

Please ask for: Mrs. W. Rowe

Extension No: 4584

E-Mail: wendyrowe@cannockchasedc.gov.uk

18 May, 2020

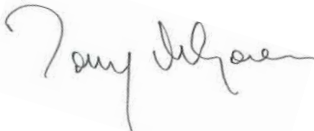
Dear Councillor,

**PLANNING CONTROL COMMITTEE
3:00 PM, WEDNESDAY 27 MAY, 2020
MEETING TO BE HELD REMOTELY**

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

Instructions on how the public can access the meeting will be posted on the Council's website along with the agenda.

Yours sincerely,



**T. McGovern
Managing Director**

To Councillors:-

Cartwright, Mrs. S.M. (Chairman)

Allen, F.W.C. (Vice-Chairman)

Crabtree, S.K.

Smith, C.D.

Dudson, A.

Startin, P.D.

Fisher, P.A.

Stretton, Mrs. P.Z.

Fitzgerald, Mrs. A.A.

Thompson, Mrs. S.L.

Jones, Mrs. V.

Todd, Mrs. D.M.

Layton, Mrs. A.

Woodhead, P.E.

Pearson, A.R.

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 13 May, 2020 (enclosed).

5. Members' Requests for Site Visits

6. Report of the Development Control Manager

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

Finding information about an application from the website

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

PLANNING APPLICATIONS

<u>Application Number</u>	<u>Application Location and Description</u>	<u>Item Number</u>
1. CH/20/026	21 Stafford Road, Cannock, WS11 4AF: <i>Site redevelopment to provide 18 Room House of Multiple Occupancy.</i>	6.1 – 6.39
2. CH/20/029	Land off Colliery Road, Brereton, Rugeley: <i>Erection of a stable building and hardstanding.</i>	6.40 – 6.58
3. CH/15/0497	Blackfords Working Mens Club, Cannock Road, Cannock: <i>Variation of Section 106 Agreement to Alter the Provision of Affordable Housing from On-Site Provision to a Commuted Sum in respect to Planning Permission CH/15/0497 for Residential Development: Proposed erection of 4 x two storey apartment buildings to form 26 apartments and associated car parking.</i>	6.59 – 6.74

INFORMATION REPORT

4.	Implications of the Written Ministerial Statement on Planning and Construction Working Hours	6.75 - 6.77
----	--	-------------

CANNOCK CHASE COUNCIL
MINUTES OF THE MEETING OF THE
PLANNING CONTROL COMMITTEE
WEDNESDAY 13 MAY 2020 AT 3:00 P.M.
MEETING HELD REMOTELY

PART 1

PRESENT: Councillors Cartwright, Mrs. S.M. (Chairman)

Buttery, M. (Sub)	Pearson, A.R.
Crabtree, S.K.	Smith, C.D.
Fisher, P.A.	Startin, P.D.
Fitzgerald, Mrs. A.A.	Todd, Mrs. D.M.
Jones, Mrs. V.	Woodhead, P.E.
Layton, Mrs. A.	

(This meeting was not able to be held at the Civic Centre due to the Coronavirus (Covid-19) pandemic. It was therefore held remotely).

131. Apologies

Apologies for absence were submitted for Councillors F.W.C. Allen (Vice-Chairman), Mrs. P.Z. Stretton and Mrs. S. Thompson.

(Notification had been received that Councillor M. Buttery would be acting as substitute for Councillor Mrs. S. Thompson).

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

None declared.

133. Disclosure of Lobbying of Members

Nothing declared.

134. Minutes

RESOLVED:

That the Minutes of the meeting held on 15 April, 2020 be approved as a correct record.

135. Members' Requests for Site Visits

Councillor A. Pearson asked that detailed information and plans be provided in respect of Application CH/20/128, Ex-Service Men's Club, 23 Walsall Road,

Cannock – 12 apartments in car park, when the application came before the Committee. The Principal Solicitor confirmed that as site visits were impractical during this time more detailed plans and additional photographs would be presented to the Committee.

136. Application CH/20/090, Land off Hailing Way, Cannock WS11 0FB - Full application for a 4m high heatshield fence to replace existing 2m high wooden acoustic fence along the boundary of Hailing Way/Axil Integrated Services and removal of 2 no parking spaces

Consideration was given to the report of the Development Control Manager (Item 6.1 – 6.73 of the Official Minutes of the Council).

The Development Control Manager provided the following update, which had been previously circulated to Members. He shared this on the screen for the benefit of those present:-

“Subsequent to the production of the Officer Committee Report comments have been received from the applicant in respect of the report produced by Tenos on behalf of the Council.

The Council has commissioned Tenos to appraise the comments made by the applicant and respond on each point. In looking at the issues raised it should be borne in mind that Tenos’s sole role was to provide a view as to whether the heatshield fence would exacerbate fires at the Axil premises which was an issue raised by Axil Integrated Services. Tenos was not requested to look at the effectiveness of the heatshield fence in respect to the protection of property and life on Hailing Way.

It is noted that it is common ground between the applicant and Tenos that

- (i) the heatshield will not have a negative impact on the safety of Axil, and
- (ii) Tenos has not evaluated the safety of the occupants at the unexposed side, and access for the fire service.

It should also be noted that the purpose of the heatshield fence is to allow for egress of occupants at the unexposed side of fence and allow emergency services to safely access the area.

A full copy of the response from Tenos in the form of a technical paper was circulated to Members and appended to the update.

Officers would conclude that the response from the applicant and the subsequent technical note from Tenos do not alter the recommendation contained within the officer report and approval is recommended”.

Prior to consideration of the application representations were made by Mr. C. O’Donoghue, who was speaking against the application.

RESOLVED:

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

- 137. Application CH/20/063, Common Farm De Lux and land, 427 Pye Green Road, Cannock, WS12 4HS – Application under Section 73 of the 1990 Town and Country Planning Act to develop land without complying with Condition 10 (service strip/pavements) and variation of Condition 22 (amended plans) pursuant to Planning Permission CH/18/121**

Consideration was given to the report of the Development Control Manager (Item 6.74 – 6.92 of the Official Minutes of the Council).

The Development Control Manager advised that Waste and Engineering had confirmed they had no objections to the application.

He further advised that, should Members be minded to approve the application, the Officer recommendation contained in the report should be amended to read as follows:-

“Approve subject to conditions and subject to a deed of variation to the existing Section 106 Agreement”.

RESOLVED:

That the application be approved subject to the conditions contained in the report for the reasons stated therein and completion of a Deed of Variation to the existing agreement under Section 106 of the Town and Country Act 1990 (as amended)”

- 138. Urgent Item – Proposed Tree Preservation Order at 329 Longford Road, Cannock, WS11 1NF – TPO No. 2019/08**

Consideration was given to the urgent report of the Development Control Manager (Item 5.1 – 5.4 plus attachments of the Official Minutes of the Council).

The reason this application needed to be considered urgently was that the TPO would expire if not confirmed before the next meeting was due to be held.

Chris Garner, the Tree and Landscape Protection Officer, was present and led Members through the report.

RESOLVED:

That TPO No. 2019/08 be confirmed with the following modification:-

The plan should read 2019/08 not 2019/02.

