 bedroom house on the land and permission to knock down the existing house and rebuild a new one for them. After talking to the neighbours though the vast majority preferred the bungalows option so we agreed to go down that route.

Unfortunately then COVID happened which disrupted the plans and just as we were coming out of that in December 2020 my parents were involved in a serious head on car crash which put all the building plans on hold whilst we nursed them back to health. Unfortunately as we have never done this before we misunderstood the planning rules and thought we had 3 years from the date we got the detailed planning application agreed on 12th August 2019 to start the work which gave us until 12th August 2022 to start.

So to sum up we are not developers looking to 'Cash in' from the property but Old Penkridge Road's longest residents who are looking to realise plans of over 40 years and build our parents a safe and warm home to live out their lives amongst our family and friends.

The Officers report, within the Relevant Planning History paragraph, states that Planning application CH/19/289 was Committee approved 20th Sep 2019. Permission implemented.

This should read as follows:- Planning application CH/19/289 was delegated approval 20th Sep 2019. Permission implemented.

Officers Conclusion

Planning History

- CH/17/234 - Outline consent for Residential Development of 2 detached dwellings (outline for layout and access). Committee decision

- CH/19/015 - Residential Development - Demolition of existing frontage dwelling and erection of 2 dwellings; one replacement dwelling to the front and 1 detached dwelling to the rear. Committee Refusal:-

The two storey dwelling to the rear by virtue of its scale and size, the windows within it and their juxtaposition in respect to neighbouring properties, the difference in ground levels between the site and neighbouring properties and the back land nature of the site would result in unacceptable levels of overlooking and loss of privacy and outlook and therefore fails to protect the residential amenity of the occupiers of the neighbouring properties.

The subsequent appeal was dismissed for the following reason:-

“ there is no legally enforceable mechanism associated with the proposal which would secure the mitigation measures necessary to address its adverse effect on the SAC.

The Inspector within his decision also considered the impact of the proposal on the neighbours in respect of privacy, outlook, noise and disturbance. As such, the residential development of this site was considered acceptable in principle.

- CH/19/236 - Reserved Matters pursuant to CH/17/234 for appearance, scale and landscape. Delegated decision

- CH/19/289 - Demolition of frontage dwelling and erection of replacement dwelling with detached garage and vehicular access to the rear. Delegated decision.
- CH/19/411- Residential Development - Demolition of existing frontage dwelling and erection of 2 dwellings; one replacement dwelling to the front and 1 detached dwelling to the rear. Resubmission of CH/19/015. Committee decision. Valid until 15th Jan. 2023

The previous permissions on the site are a material consideration and whilst there have been several on this site of various schemes, layouts designs and accesses, the principle of residential development on this site has been established. The access in the location shown on the proposed plan formed part of planning permission CH/19/289 which has been implemented.

As a point of clarity, the neighbours on the surrounding properties submitted objections to all applications that have been considered previously. The comments were taken into consideration by Your Officers and Members at a Development Management Meeting, however, at the time, it was found that the objections were not sufficient to warrant refusal of the applications.

Furthermore, in assessing the 2019 application that was refused by Members of the Development Management Meeting, the Planning Inspectorate only dismissed the appeal because there was no mechanism in place to secure the mitigation measures necessary to address the adverse effects to the SAC. The Inspectorate raised no objections within his report to the principle of residential in this location or its impact on neighbouring properties.

Contact Officer:	Claire Faulkner
Telephone No:	01543 464337

Planning Control Committee

26th October 2022

Application No:	CH/22/0215
Received:	08-Jun-2022
Location:	71, Old Penkridge Road, CANNOCK, WS11 1HY
Parish:	Non Parish Area
Ward:	Cannock West
Description:	Residential development of 2No. bungalows to land rear of 71 Old Penkridge Road.
Application Type:	Full Planning Application

Reason for Committee decision: Neighbour request to address members

Recommendation: Approve subject to conditions

Reason(s) for Recommendation:

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

Conditions (and Reasons for Conditions):

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

- 2411-27 Location Plan
- 2411-28 E Proposed Site Plan
- 2411-20 Proposed Bungalows Plans & Elevations
- 2411-23F Bat and Bird box details
- 2411-22C Construction Management Plan together with information provided within email dated 14th September 2022

Tree survey 2022 V5

Reason

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

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

Reason

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

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

Reason

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

4. No part of the development hereby approved shall commence until a scheme detailing the external environment-landscape, including planting, fencing, walls, surface treatment & construction details for the site has been submitted to and approved by the Local Planning Authority. The details shall be in the form as specified in Annex C of the Supplementary Planning Guidance 'Trees, Landscape and Development'.

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.

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

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

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

Reason

In order to enable the development to proceed in a safe environment and to

protect the health and safety of its occupiers and to ensure compliance with Local Plan Policy CP3 and the NPPF

7. The development hereby permitted shall not be brought into use until the visibility splays shown on the approved drawing have been provided. The visibility splays shall thereafter be kept free of all obstructions to visibility over a height of 600 mm above the adjacent carriageway level.

Reason

in the interests of highway safety

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

Reason

The Local Planning Authority considers that such development would be likely to adversely affect the amenity of neighbouring occupiers and the character of the

area. It is considered to be in the public interest to require an application to enable the merits of any proposal to be assessed and to ensure compliance with Local Plan Policy CP3 - Chase Shaping - Design and the NPPF.

9. The development hereby approved shall not be brought into use until the access to the site within the limits of the public highway have been completed.

Reason

In the interests of highway safety

10. Prior to the commencement of the development hereby approved, the Arboricultural Impact Assessment (AIA) shall be updated and submitted to the Local Planning Authority for approval in writing. As a minimum the AIA shall include the following points:

- o What will occur if root over 25mm diameter cannot be redirected
- o Impact on tree if roots have to be cut within areas of incursion
- o Shading and dominance of retained trees at maturity
- o Seasonal nuisance
- o Impact matured trees could have on building (above & below ground)
- o Access & Working space required through construction (e.g. scaffolding)
- o Root desiccation

Thereafter, the approved details shall be implemented in full with any changes to be first agreed in writing by the Local Planning Authority.

Reason

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

11. Prior to the commencement of the development hereby approved a details Arboricultural Method Statement (AMS) shall be submitted to and approved in writing by the Local Planning Authority. As a minimum, the AMS shall include:-
 - Sequence of Works
 - Access & Scaffolding
 - Foundation Works.
 - Hard Landscaping/Surfacing Works.

- Tree Works (including root pruning).
- Services (if impacting RPA).
- Arboricultural monitoring.

Thereafter, the approved AMS shall be implemented in full and adhered to during the course of the construction period.

Reason

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

12. The approved details within Dwg. No. 2411-24B Construction Management Plan together with information provided within email dated 14th September 2022 in relation to the Construction Management Plan shall be implemented and adhered to throughout the construction phase.

Reason

To ensure a satisfactory environment is maintained for surrounding neighbours.

13. Prior to first occupation of the dwellings hereby approved, the habitat features as demonstrated on drawing 2411-23 F shall be provided in accordance with the approved details.

Thereafter, the features shall be retained and maintained in working order for the life of the development.

Reason

In the interests of enhancing habitat breeding in accordance with Local Plan Policy CP12 and the NPPF.

Notes to the Developer:

Coal Authority

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

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

Highway Authority

Please note the works required in Condition 1 will require a Section 184 Notice of Approval from Staffordshire County Council. Please email trafficanetwork@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>

Staffordshire County Council as Highway Authority would not formally adopt the proposed development, however, the development will require approval under Section 7 of the Staffordshire Act 1983. This Form X does not constitute a detailed design check. The applicant is requested to contact Staffordshire County Council to ensure that approvals and agreements are secured before commencement of works. It will, therefore, be necessary for maintenance/management arrangements for the access road and internal layout to be submitted to the Highway Authority with a view to securing an exemption under Section 219 of the Highways Act 1980. Although the road layout will not be to adoptable standard, the roadways within the site will still need to be constructed to be 'fit for purpose'.

Consultations and Publicity

Internal Consultations

Environmental Health

No objection subject to conditions

Landscape Officer

If plot 2 cannot be set back within the site conditions recommended.

CIL Officer

Based on the form submitted, if permission is granted the development would be CIL liable

Development Plans and Policy Unit

The site does not fall within any designated areas shown on the Local Plan Policies Map. I can also advise that the proposal forms an existing SHLAA 2021 designated site; C441 (0-5 years).

National Planning Policy Framework (NPPF) and the presumption in favour of development.

The development plan comprises the Cannock Chase Local Plan (Part 1) and the Staffordshire County Council Waste and Minerals Local Plan.

The Council's Design SPD 2016 provides design guidance relating to new dwellings. With regards to the further detailed design of the scheme, regard should also be paid to Policy CP16 and the Parking Standards, Travel Plans and Development Contributions for Sustainable Transport SPD (2005) (contains parking standards).

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 in consultation with the relevant infrastructure provider.

External Consultations

Natural England

Cannock Chase SAC - No objection – Appropriate Assessment undertaken.

Cannock Chase SSSI – No objection

Based on the plans submitted, Natural England considers that the proposed development will not damage or destroy the interest features for which the site has been notified and has no objection.

Highway Authority

No objection subject to conditions

Response to Publicity

The application has been advertised by site notice and neighbour letter with 2 letters of representation received. The comments received are summarised below:-

- Neighbours have requested clarity on the border between No.67 Old Penkridge Road and the application site. Trees have been felled but the stumps are still in existence preventing a fence being erected in the correct place on the boundary. As this development is completed these stumps will need to be removed to allow for a new boundary fence to be installed by the developer. As the existing fence cannot be retained as stated in the planning application, we would appreciate some correspondence and agreement with the Planning department and developer to ensure careful removal of the stumps to prevent damage to my workshop and an agreed type of fencing to be installed and the correct line of boundary preserved.
- Conditions on previous applications have been dismissed behind closed doors
- The development will significantly negatively alter the local building layout by decreasing the green natural environment and replacing it with crammed buildings with small gardens which are out of character with the surrounding area.
- The type of building, the size of each plot and their positioning relative to other properties has a severe negative impact on local properties and most significant to No.69.
- The bungalows are shoehorned on to the rear garden making them out of character. The buildings may meet standards but they will ruin the local environment and provide minimal benefit for local housing need.
- Plot 3 is elevated and will have direct views into our home (No.69). This will be a tandem development and will directly overlook my property,
- Currently the boundary hedge is overgrown but when cut the hedge will be inadequate to screen visibility to the rear of our home and also in winter. The proposal appears to show drainage pipes positioned on the hedge boundary which would affect the state of the hedge.
- The boundary fencing that separates No.69 and No.71 is inadequate.
- If external heat pumps are to be added this could add to the noise and disturbance of a rear garden

- Confirmation is requested that Ferndell Close ca not be used in connection with the supply of materials or services.

Relevant Planning History

- CH/19/411 Demolition of existing two storey house and erection of 2No. houses and associated works (resubmission of CH/19/015).
Committee approval 15th Jan 2020
- CH/19/289 Residential Development:- Demolition of existing house and erection of replacement 4 bed detached house, detached garage & vehicular access to housing development at rear of site.
Committee approved 20th Sep 2019. Permission implemented.
- CH/19/236 Residential Development:- Approval of reserved matters pursuant to CH/17/234 for the appearance, landscaping and scale.
Approved 12th Aug 2019
- CH/19/015 Residential Development:- 2 detached dwellings . Refused by Committee on 10th April 2019 for the following reason:-

The proposed two storey dwelling to rear, by virtue of its size and scale, the location of the windows within it and their juxtaposition in respect to neighbouring properties, the difference in ground levels between the site compared to that of neighbouring properties, and the back-land nature of the site would result in unacceptable levels of overlooking and loss of privacy and outlook and therefore fail to protect the residential amenities of the occupiers of the neighbouring properties and to retain a high standard of amenity for those occupiers contrary to Policy CP3 of the Cannock Chase Local Plan and paragraph 127(f) of the National Planning Policy Framework.

Dismissed on appeal for the following reason:-

There is no legally enforceable mechanism associated with the proposal which would secure the mitigation measures necessary to address its

adverse effects to the SAC. For these reasons, I conclude on this main issue that the proposed development would be likely to have a significant effect on the integrity of the Cannock Chase SAC. It would therefore conflict with Policy CP13 of the Local Plan insofar as, amongst other matters, it seeks to ensure that the integrity of Cannock Chase SAC is retained.

CH/17/234 Residential Development:- 2 detached dwellings (outline including access and layout). Committee approval 14th Feb 2018.

86/31 Permission for two detached houses. Approved.

1 Site and Surroundings

- 1.1 The application site comprises the rear garden of 71 Old Penkridge Road.
- 1.2 The application site lies along Old Penkridge Road within a row of large, mainly detached dwellings of differing form and appearance, occupying wide and deep plots. The deep plots allow the dwellings to be set back from the highway which creates an attractive spacious residential frontage.
- 1.3 The existing dwelling is set within a generous curtilage to the front of the plot and comprises of a generous 'T' shaped rear garden. The frontage property is currently being demolished and a replacement dwelling constructed. The width of the plot comprises of approx. 5m wide access for a depth of 44m before the site opens up to a width of 38m and a further depth of 25m.
- 1.4 There are a number of trees on and around the site that contribute to a verdant environment. A number of trees have been removed recently however, none of the trees are / were protected by a Tree Preservation Order.
- 1.5 The topography of the application site is reasonably flat however, the adjacent dwelling (No.69 is sited on lower ground). The application site backs onto Ferndell Close to the rear.

- 1.6 There is a single storey dwelling to the north of the site, accessed via a private drive off Old Penkrigde Road that was granted approval in 1980's.
- 1.7 The application site is located within a Mineral Safeguarding Area and is also within the Coal Authority Low Risk Boundary.

2 Proposal

- 2.1 The applicant is seeking consent for the construction of two detached dwellings sited on the land to the rear of No. 71 Old Penkrigde Road.
- 2.2 The proposed dwellings would be single storey and constructed to a maximum height of 6m falling to 4m at the lowest point and 2.5m to the eaves.
- 2.3 The proposed bungalows would be constructed from brick and tile and would feature a vent panel on the front elevations.
- 2.4 The dwellings would be three bedroom and benefit from a single garage to the side, set back behind a single parking space. The private gardens would be to the rear.
- 2.5 The plans that have been submitted include landscape details showing areas of paving around the dwelling and soft landscaped areas.

3 Planning Policy

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

3.3 Relevant policies within the Local Plan include: -

CP1 - Strategy – the Strategic Approach

CP3 - Chase Shaping – Design

CP6 – Housing Land

CP7 – Housing Choice

CP10 – Sustainable Transport

CP12 – Biodiversity and Geodiversity

CP14 – Landscape Character and Cannock Chase Area of Outstanding
Natural Beauty

3.4 Relevant Policies within the Minerals Plan Include:

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

3.5 Relevant paragraphs within the NPPF include paragraphs: -

8: Three dimensions of Sustainable Development

11-14: The Presumption in favour of Sustainable
Development

47-50: Determining Applications

64: Affordable housing not required for non major
applications

111: Highway Safety and Capacity

126, 130, 132, 134: Achieving Well-Designed Places

174, 180: Biodiversity

218, 219 Implementation

3.9 Other relevant documents include: -

- (i) Design Supplementary Planning Document, April 2016.
- (ii) Cannock Chase Local Development Framework Parking Standards, Travel Plans and Developer Contributions for Sustainable Transport.
- (iii) Manual for Streets

4 Determining Issues

4.1 The determining issues for the proposed development include: -

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

4.2 Principle of the Development

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

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

'For decision taking this means:

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

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

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

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

4.2.5 With that in mind it is noted that the application site is not designated as Green Belt, AONB or as a SSSI or SAC, nor does it contain a listed building or conservation area or affect the setting of a designated heritage asset; nor is it located with flood zones 2 or 3.

4.2.6 The NPPF at para 120 identifies factors which planning policies and decisions should ensure that developments encourage. Of particular relevance to this proposal are, paragraph

d) promote and support the development of under-utilised land and buildings especially if this would help to meet identified needs for housing where land supply is constrained and available sites could be used more effectively.

4.2.7 In the case of residential proposals, regard will also be paid to the findings of the Strategic Housing Land Availability Assessment. Where a shortfall in the five-year housing supply is apparent then the presumption should be in favour of residential development, unless the economic evidence is strong and compelling. The SHLAA (2022) has confirmed the Council currently has a 5 year land supply. It is noted that the proposal forms an existing SHLAA 2021 designated site; C441 (0-5 years).

4.2.8 In respect to the principle of the proposal it is noted that the site is within the curtilage of a residential use and is located within the Old Penkridge Road area which is approximately 1km from the town centre of Cannock, close to the local primary school and served by bus routes giving access by public transport. As such the site has good access by public transport, walking and cycling to a range of goods and services to serve the day to day needs of the occupiers of the proposed development.

4.2.9 Notwithstanding the above and the comments of the neighbour in respect to the principle of the 'backland' development being acceptable, the application seeks permission for two detached bungalows that is identical to the scheme that was submitted and approved by Members at Planning Committee on 14th February 2017 (Outline) and the Reserved Matters approval dated 12th August 2019. This permission was not implemented however the principle of development on this site was established in the granting of that permission.

4.2.10 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

4.3.1 The site is located within the South and West Cannock Character Area, the character of which is described in Appendix A of the Design SPD. Key Local Design Principles [amongst others] are that development should

- Safeguard/ enhance 'leafy character' of Old Penkridge Road area with density of development, green views over and between buildings and householder permitted development rights controlled as appropriate. Promote retention and use of front garden boundary hedging to reinforce 'leafy' feel.

4.3.7 Specific Design Guidance for the 'Mature Suburb' of Old Penkridge Road is provided on pages 79 -80 of the Design SPD. Particular Key Features of the character of this area are that: -

- They usually consist of substantial houses and bungalows on large plots within well established gardens along roads leading to the open countryside of the Chase or Shoal Hill.
- The spacious nature and lower density of these areas has led to pressure for intensification of development, particularly on the larger plots with impacts on/ loss of mature trees and shading effects on the new development itself. Whilst such development can have benefits by increasing housing stock and making efficient use of land, it can also affect local character, amenity and privacy unless development is designed to be sympathetic to the main features which makes these areas unique.

4.3.8 Given the number of trees on and around the site, the applicant has submitted a Tree Survey Report with which to inform the submission. The comments of the neighbours with regard to existing trees and hedgerows are noted. The report confirms that the proposed development would involve the loss of a number of trees (all C quality) , and intrusion of the building into the RPZ of tree 15 and to a lesser degree G1. Existing trees are of poor to moderate quality, though many could be carefully incorporated so that they form an appropriate relationship with any new buildings. This would greatly enhance any new development providing an immediate appearance of maturity.

- 4.3.9 The comments of the landscape Officer are noted in respect to the access driveway being constructed within the RPA of one of the trees. However Officers note that the implemented planning permission CH/19/289 included the access and as such this intrusion (albeit slight) has already been accepted.
- 4.3.10 The comments from the Landscape Officer in regard to the AIA, AMS and Landscape proposals are noted and would be secured via the recommended conditions.
- 4.3.11 In respect to the proposed dwellings, part of the proposal would be constructed to the rear behind a frontage dwelling with access provided to the side. The proposed dwellings would sit next to the existing and varied houses against which context they would be viewed. The proposed scheme would retain the appearance of a main frontage house and the remaining landscape within the grounds. As such any harm to the form and character of the area through loss of semi-natural vegetation would be slight when viewed within this context. Notwithstanding this, where there has been a loss of trees, the applicant has proposed replacement planting. Furthermore, it is considered that the proposed dwellings would be a bespoke and traditional design and would sit comfortably within its semi-rural setting. As such the proposed is considered to preserve the character and form of the street scene and wider area.

4.4. Impact on Residential Amenity

- 4.4.1 In this respect it is noted that the nearest neighbouring to the proposed dwellings would be Nos. 67 - 75A Old Penkridge Road and Nos.13 & 16 Ferndell Close. The comments of the neighbours are noted in terms of overlooking and privacy.
- 4.4.2 It is noted that the proposed dwellings would remain at least 25m from the principle rear elevations of the properties fronting Old Penkridge Road (Nos 69-73). Whilst No.69 does sit on a lower level than the application site, the proposal would retain the existing hedgerow that runs to the rear boundary of No.69 . Notwithstanding this, the proposed dwelling to the rear of No.69 would remain at a distance of more than 25m from the neighbouring property. The existing Beech hedgerow that runs along the shared boundary would be retained and new tree planting proposed adjacent.

4.4.3 The rear garden of No.67 extends to the side of the application site to the immediate south and the private garden of 75a to the north. There are two windows proposed in the side elevations of the new dwellings however these being to ensuite bathrooms these windows would be obscure and would be well screened from the neighbouring properties by the intervening boundary treatments.

4.4.4 No.73 Old Penkrige Road is located on an angle to the proposed rear dwellings, being sited to the north -east of the proposed development. As such, any views into this property as a consequence of the proposed dwellings would be oblique and at a distance of 25m. The Beech trees sited to the rear of No.73 within the application site are identified on the proposed plan as being retained. A condition for additional fencing, has been recommended to the shared boundary with No.73 in order to retain the existing occupiers privacy.

4.4.12 Your Officers considered that the proposal meets and exceeds the guidance set out within the Design SPD having regard to angles and juxtaposition between the proposed dwellings themselves and with surrounding neighbours properties. There are no windows within the proposed development that would give rise to unacceptable levels of overlooking to adjacent dwellings or their gardens with front and rear principle windows meeting the required separation distance or facing out over the application site itself. Whilst there may be some views over neighbouring land, these views would be at a sufficient distance or oblique and not direct.

4.4.13 In addition to the above the proposal would meet the minimum recommendations for outdoor amenity space and parking provision and the retention of existing landscaping would ensure a high quality outlook for future occupiers.

4.4.14 Therefore it is concluded that the proposal, by virtue of the distance from the nearest dwellings, would not result in any significant impact, by virtue of overlooking, loss of light or loss of outlook, on the residential amenities of the occupiers of the neighbouring properties.

4.5 Impact on Highway Safety

- 4.5.1 Paragraph 111 of NPPF states that development should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.
- 4.5.2 In this respect, the proposed access to the site would be via the access off Old Penkridge Road that is being constructed for No.71 Old Penkridge Road. The dwelling at No.71 is currently being demolished and replaced in line with planning permission CH/19/289 which has been implemented. This access extends along the side of Nos 71 and 73, running the full depth of the neighbouring property before turning into a rear parking area for No.71. This access would extend further into the site to provide parking and turning areas for the two proposed dwellings.
- 4.5.3 The Council's Supplementary Planning Document: Parking Standards, Travel Plans and Developer Contributions for Sustainable Transport, states that new two or three bedroom dwellings should provide two off-street parking spaces and three spaces should be provided for four or more bedroomed dwellings. The proposal demonstrates parking for 2 vehicles per dwelling and adequate room and turning space also provided.
- 4.5.4 The proposed access arrangements have been reviewed by County Highways Officers, who have raised no objections but have recommended conditions.
- 4.5.5 Given the above, it is concluded that, subject to the attached conditions the proposal would not lead to unacceptable impacts on highway safety and that the residual cumulative impacts on the road network would not be severe. As such the proposal would accord with the broad thrust of Policy CP10 of the Local Plan and Paragraph 111 of 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 are given special protection or which are of particular conservation interest. Furthermore, no substantial evidence has been presented to demonstrate that any such species or habitat exists on the site.

- 4.6.2 Given the above, the site has no significant ecological value and therefore the proposal would not result in any direct harm to nature conservation interests.
- 4.6.3 In order to enhance the nature conservation opportunities for the site, the applicant has proposed bat boxes within the construction of the dwellings, bird boxes, hedgehog friendly fencing and new tree planting.
- 4.6.4 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.
- 4.6.5 Given the above it is considered that the proposal, would not have a significant adverse impact on nature conservation interests either on, or off, the site. In this respect the proposal would not be contrary to Policies CP3, CP12 and CP13 of the Local Plan and the NPPF.

4.7 Drainage and Flood Risk

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

'When determining any planning applications, local planning authorities should ensure that flood risk is not increased elsewhere'.

- 4.8.2 In this respect the applicant has stated that foul water will be disposed to mains drains and that surface water would be taken to soakaway. There is no evidence to suggest that in principle these systems of discharge would be inappropriate,

particularly given the size of the site and its location within an urban area with access to sewerage infrastructure. As such, the development would not be liable to flooding and that an adequate means of disposal of foul and surface water can be achieved.

4.9 Mineral Safeguarding

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

4.9.2 The 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

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

4.10 Ground Conditions and Contamination

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

4.10.2 Paragraphs 183 – 185 of the NPPF seek to ensure new development is suitable for the proposed use taking into account ground conditions and any risks arising from land instability and contamination.

4.10.3 The Council Environmental Health Officer was consulted on the application and raised no objection to the proposal subject to conditions. As such, the proposal is considered to accord with the requirements of the NPPF and Policy CP16 of the Cannock Chase Local Plan, subject to the recommended conditions.

4.11 Affordable Housing

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

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

4.12 Objections received not already covered above: -

Objections raised not already covered above:-

4.13.1 A neighbour has commented on the discharge of conditions on previous application being carried out 'behind closed doors'. Your Officers confirm that a discharge of conditions application is not a full planning application and as such there is no requirement for the consultation of neighbours.

4.13.2 A neighbour has raised concern regarding drainage pipes positioned on the hedge boundary which would affect the state of the hedge. Your Officer confirm that the line on the plan indicates the extent of the site (red line boundary) as does not indicate drainage in this location.

4.13.3 A neighbour is concerned that if external heat pumps are to be added this could add to the noise and disturbance of a rear garden. Your Officers confirm that heat pumps are not proposed within this application and some degree of heat source could be added under permitted development at a later date by the future occupier of the dwelling.

4.13.4 Neighbours seek confirmation that Ferndell Close cannot be used in connection with the supply of materials or services. Your Officers confirm that the application does not include links through to Ferndell Close.

Human Rights Act 1998 and Equality Act 2010

Human Rights Act 1998

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

Equality Act 2010

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

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

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

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

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

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

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

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

Application No: CH/21/0023
Location: Castle Inn, 141 Main Road, Brereton,
Rugeley, WS15 1DX
Proposal: Demolition of existing building and the erection of an apartment
building and associated landscaping, parking and access



Site Location Plan

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Location: Castle Inn, 141 Main Road, Breerton,
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Proposed Site Layout Plan

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Location: Castle Inn, 141 Main Road, Brereton,
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COURTYARD VIEW C



COURTYARD VIEW D

Proposed Elevations

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SIDE ELEVATION VIEW A



SIDE ELEVATION VIEW B

Proposed Elevations

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Location: Castle Inn, 141 Main Road, Brereton,
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building and associated landscaping, parking and access



REAR ELEVATION

Proposed Elevations



MAIN RD BRERETON - STREET SCENE



SECTION COURTYARD

Proposed Streetscene

Contact Officer:	Audrey Lewis
Telephone No:	01543 464 528

<p>Planning Control Committee</p> <p>23 November 2022</p>

Application No:	CH/21/0023
Received:	12-Jan-2021
Location:	Castle Inn, 141 , Main Road, Brereton, Rugeley, WS15 1DX
Parish:	Brereton and Ravenhill
Ward:	Brereton and Ravenhill Ward
Description:	Demolition of existing building and the erection of an apartment building and associated landscaping, parking and access
Application Type:	Full Planning Application Major

Update Report:

This case was reported to Planning Control Committee on 28th September 2022 when it was resolved:

(A) That the application be approved, subject to completion of a S106 for the provision of affordable housing.

The application is being returned to Committee due to a number of representations which had been received that were not reported to Committee, or made public contrary to the Council's Constitution. All representations have now been made public and are noted below. The officer's original report remains unchanged:

The application was previously advertised by site notice and neighbour letter. 13 letters of representation were received, although only 7 were reported to the committee on 28th September 2022. In addition, one person has submitted two letters of objection to the scheme (raising similar issues). Subsequent to this, one person has asked that their representation not to be made public and therefore, is treated as anonymous for the purposes of this report and not reported. For clarity, a total of 12 people made representations which can be reported to committee, of these, ten were objections and two raised concerns.

Representations received but not included in previous report to committee:

- The elevations submitted in support of the application have the potential to seriously mislead. They place Brereton House to the left of the proposed street-facing elevation when it is about 350 metres away from it. They include a side elevation of St Michael's Church when the relevant elevation is that facing Main Road.

Officer Response: This has been addressed with the submission of additional plan showing building relationships.

- Proposed scheme (re: building height/2m fence) and ground levels difference to be taken into consideration, relative to amenity of neighbouring residents.

Officer Response: This has been addressed with the submission of additional plans showing building relationships, with ground levels and revised boundary treatment plan for fence height of 1.2m.

- Overshadowing would be caused from proposed landscaping scheme.

Officer Response: No objections raised from the Landscaping Team in respect of proposed landscaping scheme.

- Proposed bin store location would cause detriment to neighbour amenity.

Officer Response: No objections raised from Environmental Protection Officer in respect of the siting of the bin store in relation to neighbour amenity.

- Proposed parking arrangement along side of gardens would cause detriment to neighbour amenity, as the parking spaces would be in constant use rather than the odd occasion, when the pub was busy.

Officer Response: No objections raised from Environmental Protection Officer in respect of parking arrangements in relation to neighbour amenity of surrounding residents.

- Loss of parking for residents of railway cottages on Castle Inn application site/query relating to allocated disabled space for resident of railway cottages.

Officer Response: See agent reply noted below:

Response received from agent specific to parking representations but not previously reported to committee:

'I have spoken with our client with regards to the parking request and whilst we sympathise with the resident, the Caste Inn has never been a public car parking facility and they unfortunately are unable to provide a dedicated parking space as part of this proposal for a non-resident of the apartment complex. The number of

dwellings proposed are needed to make the site viable for residential development, and the number of car parking spaces proposed relate to the required car parking needs of these dwellings, with any remaining space provided as necessary amenity space and landscaping, as required in accordance with the Council's relevant standards and policies. The proposed car parking spaces at the apartment complex are for the use of the apartment residents and will be enforced by means of a permit and ANPR system.'

Officer conclusion

The 5 letters which were not reported to the previous committee have now been reviewed and considered. Whilst several of the grounds for objection were duplicates of those contained in the previously reported objections and addressed within the officer's report below, a number of additional grounds for objection have also been identified.

These additional grounds for objections have now been fully considered and addressed in the officer's update above.

In conclusion, having considered the additional grounds of objection it is not considered that they introduce any material considerations which would justify a refusal of the application in this instance or introduce the need for any additional conditions or changes to the proposed legal agreement to make the development acceptable. For this reason, the development is considered to be acceptable, and the officer's previous recommendation remains unchanged as set out below.

The recommendation is as follows:

Recommendation:

That the application be approved, subject to no objections being received from the Strategic Housing Officer, the attached schedule of conditions and the completion of a S106 in respect to the provision of affordable housing provision.

Reason(s) for Recommendation:

In accordance with paragraphs (186-187) of the National Planning Policy Framework the Local Planning Authority has worked with the applicant in a positive and proactive manner to approve the proposed development, which accords with the Local Plan and/or the National Planning Policy Framework.

Conditions (and Reasons for Conditions):

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

Reason

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

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

Reason

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

3. The development hereby permitted shall not be occupied until the scheme for adequate acoustic performance and ventilation for the development has been carried out in full. The scheme shall thereafter be retained for the lifetime of the development.

Reason

In order to enable the development to provide appropriate noise attenuation to protect the residential amenity of its occupiers and to ensure compliance with Local Plan Policy CP3 and the NPPF.

4. The development hereby approved shall not be commenced until:
 - i) A Phase 1 Contamination Report (desktop study) has been prepared and submitted to the 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 shall be produced for the site which shall identify all plausible pollutant linkages.
 - ii) Where the phase 1 report has identified potential contamination, an intrusive site investigation shall be carried out to establish the full extent, depth and cross-section, nature and composition of the contamination. Ground gas, water and chemical analysis, identified as being appropriate by the desktop study, 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.
 - iii) In those cases where the phase 2 report has confirmed the presence of contamination, a Remediation Method Statement shall be submitted to this Department (for approval prior to works) detailing the exact manner in which mitigation works are to be carried out. The Statement shall also include details of validation testing that will be carried out once works have been completed.
 - iv) If during remediation works, any contamination is identified that has not been considered within the Remediation Method Statement, then additional remediation proposals for this material shall be submitted to this Department for written approval. Any approved proposals shall thereafter, form part of the Remediation Method Statement.
 - v) The development shall not be occupied until a validation/ phase 3 report has been submitted to and approved in writing by the Local Planning Authority. A Validation Report shall confirm that all remedial works have been completed and validated in accordance with the approved Remediation Method Statement.

Reason

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

5. No development shall commence until a Construction Vehicle Management Plan (CVMP) including details of site compound, types of vehicles, provision for parking of vehicles for site operatives and visitors, loading and unloading of plant and materials, and storage of plant and materials used in constructing the development has been submitted to and approved in writing by the Local Planning Authority. The approved CVMP shall thereafter be implemented during the demolition and construction phase of the development.

Reason

In the interests of highway safety, in accordance with Local Plan Policy CP3 and paragraph 111 of the NPPF.

6. 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. In accordance with Local Plan Policies CP3, CP12, CP14 and the NPPF.

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

Reason

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

8. The development hereby permitted shall not be brought into use until the access road, parking, servicing and turning areas have been provided in accordance with the approved plans.

Reason

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

9. The development hereby permitted shall not be brought into use until the existing access and egress to the site within the limits of the public highway has been reconstructed and completed.

Reason

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

10. The development permitted by this planning permission shall only be carried out in accordance with the approved Flood Risk Assessment (FRA) / Drainage Strategy documents – “Flood Risk Statement and Surface Water Drainage Strategy” – Dated August 2022 and “Drainage Operation and Maintenance Manual” – Dated August

2022 and the following mitigation measures detailed within, along with other necessary mitigation measures.