CHAIRMAN

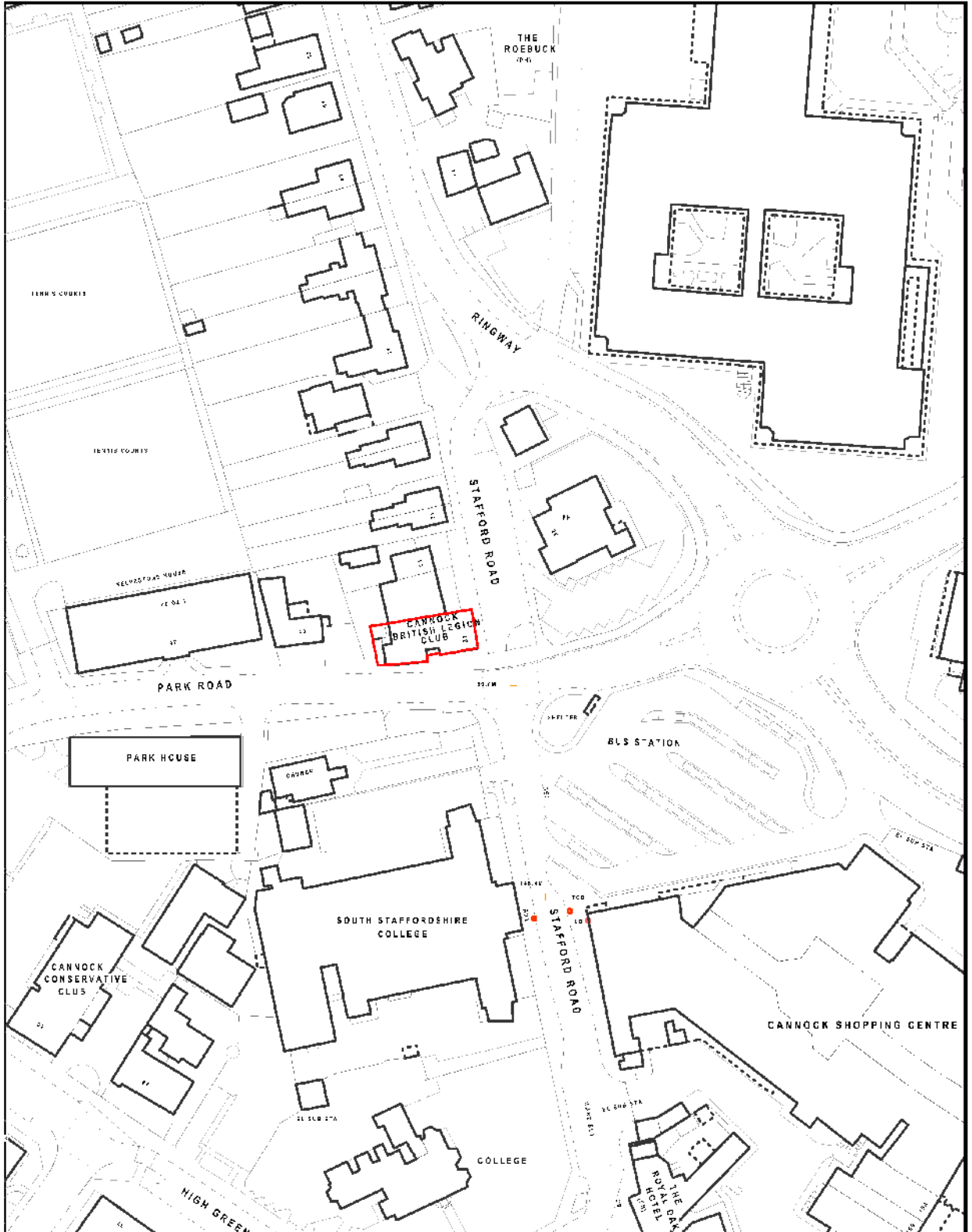


Application No: CH/20/026

Location: 21 Stafford Road, Cannock, WS11 4AF

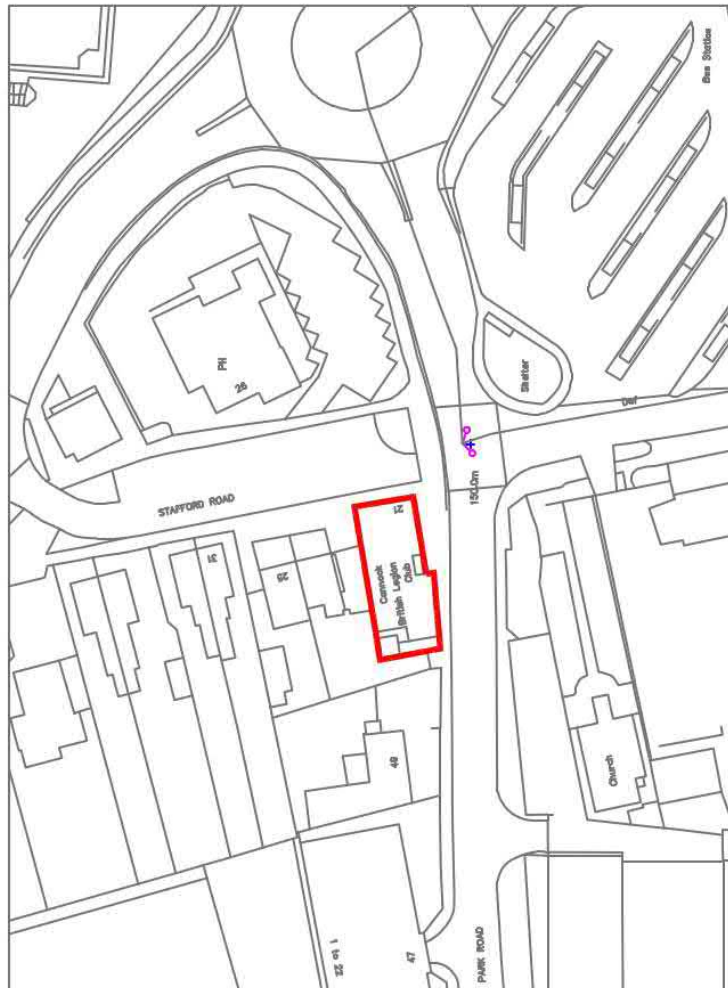
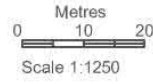
Proposal: Site redevelopment to provide 18 room House of Multiple Occupancy

Item no. 6.1



Location Plan

Cannock British Legion
21 Stafford Street, Cannock, WS11 4AF
Site Location Plan
Scale 1:1250 printed at A4

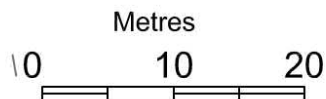
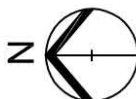


Block Plan



Cannock British Legion
21 Stafford Street, Cannock, WS11 4AF

Site Block Plan As existing
Scale 1:500 printed at A4

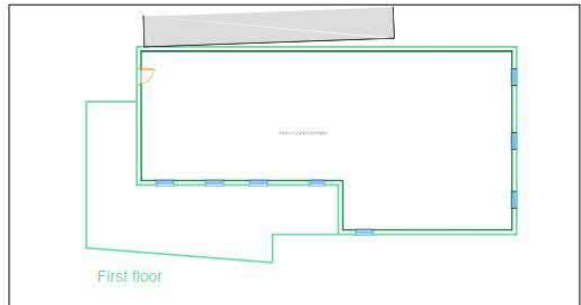
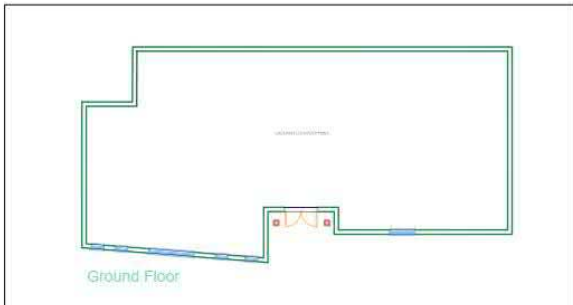


Scale 1: 500



Existing Plans and Elevations

- General Notes**
1. All figure dimensions to be checked on site.
 2. All details and dimensions relating to sub-contractors or suppliers must be offered with the Main Contractor.
 3. This drawing must be read in conjunction with associated information and the appropriate specification clause.
 4. Unauthorised reproduction and/or use of information noted is subject to copyright.



PLANNING APPLICATION			
Rev.	Amendment	Init.	Date
Client Mr. D Andrews			
Project 21 Stafford Road Cannock			
Title Plans and elevations as existing			
R D L The Old Barn Hollowfields Road Hambury Redditch B98 6RD			
Date June 2017		Scale 1:100 @ A1	
Drawn jr	Checked		
Drawing No 10683-01	Revision		--



Proposed Plans and Elevations

- General Notes
1. All figured dimensions to be checked on site.
 2. All details and dimensions relating to sub-contractors or suppliers must be offered with the Main Contractor.
 3. This drawing must be read in conjunction with associated information and the appropriate specification clauses.
 4. Unauthorised reproduction and/or use of information noted is subject to copyright.