- Surface water drainage system(s) designed in accordance with the Non-Statutory Technical Standards for sustainable drainage systems, (SuDS), (DEFRA, March 2015).
- Sustainable Drainage Systems designed in full accordance with the Staffordshire County Council SuDS Handbook.
- Provision of adequate flood storage on the site to a 1 in 100 year plus 40% climate change return period standard in full accordance with the requirements specified in 'Science Report SC030219 Rainfall Management for Developments'.
- Provision of adequate surface water infiltration (soak-away) tanks, in order to effectively discharge surface water flows from the site in accordance with the non-statutory technical standards for SuDS and the SCC SuDS Handbook. These should comply in accordance with details included in the above referenced documents.
- The incorporation of adequate surface water treatment in accordance with CIRIA C753 – The Simple Index Approach, to mitigate surface water quality pollution.
- Detailed design (plans, network details and calculations), in support of any surface water drainage scheme including details of any attenuation system, and outfall arrangements. Calculations should demonstrate the performance of the designed system for a range of return periods and storm durations inclusive of the 1 in 1 year, 1 in 2 year, 1 in 30 year, 1 in 100 year, and 1 in 100 year plus 40% (for climate change), return period, critical duration storms.
- Plans illustrating the flooded areas and flow paths in the event of exceedance of the drainage system.
- Provision of an acceptable Construction Environment Management Plan, to ensure that surface water quality and quantity is adequately managed from the commencement of construction through to the completion of the development.
- Provision of an acceptable management and maintenance plan for surface water drainage to ensure the surface water systems shall be maintained and managed for the lifetime of the development.
- Confirmation and compliance with an acceptable management and maintenance plan. Confirmation of which responsible body will maintain the surface water system over the lifetime of the development according to an acceptable maintenance schedule.

Reason

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

11. The drainage scheme for satisfactory foul and surface water disposal shall be implemented in accordance with the approved details before the development is first brought into use.

Reason

To ensure the development is provided with a satisfactory means of drainage and to prevent flooding, in accordance with Local Plan policy CP16.

12. The development hereby approved shall not be occupied until the scheme for secure cycle storage and electric vehicle charging points has been implemented in full. Thereafter the secure cycle storage and electric charging points shall be retained and maintained for the lifetime of the development, unless otherwise approved in writing by the Local Planning Authority.

Reason

In the interests of protecting the air environment in accordance with paragraph 152 of the National Planning Policy Framework.

13. The development hereby permitted shall not be occupied until the bathroom windows indicated on the approved plan as obscure glazed are fitted with obscure glazing. The windows shall be non-opening unless the parts of the window which can be opened are more than 1.7m above the floor of the room in which the window is installed.

Thereafter the windows will be retained and maintained as such for the life of the development.

Reason

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

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

Reason

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

15. The scheme for the provision of bat & bird boxes shall be implemented in accordance with the approved plans. No dwelling hereby approved shall be occupied until the works comprising the approved scheme, in so as far as they relate to that dwelling, have been implemented.

Reason

In the interests of enhancing bird/bat breeding habitat in accordance with Policy CP12 of the Local Plan and paragraphs 174 of the NPPF.

16. Following completion of landscape establishment, a Landscape Management Plan shall be submitted to and approved by the Local Planning Authority. Thereafter the external landscape environment shall be managed in accordance with the approved Landscape Management, unless otherwise agreed in writing by the Local Planning Authority.

Reason

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

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

Drg No. 32 (Sketch proposal floor plans)
Drg No. 31 Rev F (Sketch proposals elevations)
Drg No. 30 Rev J (Site & location plan)
Drg No. P19-3114 01-J (Detailed soft landscape plan)
Drg No. P19-3114-02-F
Drg No. P19-3114 04 – B (Typical tree pit)

Maintenance gate

Courtyard gates

Cycle store

Bin bay screening

Bat report

Bat survey

Flood Risk Statement & Surface Water Drainage Strategy dated August 2022

Planning & Heritage Assessment

Fast Charging Twin Charger details

Lo-carbon Sentinel details

Kinetic Advance details

Asbestos report

BRE report

Reason

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

Notes to the Developer:

Informative for Decision Notice.

The existing dropped crossings to the site shall be reconstructed. Please note that prior to the reconstruction works taking place you require a Permit to Dig. Please contact Staffordshire County Council, Network Management Unit, Staffordshire Place 1, Tipping Street, Stafford. ST16 2DH. (or email to nmu@staffordshire.gov.uk)

Coal Authority

The proposed development lies within a coal mining area which may contain unrecorded coal mining related hazards. If any coal mining feature is encountered during development, this should be reported immediately to the Coal Authority on 0345 762 6848. Further information is also available on the Coal Authority website at: www.gov.uk/government/organisations/the-coal-authority

Consultations and Publicity

Internal Consultations

Development Plans and Policy Unit

The existing vacant public house is situated within a large car park on the Main Road through Brereton and is surrounded on three sides by residential premises. It is not protected for a specific use on the Local Plan Policies Map, but the Conservation Area boundary abuts the Main Road frontage and the side of the car park facing the Railway Cottages.

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

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

Policy CP5 supports the provision of infrastructure for social inclusion and healthy living, including that the presumption against the loss of community buildings unless they are surplus and clearly no longer required to meet demand. This includes providing or improving, local shops and buildings for community use such as pubs. The National Planning Policy Framework (NPPF) 2019, paragraph 92 sets out that planning decisions should service community needs by planning positively for the provision and use of public houses and guard against the unnecessary loss of valued facilities where it would reduce the community's ability to meet everyday needs.

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

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

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

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

In summary there is no objection to the principle of residential development on the site, as the site is already adjacent to existing residential areas, subject to consideration of appropriate design considerations given the setting of the adjacent Conservation Area. It is noted that there are alternative accessible public houses within Brereton and Rugeley, with the closest being less than half a mile away from the site. However, the viability of the current public house should be considered and justified, prior to demolition. According to our Business Rates records it has been vacant for over 2 years, since 4th February 2019.

Conservation Officer

The site lies within the setting of Brereton Conservation Area and St Michaels Church, which is a Grade II* listed building, both of which constitute designated heritage assets.

As such the proposal engages the duty under S.66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 which sets out that: -

'In considering whether to grant planning permission or permission in principle for development which affects a listed building or its setting, the local planning authority or, as the case may be, the Secretary of State 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.'

The proposal also engages Policy CP15 'Historic Environment' of the Local Plan which states the District's Historic Environment will be protected and enhanced via [amongst other things and of relevance in respect to the current application]

- the safeguarding of all historic sites, buildings, areas, archaeological remains, their settings and their historic landscape and townscape context according to

their national or local status from developments harmful to their significance in order to sustain character, local distinctiveness and sense of place;

- supporting and promoting development proposals that are sensitive to and inspired by their context and add value to the existing historic environment, landscape and townscape character by virtue of their use, layout, scale, appearance, landscaping and materials to ensure that the historic environment acts as a stimulus to high quality design based upon guidance set out in the Design SPD; planning standards may be applied in a flexible manner to maintain continuity within historic townscapes. Opportunities for new development within conservation areas and within the setting of heritage assets to enhance or better reveal their significance will be considered;
- maintaining an appropriate balance between conservation, re-use, sympathetic adaptation and new development via recourse to national policy in order to promote the sustainable management of the historic environment, mixed sustainable land use patterns and promote the historic environment as a catalyst for the regeneration of the District;
- focussing development and regeneration around existing historic urban areas to maximise potential for investment

National policy in respect to conserving and enhancing the historic environment is provided by Section 16 of the NPPF. In this case relevant paragraphs include 194, 195, 197, 199-201.

Paragraph 194 of the NPPF sets out the general requirements of what applicants should provide when submitting application that affect the historic environment and which states:

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'In determining applications, local planning authorities should require an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting. The level of detail should be proportionate to the assets' importance and no more than is sufficient to understand the potential impact of the proposal on their significance. As a minimum the relevant historic environment record should have been consulted and the heritage assets assessed using appropriate expertise where necessary. Where a site on which development is proposed includes, or has the potential to include, heritage assets with archaeological interest, local planning authorities should require developers to submit an appropriate desk-based assessment and, where necessary, a field evaluation.'

Paragraph 195 of the NPPF goes on to set out the responsibilities of local planning authorities stating:

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

Paragraph 197 goes on to state: -

'In determining applications, local planning authorities should take account of:

- (a) the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;
- (b) the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and
- (c) the desirability of new development making a positive contribution to local character and distinctiveness.'

Paragraph 199 adds that

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

Paragraphs 200 to 202 set out the approaches that local planning authorities should take should they determine that an application proposal would cause harm to a designated heritage asset, depending whether the harm would be total loss, substantial or less than substantial. Paragraph sets out the requirements in circumstances where the harm is substantial stating: -

'Any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification. Substantial harm to or loss of:

- (a) grade II listed buildings, or grade II registered parks or gardens, should be exceptional;
- (b) assets of the highest significance, notably scheduled monuments, protected wreck sites, registered battlefields, grade I and II* listed buildings, grade I and II* registered parks and gardens, and World Heritage Sites, should be wholly exceptional'.

Paragraph 201 sets out the requirements in circumstances where harm to a designated heritage asset would be substantial and states: -

'Where a proposed development will lead to substantial harm to (or total loss of significance of) a designated heritage asset, local planning authorities should refuse consent, unless it can be demonstrated that the substantial harm or total loss is necessary to achieve substantial public benefits that outweigh that harm or loss, or all of the following apply:

- (a) the nature of the heritage asset prevents all reasonable uses of the site; and

- (b) no viable use of the heritage asset itself can be found in the medium term through appropriate marketing that will enable its conservation; and
- (c) conservation by grant-funding or some form of not for profit, charitable or public ownership is demonstrably not possible; and
- (d) the harm or loss is outweighed by the benefit of bringing the site back into use.'

Finally, paragraph 202 states: -

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

In accordance with the requirements of paragraph 195 of the NPPF the applicant has submitted a Heritage Statement and more importantly an Addendum to that Statement which contains a series of historic maps through which the development of the conservation area and setting of St Michaels Church can be assessed

The earliest map provided is the 1841 Rugeley Tithe Map which shows the site predominantly lying across three linear fields, and across smaller paddock areas fronting the Main Road with a tramway, immediately to the north of the site. The surrounding area is also comprised of a series of fields. The church at that time appears to be relatively isolated. The parish church designed by T Trubhsaw had been built (or rebuilt) in 1837. It should also be noted that by this time the following listed buildings within what is the conservation area were probably already in existence

The Cedar Tree, Main Road, Brereton. Date: 18th/19thC. three storey building

Brereton House, Main Road, Brereton. Date 18th C. three storey red brick house

179 & 181 Main Road, Brereton. Date: 17th/18th C. building,

The 1884 OS Map indicates that the development site appears to have changed little by the late-19th century, although some small-scale development is represented within the south-west of the site, and a structure is recorded to the immediate west of the site, fronting Main Road. The parish church of St Michaels had been enlarged in 1878 by Sir George Gilbert Scott, with the tower remodelled 1887 by his son John Oldrid Scott. This had been 'mainly in the Early English style' but combined 'early and high Victorian phases which has produced 'an ensemble of considerable architectural interest'.

The 1902 OS Map shows that by the early-20th century the tramway which formerly lay to the north of the site had been re-routed across the northern edge of the site, with a tunnel recorded as running beneath the Main Road. A mound is also recorded to the south of this, within the north-east of the site which may have been formed from arisings associated with the tunnel or the tramway which is recorded as lying in a reduced area of ground within the site. Otherwise, the site appears to have changed little, and remained largely unchanged through the early-20th century. However, by 1902 the frontage along Main Road had become to be more developed.

The 1961 OS Map shows that by the mid-20th century, the former tramway is no longer extant, however a subway is recorded to the west of the site, in the location of the former tram tunnel. It appears as though some levelling has occurred within the site at this time, with no mounds or depressions represented on OS maps. A small structure in the south-west of the site is recorded as The Castle public house at this time. However, the 1961 Map shows that there had been recent urban expansion around the site and St Michaels Church by 1961. What had been open land in 1902 is by 1961 occupied by residential estates with typical mid C20th layouts. By this time the original rural setting of the St Michaels Church had largely been lost.

Having had regard to the above it is clear that at the time of St Michaels Church being built in 1837 and modified in 1887 the setting of the church would have been characterised by rural open countryside within which and fronting onto Main Road were several 3 storey buildings. The smaller building that seem to have been developed since that period are relatively modern additions which collectively have massively eroded the original rural setting. The site in its current layout, design and materials is a modern addition which detracts from the character of the adjacent conservation area and from the setting of St Michaels Church.

The Heritage Statement states that the settings of the Conservation Area are [now] largely urban, being surrounded to the west, north, and east by built form within Brereton, although the settings are more rural to the south-east, where agricultural land extends to the south, and east. This is wholly accepted by Officers.

The Heritage Statement goes on to state that

The proposed development will be set back from Main Road, similar to other more recent developments, but will have a far stronger relationship with the road, and will provide a more uniform, continuous frontage that will be more in keeping with the overall street scene. Although of a larger scale than the adjacent properties, the scale of the building is not out of place in the Conservation Area, with other buildings such as the Grade II* Listed Brereton Hall, and Grade II Listed Brereton House further to the south, also being large and imposing buildings. Following comments from the Development Control Manager, and advice from built heritage specialists, several amendments have been made to the design proposals. These have taken into account the local vernacular, and in particular architectural detailing and materials used in the aforementioned properties, in particular Brereton House. Changes to the design include:

- Removal of the Juliette style balconies and doors opening up on to the front;
- Alterations to ensure that one material (brick) was used on the frontage, with architectural detailing to break up the mass (guided by detailing at Brereton House), with articulation provided by detailing such as in window headers and cills;
- Alterations to hierarchy of the fenestration – larger windows on ground floor and Reduction in size of the large, central gated access;
- Detailing of the door cases and doors;
- Chimneys added to break up the roof mass; and,
- Addition of a stone wall with traditional railings to the front boundary.

It is also note that the applicant has also submitted elevation drawings which also include cross sections along the streetscene and across the Main Road so that a comparison of the heights of the proposed building and that of St Michaels Church can be seen, at a distance of 35m from the application site.

The comments of the parish council in respect to the proposed building being over dominant with St Michaels Church are noted. Although this may have been the case if they were on the same ground level in reality any impact is mitigated by the fact that the church is on higher ground and the intervening distance. In addition, it should be borne in mind that at the time the church was built it was contemporary with several the three storey buildings with in its vicinity and which now are considered to have importance in their own right (being listed) and that they make a positive contribution to the character of the conservation area.

It is therefore considered that the application proposal, by virtue of its size, scale mass, architectural detailing and layout does provide appropriate homage to the character of the conservation area and its historic environment and in this respect would not harm the setting of the conservation area or the setting of St Michaels Church.

As such the proposal would be in accordance with Policy CP15 of the Local Plan and Section 12 of the NPPF.

Ecological Officer

No comments received.

Parks And Open Spaces (29.3.21)

I have the following comments:-

Changes to the layout of parking, boundary treatment and landscaping to the north west boundary resolves the previous issues noted.

Amendments to gates and locations acceptable as is the design of the maintenance gate. Dwg P19-3114-02-F acceptable.

Access way from the building front through to the courtyard is to have metal gates – design is acceptable however worth noting that this open design will likely result in a wind tunnel effect that would impact on and discourage use of the courtyard area.

Cycle storage – The proposed Turvec Cubic Wooden bike shelters are ideal.

Bin stores – The use of recycled plastic fencing is good although the feature is open topped but should be ok. Planting has been indicated surrounding the structure which would help soften their appearance. Dark green would be preferable to black.

Bird and bat boxes – as noted previously their inclusion and retention for the life of the development needs to be conditioned.

Soft landscaping –

- Revised and additional details generally acceptable.

- Trees – still no details on form ie container grown or bare root, former recommended. To confirm.

As noted previously - Maintenance – basic details for 12 moths indicated but need long term management & maintenance plan. This can be conditioned.

Who is to maintain the external environment?

No service details have been provided so unable to confirm if proposed tree planting can be achieved.

EVC points – No update - are these indicated by the car/plug symbol? Details should be required.

As noted in the pre application consultation there are two areas of grass (verge) to the left and centre of the site frontage (former subway access) possible still in SCC ownership. Incorporation of tree planting on these would benefit the scheme and also the whole locality and help with climate change adaption. Has any discussion been has with SCC?

Summary

- Tree planting form to confirm
- Service details required
- EVC details required or could be conditioned.
- Other info/details to condition as noted

Parks & Landscaping Re-consultation response (3.12.21)

The proposed revisions relate to the building elevations and treatment of the site frontage boundary The latter relates to replacement of the existing low wall with a stone wall and railing including entrance pillars. Overall this woud enhance the street scene view.

As noted previously, there are two areas of grass (verge) to the left and centre of the site frontage (former subway access) within the SCC ownership. Incorporation of tree planting with the approval of SCC would greatly benefit the scheme and also the whole locality and help with climate change adaption.

In relation to the above, it is noted that the existing wall to the left (NW) of the site of the site does not appear to be within the ownership boundary of the site (potentially SCC) so how can this be rebuilt as proposed without the consent of SCC?

Summary - No objection to the revised details.

Travel Management and Safety

No objections subject to the imposition of conditions.

Staffordshire County Council (22.6.22)

We are now in receipt of the correct Notice and received comments from our Legal Team in respect of the application.

Whilst SCC have no objections to the proposals the applicants will need to contact SCC for our consent to cross our land to obtain access to their proposed development.

The applicant will need to negotiate an Easement with us to that end which will be subject to formal approval by the County Council.

The agents will need to liaise with our Estates Manager Paul Causer regarding this matter and the terms of the easement.

Environmental Services

No comments received

CIL Officer

In respect of the above planning application, based on the additional information form submitted, the chargeable amount for this development would be £69,512.79. The applicant has indicated that they wish to apply for social housing relief, however, as they have not submitted the appropriate forms for this to be granted I have not included the relief in the figure above.

I will contact the agent/applicant for the appropriate forms.

An officer update will be provided prior to Committee on whether there is any social housing relief being granted.

Environmental Protection Officer (March 2021)

The applicant has provided a noise assessment (P21-033-R01v01, February 2021). The report provides an acoustic mitigation scheme comprising of upgraded glazing and ventilation for living rooms and bedrooms on the frontage and side elevations of apartments closest to the main road.

However, I have concerns about the proposals in that:

The mitigation proposals are based on closed windows. Without mechanical ventilation to allow temperature control, residents can not avoid overheating scenarios without opening windows. Overheating within properties may therefore lead to the properties failing the Housing Health & Safety Standards. This is overseen by my colleagues in the Private Sector Housing Section (PSH), who are copied in for awareness. Partially opened windows by offer a 15 dB attenuation, which would then provide inadequate acoustic attenuation.

Daytime noise recordings. Tabulated recorded data is provided for daytime hours between 13:30 and 16:00. The recorded values average at 64 dBA. Given the attenuation provided by partially opened windows, this would cause exceedance of WHO standards as follows:

- Dining rooms +9dB exceedance
- Living & bedrooms: +14dB exceedance

Night time noise. A chart is provided. The recorded average values equate to 57dBA. Given attenuation from partially opened windows, this would cause exceedance in bedrooms by 12 dB.

Night-time noise. The range of values for maximum noise levels range between 40 and 79 dBA. Given 15 dB attenuation from partially opened windows, this would cause levels in road fronting bedrooms of 25 to 64 dBA. The acceptable standards in bedrooms at night are no more than 10 episodes exceeding 45 dBA. The report does not quantify the number of events above this value, although from the chart it would appear that maximum values show regular and consistent exceedance of this value, above the permitted 10 episodes.

I can not currently recommend acceptance of the proposals, and would recommend that the applicant addresses the matters listed above and also provide an overheating assessment to satisfy PSH. Alternatively, rooms may be re-orientated to place less sensitive rooms on the protected side of the building or provision of mechanical ventilation to ensure thermal comfort whilst acoustically attenuated windows remain shut. Given that the report currently applies closed window attenuation conditions to all apartments, I would request that the whole building is re-evaluated.

Environmental Protection Officer (May 2021)

The developer proposes to install mechanical ventilation and upgrade acoustic vents for rooms that require acoustic glazing. The mechanical ventilation consists fo a Lo-Carbon Sentinel Kinetic Advance.

I see from the technical specification that the mechanical unit can maintain internal temperatures to 21C. On this basis the noise mitigation can be provided without compromising other issues.

Private Sector Housing

No objections.

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 therefore 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.

Bin collection points should be within 25m of the property they are designed to serve which may not be achievable for some parts of this development.

Bin collection / storage points should also be designed and designated for the minimum number of bins required for the number of properties. The proposed development requires a minimum of 12no. 1100 litre euro style commercial bins.

Bin collection and 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.

In addition bin storage /collection point should allow the safe and adequate removal and replacement of individual bins without the need to shuffle other bins around the storage area.

There must be a minimum clear space of 150mm between individual containers and between containers and surrounding walls (BS5906:2005).

Bins should not have to be moved to access other containers; should not be over filled; or cause a hazard to collection crews.

Bin stores should be located at ground/vehicle access level with adequate access.

Sufficient consideration must be given to lighting, ventilation, fire safety and vermin control.

The security of the bin store is the responsibility of the landlord; where locks are fitted, bin stores should be opened prior to the scheduled collection or keys/access codes made available to the Council.

Communal bin stores should be positioned so as to allow unobstructed access (free from parked cars etc.) and have a safe working area of 3.5m width and 4m length, with no change in level to the loading point, including the provision of dropped kerbs edgings as required.

Strategic Housing

No comments received, Members will be provided with an officer update sheet prior to Committee with regards to S106 affordable housing contribution commitments.

Economic Development

Economic Development are happy to support the application. It is recommended that at a build phase, consideration is made to the implementation of high speed broadband as well as high speed EV charge points.

External Consultations

Natural England

No objection - subject to appropriate mitigation being secured

As submitted the application would have an adverse effect on the integrity of Cannock Chase Special Area of Conservation.

In order to mitigate these adverse effects and make the development acceptable, the following mitigation measures are required:

A suitable developer contribution should be secured, consistent with adopted local plan policy CP13 - Cannock Chase SAC and the Council's supporting document 'Cannock Chase SAC – Guidance to mitigate the impact of residential development'. We advise

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

Landor Society

No comments received.

School Organisation

No comments received.

LLFA – SUDS (received on 1.9.22)

No objection subject to condition.

South Staffs Water

I have viewed the application and from our existing asset records we appear to have a water mains asset affected by this scheme, this would need engagement by the developer with ourselves to look to divert/protect this asset if it is affected by construction works.

Additionally we would look to install any new water assets to supply the development through the normal application for new connections process.

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

Severn Trent Water

No comments received.

Environment Agency

No comments received.

Brereton and Ravenhill Parish Council (8.2.21)

The Parish Council strongly object to this planning application on the following grounds:-

- The proposed building is too massive and too high.
- The proposed development would cause substantial harm to a designated heritage asset, ie St Michaels Church [listed] which is relatively small and low in height for a church building.
- The development would create an eyesore totally out of scale with the surrounding area.
- It would harm the Conservation Area and tower over the adjacent Railway Cottages, which are just single storey but a very important heritage asset.
- The development would also be out of scale to the single storey alms houses.

In summary, the development would have a substantial impact and cause great harm to St Michaels Church, the Railway Cottages and the Conservation Area as a whole. It would have a negative impact on the central part of the historic village of Brereton and cause great harm to the street scene.

We recognise it is not a planning issue and is not part of our objection but it would have been nice for the developers to recognise the loss of car parking spaces at the Railway Cottages.

Brereton and Ravenhill Parish Council (10.12.21)

That the Council confirm its original objections to the application and concern be expressed that the revised elevation drawings give an incorrect impression relating to the location of Brereton House and the size of the rear façade of St Michael's Church which is opposite the proposed development and in order to appreciate the height and mass of the proposed development in relation to existing buildings the Planning Committee should undertake a site visit before determining the application

Wildlife Trust

No comments received

Network Rail

No comments received

Status Bus Group

We would welcome discussions with officers of the council regarding the development to confirm if the developer could fund taster bus tickets to try the local bus service.

Crime Prevention Officer

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

Whilst I have no objections this Application, it is important that I take this opportunity to provide the following guidance and recommendations aimed at reducing opportunities for crime and ensuring that a high level of physical security is incorporated in this development.

1. Design Concerns.

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

Whilst I appreciate that the proposed access from Seabrooke Road is intended to be controlled through use of coded fobs, because of the potential for misuse and unwanted access to the side and rear of property, I recommend that this route be reconsidered, and that this area be adopted by neighbouring properties.

1.1 Boundaries (Design guidance).

I support the intention to provide access controlled 1.8m high galvanised steel gates to restrict access to shared areas. To remove opportunities for unobserved access, the proposed gate to the rear and North of the building should be recessed no more than 600mm from the open side elevation of this building. These gates must include closing mechanisms.

I support the intention to erect 1800mm high vertical bar Railings to the Amenity Space, as this will help to remove opportunities for misuse of this area.

Secured By Design. Homes 2019; -

Side and rear boundaries.

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

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

1.2 Design Features and Climbing Aids (where applicable).

Design features that may create climbing and access to potential open windows etc. should be avoided. Boundary walls, bins and bin stores and any low roofs should be designed so as not to provide climbing aids to gain access into the property.

Note: To avoid creating climbing points etc. particular attention must be paid to the junction of existing and proposed Boundaries.

1.3 Car Parking and Vehicle Security (Guidance).

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

Secured By Design. Homes 2019.

Section 8. Layout of roads and footpaths.

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

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

Section 8.2 Defensible space has the simple aim of designing the physical environment in a way which enables the resident to control the areas around their

home. This is achieved by organising all space in such a way that residents may exercise a degree of control over the activities that take place there.

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

Secured By Design. Homes 2019:-

Section 55. Car parking.

Communal car parking areas.

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

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

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

To help reduce opportunities for conflict and so that it does not highlight that a property is vacant, I recommend that spaces are lettered or numbered but not with apartment numbers. In addition, appropriate signage can help to remove opportunities for misuse.

Landscaping Adjacent to Parking Bays.

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

Secured By Design. Homes 2019.

Section 16. Vehicle Parking.

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

Lighting To Parking Areas and Facilities:-

Secured By Design. Homes 2019.

Section 55. Car Parking.

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

Section 16. Vehicle Parking.

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

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

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

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

1.4 Planting and landscaping

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

Secured By Design. Homes 2019.

Section 17. Planting in new developments.

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

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

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

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

1.5 Dwelling Lighting.

Secured By Design. Homes 2019.

Section 59. Private External lighting and dwelling lighting.

Private external lighting to common areas.

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

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

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

Dwelling lighting.

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

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

1.6 Access to Utility Meters and Post Boxes.

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

Mailboxes and Meters should be located within secure 'Lobby' areas, mounted externally or mail boxes can be mounted through the building fabric. Where they are to be within 'Lobby' areas, a second door should be used to create an 'air lock' system to remove opportunities for access to Apartment front doors.

Secured By Design. Homes 2019.

Section 26. Utility meters.

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

Note: Intercom systems and access control must not include a 'trade access' period and therefore opportunities for 'bogus official' and opportunistic crime.

1.7 Access Control.

Whilst I appreciate that the proposed access from Seabrooke Road is intended to be controlled through use of coded fobs, because of the potential for misuse and unwanted access to the side and rear of property, I recommend that this route be reconsidered, and that this area be adopted by neighbouring properties.

The double gates to the front of the Building must be included in the Access Control System and should include closing mechanisms.

Secured By Design. Homes 2019. (Secured By Design minimum guidance.)

Developments with more than 25 flats, apartments, bedsits or bedrooms.

Section 27.24 Larger developments containing more than 25 flats, apartments, bedsits or bedrooms shall have a visitor door entry system and access control system. The technology by which the access control system operates is outlined within UL 293, however it must provide the following attributes:

- Access to the building via the use of a security encrypted electronic key (e.g. fob, card, mobile device, key etc.);
- Vandal resistant external door entry panel with a linked camera;
- Ability to release the primary entrance doorset from the dwelling or bedroom (in the case of student accommodation or House in Multiple Occupation);
- Live audio/visual communication between the occupant and the visitor;
- Ability to recover from power failure instantaneously;
- Unrestricted egress from the building in the event of an emergency or power failure;
- Capture (record) images in colour of people using the door entry panel and store for those for at least 30 days. If the visitor door entry system is not capable of capturing images, then it should be linked to a CCTV system or a dedicated CCTV camera should be installed for this purpose. This information should be made available to police within 3 days upon request;
- All visitor and resident activity on the visitor door entry system should be recorded and stored for at least 30 days. This information should be made available to police within 3 days upon request.
- Systems must comply with General Data Protection Regulations (GDPR).

Section 27.25 SBD recommends the use of colour monitors to enable the occupier of the dwelling or bedroom with the identification of visitors or to assist the occupier to accurately describe the colour of clothing to the police of the perpetrators of antisocial behaviour or those otherwise misusing the system.

Section 27.26 Specifiers are reminded that the installed electronic release hardware must form part of the certificated doorset range (for Secured By Design Accreditation).

Section 27.28 Tradesperson release mechanisms are not permitted as they have been proven to be the cause of anti-social behaviour and unlawful access to communal developments.

Security compartmentalisation of developments incorporating 25 or more flats, apartments, bedsits or bedrooms.

Section 27.29 Developments of over 25 flats, apartments, bedsits or bedrooms can suffer adversely from anti-social behaviour due to unrestricted access to all areas and floors of the building. SBD therefore seeks to prevent unlawful free movement throughout the building through the use of an access control system. How this is achieved is a matter for the specifier...

Section 27.33 It is imperative that the fire service should have unrestricted access to all floors in the event of an emergency. (See Sections 27.33.1 to 27.33.3).

1.8 Emergency escape doors (guidance).

Where emergency escape doors are intended as escape doors only, to prevent misuse a 'break glass' or 'break tag' mechanism should be used. They should have no external furniture.

Emergency Escape Doors (Recommended Minimum Security Requirements).

Secured By Design. Homes 2019.

Section 27. Access control and additional security requirements for buildings containing multiple dwellings of bedrooms.

Emergency door release devices.

Section 27.34 Break glass emergency door exit release devices (often green in colour) on communal external doors that provide an important aid to egress in the event of an emergency have proven to be abused rendering some buildings insecure for long periods of time. SBD recommends vandal resistant stainless steel self-resetting emergency exit systems are installed as an alternative. The installation and system type must be in full compliance with the Building Regulations and achieve final 'signoff' by local Building Control or Approved Inspector.

Section 31. Doorsets providing alternative access to communal areas other than the primary shared or communal access doorset (including emergency egress doorsets)

Section 28.1 Alternative access doorsets, emergency egress and fire doorsets that may be used by residents to access communal parts of the building are also required to be 'secure doorsets', see Approved Document Q, Section 1, paragraph 1.1.

Doorsets shall meet the requirements within paragraphs 21.1 to 21.17, and 21.19 to 21.22.:

- PAS 24:2016 (Note 21.1b); or
- STS 201 Issue 7:2015 (Note 21.1c); or
- LPS 1175 Issue 7.2:2014 Security Rating 2+ (Note 21.1d); or
- LPS 1175 Issue 8:2018 B3 Security Rating 2+
- STS 202 Issue 6:2015 Burglary Rating 2 (Note 21.1d); or
- LPS 2081 Issue 1.1:2016 Security Rating B (Note 21.1e)

Note 21.1a: Easily accessible is defined within Approved Document Q Appendix A.

2. Further Information and Guidance.

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

- www.securedbydesign.com (The official Police Security Initiative and Police Preferred Specified security product scheme).
- www.bsi-global.com (Standards, Training, Testing, Assessment and Certification).
- www.bregroup.com (Offer quality of performance and protection certification for fire, security and environmental products and services).

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

Response to Publicity

The application has been advertised by site notice and neighbour letter. Seven letters of representation have been received on the following grounds:

- The proposal would be detrimental to highway and pedestrian safety.
- Increased traffic and pollution would be detrimental to health.
- Increased parking/ vehicular movements at all hours would be detrimental to the residential amenity of the occupiers at the cottages nearby.
- Overlooking of private garden areas and windows of surrounding residents.
- Proposed fencing to be erected at boundary adjacent to cottages is too high at 2m, it should be reduced to 1.2m high.
- Height and mass of the proposed apartment block would not be in keeping with the character of the conservation area and nearby listed buildings.
- Inaccurate representation of building relative to surrounding buildings.
- Loss of light.
- Family houses or bungalows should be built instead of apartments.

Relevant Planning History

No recent relevant planning history.

1 Site and Surroundings

- 1.1 The application site comprises a former public house The Castle Inn, which is sited within a large car park on Main Road, Brereton, Rugeley. It is surrounded on 3 sides by residential properties. It has been vacant for approximately 3 years and is now falling into a state of disrepair.

- 1.2 The ground levels slope down from the front to the rear of the northern boundary side of the site adjacent to the nearest residential properties - the Railway Cottages.
- 1.3 The application site is undesignated, however, the Conservation Area boundary abuts the Main Road frontage and the side of the carpark facing the Railway Cottages. St Michaels's church, Grade II* Brereton Hall and Grade II listed Brereton House are located near the site. The site is located within a Mineral SafeGuarding Area, Coal Authority Low Risk Boundary and Landmark Contaminated Land Boundary. There is a draft Neighbourhood Area Plan being prepared for the area.