Proposed finishes:

- Roof tiles - Corbridge slate effect
- Brickwork - orange/red mix, buff/terracotta blue/grey
- Flourished stone tiles and bands
- Blockwork - white/spot
- Soils, fascia and gutters - white/upvc



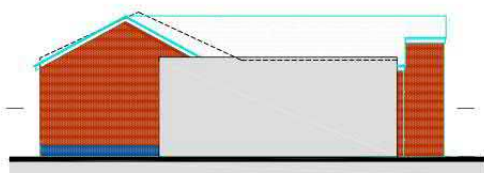
South elevation



West elevation



East elevation



North elevation

Rev.	Amendment	Iss.	Date
A	Final floor layout amended	JR	18/06/20
Client			
Mr. D Andrews			
Project			
21 Stafford Road Cannock			
Title			
Plans and elevations as proposed			
R D L The Old Barn Hollowfields Road Hambury Redditch B96 6RD			
Date		November 2019	Scale
			1:100 @ A1
Drawn		Jr	Checked
Drawing No		10683-010	Revision
			A

Contact Officer:	Audrey Lewis
Telephone No:	01543 464 528

PLANNING CONTROL COMMITTEE

27 MAY 2020

Application No:	CH/20/026
Received:	21-Jan-2020
Location:	21 Stafford Road, Cannock, WS11 4AF
Parish:	Non Parish Area
Description:	Site redevelopment to provide 18 Room House of Multiple Occupancy
Application Type:	Full Planning Application

RECOMMENDATION:

S106, Then Approval with Conditions

Reason(s) for Recommendation:

Reason for Grant of Permission

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

Conditions (and Reasons for Conditions):

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

Reason

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

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

Reason

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

3. The development shall not begin until a scheme for protecting the occupiers of the house in multiple occupation (HMO) from noise has been submitted to and approved in writing by the Local Planning Authority. All works which form part of the scheme shall be completed before any of the rooms in the proposed HMO are occupied. The maximum internal noise levels within habitable rooms (with windows shut and alternative ventilation provided) shall be protected to ensure that:

Day time - Habitable rooms; 30dB LAeq 16 hours 07.00 - 23.00 hrs

Night time — Bedroom; 30dB LAeq; 8 hours 23.00 - 07.00 hrs and 45LA max 23.00 - 07.00 hrs.

Guidance can be taken from BS8233:1999 and the WHO Guidelines for Community Noise.

Reason

In the interests of residential amenity and to ensure compliance with Local Plan Policy CP3 and the NPPF.

4. No development shall commence until a report detailing (i) a survey of vibration levels and (ii) any mitigation in respect to vibration to reduce regular exposure to vibration levels, which exceed the limits set down in British Standard BS 6472, has been submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall not be brought into use until the works comprising the vibration mitigation measures have been implemented.

Reason

In the interests of residential amenity and to ensure compliance with Local Plan Policy CP3 and the NPPF.

5. Details of the refuse storage facilities, including the number of bins provided and the provision for removal of waste, shall be approved in writing by the Local Planning Authority before the use commences. The development shall not be brought into use until the works comprising the approved scheme have been implemented.

Reason

To provide a necessary facility, in accordance with Local Plan Policies CP3 & CP16 and the NPPF.

6. Before the use commences a scheme for a suitable extract ventilation system to remove odour and moisture from the development shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include full technical specification by a suitably qualified technical person, specifying the position of ventilation inlets and outlets and any noise attenuation measures. The works comprising the approved scheme shall be implemented before the development is brought into use and shall thereafter be operated throughout the life of the development.

Reason

In the interests of residential amenity and to ensure compliance with Local Plan Policy CP3 and the NPPF.

7. The house in multiple occupancy hereby approved shall not be occupied until a scheme for the provision of a bat roost, bird boxes and sparrow terrace has been submitted to and approved in writing by the Local Planning Authority and implemented in full. The roost, bird boxes and sparrow terrace shall thereafter be retained for the lifetime of the development, unless otherwise approved in writing by the Local Planning Authority.

Reason:

To compensate against the loss of bat roosting habitat as a result of the development in accordance with Policy CP12 of the Cannock Chase Local Plan.

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

- A site compound with associated temporary buildings
- The parking of vehicles of site operatives and visitors
- Times of deliveries including details of loading and unloading of plant and materials
- Storage of plant and materials used in constructing the development
- Duration of works
- Wheel wash facilities

Reason:

To comply with paragraph 108-110 of the NPPF and in the interest of Highway Safety.

9. Notwithstanding any details shown on the approved plans no development shall be commenced until revised access details indicating the following have been submitted to and approved in writing by the Local Planning Authority:

- revised plan showing the current vehicle access crossing made redundant as a consequence of the Pedestrian /cycle access being put back to line and level.

Reason:

To comply with paragraphs 108-110 of the NPPF and in the interest of Highway Safety.

10. Before the development is brought into use, the existing site access made redundant as a consequence of the development shall be permanently closed and the access crossing reinstated as footway with full height kerbs.

Reason:

To comply with paragraphs 108-110 of the NPPF and in the interest of Highway Safety.

11. Prior to first occupation of the development, secure and weatherproof cycle parking shall be provided and shall thereafter be retained and maintained for the life of the development.

Reason:

To comply with paragraphs 108-110 of the NPPF and in the interest of Highway Safety.

12. The smoking area/cycle store building shall be protected with a 2m high wall and gates opening inwards only for pedestrians/cyclists. The gates shall not be wide enough to allow vehicular Access, i.e. less than 1.5m wide and maintained as such for the lifetime of the development.

Reason:

In order to comply with Local Plan Policy CP16 and paragraphs 108-110 of the NPPF and in the interest of Highway Safety.

13. The development hereby permitted shall not be commenced until details of the foundation construction and reinstatement of the footway around the building have first been submitted to and approved in writing by the Local Planning Authority, which shall thereafter be constructed in accordance with the approved plans.

Reason: To comply with Paragraphs 108-110 of the NPPF and in the interest of Highway Safety.

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

Design & Access Statement
 Heritage Statement (March 2020)
 Heritage Assessment (April 2020)
 Acoustic Design Statement
 Management Plan (March 2020)
 Location Plan
 Site Block Plan
 Drg. No.s 10683-01 & 10683-010 Rev A.

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

Notes to the Developer:

Informative

The works required within condition 10 will require the relevant permit from our Network Management Section. The existing crossing to the site shall be reinstated to footway. Please note that prior to the reinstatement works taking place you require a Permit to Dig. Please contact Staffordshire County Council at Network Management Unit, Staffordshire Place 1, Wedgwood Building, Tipping Street, STAFFORD, Staffordshire, ST16 2DH. (or email to nru@staffordshire.gov.uk)

INFORMATIVE

All housing developments must comply with national housing standards, such as the

Decent Homes Standard, and must be free from Category 1 hazards when assessed in accordance with the Housing Health and Safety Rating System (HHSRS) (sections 1 and 2 of the Housing Act 2004). The Councils Environmental Health Housing section also apply specific space and amenity standards to premises defined as Houses in Multiple Occupation (HMO's). Premises may include:

- i. Houses divided into flats or bedsits where some amenities are shared.
- ii. Houses occupied on a shared basis where occupiers have rooms of their own.
- iii. Lodging accommodation where resident landlords let rooms.
- iv. Hostels, lodging houses and bed and breakfast hotels.
- v. Registered residential hotels.

INFORMATIVE

A full survey of the building to determine any presence of asbestos containing materials will be necessary prior to the commencement of any demolition works. Demolition should be undertaken in accordance with Building Act provisions and BS 6187:2011 Code of Practice for full & partial demolition.

Attach SBD Information

INFORMATIVE

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

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

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

Consultations and Publicity

External Consultations

Fire Safety Office

No comments received

Crime Prevention Officer

Recommendations made for the scheme to acquire Secure By Design Accreditation.

Internal Consultations

CIL Officer

The above application would not be liable to pay CIL.

However, given that a net increase in dwellings is proposed the development needs to mitigate its impacts upon the Cannock Chase SAC (Local Plan Part 1 Policy CP13). As the development is exempt from paying CIL, a Unilateral Undertaking would be required to address impacts upon the Cannock Chase SAC in accordance with the Councils policy/ guidance. This should be based on 6 HMO bedrooms equating to 1no. dwelling, therefore 18 rooms would contribute a SAC payment which would equate to 3no. dwellings.

Environmental Health

No objection, subject to conditions and informatives.

Private Sector Housing

Supportive of the proposed development and advise that the room sizes, as described within the amended layout plan of the premises, would be considered acceptable.

Conservation Planning Officer

Further to your consultation and receipt of the Heritage Assessment dated 9th April 2020 and produced by Mel Morris Conservation I can confirm that the information contained within the heritage assessment provides a reasonable basis for understanding the historic development of this part of Cannock and of the building on the site.

I agree with the assessment in the report that the evidence points to the building being originally of late C19th in origin and that it has subsequently been much modified. In addition the immediate surrounding area has also been much modified with the redevelopment of the road system and the bus station.

I therefore agree with the assessment that the building has negligible historic and architectural interest either in itself or in the contribution it makes to the significance of the nearby Cannock Town Conservation Area and its listed buildings.

I therefore have no objections to the demolition of the existing building.

Strategic Housing

No comments received

Planning Policy Manager

The scheme proposes a House in Multiple Occupation (HMO) on the site of a former social club which has been vacant for an extended period of time. The site is located within Cannock Town Centre boundary and opposite Cannock Town Centre Conservation Area on the Local Plan Policies Map.

The Cannock Chase Local Plan (Part 1) 2014 does not include any specific policy provisions for HMO developments. However, Local Plan (Part 1) Policy CP3 and the Design SPD provide guidance on overall expectations for standards of good quality and amenity for all developments which should be considered. There are no set standards for bedroom sizes within local policy/ guidance. Guidance could be sought from the Council's Environmental Health/ Private Sector Housing Team with regards to the detailed proposals in this regard (as the licensing authority for HMOs).

Policy CP11 sets out the strategy for the town centres including that other uses will be acceptable where they do not detract from the primary retail function of the town centre. Policy CP15 outlines the protection of the historic environment including the requirement to be sensitive to the setting and using development around existing historic urban areas as an opportunity.

The National Planning Policy Framework sets out the national planning policy context including Chapter 7 which aims to ensure the viability of town centres by permitting a mix of uses including housing.

As the proposal is a sui generis use, there is no CIL liability arising.

The case officer will need to consider whether the scale of the project would require mitigation measures for residential development on the Cannock Chase SAC, and the process for dealing with this accordingly. The advice of Natural England should be sought, as set out in the Frequently Asked Questions sheet which has been jointly produced by Natural England and the Cannock Chase SAC Partnership https://www.cannockchasedc.gov.uk/sites/default/files/cc_sac_-_faq_may_2018_0.pdf

County Highways

The proposal is for the redevelopment of the former Cannock Royal British Legion into an 18 room house of multiple occupancy. The site is located on the corner of Stafford Road and Park Road which is within Cannock Town Centre (as defined by Cannock Chase District Council) and provides excellent access to public transport due to the town's main bus station being opposite. The site is also within walking/ cycling distance of the town's main railway station. Stafford Road is an unclassified road which joins the main A classified Stafford Road. Park Road is a busy B classified road with a 30mph speed limit. There is no parking allocation with the site.

Current records show there have been no personal injury collisions 50m either side of the site access within the last 5 years.

The 18 rooms will be accessed via a pedestrian/ cycle gate off Park Road. There is to be no vehicular access to the site, so the existing access on Park Road is to be reinstated as footway with full height kerbs.

No objections, subject to attached conditions.

Waste and Engineering Services

No comments received.

County Archaeologist

No comments received. Members will be updated at Committee should a response be received.

Response to Publicity

The application has been advertised by advert, site notice and neighbour letter. Four letters of representation (including from a local member of the community) have been received, raising the following issues:

- The previous application was rejected by Cannock Council and the Planning Inspectorate.
- The Planning Committee rejected the application on the grounds of overdevelopment and no parking.
- Objection to the type of resident that this building is designed to attract; the unemployed and undesirables.
- Designed to minimum space standards to maximise rooms.
- Not convinced that the measures based upon Secure By Design would be followed other than provision of CCTV, which has proven not to stop crime, but merely capture images of problems.
- Residents are currently faced outside of the property with major antisocial behaviour.
- Neighbours have had to install CCTV to front and rear of properties to discourage antisocial behaviour.

- Drug abusers sit on the walls drinking alcohol outside and await their drug drop every day at all times of the day. As a result litter is left every day comprising broken bottles, cans, etc.
- There is a misuse centre and chemist nearby where drug abusers obtain daily methadone treatment.
- The Podge & Tin are also nearby and constantly have to move the drug abusers on.
- There is also a problem with the drug abusers congregating on the lawn opposite the chapel and outside the HMBC bank.
- The Council's own report of the housing committee states that HMO's tend to attract the more vulnerable members of society and consequently the prevalence of alcohol, smoking, crime and drug use is higher in such tenancies than those in single occupancy.
- The applicant states that they only take specific tenants, but this would not be the case as empty places are a loss of income.
- Lack of parking is a concern and the building is not intended to accommodate professional personnel, who generally do have vehicles.
- The building would be almost touching the neighbouring building and may possibly increase noise levels, to the adjacent residents.
- The Applicant has been running HMO's for a short period of time and does not appreciate the lengthy, legal procedures associated with evicting problem tenants.
- The proposal would not address the refusal reasons stated by the Planning Inspectorate, as it would still appear overbearing particularly at the back of the footpath.
- The scale and design of the proposed building would not be compatible with the other buildings in Park Road, as they are set back from the road with frontages, landscaping and railings. The proposed building would fill the plot with no frontage or landscaping, which does not relate to the character of the area. The proposed building should be reduced in size to accommodate this.
- No outdoor space for residents.
- The site has high historic value and heritage (see Appendix 1).
- The building would be out of character with the town and its history, as it would form a very large building opposite a Grade II Listed building and on the edge of a conservation area.
- The conservation officer report is not available to view.
- Devaluation of property.

Relevant Planning History

Relevant planning history to the site is as follows: -

CH/18/247: - Demolition of existing building and erection of 24 bedroom House of Multiple Occupancy (HMO) and associated works refused on 5 December 2018 on the following grounds:

- (i) The site is located at the northern edge of Cannock town centre at a transition between the main town centre to the south of the B5012 Park Road and the predominantly residential areas to the north which are more domestic in scale and character and which front onto Park Road and Stafford Road. The proposed building,

by virtue of its size, scale and three-storey design would not be well-related to existing buildings along the northern side of Park Road and Stafford Road to the detriment of the character of the area contrary to Policy CP3 of the Cannock Chase Local Plan and paragraph 127(c) of the National Planning Policy Framework.

- (ii) The proposal would introduce a 24 bedroom house in multiple occupation, with no parking provision for the occupants into an area with little or no public parking or on-street parking provision within the immediate vicinity that would be suitable for parking by residents. This would lead to increased conflicts between existing and future residents over the limited parking within the vicinity of the HMO to the detriment of social cohesion and therefore increase the potential for crime and the fear of crime contrary to paragraph 127(f) of the National Planning Policy Framework.

Following refusal of the above proposal there was an appeal submission, which was dismissed by The Planning Inspector and summarised on the following grounds:

The front elevation where the narrow two storey element adjacent to 23 Stafford Road would fail to respond to the roof form of No. 23, and at the rear where the awkward and competing lines of the recessed three storey element and the substantial rear gable would create an awkward and visually intrusive feature into the Park Road streetscene. The position of such a dominant flank immediately at the back edge of the footpath would be an imposing and visually overpowering feature at a point where the pedestrian environment is constrained by the restricted width of the pavement and pedestrian crossing.

As such it would fail to secure the high quality design sought by CCLP policy CP3. (For the full appeal decision – See Appendix 3).

CH/13/0086: -Residential development: Demolition of rear ground floor and first floor elements and proposed 2 storey extension to create 4No. 2 bed flats - approved subject to conditions on 3 May 2013.

CH/12/0336:- Change of use of first floor into 2 flats; ground floor change of use from British Legion Club (sui generis) to drinking establishment (A4); and new porch, rear extension and external alterations withdrawn 30 November 2012.