2 Proposal

- 2.1 The applicant is seeking consent for demolition of existing building and the erection of an apartment building and associated landscaping, parking and access. The scheme would provide 26 No. x two bedroom and 1 No. one bedroom apartments.
- 2.2. The proposal would comprise a part two/ three storey building of brick and tile construction with pitched roof. Stone detailing, cills and headers to the sash style windows would be detailed. A communal rear courtyard landscaped garden and a front stone wall with railings would be provided.
- 2.3 The scheme would incorporate PV panels to the rear roof plans and rapid charge points would be provided.
- 2.4 The scheme has been amended since submission to provide:
 - Revised red line application site boundary to include front boundary wall.
 - Revised hard/soft landscaping scheme, including removal of proposed 2m high fencing.
 - Revised design of windows & building materials.
 - Removal of Juliet balconies.
 - Provision of heritage statement addendum.
 - Streetscene elevations relative to St Michaels Church.
 - BRE assessment for light/sunlight impacts on surrounding buildings.

3 Planning Policy

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

- 3.2 The Development Plan currently comprises the Cannock Chase Local Plan Part 1 (2014), the draft Neighbourhood Plan and the Minerals Local Plan for Staffordshire (2015 – 2030).

Cannock Chase Local Plan Part 1

Relevant policies within the Local Plan include: -

- CP1: - Strategy – the Strategic Approach
- CP3: - Chase Shaping – Design
- CP5: - Social Inclusion and Healthy Living
- CP6:- Housing Land
- CP7 - Housing Choice
- CP10: – Sustainable Transport
- CP12: - Biodiversity and Geodiversity
- CP13: - Cannock Chase Special Area of Conservation (SAC)
- CP15: - Historic Environment
- CP16: - Climate Change and Sustainable Resource Use

Minerals Local Plan for Staffordshire

Relevant Policies within the Minerals Plan Include:

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

There are no policies relevant to the proposal within the Minerals Plan.

Draft Neighbourhood Plan

The Brereton and Ravenhill Parish is a designated Neighbourhood area but no formal stages have yet been reached in the preparation of a Neighbourhood Plan. As per para 48 of the NPPF no weight can yet be accorded to the Neighbourhood Plan.

3.3 ***National Planning Policy Framework***

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

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

3.6 Relevant paragraphs within the NPPF include paragraphs: -

8:	Three dimensions of Sustainable Development
11-14:	The Presumption in favour of Sustainable Development
47-50:	Determining Applications
64:	Affordable housing
111:	Highway Safety and Capacity
126, 130, 132, 134:	Achieving Well-Designed Places
218, 219	Implementation

3.7 Other relevant documents include: -

- (i) Design Supplementary Planning Document, April 2016.
- (ii) Cannock Chase Local Development Framework Parking Standards, Travel Plans and Developer Contributions for Sustainable Transport.
- (iii) Manual for Streets.

4 Determining Issues

4.1 The determining issues for the proposed development include: -

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

4.2 **Principle of the Development**

4.2.1 Both paragraph 11 of the NPPF (2021) and Cannock Chase Local Plan 2014 Policy CP1 state that there should be a presumption in favour of sustainable development. The site does not fall within any designated areas shown on the Local Plan Policies Map.

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

‘For decision taking this means:

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

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

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

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

4.2.5 With that in mind it is noted that the application site is not designated as Green Belt, AONB or as a SSSI or SAC, nor does it contain a listed building or conservation area nor is it located with flood zones 2 or 3. However, the proposal affects the setting of the Brereton Conservation Area and St Michael’ Church a Grade II* listed building designated heritage asset and therefore Therefore, the proposal does engage policies in the Framework that protect the setting of designated heritage assets. This issue will be addressed later in this report.

- 4.2.6 In other respects the site is located within an existing urban area in Brereton, wherein Policy CP6 identifies that there is an allowance for windfall housing sites to contribute to the District's housing requirements and positive consideration will be given to those which accord with sustainable development principles identified in the NPPF and the strategic approach identified in Policy CP1 and other Local Plan policies as appropriate.
- 4.2.7 In respect to the loss of a community facility as a result of the proposal, there are several public houses in the local area to provide the local community with a choice of options and the current building has been out of use as a public house for over 3 years. The site is surrounded by residential uses and is well served by bus routes giving access to public transport, walking and cycling to a range of goods and services to serve the day to day needs of the occupiers of the proposed development.
- 4.2.8 The proposal would demolish a decaying building of no architectural merit, with a viable robust residential use that would also increase housing supply and choice. As such, it would comply with the thrust of policy requirements in respect to the broad location of developments. The proposal is therefore considered acceptable in principle subject to compliance with policy in respect to the impact on the setting of designated heritage assets.
- 4.2.9 Although a proposal may be considered to be acceptable in principle it is still required to meet the provisions within the development plan in respect to matters of detail. The next part of this report will go to consider the proposal in this respect.

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

- 4.3.1 In respect to the impact on character of the area, the comments of the Parish and neighbouring occupiers are noted.

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

- (i) well-related to existing buildings and their surroundings in terms of layout, density, access, scale appearance, landscaping and materials; and
 - (ii) successfully integrate with existing trees; hedges and landscape features of amenity value and employ measures to enhance biodiversity and green the built environment with new planting designed to reinforce local distinctiveness.
- 4.3.2 Relevant policies within the NPPF in respect to design and achieving well-designed places include paragraphs 126, 130, 132, 134. Paragraph 126 makes it clear that the creation of high quality buildings and places is fundamental to what the planning and development process should achieve.
- 4.3.3 Paragraph 130 of the NPPF, in so much as it relates to impacts on the character of an area goes on to state: -

Planning policies and decisions should ensure that developments:

- a) will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;

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

4.3.4 Finally Paragraph 134 states

'Development that is not well designed should be refused, especially where it fails to reflect local design policies and government guidance on design, taking into account any local design guidance and supplementary planning documents such as design guides and codes. Conversely, significant weight should be given to:

- a) development which reflects local design policies and government guidance on design, taking into account any local design guidance and supplementary planning documents such as design guides and codes; and/or
- b) outstanding or innovative designs which promote high levels of sustainability, or help raise the standard of design more generally in an area, so long as they fit in with the overall form and layout of their surroundings.'

4.3.5 The issues in respect to design and the impact on the character and form of the area are intrinsically linked to the impacts on the setting of the nearby Grade II* listed St Michaels Church and the Brereton Conservation Area. In this respect the proposal engages the the duty under S.66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 which sets out that 'In considering whether to grant planning permission or permission in principle for development which affects a listed building or its setting, the local planning authority or, as the case may be, the Secretary of State 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.'

4.3.6 The proposal also engages Policy CP15 'Historic Environment' of the Local Plan and paragraphs 194, 195, 197, 199-201 of the NPPF. These are given in full in the Conservation Officers comments and therefore are not repeated here.

4.3.7 In accordance with the requirements of paragraph 195 of the NPPF the applicant has submitted a Heritage Statement and more importantly an Addendum to that Statement which contains a series of historic maps through which the development of the conservation area and setting of St Michaels Church can be assessed

4.3.8 The Conservation Officer has given an analysis of the historical development of the area through the aid of map regression and informed by the Brereton Conservation Area Appraisal and elevation drawings showing cross sections of the streetscene.

4.3.9 The Conservation Officer has also note that has a result of his earlier comments the applicant has accommodated several changes to the design including

- Removal of the Juliette style balconies and doors opening up on to the front;
- Alterations to ensure that one material (brick) was used on the frontage, with architectural detailing to break up the mass (guided by detailing at Brereton House), with articulation provided by detailing such as in window headers and cills;
- Alterations to hierarchy of the fenestration – larger windows on ground floor and Reduction in size of the large, central gated access;
- Detailing of the door cases and doors;
- Chimneys added to break up the roof mass; and,
- Addition of a stone wall with traditional railings to the front boundary.

4.3.10 Finally the Conservation Officer has stated ‘the application proposal, by virtue of its size, scale mass, architectural detailing and layout does provide appropriate homage to the character of the conservation area and its historic environment and in this respect would not harm the setting of the conservation area or the setting of St Michaels Church’ adding ‘As such the proposal would be in accordance with Policy CP15 of the Local Plan and Section 12 of the NPPF.’

4.3.11 In addition to the above Officer note that the Character Area Descriptions identifies key local design principles and/or design principles that new development should consider to preserve and enhance and existing characteristic density, height and scale of the area is respected including:

‘in appropriate locations e.g. in/close to Breton Conservation Area well designed 3 storey buildings may be acceptable, elsewhere generally 2 storey appropriate.’

‘Recognise scope for variety of good quality design and materials in modern areas with preference for red brick and re/blue tiles/slate in historic areas, using render sparingly where appropriate.’

4.3.12 Appendix B of the Design SPD sets out clear expectations and guidance in respect to space about dwellings. Having taken all of the above into account it is considered that the main issues in respect to design and the impact on the character and form of the area are: -

- (i) Overall layout
- (ii) Density
- (iii) Materials, scale and external appearance of the apartments
- (iv) Impact on trees

4.3.13 The layout plan demonstrates how the proposed apartment building would be set well back (22m) from the road, with provision of enhanced frontage hard and soft

landscaping and rear courtyard landscaped amenity space to the rear. Parking provision would be sited in rows around the periphery of the site.

4.3.14 The apartments would replace a disused one/two storey flat roofed public house. They would be set back from dwellings fronting Main Road, arranged in a two/three storey U-shaped block behind generous frontages.

4.3.15 There are several 3 storey buildings located to the southern side of the site nearby fronting Main Road, the Cedar Tree Hotel, Brereton House and No.s 7-15 Main Road, that are not typical of the established urban grain pattern for the immediate area. It is therefore considered that, on balance, the proposal would not result in a dominant presence within the street scene or be detrimental to the Brereton Conservation Area character and appearance of its location.

4.3.16 The proposed apartments would be of traditional construction and finished with facing brickwork on the front elevation, with minimal render sections on the rear/side elevations under a tiled roof. The street scene comprises of a variety of finishes, including facing brickwork however there are a number of properties within the immediate locale that are finished in render. As such the proposed apartments would easily assimilate into the already varied street scene.

4.3.17 Therefore, having had regard to Policies CP3 and CP15 of the Local Plan and the above mentioned paragraphs of the NPPF it is considered that the proposal would be well-related to existing buildings and their surroundings, successfully integrate with existing features of amenity value, maintain a strong sense of place and visually attractive such that it would be acceptable in respect to its impact on the character and form of the area.

4.4 **Impact on Residential Amenity**

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

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

4.4.3 In general the Design SPD sets out guidance for space about dwellings, stating that for normal two storey to two storey relationships there should be a minimum distance of 21.3m between principal elevations (front to front and rear to rear) and 12m between principal elevations and side elevations. Furthermore, the Design SPD sets out minimum rear garden areas, recommending 30sqm of communal garden for each apartment.

4.4.4 However, it should always be taken into account that these distances and areas are in the nature of guidance. When applying such guidance consideration should be given to the angle of views, off-sets and changes in levels as well as the character of the area.

- 4.4.5 The main issues in this case are the potential for overlooking and loss of light to neighbouring dwellings and whether the proposal would appear overbearing.
- 4.4.6 The apartments would comply with facing distance requirements of the Design SPD for 2/3 storey buildings. In addition, the proposal would comply with the Council's 45/25 standard policy. Furthermore, a BRE report assessment has been submitted to demonstrate that there would be sufficient sunlight to the rear courtyard area and it also demonstrates there would be no significant overshadowing of neighbouring dwellings for majority of the day.
- 4.4.7 Paragraph 185 of the NPPF states that decisions should ensure that new development is appropriate for its location taking into account the likely effects (including cumulative effects) of pollution on health, living conditions and the natural environment and should (amongst others) mitigate and reduce to a minimum potential adverse impacts resulting from noise from new development and avoid noise giving rise to significant adverse impacts on health and the quality of life.
- 4.4.8 In this respect the applicant has submitted a noise survey with which to inform the application. The survey concludes that acoustic protection measures will be required and mechanical ventilation to prevent overheating for the potential occupiers of the apartments. The report provides detail of the acoustic and mechanical ventilation measures, which should be undertaken in full and confirmed in writing.
- 4.4.9 Environmental Health Officers were consulted on the application and raised no objections to the proposal.
- 4.4.10 In conclusion, the separation distances to neighbouring properties are appropriate for the proposal and over and above the requirement of those set out within the Council's Design SPD.
- 4.4.11 With regard to the proposed development, this would facilitate 27 No. 1 and two bedroom dwellings with communal amenity space and parking. The Design SPD requires an area of 30m² amenity space per dwelling. In this instance, over 810m² would be provided which exceeds the requirement of the SPD.
- 4.4.12 As such, it is considered that the proposal would provide a high quality of amenity for occupiers of existing dwellings as well as for the future occupiers of the proposed dwelling in accordance with the Design SPD and Local Plan Policy CP3

4.5 Impact on Highway Safety

- 4.5.1 Paragraph 111 of NPPF states that development should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.
- 4.5.2 The comments from neighbours in this respect are noted. However, Staffordshire County Highways Department was consulted on the proposal and raised no objections to the proposal in terms of highway safety.
- 4.5.3 It is noted that the proposed development would provide adequate parking spaces (40 spaces) within the site.

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

4.6 Impact on Nature Conservation Interests

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

4.6.2 Policy CP12 of the Local Plan states that the District's biodiversity and geodiversity assets will be protected, conserved and enhanced via 'the safeguarding from damaging development of ecological and geological sites, priority habitats and species and areas of importance for enhancing biodiversity, including appropriate buffer zones, according to their international, national and local status. Development will not be permitted where significant harm from development cannot be avoided, adequately mitigated or compensated for;

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

4.6.3 Paragraph 174 of the NPPF states [amongst other things] that 'Planning policies and decisions should contribute to and enhance the natural and local environment by:

- a) protecting and enhancing valued landscapes, sites of biodiversity or geological value and soils (in a manner commensurate with their statutory status or identified quality in the development plan);
- d) minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures;'

4.6.4 Paragraph 180 goes on to state 'when determining planning applications, local planning authorities should apply the following principles:

- a) if significant harm to biodiversity resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused;

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

4.7 Cannock Chase SAC

4.7.1 Under Policy CP13 development will not be permitted where it would be likely to lead directly or indirectly to an adverse effect upon the integrity of the European Site network and the effects cannot be mitigated. Furthermore, in order to retain the integrity of the Cannock Chase Special Area of Conservation (SAC) all development within Cannock Chase District that leads to a net increase in dwellings will be required to mitigate adverse impacts. In this instance, the proposed development would be CIL liable given the subsequent net increase in dwellings although the applicant has indicated that they will seek exemption for the affordable housing units. Notwithstanding this it is considered that sufficient CIL monies will be raised to enable it to be top sliced to provide the SAC contribution.

On Site Impacts

- 4.7.2 The application site is not subject to any formal or informal nature conservation designation and is not known to support any species that is given special protection or which is of particular conservation interest. As such the site has no significant ecological value and therefore the proposal would not result in any direct harm to nature conservation interests.
- 4.7.3 The applicant has submitted a bat survey with which to inform the application. The bat survey concluded that there was very little potential for bat roosts within the building and only one bat was observed within the site (outside of the building).
- 4.7.4 In order to enhance the nature conservation opportunities for the site, it is recommended that any permission is subject to a condition requiring the incorporation of bat and bird boxes in the construction of the apartments. This would enable a degree of biodiversity enhancement proportionate to the development proposed.

4.7.5 Given the above it is considered that the proposal, would not have a significant adverse impact on nature conservation interests either on, or off, the site. With the recommendation to include bat and bird boxes, the proposal would provide opportunities to enhance nature conservation. In this respect the proposal would comply with Policies CP3, CP12 and CP13 of the Local Plan and the NPPF.

4.8 **Drainage and Flood Risk**

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

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

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

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

4.8.3 The application site is located in a Flood Zone 1 which is at least threat from flooding. The applicant has indicated the means of drainage and it is noted that the site immediately abuts a main road 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.

4.8.4 The LLFA, Severn Trent & Souths Staffs Water was consulted on the application and have no objections. It is therefore concluded that the proposal is acceptable from a drainage and flood risk perspective and in accordance with paragraphs 159-169 of the NPPF.

4.9 **Mineral Safeguarding**

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

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

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

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

4.9.3 The 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.

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

4.10 **Waste and Recycling Facilities**

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

4.10.2 In this respect, it is noted that the proposed apartments would be sited with sufficient space for bin collection facilities within the site and within a residential location where bins are already collected by the Local Authority.

4.11 **Ground Conditions and Contamination**

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

4.11.2 The Council's Environmental Health Officers were consulted on the application and raised no issue in terms of ground contamination.

4.12 **Affordable Housing/CIL**

4.12.1 Under Policy CP2 the proposal would be required to provide CIL and a contribution towards affordable housing.

4.12.2 The Council's Housing Officer and CIL officer have been re-consulted on the scheme to provide up-to-date information with regards to these requirements and Members will be updated with an Officer Update Sheet prior to the Committee meeting regarding this issue.

4.13 **Objections raised not already covered above**

- 4.13.1 The red line has been revised to accommodate the new front wall and railings proposed and clarifies that it is not within the ownership of County Highways.
- 4.13.2 Parking for the existing cottages cannot be accommodated within the scheme, as that parking previously occurred on the application site private land that is not associated with the cottages.
- 4.13.3 An objector has stated that there was a discrepancy between the relationship with surrounding buildings and the proposed scheme. An amended plan has been supplied to address this point raised.