1 Site and Surroundings

- 1.1 The application site comprises a large detached building formally occupied by the British Legion. The building comprises part two storey and part single storey elements and has a mixture of flat and pitched roofs with a rendered finish. The building has remained vacant for several years and has fallen into a state of disrepair and is in need of renovation. The building is of no significant architectural merit.

- 1.2 The application site is located within a prominent corner position adjacent to the cul-de-sac end of Stafford Road and Park Road, within the Cannock Town centre boundary as defined in the Local Plan. The site lies opposite the Cannock Town Centre Conservation Area and is within close proximity to Grade II Listed Buildings. It is also within a Mineral Safeguarding Area.
- 1.3 The building makes a neutral contribution to the setting of the Conservation Area, as Park Road provides separation between them.
- 1.4 On the Park Road frontage, there is an existing dropped kerb, which is located adjacent to the edge of the application site building. The existing vehicular access serves side access to the application site and is set behind black iron railing 2m high double gates.
- 1.5 The side boundary of a semi-detached house at No.23 Stafford Road adjoins the rear boundary of the application property. No. 23 has a two storey side and rear extension, which is located approximately 0.5m from the rear wall of the application property. The rear of the extensions are approximately level with the west side elevation of the application property.

2 Proposal

- 2.1 The application seeks site redevelopment to provide 18 No. single bedroom House of Multiple Occupancy and associated works.
- 2.2 The ground floor of the new building would occupy most of the same footprint as the existing ground floor building. However it would be reduced in footprint from the existing footprint, as it would be squared off on the front elevation (a reduction of 0.6m).
- 2.3 The height of the new building would comprise a two storey design, instead of the previous 3 storey design. The roof has been designed with a double front facing gable end design, which reflects that of traditional two storey dwelling houses.
- 2.4 The design and materials of the proposed building would comprise a traditional design that has changed from the previous contemporary finished scheme.
- 2.5 The room sizes are in accordance with the Environmental Protection Officer requirements and were previously agreed as being acceptable and suitable for licencing. The scheme has been amended to provide additional kitchen facilities.
- 2.6 The applicant has stated that bin store is sized to accommodate the requirements of the Waste Services Engineering Services of Cannock Council and based on 18 residential units. Access to the bin store would be off the service road access from Stafford Road.
- 2.7 The proposal is accompanied with:
 - Design & Access Statement
 - Heritage Statement (March 2020)
 - Heritage Assessment (April 2020)

- Acoustic Design Statement
- Management Plan (March 2020)
- The Agent's Conservation Expert Comments in respect to historic information provided by the local member of the community (Appendix 2)

3 Planning Policy

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

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

3.3 Relevant Policies within the Local Plan Include:

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

3.5 National Planning Policy Framework

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

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

3.8 Relevant paragraphs within the NPPF include paragraphs: -

- | | |
|---------------------|--|
| 8: | Three dimensions of Sustainable Development |
| 11-14: | The Presumption in favour of Sustainable Development |
| 47-50: | Determining Applications |
| 108-110 | Sustainable Transport |
| 124, 127, 128, 130: | Achieving Well-Designed Places |
| 184-202 | Conserving and Enhancing the Historic Environment |
| 212, 213 | Implementation |

3.9 Other relevant documents include: -

Design Supplementary Planning Document, April 2016.

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

Manual for Streets.

4 Determining Issues

4.1 The determining issues for the proposed development include:-

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

4.2 Principle of the Development

4.2.1 Both the NPPF and Cannock Chase Local Plan 2014 Policy CP1 advocate a presumption in favour of sustainable development unless material considerations indicate otherwise. The site comprises a previously developed site located within the urban area of Cannock. It is a 'windfall site' having not been previously identified within the Strategic Housing Land Availability Assessment (SHLAA) or in the Local Plan as a potential housing site.

4.2.2 Although the Local Plan has a housing policy, it is silent in respect of its approach to windfall sites on both greenfield and previously developed land. As such in accordance with Policy CP1 of the Local Plan the proposal falls to be considered within the presumption in favour of sustainable development, outlined in paragraph 11 of the NPPF. However, paragraph 177 of the NPPF makes it clear "the presumption in favour of sustainable development does not apply where development requiring appropriate assessment (under habitat Regulations) because of its potential impact on a habitats site is being planned or determined."

4.2.3 Policy CP13 of the Local Plan recognises that any project involving net new dwelling will have an impact on the SAC and as such should be subject to an appropriate assessment under the Habitat Regulations. This appropriate assessment has been carried out at the plan making stage which underpinned the formulation of policy CP13. This being the case it can only be concluded that the presumption in favour of sustainable development does not apply to the current application and that the proposal should be considered having regard to the development plan and other material considerations.

4.2.4 Local Plan (Part 1) Policy CP1 identifies that the urban areas of the District, will be the focus for the majority of new residential development. It also identifies that a 'positive approach that reflects the presumption in favour of

sustainable development' will be taken when considering development proposals. The site is not located within either Flood Zone 2 or 3. The site and is not designated as a statutory or non-statutory site for nature conservation, nor is it located within a Conservation Area, or listed as a designated or non designated heritage asset.

4.2.5 The proposed use would be in the main urban area, in a sustainable location and would be compatible with surrounding land uses. As such it would be acceptable in principle at this location. Although a proposal may be considered to be acceptable in principle it is still required to meet the provisions within the development plan in respect to matters of detail. The next part of this report will go to consider the proposal in this respect.

4.3 Heritage Assets and Building Conservation

4.3.1 There have been representations made relating to the historic value of the building and the site and these are provided in detail in Appendix 1 and hence are not reiterated here.

4.3.2 Policy in respect to heritage assets and building conservation is provided by Policy CP15 "Historic Environment" of the Local Plan and Section 16 of the NPPF.

4.3.3 Policy CP15 sets out that the Districts historic environment will be protected and enhanced via (amongst other things); (1) the safeguarding of all historic sites, buildings, areas archaeological remains, their settings and their historic landscape and townscape context according to their national or local status from development harmful to their significance in order to sustain character, local distinctiveness and sense of place and (2) maintaining an appropriate balance between conservation, re-use, sympathetic adaptation and new development via recourse to national policy.

4.3.4 Paragraph 184 of the NPPF states heritage assets range from sites and buildings of local historic value to those of the highest significance, such as World Heritage Sites which are internationally recognised to be of Outstanding Universal Value⁶¹. These assets are an irreplaceable resource, and should be conserved in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of existing and future generations.

4.3.5 Paragraph 189 of the NPPF goes on to state

"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."

4.3.6 Given the above and for the sake of clarity it should be noted that the existing building is not listed, and is not located within a conservation area or is subject to any formal or informal heritage designation. However, the issue remains as to whether the building constitutes an undesignated heritage asset of significant conservation value.

4.3.7 Paragraph: 039 Reference ID: 18a-039-20190723 of the Planning Practice Guidance states

"Non-designated heritage assets are buildings, monuments, sites, places, areas or landscapes identified by plan-making bodies as having a degree of heritage significance meriting consideration in planning decisions but which do not meet the criteria for designated heritage assets.

A substantial majority of buildings have little or no heritage significance and thus do not constitute heritage assets. Only a minority have enough heritage significance to merit identification as non-designated heritage assets."

4.3.8 However the Planning Practice Guidance goes on to state

"There are a number of processes through which non-designated heritage assets may be identified, including the local and neighbourhood plan-making processes and conservation area appraisals and reviews. Irrespective of how they are identified, it is important that the decisions to identify them as non-designated heritage assets are based on sound evidence."

4.3.9 Representations have been received stating that the building on the application site has some heritage value and have also included a bundle of evidence in support of this assertion. These comments and the accompanying documents have been assessed by the applicant's conservation expert who has used standard techniques of map regression to analyse the development of the site. The applicant's heritage statement and additional note is provided in Appendix 2 of this report.

4.3.10 In respect to the issue as to whether an archaeological dig should be conditioned the applicant's agent's view is that there is no evidence to justify the imposition of such a condition. This stance is supported by the Council's Conservation Officer. The County Archaeologist has been consulted and has not responded at the time of writing the report. However, an officer update will be provided if a response is received by the time of the Committee meeting.

4.3.11 The Council's Conservation Officer has been consulted on the proposed demolition of the building and redevelopment of the site and confirms the information contained within the heritage assessment provides a reasonable basis for understanding the historic development of this part of Cannock and of the building on the site.