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 Equality 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 no objections being received from the Strategic Housing Officer, the attached schedule of conditions and to completion of a S106 in respect to the provision of affordable housing provision.

Contact Officer:	Kayleigh Williams
Telephone No:	07810155287

<p>Planning Control Committee</p> <p>23rd November 2022</p>

Application No:	CH/22/0188
Received:	13 May 2022
Location:	416 Rugeley Road, Hednesford, Cannock, WS12 0QP
Parish:	Brindley Heath CP
Ward:	Hednesford North
Description:	Lawful Development Certificate: 2 No. brick outbuildings in rear garden
Application Type:	Lawful Development Certificate for an existing development:- Outbuilding to rear

Purpose of the Report: Members of the Committee are asked to determine the lawfulness of 2 No. brick outbuildings (Building A and Building B) in rear garden of 416 Rugeley Road, Hednesford, Cannock, WS12 0QP.

The Committee can resolve as follows:

- (a) The Council is satisfied that the 2 No. Brick outbuildings (Building A and Building B) in rear garden of 416 Rugeley Road, Hednesford, Cannock, WS12 0QP are lawful.
- (b) The Council is not satisfied that the 2 No. Brick outbuildings (Building A and Building B) in rear garden of 416 Rugeley Road, Hednesford, Cannock, WS12 0QP are lawful.

(Alternatively, the committee can modify the description if, it is satisfied that part of the development is lawful or that a different development exists and is lawful.)

A lawful development certificate (LDC) is a certificate issued by a local planning authority (LPA) certifying that the:

Existing use of buildings or land, or operations carried out in, on, over or under land, or the failure to comply with any condition or limitation attached to a planning permission is lawful (section 191(1), Town and Country Planning Act 1990 (TCPA 1990)). This is known as a certificate of lawfulness of existing use or development (CLEUD).

In relation to CLEUDs, lawful development is development:

- Against which no enforcement action can be taken.
- Not in contravention of any planning enforcement notice or breach of condition notice which is in force.

A CLEUD cannot be granted if the LPA is entitled to take planning enforcement action. The relevant date for determining whether the statutory time limits for taking enforcement action has expired is the date of the application of the CLEUD. In this case the relevant date is the 9th May 2022

The relevant evidential test for lawful development is the ‘balance of probability’.

Based on the evidence provided by the applicant and the Local Planning Authority’s own information, it is considered to have been demonstrated that the outbuildings subject to this application have been in existence for a period longer than 4 years prior to the submission of the application.

Consultations and Publicity

External Consultations:

Cannock Chase AONB Partnership - Objection

“The upper sections of the Building B and its piers are visible at a higher elevation than the neighbouring property’s roof, infilling the urban edge. This is a visual detractor in the immediate setting of the AONB.”

“Had this proposal been submitted as an application, the AONB would have expressed concerns regarding visual intrusion on the boundary of the AONB and requested that the height of Building B be reduced. Any use of the flat roof of the building as a terrace would be visible and intrusive and of additional concern.”

Internal Consultations:

None

Response to Publicity

The application has been advertised by site notice and neighbour letter. Six letters were received and assessed below.

Relevant Planning History

Application Reference	Description of Development	Decision & Date
CH/05/0459	Conservatory to rear	Approved 03 Aug 2005
CH/99/0375	Proposed additional dropped kerb	Approved 2 Nov 1999

Application Reference	Description of Development	Decision & Date
CH/99/0382	Two storey domestic extension to both sides of dwelling and dormer to roof	Approved 6 Oct 1999

1 Site and Surroundings

- 1.1 Located east of Rugeley road, the subject site is the last dwelling found on this side of the road on the A460 traveling north from Hednesford.
- 1.2 The host dwelling is a chalet bungalow with bedroom accommodation in the roof space and is of a brick and tile construction.
- 1.3 The subject site has two access arrangements onto Rugeley Road and is contained at the front by a brick wall boundary treatment.

2 Application

- 2.1. The applicant is seeking to regularise an existing development by way of Lawful Development Certificate. The existing development subject to this application includes two outbuildings (Building A and Building B) of brick construction in the rear garden of 416 Rugeley Road.
- 2.2. Building A, described as 'Garden Shed' is shown on the Elevation & Floor Plans of Outbuildings drawing as having a length of 5.2 metres and a width of 1.8 metres and is located along the eastern boundary of the site.
- 2.3. Building B, described as 'Outdoor Storeroom' is shown on the Elevation & Floor Plans of Outbuildings drawing as having a length of 10.45 metres and a width of 3.5 metres and is located along the southern boundary of the site.

3 Planning Legislation

- 3.1 Town and Country Planning Act 1990 (as amended)
 - Section 55 provides that "development" means the carrying out of building, engineering, mining, or other operations in, on, over or under land, or the making of any material change in the use of any buildings or other land, and "building operations" includes demolition, rebuilding, structural alterations or additions to buildings.
 - Section 57 provides that planning permission is required for all development of land, as per the definition of development outlined above in Section 55.
 - Section 171B(1) states where there has been a breach of planning control consisting of the carrying out without planning permission of building, engineering, mining or other operations in, on, over or under land, no enforcement action may be taken after the end of the period of four years beginning with the date on which the operations were substantially completed.

- Section 191 deals with applications for Certificates of Lawfulness of existing development, and the authority's duty to determine them:
- Section 191(1)(b) provides that if any person wishes to ascertain whether any building operations which have been carried out in, on, over or under land are lawful they may make an application for that purpose to the local planning authority specifying the land and describing the use, operations or other matter.
- For the purpose of the 1990 Act, s.191(2a) defines operations as 'lawful' at any time if no enforcement action may be taken in respect of them (whether because they did not involve development or require planning permission or because the time for enforcement action has expired or for any other reason)

4 Determining Issues

Evidential Assessment

- 4.1. The determining issues of this Lawful Development Certificate application depend entirely on factual evidence about the history and planning status of the buildings and the interpretation of any relevant planning law or judicial authority.
- 4.2. The planning merits of the use, operation or activity are therefore not relevant to the determination of this application.
- 4.3. An application under s191(1)(b) of the Town and Country Planning Act 1990 as amended, seeks to ascertain whether the operations which have been carried out are lawful. Such applications are determined on the basis of fact and law, meaning that planning policies and the planning merits of the application do not form part of this assessment as to whether a Lawful Development Certificate should be granted.
- 4.4 The burden of proof in a Lawful Development Certificate application lies firmly with the applicant. The applicant must demonstrate to the Council, that on the balance of probabilities, the outbuildings are lawful because the time for enforcement action has expired.. Therefore, the applicant must demonstrate that it is more likely than not that the facts asserted are correct.

Information and Evidence Provided by the Applicant

- 4.5. Lawful Development Certificate Application Form, dated 9th May 2022 (**Appendix 1**)

The application form declares the description and location of the existing building operations subject to this application.

Section 9 of the application form states;

- The building works (for instance, building or engineering works) were substantially completed more than four years before the date of this application.

4.6. Site Location Plan (**Appendix 2**)

The site location plan contains the entire planning unit within the red line boundary

4.7. Cover Letter Signed by the Applicant (**Appendix 3**)

The applicant states that the buildings have been completed in excess of 15 years.

The applicant outlines the buildings have been substantially built by 9" by 6" concrete blocks and brick skinned. Building A is said to have a polycarbonate roof and Building B has a tiled roof which appears to function as a patio and is said to be tiled to swimming pool standards.

4.8. Block Plan (**Appendix 4**)

The block plan shows the two outbuildings subject to the application hatched in red in their respective locations.

4.9. Plan – 416 Rugeley Road (**Appendix 5**)

The Plan- 416 Rugeley Road gives drawings and measurements for Structure A (Garden Shed) and Structure B (Outdoor Storeroom)

4.10. Plan 1 (**Appendix 6**)

Plan 1 shows the front and side elevations of the buildings A and B.

4.11. Plan 2 (**Appendix 7**)

Plan 2 shows the location and position of buildings A and B.

4.12. Signed Letter of Declaration - Declarant 1 (**Appendix 8**)

Declarant 1 *"was the individual who dug the footings out for the main building, all the walls on the property and after removing one building at the back of the property". They also "put the footing in for the new build" and "the building at the top of the garden to the left hand side."*

Declarant 1 states he believes *"that all the buildings were completed by 2004."*

4.13. Signed Letter of Declaration - Declarant 2 (**Appendix 9**)

Declarant 2 *"erected the fencing to the back of Mr Pearson's property at 416 Rugeley Road" and "had to remove the old fence which were stumps and barbed wire" to "fit a more substantial fence in its place."* Declarant 2 provides assurances in his declaration *"that all buildings that are on the property as now where there when this fencing was completed"*. Declarant 2 believes this was *"as far back as 2005-2006."*

4.14. Signed Letter of Declaration - Declarant 3 (**Appendix 10**)

Declarant 3 has *"visited Mr Pearson's property since 1999, at 416 Rugeley Road."* Declarant 3 recalls when Mr Pearson *"had friends digging the footings out, and the concrete being pumped in."* Declarant 3 states that all the new builds in his recollection *"have been completed since before or around 2005."*

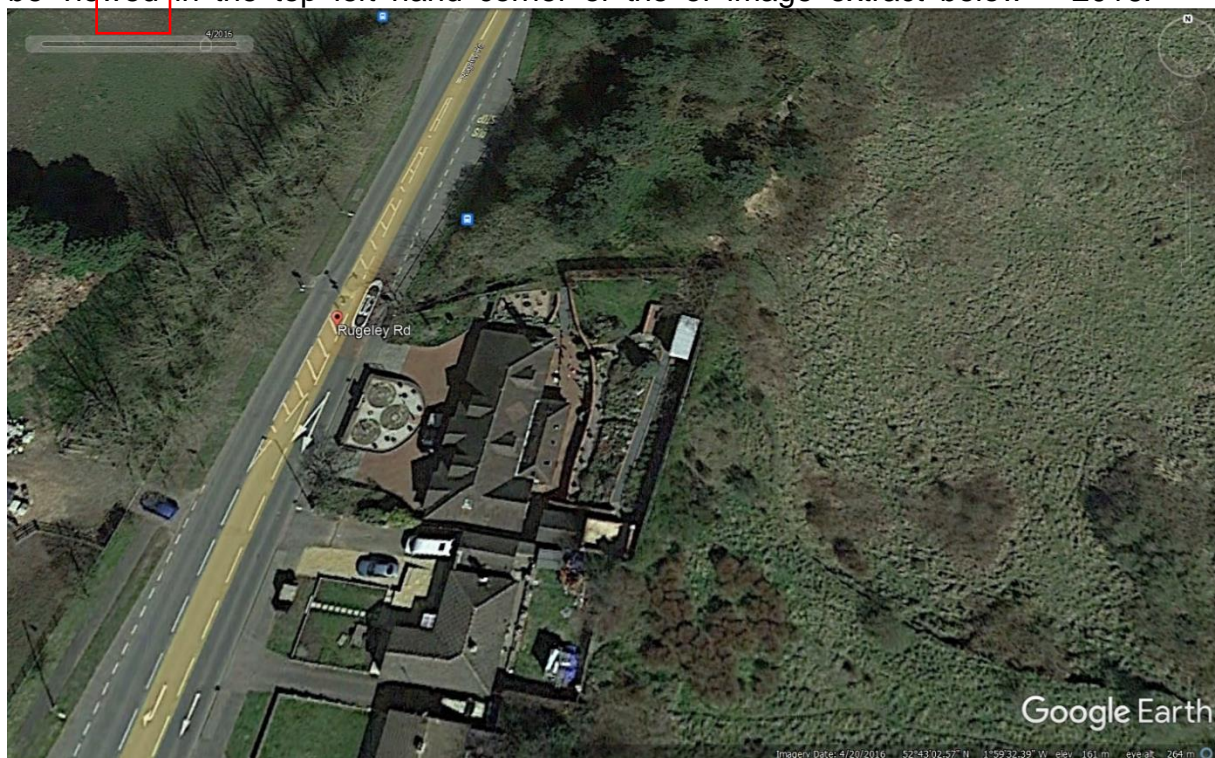
4.15. Signed Letter of Declaration - Declarant 4 (**Appendix 11**)

Declarant 4 “assisted the builder on all the buildings and walls at the above 416 Rugeley Road” and advises all the buildings on the “property, was finished before 2005.”

Information and Evidence Available to the Local Planning Authority

4.16 Google Earth Satellite Image - 2016 (**Appendix 12**)

The below image demonstrates that two outbuildings are visible in the same locations shown on the Block Plan and Plan 2. The year of the satellite image can be viewed in the top left hand corner of the of image extract below – 2016.



Information and Evidence from others.

4.17 Consultee Representation - AONB Partnership (**Appendix 13**)

The representation submitted by the AONB partnership relates to the protection of the AONB policy position. Notwithstanding the submitted policy interpretation relating to the protection of the AONB, Section 191 of the Town and Country Planning Act 1990, requires this lawful development application to demonstrate whether, the buildings have been in existence for four years or more, or not.

The representation submitted by the AONB partnership does not provide evidence contradicting the applicants own evidence which demonstrates the buildings have existed for in excess of four years.

4.18 Representation - Objector 1 (**Appendix 14**)

Objector 1’s representation is summarised in the below bullet points. The representation can be read in full in Appendix 10

- The application can not be dealt with by local officer and has to go through the full application process before planning committee
- There are a number of breaches on the site which should be investigated before the report is sent to the secretary of state
- One of the buildings results in views over into the neighbours garden and breaches privacy
- The lower level building with steps is subject to boundary dispute
- The guttering over extends to the neighbour and results in flooding of garden

4.19 Representation - Objector 2 (**Appendix 15**)

Objector 2's representation is summarised in the below bullet points. The representation can be read in full in Appendix 11

- The application needs a full judicial review and the Council cannot authorise its legislation
- There are gates, walls and windows which should also be subject to judicial review owing to unlawful construction

4.20 Representation - Objector 3 (**Appendix 16**)

Objector 3's representation is summarised in the below bullet points. The representation can be read in full in Appendix 12

- The home is that of a councillor who sits on planning committee.
- These and other constructions have been built without permission
- The application requires judicial review in the interests of openness and transparency.

4.21 Representation - Objector 4 (**Appendix 17**)

Objector 4's representation is summarised in the below bullet points. The representation can be read in full in Appendix 13

- This is a home of a councillor who sits on planning committee
- Constructions have been built without the necessary permissions.
- In the interests of openness, transparency and honesty the matter should be subject to an appropriate review.

4.22 Representation - Objector 5 (**Appendix 18**)

Objector 5's representation is summarised in the below bullet points. The representation can be read in full in Appendix 14

- The applicant sits on planning committee
- There are a number of unlawful construction and breaches on the site
- The application should be subject to judicial review

4.23 Representation - Objector 6 (**Appendix 19**)

Objector 6's representation is summarised in the below bullet points. The representation can be read in full in Appendix 15.

- The applicant is a councillor who sits on planning committee
- There are a number of unlawful constructions and breaches on the site
- In the interest of openness, honesty and integrity the matter should be dealt with by judicial review

4.24 **Officer response to Representations:**

In accordance with the Council's Constitution and section 26.5.19 (b)(ii) of the Scheme of Delegation, the application has been reported to the Planning Control Committee for determination owing to the application being made by serving Member of the Council.

The Council's enforcement team are aware of additional breaches on the site and are in discussions with the applicant who will be applying for a further lawful development certificate to regularise the works. However, these matters are not subject to this assessment which seeks only to determine whether the two outbuildings are lawful through the passage of time.

The Judicial Review process is a type of court proceeding in which a judge reviews the lawfulness of a decision made by a public body. At this stage, a decision has not yet been made and therefore Judicial Review is not the appropriate mechanism for determination. The Planning Control Committee are bound by their duties as Members of the Council, to make impartial decisions notwithstanding relationships to other Members or employees of the Council in the interest of fairness and transparency.

The representations submitted do not provide any evidence that either support or contradict the applicant's evidence.

<h2>5 Conclusion</h2>

- 5.1 The applicant has provided covering letter, plans and 4 signed letters in support of their application. The buildings are described as outbuildings within the application and as a garden shed and outdoor storeroom on the plans.
- 5.2 The applicant has described the materials of the buildings and states that the buildings were completed in excess of 15 years ago. There are some slight discrepancies between the four declarations which state between them that the buildings were completed/in situ between 2004-2006. Furthermore, they do not make direct reference to the plans or describe the buildings or their locations.

However, they are overall consistent and support the applicant's evidence that buildings had been completed for some considerable time prior to 9th May 2018.