4.3.12 The Conservation Officer agrees with the assessment in the report that the evidence points to the building being originally of late C19th in origin and that it has subsequently been much modified. In addition the immediate surrounding area has also been much modified with the redevelopment of the road system and the bus station.

4.3.13 He is therefore in agreement with the assessment that the building has negligible historic and architectural interest either in itself, or in the contribution it makes to the significance of the nearby Cannock Town Conservation Area and its listed buildings.

4.3.14 As such, there is no objection to the demolition of the existing building on conservation grounds and there is no requirement for a condition to be imposed for archaeological recording on site during redevelopment of the site.

4.3.15 The conservation merits of the proposed replacement building will be considered in the next section.

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

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

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

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

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

Planning policies and decisions should ensure that developments:

- a) will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;
- b) are visually attractive as a result of good architecture, layout and appropriate and effective landscaping;
- c) are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities);

- d) establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit;

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

4.4.5 In this respect it is noted that Appendix B of the Design SPD sets out clear expectations and guidance in respect to the design of residential development as well as specific guidance for Cannock Town Centre and historic suburbs. Relevant points are; preserve and enhance the character and appearance of historic areas and their settings, including views in and out, and support the local preference for non-intrusive traditional architecture with good quality contemporary schemes where appropriate.

4.4.6 In addition to the above it should also be taken into account that the application site is located such that the proposed building would affect the setting of the nearby conservation area and its listed buildings. In this respect regard should be had to Section 66 (1) of the Town and Country Planning (Listed Buildings and Conservation Areas) Act 1990 which places a general duty as respects listed buildings and which states: -

"In considering whether to grant planning permission 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."

4.4.7 In addition paragraphs 193 and 194 of the NPPF state: -

193. "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.

194. 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."

4.4.8 Having had regard to the above it is noted that the proposed building would be slightly smaller than that of the ground floor footprint of the existing building and would be 8m in height (a reduction of 2m from the building considered by the past refusal and the same height as the existing building). Within the locality there are a mixture of building uses, age, design, height, and footprint. The

proposal would have a similar building to plot ratio to that of the existing building and would provide two front facing gable end features on the Park Road elevation. The general form of the building would therefore be in direct correlation to the original building. Furthermore, it would be comparable in scale and massing, to that of the surrounding buildings within close proximity to the application site. The building would include a traditional design, comprising good quality materials and detailing to include a plinth in Staffordshire Blue brick and the main facades in an orange/red mix brick with pre-cast stone cills to the windows and stone course banding to the first floor. Windows in size and proportions to reflect the proportions of the windows within the Town Centre Heritage area and are sash style in appearance rather than vertical casement. The roof is to be a slate effect tile over a pitched roof, with windows facing both streets, providing interest to the street scene. As such, it is considered that the design would appear sympathetic to the streetscene and would not harm the character and significance of the setting of the nearby Conservation Area, or the setting of the Listed Building.

- 4.4.9 Therefore, having had regard to Policies CP3 & 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, and would have a neutral impact on the setting of the nearby Conservation Area and Grade II Listed Building.

4.5 Impact on Residential Amenity

- 4.5.1 Policy CP3 of the Local Plan states that the following key requirements of 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.
- 4.5.2 Paragraph 127(f) of the NPPF states that planning policies and decisions should ensure that developments [amongst other things] create places with a high standard of amenity for existing and future users.
- 4.5.3 The side access located on Park Road adjacent to the western elevation separates the proposed building from the business premises at the Co-op Retail unit.
- 4.5.4 The building has been reduced in height and footprint from the frontage building line in Park Road. The overall height relative to No.23 Stafford Road has been reduced by 2m, to ensure there would be no greater impact than the current building. The extension to No. 23 Stafford Road extends the same distance as the current and proposed building on plan, so it is considered that there would be no significant loss of light to the habitable room windows of the neighbouring property.
- 4.5.5 The proposed building would not face any residential properties on the front elevation. No rear windows are proposed and the side windows would not

directly face any residential properties. It is therefore considered that the proposal would not cause a detriment impact on privacy to any residential neighbouring properties.

4.5.6 Furthermore the Environmental Protection Officer has no objection to the proposal, subject to the imposition of suitable conditions.

4.5.7 It is therefore considered that the proposal would adequately protect the amenity of existing residents and would result in a good standard of amenity for both future occupiers and the nearby neighbouring residents. As such the proposal would comply with policy requirements of CP3 and the NPPF.

4.6 Impact on Highway Safety

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

4.6.2 The comments of the applicant in respect to the proposed occupiers are likely to have a low level of car ownership and they would have good access to public transport are accepted.

4.6.3 The County Highways have no objections to the proposals with no parking provision for the residents of the proposed HMO, subject to the imposition of suitable conditions for the following:

- a Construction Management Plan,
- foundation construction and reinstatement of the footway,
- cycle parking provision

4.6.4 It is therefore considered that the proposal would not have an adverse impact upon highway safety, and that the level of parking is acceptable at this town centre location.

4.7 Impact on Nature Conservation Interests

4.7.1 The application site is not subject to any formal or informal nature conservation designation and is not known to support any species that is given special protection or which is of particular conservation interest. As such the site has no significant ecological value and therefore the proposal would not result in any direct harm to nature conservation interests.

4.7.2 Under Policy CP13 development will not be permitted where it would be likely to lead directly or indirectly to an adverse effect upon the integrity of the European Site network and the effects cannot be mitigated. Furthermore, in order to retain the integrity of the Cannock Chase Special Area of Conservation (SAC) all development within Cannock Chase District that leads to a net increase in dwellings will be required to mitigate adverse impacts. The proposal would lead to a net increase in dwellings and therefore is required to mitigate its adverse impact on the SAC. Such mitigation would be in the form of a contribution towards the cost of works on the SAC and this is provided by a S106 agreement, which should collect SAC contributions based upon 6 HMO bedrooms equating

to 1 No. dwelling. Therefore 18 rooms would contribute a SAC payment which would be equivalent to 3 No. dwellings. An appropriate Habitats Regulation Assessment has been undertaken as part of the due process.

4.7.3 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.

4.8 Affordable Housing and other Developer Contributions

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

4.9 Drainage and Flood Risk.

4.9.1 The site is located in a Flood Zone 1 which is at least threat from flooding. Although the applicant has not indicated the means of drainage it is noted that the site immediately abuts a main road and is within a predominantly built up area. As such it is in close proximity to drainage infrastructure that serves the surrounding area and is considered acceptable.

4.10 Waste and Recycling Facilities

4.10.1 The Council's Waste and Recycling Officer has been consulted on the proposal, but has not responded at the time of compiling the report. However, if comments are provided by the time of the Committee Meeting, an Officer Update Sheet will be provided for Members.

4.10.2 The proposal indicates internal accommodation for bin storage facilities within the building. The scheme has been designed along similar lines to the past proposal to accord with the Council's waste and recycling requirements, which was previously agreed under application CH/18/247. In addition, a suitable condition can be imposed to ensure adequate provision.

4.10.3 As such, it is considered that the proposal would conform with Local Plan Policy CP16 and the NPPF.

4.11 Crime and the Fear of Crime

4.11.1 There have been a number of concerns raised relating to the proposal being perceived as leading to an increase in anti-social behaviour and crime.

4.11.2 The Design & Access Statement states that the building would be specified to incorporate many measures to design out crime and anti-social behaviour based upon Secure By Design (SBD) standards to include the access control restrictions, CCTV within the property and secure doors and windows in accordance with the SBD requirements.

4.11.3 In addition, the Crime Prevention Officer has no objection to the proposal and makes recommendations for the scheme to achieve SBD Accreditation. These will be attached as an informative to any permission granted bringing to the applicant's attention the advice of the crime prevention officer.

4.12.1 Other Issues Raised by Objectors

4.12.2 The issue relating to the status of the potential occupants of the proposed HMO is not a material planning consideration. However, the agent has provided evidence to indicate that the landlord/ applicant would maintain tight control and restriction on the operation of the proposed HMO, with evidence supported within the management plan provided and also extends an invitation to Members to visit the applicant's other establishments, in order to allay any reservations towards the operation of the proposed HMO.