- 5.3 Given that the application is for garden outbuildings, it is reasonable to consider that the building operations would be substantially completed when external construction was complete i.e. walls and roof.
- 5.4 Available satellite images from 2016 prove that on the 'balance of probability' two outbuildings in the locations Building A and Building B have been in existence for longer than four years, prior to the submission of the application. The Local Planning Authority is not in receipt of any evidence to the contrary.
- 5.5 Although residents and the AONB partnership have objected to the application, objections are based on; the protection of the AONB, alleged further breaches of planning control, privacy, land ownership and the transparency of the decision-making process as the applicant is a Council Member. No evidence has been presented in the representations to contradict the evidence of the application that the buildings have been in existence for at least four years.
- 5.6 The authority can confirm that the no enforcement action has been taken in respect of the structures and they do not constitute a contravention of any of the requirements of any enforcement notice or fail to comply with a conditional requirement of any previous planning permission.
- 5.7 The purpose of the application is to regularise a breach of control. The evidence and documentation provided by the applicant and the information available to the Local Planning Authority, confirms the outbuildings (Building A and Building B) subject to this Lawful Development Certificate have been in existence for in excess of four years and the Local Planning Authority is not in receipt of any evidence to counter the evidence submitted by the applicant.
- 5.8 As such, on the balance of probabilities it is considered that the development is lawful by reason of the passage of time.

Appendix Contents

- Appendix 1 - Lawful Development Certificate Application Form
- Appendix 2 - Site Location Plan
- Appendix 3 - Cover Letter Signed by the Applicant (**confidential**)
- Appendix 4 – Block Plan
- Appendix 5 – Plan - 416 Rugeley Road
- Appendix 6 – Plan 1
- Appendix 7 – Plan 2
- Appendix 8 – Signed Letter of Declarant 1 (**confidential**)
- Appendix 9 - Signed Letter of Declarant 2 (**confidential**)
- Appendix 10 - Signed Letter of Declarant 3 (**confidential**)
- Appendix 11 - Signed Letter of Declarant 4 (**confidential**)
- Appendix 12 - Google Earth Satellite Image - 2016
- Appendix 13 - AONB Partnership Representation
- Appendix 14 - Objector 1 Evidence (**confidential**)
- Appendix 15 - Objector 2 Evidence (**confidential**)
- Appendix 16 -Objector 3 Evidence (**confidential**)
- Appendix 17 - Objector 4 Evidence (**confidential**)
- Appendix 18 - Objector 5 Evidence (**confidential**)
- Appendix 19 - Objector 6 Evidence (**confidential**)



Civic Centre, PO Box 28, Beecroft Road, Cannock, Staffordshire WS11 1BG
 Tel: 01543 462621 Fax: 01543 462317
 www.cannockchasedc.gov.uk

C C D C
 A E 12 MAY 2022
 POST ROOM

Application for a Lawful Development Certificate for an Existing use or operation
 or activity including those in breach of a planning condition.

Town and Country Planning Act 1990: Section 191 as amended by section 10 of
 the Planning and Compensation Act 1991.

Town and Country Planning (Development Management Procedure) (England) Order 2010

You can complete and submit this form electronically via the Planning Portal by visiting www.planningportal.gov.uk/apply

Publication of applications on planning authority websites

Please note that the information provided on this application form and in supporting documents may be published on the Authority's website. If you require any further clarification, please contact the Authority's planning department.

Please complete using block capitals and black ink.

It is important that you read the accompanying guidance notes as incorrect completion will delay the processing of your application.

1. Applicant Name and Address

Title: First name:

Last name:

Company (optional):

Unit: House number: House suffix:

House name:

Address 1:

Address 2:

Address 3:

Town:

County:

Country:

Postcode:

2. Agent Name and Address

Title: First name:

Last name:

Company (optional):

Unit: House number: House suffix:

House name:

Address 1:

Address 2:

Address 3:

Town:

County:

Country:

Postcode:

3. Site Address Details

Please provide the full postal address of the application site.

Unit: House number: House suffix:

House name:

Address 1:

Address 2:

Address 3:

Town:

County:

Postcode (optional):

Description of location or a grid reference. (must be completed if postcode is not known):

Easting: Northing:

Description:

4. Pre-application Advice

Item 6.107

Has assistance or prior advice been sought from the local authority about this application? Yes No

If Yes, please complete the following information about the advice you were given. (This will help the authority to deal with this application more efficiently).

Please tick if the full contact details are not known, and then complete as much as possible:

Officer name:

Reference:

Date (DD/MM/YYYY): (must be pre-application submission)

Details of pre-application advice received?

5. Lawful Development Certificate - Interest In Land

Please state the applicant's interest in the land:

Owner: Yes No Lessee: Yes No Occupier: Yes No

If Yes to Lessee or Occupier please give details of the owner and state whether they have been informed in writing of this application:

Name	Address	Have they been informed in writing of the application	
		Yes	No
		<input type="checkbox"/>	<input type="checkbox"/>

If No to all the above, please give name and address of anyone you know who has an interest in the land:

Name	Address	State the nature of their interest (if known)	State whether they have been informed about this application		If No, please explain why not
			Yes	No	
SHIRLEY PEARSON	416 RUGELEY ROAD HEDNESFORD STAFFS WS12 0QP	WIFE	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
			<input type="checkbox"/>	<input type="checkbox"/>	
			<input type="checkbox"/>	<input type="checkbox"/>	
			<input type="checkbox"/>	<input type="checkbox"/>	

6. Authority Employee / Member

With respect to the Authority, I am:

- (a) a member of staff (c) related to a member of staff
 (b) an elected member (d) related to an elected member

Do any of these statements apply to you?

Yes No

If Yes, please provide details of the name, relationship and role

AN ELECTED MEMBER

7. Description of Use, Building Works or Activity

Please state for which of these you need a lawful development certificate/building works (you must tick at least one option):

- An existing use: Yes No
- Existing building works: Yes No
- An existing use, building work or activity in breach of a condition: Yes No

Being a use, building works or activity which is still going on at the date of this application

If Yes to either 'an existing use' or 'an existing use in breach of a condition', please state which one of the Use Classes of the Town and Country Planning (Use Classes) Order 1987 (as amended) the use relates to:

(Empty box with diagonal lines)

8. Description of Existing Use, Building Works or Activity

Item 6.108

What is the existing site use(s) for which the certificate of lawfulness is being sought? Please fully describe each use and state which part of the land the use relates to:

BRICK OUT BUILDING + PATIO
AT TOP OF GARDEN.

BRICK POTTING BUILDING
+ GARDEN STORAGE.

9. Grounds For Application For A Lawful Development Certificate

Please state under what grounds is the certificate sought (you must tick at least one box):

- The use began more than 10 years before the date of this application.
- The use, building works or activity in breach of condition began more than 10 years before the date of this application.
- The use began within the last 10 years, as a result of a change of use not requiring planning permission, and there has not been a change of use requiring planning permission in the last 10 years.
- The building works (for instance, building or engineering works) were substantially completed more than four years before the date of this application.
- The use as a single dwelling house began more than four years before the date of this application.
- Other - please specify (this might include claims that the change of use or building work was not development, or that it benefited from planning permission granted under the Act or by the General Permitted Development Order).

If the certificate is sought on 'Other' grounds please give details:

~~BECAUSE THE BUILDINGS IN QUESTION~~

If applicable, please give the reference number of any existing planning permission, lawful development certificate or enforcement notice affecting the application site. Include its date and the number of any condition being breached:

Reference Number: Condition Number: Date (DD/MM/YYYY): (must be pre application submission)

Please state why a Lawful Development Certificate should be granted:

BECAUSE THE BUILDINGS IN QUESTION HAVE BEEN COMPLETED MORE THAN 10 YEARS

10. Information In Support Of A Lawful Development Certificate

When was the use or activity begun, or the building works substantially completed: (date must be pre-application submission) (DD/MM/YYYY)

In the case of an existing use or activity in breach of conditions has there been any interruption? Yes No

If Yes, please provide details of the dates, duration and any discontinuance of the development which is the subject of this application. If your application is based on the claim that a use or activity has been ongoing for a period of years, please state exactly when any interruption occurred:

(Empty box)

In the case of an existing use of land, has there been any material change of use of the land since the start of the use for which a certificate is sought? Yes No

If Yes please provide details?

(Empty box)

10. Information In Support Of A Lawful Development Certificate (Continued) - Residential Information Item 6.109

Does the application for a Certificate relate to a residential use where the number of residential units has changed? Yes No
 If Yes, please complete the following table:

Proposed Housing

Market Housing	Number of Bedrooms					Total
	1	2	3	4+	Unknown	
Houses						a
Flats & Maisonettes						b
Live-Work Units						c
Cluster Flats						d
Sheltered Housing						e
Bedsit/Studios						f
Unknown						g
Market Housing Total (a + b + c + d + e + f + g) =						A

Social Rented Housing	1	2	3	4+	Unknown	Total
Houses						a
Flats & Maisonettes						b
Live-Work Units						c
Cluster Flats						d
Sheltered Housing						e
Bedsit/Studios						f
Unknown						g
Social Rented Housing Total (a + b + c + d + e + f + g) =						B

Intermediate Housing	1	2	3	4+	Unknown	Total
Houses						a
Flats & Maisonettes						b
Live-Work Units						c
Cluster Flats						d
Sheltered Housing						e
Bedsit/Studios						f
Unknown						g
Intermediate Housing Total (a + b + c + d + e + f + g) =						C

Key Worker Housing	1	2	3	4+	Unknown	Total
Houses						a
Flats & Maisonettes						b
Live-Work Units						c
Cluster Flats						d
Sheltered Housing						e
Bedsit/Studios						f
Unknown						g
Key Worker Housing Total (a + b + c + d + e + f + g) =						D

Proposed Housing Grand Total (A + B + C + D) =

Existing Housing

Market Housing	Number of Bedrooms					Total
	1	2	3	4+	Unknown	
Houses						a
Flats & Maisonettes						b
Live-Work Units						c
Cluster Flats						d
Sheltered Housing						e
Bedsit/Studios						f
Unknown						g
Market Housing Total (a + b + c + d + e + f + g) =						E

Social Rented Housing	1	2	3	4+	Unknown	Total
Houses						a
Flats & Maisonettes						b
Live-Work Units						c
Cluster Flats						d
Sheltered Housing						e
Bedsit/Studios						f
Unknown						g
Social Rented Housing Total (a + b + c + d + e + f + g) =						F

Intermediate Housing	1	2	3	4+	Unknown	Total
Houses						a
Flats & Maisonettes						b
Live-Work Units						c
Cluster Flats						d
Sheltered Housing						e
Bedsit/Studios						f
Unknown						g
Intermediate Housing Total (a + b + c + d + e + f + g) =						G

Key Worker Housing	1	2	3	4+	Unknown	Total
Houses						a
Flats & Maisonettes						b
Live-Work Units						c
Cluster Flats						d
Sheltered Housing						e
Bedsit/Studios						f
Unknown						g
Key Worker Housing Total (a + b + c + d + e + f + g) =						H

Existing Housing Grand Total (E + F + G + H) =

TOTAL NET GAIN or LOSS of RESIDENTIAL UNITS (Proposed Housing Grand Total - Existing Housing Grand Total):

11. Planning Application Requirements - Checklist

Item 6.110

Please read the following checklist to make sure you have sent all the information in support of your proposal. Failure to submit all information required will result in your application being deemed invalid. It will not be considered valid until all information required by the Local Planning Authority has been submitted.

The burden of proof in a Lawful Development Certificate is firmly with the applicant and therefore sufficient and precise information should be provided.

The original and 3 copies of a completed dated application form:

The original and 3 copies of such evidence verifying the information included in the application as you can provide:

The original and 3 copies of a plan which identifies the land to which the application relates drawn to an identified scale and showing the direction of North:

The correct fee:

12. Declaration

I/we hereby apply for a Lawful Development Certificate as described in this form and the accompanying plans/drawings and additional information. I/we confirm that, to the best of my/our knowledge, any facts stated are true and accurate and any opinions given are the genuine opinions of the person(s) giving them.

Signed - Applicant

Or signed - Agent

[Redacted Signature]

[Redacted Signature]

Date (DD/MM/YYYY):

9 / 5 / 22

(date cannot be pre-application submission)

WARNING:

The amended section 194 of the 1990 Act provides that it is an offence to furnish false or misleading information or to withhold material information with intent to deceive. Section 193(7) enables the authority to revoke, at any time, a certificate they may have issued as a result of such false or misleading information.

13. Applicant Contact Details

Telephone numbers

Country code: National number: Extension number:

Country code: Mobile number (optional):

Country code: Fax number (optional):

Email address (optional):

[Redacted Email Address]

14. Agent Contact Details

Telephone numbers

Country code: National number: Extension number:

Country code: Mobile number (optional):

Country code: Fax number (optional):

Email address (optional):

[Redacted Email Address]

15. Site Visit

Can the site be seen from a public road, public footpath, bridleway or other public land? Yes No

If the planning authority needs to make an appointment to carry out a site visit, whom should they contact? (Please select only one) Agent Applicant Other (if different from the agent/applicant's details)

If Other has been selected, please provide:

Contact name:

ALAN . R. PEARSON

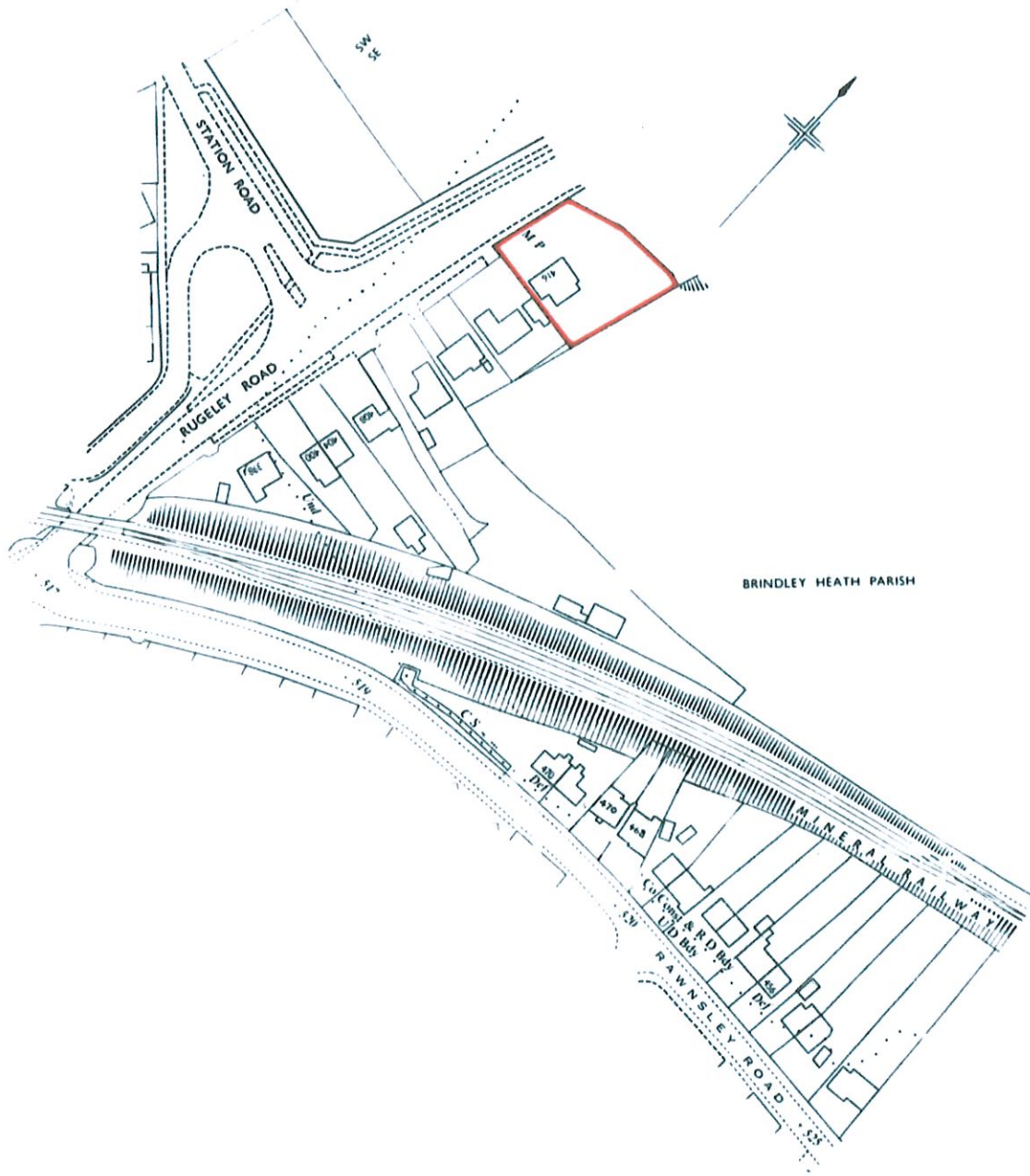
Telephone number:

[Redacted Telephone Number]

Email address:

[Redacted Email Address]

H.M. LAND REGISTRY		TITLE NUMBER	
		SF243021	
ORDNANCE SURVEY PLAN REFERENCE	SK 0013	SECTION D	Scale 1:1250
COUNTY STAFFORDSHIRE	DISTRICT CANNOCK CHASE		© Crown copyright 1977



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416, Rugeley Road, Hednesford, Cannock, Staffordshire, WS12 0QP



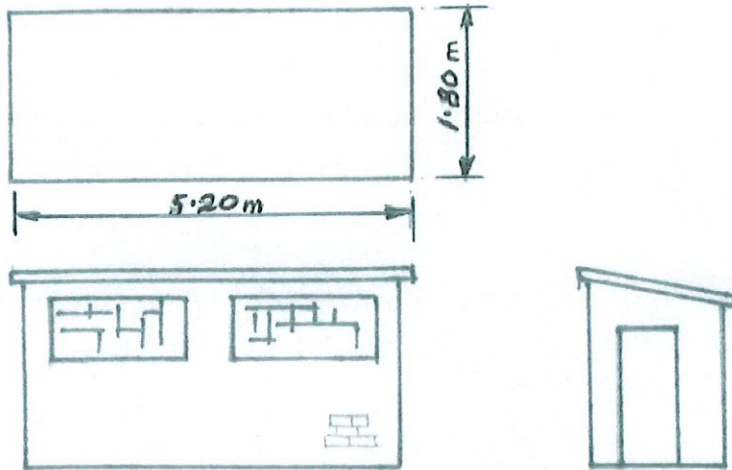
Block Plan shows area bounded by: 400535.16, 313229.18 400625.16, 313319.18 (at a scale of 1:500), OSGridRef: SK 581327. The representation of a road, track or path is no evidence of a right of way. The representation of features as lines is no evidence of a property boundary.