4.12.3 The devaluation of property is not a material consideration. The merits of the application must be considered against the relevant local plan policies and paragraphs of the NPPF, whereby there is a presumption in favour of development, unless the proposal conflicts with the relevant policies.

5 Human Rights Act 1998 and Equalities Act 2010

Human Rights Act 1998

5.1 The proposals set out in the 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.

5.3 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

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

- 5.5 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 make a neutral contribution towards the aim of the Equalities Act.

6 Conclusion

- 6.1 In respect to all matters of acknowledged interest and policy tests it is considered that the proposal, subject to the attached conditions, would not result in any significant harm to acknowledged interests and is therefore considered to be in accordance with the Development Plan.
- 6.2 It is therefore recommended that the application be approved subject to a S106 for SAC contributions and the attached conditions.

Appendix 1**Representations Made By A Member of the Local Community**

21 Stafford Road- Application number CH/2020/026

Simm Barn- Documentary evidence-Existence of Simm Barn

1. Cannock Park and Cannock Park golf course and the application site were all part of an open field system within Cannock Manor which had been enclosed piecemeal from the late 16th Century onwards (reference Cannock Park and golf course HUCA 9).
2. Park Road was previously known as Simm Lane (the name was changed following the opening of Cannock Park in 1932).
3. Records dated 1736 which refer to Simm Barn and adjoining fields are at the Stafford Record Office and are described in the index, I have one of these records in the form of an Indenture dated 1756 between Edward Wilson and Alice Locker/Cocker (SRO D260/M/T/4/106) which includes Simm Barn with a description 'All that barn commonly called Simm Barn with the Beast House thereto adjoining together with the tons of sand where the said barn stands and commonly called Simm Barn the document also goes on to describe various fields (amongst others) which are located in Cannock Park and golf course, Little Meadow, Brickiln Meadow, Long Meadow (HUCA 9 confirms the existence of post medieval field boundaries in Cannock Park) It is a large document and it was necessary to be copied in four parts, I will provide you with a complete copy if required. I have also included the index from the National Archives which gives information on other documents, in detail (1), and scanned extracts of the date and references to Simm Barn from the document (2- the two pieces need to be viewed side by side).
4. The Historic Assessment refers to the fact that there are no buildings identified on an 1816 Ordinance Survey map and concluded that the land had not been previously developed. (having researched local history for years this not uncommon maps differ). The Indenture dated 1756 contradicts this assumption, in addition the Marques of Anglesey Estate map dated 1819-24 (SRO D1821/5) does show additional detail with identifiable structures in Simm Lane (3).
5. Named field plan (2a) for reference only to identify field names on the Indenture and Abstract of the Title (see the Barn Piece).

I believe there is conclusive evidence that Simm Barn was located in Simm Lane in the 18th Century, and as such should the building be demolished an archaeological survey should be carried out.

Information on age of buildings

1. In 1859, the land was enfranchised to George John Stubbs (Old Fallow Farm) by the Marques of Anglesey and you will see from the Abstract of the Title that it included all land which comprises the whole of Cannock Park, the golf course (and other frontage land now built upon). 454B (the application site) was conveyed to Mathew Anderson in 1862. (4 -Abstract of the Title pages 3/4).
2. In 1871 William Cotton purchased around seventeen and half acres of land which is now the formal area of Cannock park from George Stubbs, and in 1874 he acquired 454B from Mathew Anderson including its dwelling house which was his residence at the time of his death (page 4 Abstract Title). William Cotton was a Farmer and a champion pig breeder. He was a dedicated member of the United Reform Church (opposite his house) and he and his wife are buried in the Churchyard.
3. Following the death of Mr Cotton and his wife in 1876 the property was put up for auction which was advertised extensively (6). The advertisement describes a recently built Freehold Dwelling House with stabling range of workshops and other buildings, large and productive gardens and it also refers to an adjoining cottage. Page 6 of the Abstract of the Title refers to Dwelling houses, could the cottage be the rear wing of the application property, as the advertisement says half of the adjoining cottage is 'in hand'?. Perhaps not an agricultural building, but the property details make no reference to 'Commercial Premises'. The age of the rear wing of the building remains unclear, what was that building and how old is it?
4. The land and buildings (around 18 acres) were purchased by William Bishton in 1876, he already had purchased all the land belonging to Old Fallow Farm (including most of the land frontages) to Old Penkridge Road/Simm Lane /Stafford Road) forming what is known as The Bishton Estate.
5. 21 Stafford Road was sold by the Bishton Estate in 1881 to John Welsh it was subject to a number of restrictive covenants designed to protect neighbouring properties which were part of the Bishton Estate. Typical of Bishton, the covenants included not to build within 6 feet of Simm Lane or Stafford Road, or to cause a nuisance to neighbours, and not to use the building for the sale of alcohol.
6. I do not know what happened to the buildings from this time it may have been converted into shop premises. By 1891 the property was being used as a lodging house run by William and Mary Burke, but is believed it was relocated following complaints of unruly behaviour.
7. In 1896 the property was purchased by Mr Alfred Haycock, and was run as a Lodging house for over 40 years. The Haycocks were a well-known Cannock family, June Haycock his granddaughter (sadly no longer with us) lived in the adjoining property to the application site (7). Aerial view 1926 (8)
8. The property was sold for the Royal British Legion around 1946.



Subject: FW:
Attachments: National Archives index SimmBarn354.pdf; Simm Barn Indenture 2 part 1.png; Simm Barn Indenture 2 part 2.png; 3 Marques Anglesey 1819-24.png; Abstract of the title (pages 1-6).pdf

From:
Sent: 07 May 2020 08:09
To: Audrey Lewis
Subject: History of 21 Stafford Road Application CH/2020/026.

Hello Audrey,

For around 12 years I with others have been researching the history of Cannock Park and land associated with it including the Barn Piece. I have spent many hours at various record offices and have gathered many documents. Some of these documents were obtained from the Stafford Record Office, The William Salt Library and the National Archives and as such are copyrighted accordingly.

The Historic Assessment stated that it was incorrect to say Simm Barn once existed on the site it appears this was based on the evidence of just one map. Because of this I am providing documented historic evidence to support the existence of Simm Barn at the location in question. This a matter of principle and I hope this evidence will be assessed by a 'Conservation Officer'. I am sending these documents to you in good faith on the understanding that they will not be reproduced as to contravene the copyright (please do not publish them on the website). Should you wish to see a complete hard copy of the Abstract of the Title or the Indenture dated 1756 or have any other questions, I will provide them to you on the understanding they are returned. I do have many other documents but I have tried to condense them. Further attachments and written history on next email.

A bed, warmth and cooking facilities cost only 10d

Cannock's last lodging house shuts down

Some made it home for 25 years

CANNOCK'S LAST LODGING HOUSE HAS CLOSED AND IS BEING PUT UP FOR SALE. IT WAS THE LAST OF THOSE HOUSES WHERE TRAVELLING STREET SALESMEN AND CASUAL WORKERS COULD FIND A BED AND A NIGHT'S SHELTER FOR A FEW PENCE. WHEN THE LAST OF THE REGULAR LODGERS LEFT THEY WERE STILL PAYING 10d. ONLY FOR A BED, A SEAT BY THE FIRE, AND A COAL RANGE ON WHICH THEY COULD COOK THEIR RATIONS.

The lodging house, on the corner of Stafford-road and Park-road, was in use for about forty years, and was the only place of its kind in Cannock for several years. The last man to leave were loath to go, some of them having made the house their home for the last twenty-five years. They have now gone to adjoining towns to find refuge in Walsall, Stafford and Wolverhampton.

The property has been in the hands of the Haycock family for some considerable time, the remaining brothers, Mr. James, who is seventy-two, and Mr. Charles, who is sixty-five, having run it since 1932. They decided that as they were getting old, and as there was so much difficulty in getting coal for the cooking ranges, they would sell the property and, as Mr. James put it, "Get about a bit."

The brothers will now live with their nephew Mr. Frederick Haycock, in the new house which has just been completed on land adjoining the lodging house in Park-road.

In New Zealand

Mr. James had an interesting life, having spent two long periods in New Zealand as a miner.

He told an "Advertiser" reporter on Saturday, "I went to New Zealand in 1914 and came back in 1911. The next year I went out again, but in 1931 I decided that as I was single I would come here to my brother. We always got on pretty well together."