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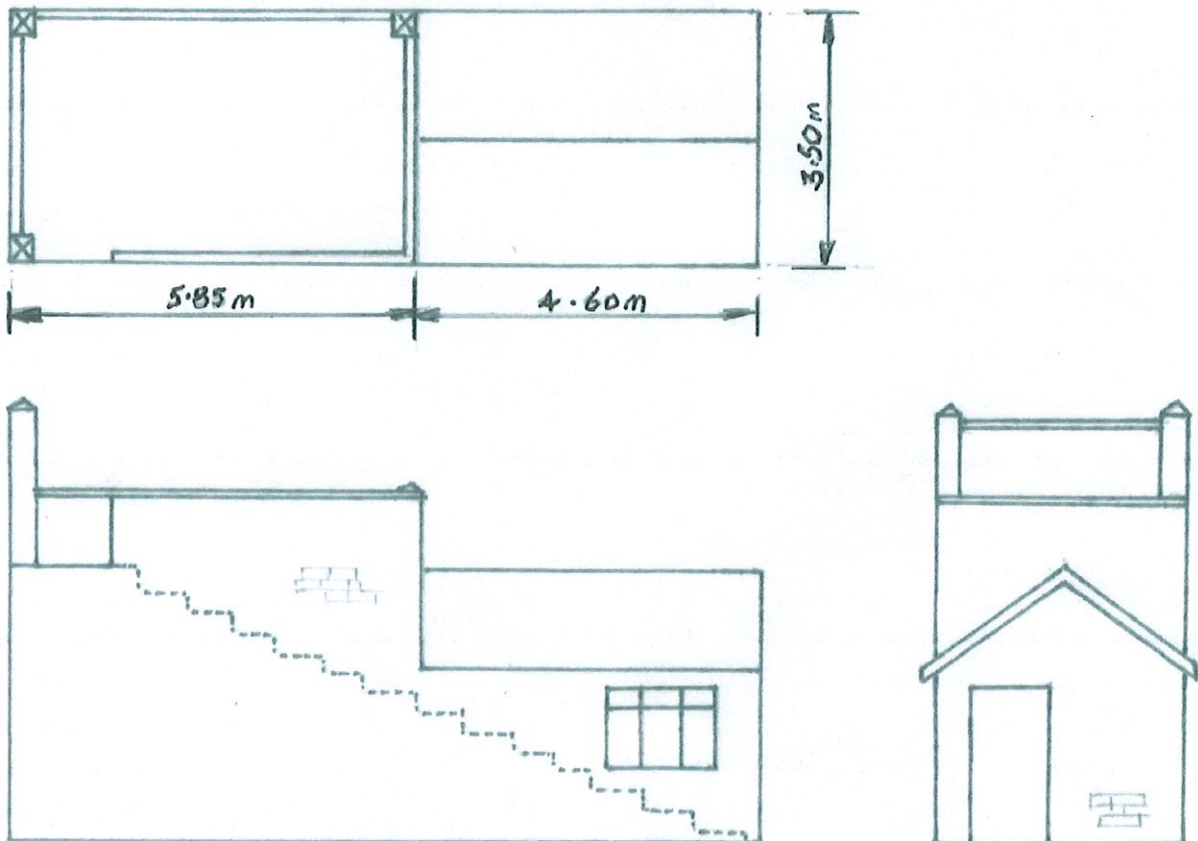
416 , Rugeley Road, Hednesford , Cannock , Staffordshire, WS12 0QP

Structure A (Garden Shed)

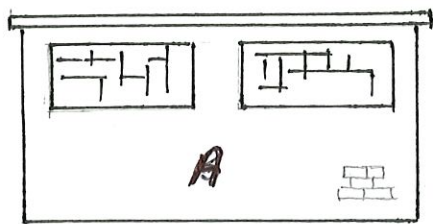
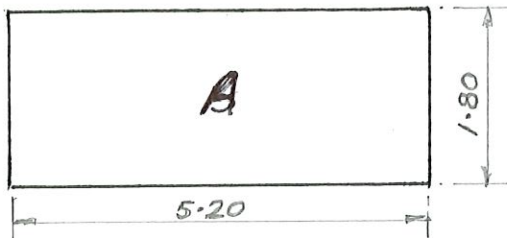


Note:
Both Structures A & B
Built of Block and Brick
matching main building.
1:100 SCALE.

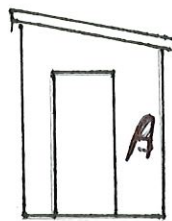
Structure B (Outdoor Storeroom)



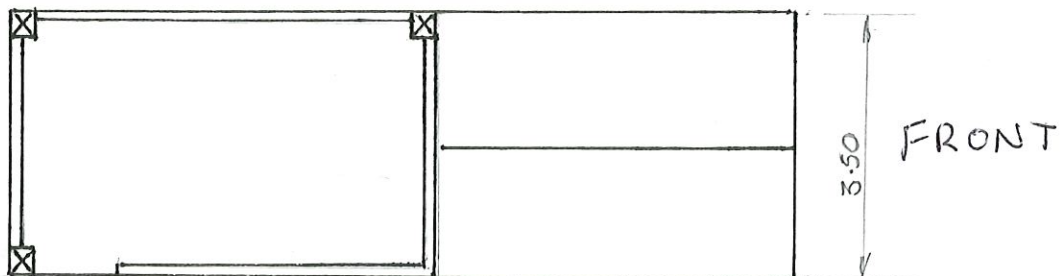
416 , Rugeley Road, Hednesford , Cannock , Staffordshire, WS12 0QP



FRONT



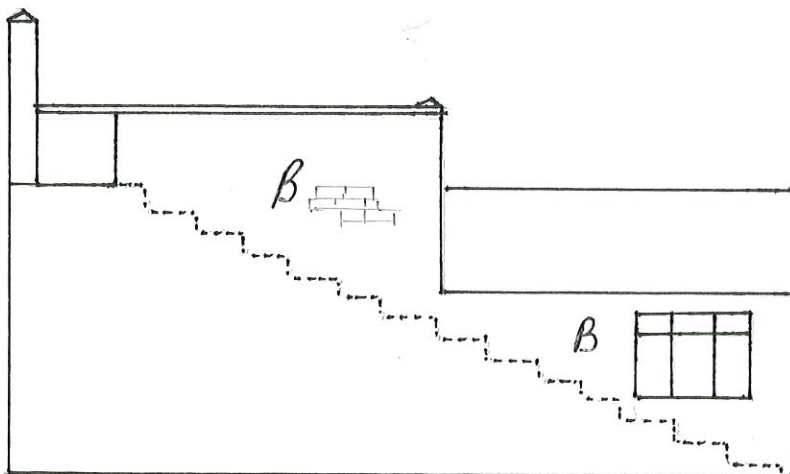
SIDE



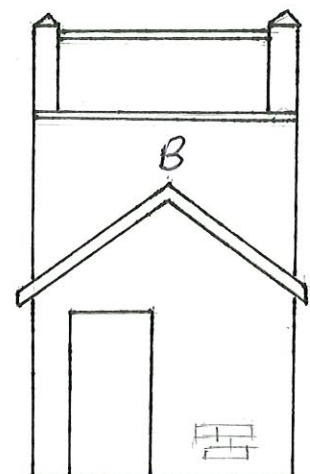
FRONT



SIDE

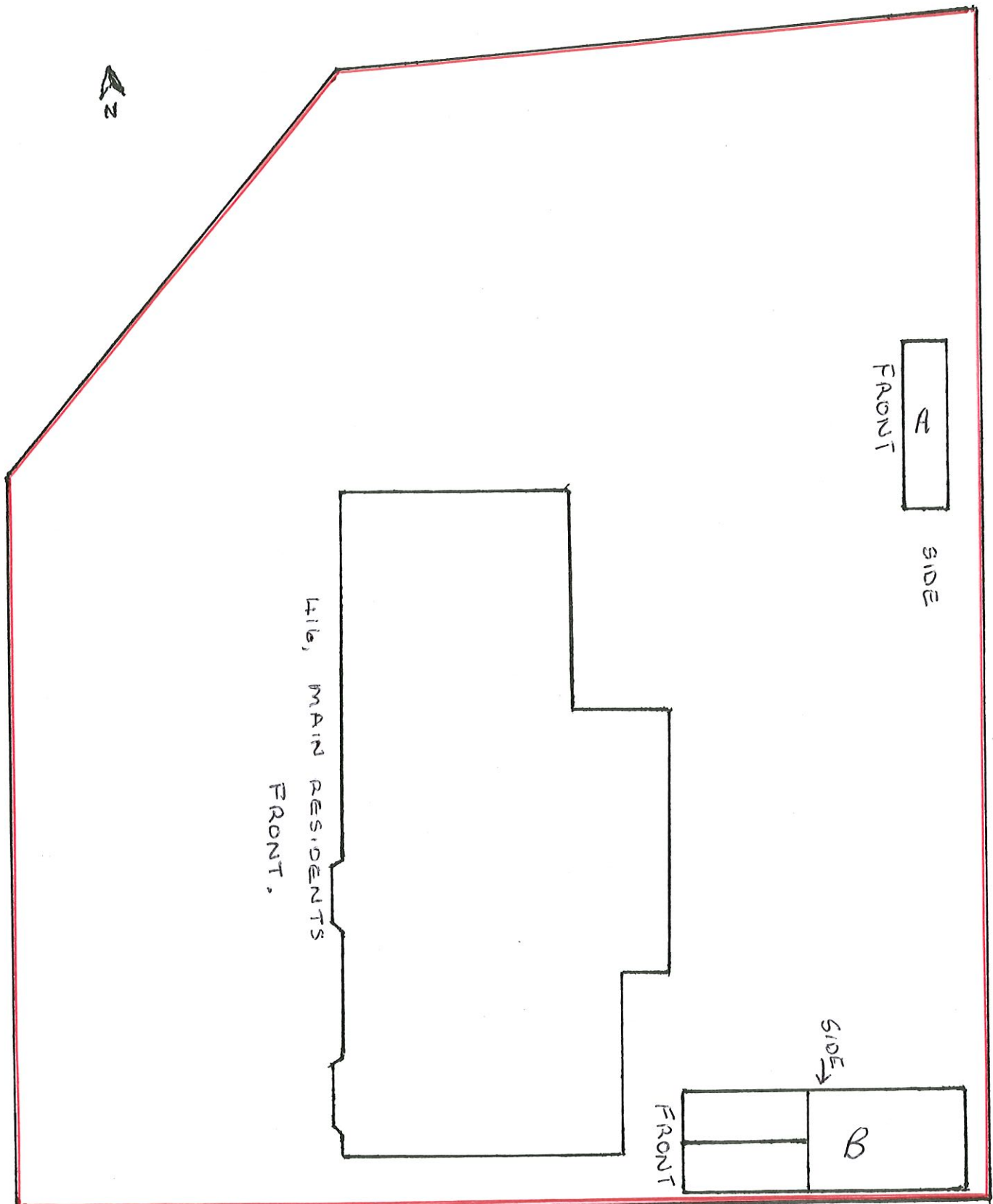


SIDE



FRONT.

416 , Rugeley Road, Hednesford , Cannock , Staffordshire, WS12 0QP



A460



Appendix 8 - Google Earth Satellite Image - 2016



Cannock Chase AONB Partnership

c/o 2 Staffordshire Place

Tipping Street

Stafford

ST16 2DH



Website: www.cannock-chase.co.uk

Email: [REDACTED]

Please ask for: [REDACTED]

Date: 14th June 2022

[REDACTED]
Development Services
Cannock Chase Council
Civic Centre
PO Box 28, Beecroft Road
Cannock
WS11 1BG

Dear [REDACTED]

CH/22/0188: 416 Rugeley Road, Hednesford: Lawful Use / Development Certificate - 2 No. brick outbuildings in rear garden

I wish to make the following comments on this application on behalf of the Cannock Chase Area of Outstanding Natural Beauty (AONB) Partnership. The status of the AONB in relation to the national legislation and guidance and the local planning and decision-making context is set out in the annexe. I have reviewed the application and have the following comments.

The site falls directly outside the AONB boundary in an area of built character, and the buildings in question are adjacent to the boundary. The plans indicate brick and block construction, similar to the dwelling. Structure A is approximately 2.5m high; Structure B 3.5m rising to approximately 4.5m high. Structure B is constructed into a slope at the rear of the property. The bank behind the properties on Rugeley Road rises up into the AONB; the site and other properties on Rugeley Road lying mainly at a lower elevation to land within the AONB.

The site is located at the edge of Hednesford on the A460. The setting of the AONB is a complex landscape of urban character, woodland and valley pastures. Travelling north on the A460 beyond the site the setting of the AONB is wooded.

From the street there are very limited views of Structure A and some views of the upper elevations of Structure B seen in close association with the adjacent dwellings. There is a timber fence on the rear site boundary in a relatively elevated position, noticeable on the AONB boundary.

There are views of the site from Bradbury Lane, where the site is seen in the immediate setting of the AONB. The view comprises housing and road network in the foreground against the backdrop of the wooded plateau of the AONB. Building A is not visible (in

summer) due to intervening buildings and vegetation, however the upper sections of the Building B and its piers are visible at a higher elevation than the neighbouring property's roof, infilling the urban edge. This is a visual detractor in the immediate setting of the AONB.

AONB Conclusion

Had this proposal been submitted as an application, the AONB would have expressed concerns regarding visual intrusion on the boundary of the AONB and requested that the height of Building B be reduced. Any use of the flat roof of the building as a terrace would be visible and intrusive and of additional concern.

I trust you can take these comments into consideration.

Yours sincerely

[Redacted signature]

[Redacted name]

AONB Landscape Planning Officer

Annexe: National legislation and guidance and the local planning and decision-making context.

Legislative Context. The AONB is a statutory designated area under the Countryside and Rights of Way Act 2000 (CRoW). The Act places a duty on all public bodies to “have regard to the purpose of conserving and enhancing the natural beauty of the area of outstanding natural beauty”.

National Planning Guidance. The importance of conserving landscape and scenic beauty in AONBs is also stressed in the National Planning Policy Framework (para. 115).

Local Planning Context. The policies of the adopted Local Plan, including Policy CP1 (Strategy) and Policy CP14 (Landscape Character and Cannock Chase AONB), which includes consideration of the impact of development on the setting of the AONB.

AONB Management Plan (2019-2024). The Cannock Chase AONB Management Plan, prepared in accordance with CRoW, sets out how the AONB will be conserved and enhanced.

AONB Design Guide 2020. The [AONB Design Guide](#) has been prepared in response policies and actions in the AONB Management Plan. It aims to promote good practice and encourage any future development to be landscape-led and sympathetic to existing character, so it does not detract from the natural beauty of the AONB.

AONB Views and Setting Guide 2020. The AONB Management Plan recognises that wide-ranging uninterrupted views from the AONB are one of the AONB’s special qualities. Views towards the distinctive profile of Cannock Chase are also an important attribute within the surrounding area. The [AONB Views and Setting Guide](#) provides a guide to help ensure that the surroundings of the AONB are developed and managed in ways that conserve and enhance its significance and inherent special qualities.

AONB Planning Protocol. The AONB Partnership has also agreed a Planning Protocol which includes consideration of any applications that “are likely to have an adverse impact on either the character of the local landscape and/or nature conservation interests in the AONB or on its setting.”

AONB Governance. These comments are submitted by the AONB Landscape Planning Officer on behalf of the AONB Joint Committee.

AONB Executive. Further information on the AONB Unit and the AONB in general can be seen at: [http://www.cannock-chase.co.uk/About Us/](http://www.cannock-chase.co.uk/About_Us/)