He worked underground in the South Island of New Zealand for the Westport Stockton Coal Company, and found conditions prevailing there were very much better than in the Chase coalfield. To-day, however, he thought conditions would probably be almost equal.

Mr. Haycock was one of six sons, who were born in Arthur-street, Chad-ounce. They were all miners, like their father and grandfather before them. There were two sisters and one of them, Emily, mar-

ried a Mr. Cooper who lived locally. Mr. and Mrs. Cooper emigrated to Australia and settled near Melbourne. Their daughter visited Mr. James Haycock several times during the period he was working in New Zealand.

Miner for 36 years

When he returned to England he got work at East Cannock Colliery and stayed there until his retirement at the age of seventy. With short periods spent in travelling to New Zealand, he had been fifty-six years in the pits.

It is very unlikely the lodging house will be re-opened as such. It will probably be used as a warehouse or a store of some kind. There is more room than is apparent from outside, and forty-five men were able to sleep there at a time.

WIMBLEBURY MAN'S THEFT OF COAL

For stealing coal from Old Hednesford Colliery, Wimblebury, on March 3, James Jones, of 27 Piggott-street, Wimblebury, was fined 15s. at Cannock, on Monday.

P.C. Hinckley said he saw Jones carrying a heavily filled sack bag. He stopped him and found it contained coal. Jones said: "You have caught me, and that is all."

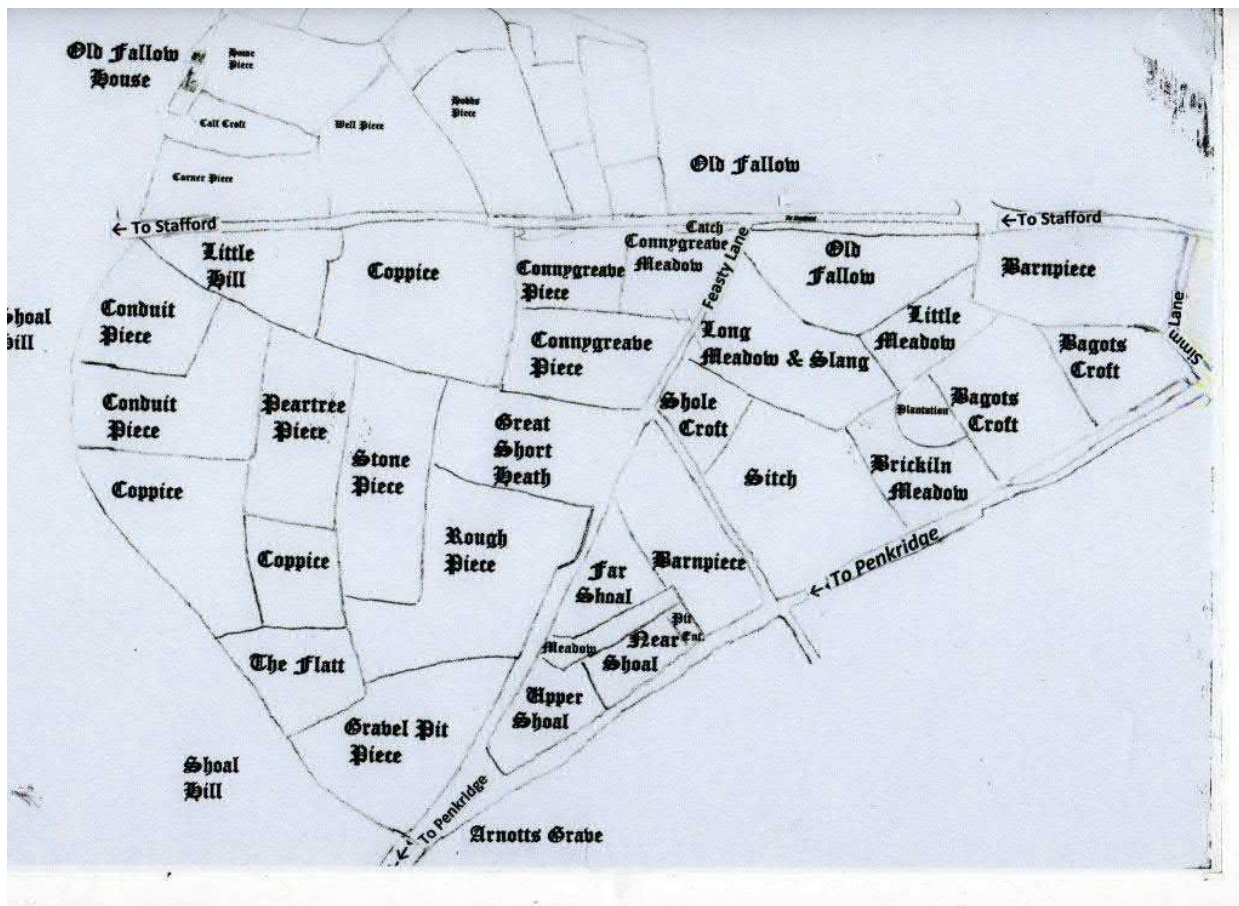
Jones said he had been three months without coal, as the dealer had been unable to make deliveries. In all, four visits had been made to the fuel office.

Supt. Brooks said that had Jones approached the fuel office he would have been able to get his coal from somewhere else.

LEAGUE TABLES

CLUBS GAMES LEAGUE

TABLES TO DATE			
DOWN		P.	W. L. Pts.
Cannock Postoffice	..	22	17 5 34
Wimblebury	..	21	15 6 30
Blackheath	..	19	14 7 28
Central	..	18	12 10 24
Great Works	..	17	10 12 20
Ex-Servic	..	16	11 11 22
North Hayes	..	15	10 12 20
Cannock Town	..	14	11 11 22



Darlington-street, Wolverhampton.

CANNOCK.—Important SALE of FREEHOLD DWELLING-HOUSES, BUILDINGS and ACCOMMODATION LANDS at CANNOCK, and FREEHOLD and COPYHOLD LAND at HATHERTON, in the county of Stafford, also SHARES in the CANNOCK GAS COMPANY and CANNOCK PUBLIC ROOM COMPANY.

MESSRS. SOLLON and BARNETT are instructed by the Trustees of the Will of Mr. William Cotton, deceased, to **SELL** by AUCTION, on **Tuesday**, the 19th day of September 1876, at four for five o'clock in the afternoon punctually, at the **ROYAL OAK INN, CANNOCK**, subject to conditions to be read at the time of sale, the undermentioned valuable PROPERTY:—

Lot 1.
The recently-built and compact FREEHOLD DWELLING-HOUSE, with the Stabling range of Workshops, and other Buildings, Yard, and large and productive Garden, late in the occupation of the said William Cotton, deceased.

Also, the four adjoining closes of capital TURF LAND, being valuable building and accommodation land, now in the occupation of Mr. Thomas Blakeman, and the adjoining Cottage and Gardens, partly occupied by Mrs. Bradbury, and partly in hand.

This Property is situate close to the centre of the town of Cannock, has considerable frontages to the turnpike road leading from Cannock to Stafford, and to a road leading therefrom to the old turnpike road to Penkridge, and the total acreage, inclusive of the site of the Buildings, is 15a. 2a. 11r. or thereabouts. It adjoins property of the Marquis of Angheny, Mr. William Bishton, Mr. G. Biddle, and others. To a tenant or occupier this lot is especially valuable.

N.B.—If the above Lot be not sold in its entirety, it will immediately be offered in the eleven subdivided Lots, as shown and described in the published plans and particulars of sale.

Lot 2.
The FREEHOLD COTTAGE, with Stable, Pigeon, and Garden, nearly opposite to Lot 1, containing 665 square yards or thereabouts, in the occupation of William Aldridge, and adjoining property of Mr. J. W. Bakewell and Mr. Watwood.

Lot 3.
A piece of FREEHOLD-BUILDING LAND, being an allotment under the Cannock Inclosure, opposite to the Cemetery, having a frontage of 35 yards to the road from Cannock to Deakin's Grave, adjoining property of Miss Moore, Mr. Greenhill, and Mr. H. Wilkinson, and containing 1,692 square yards or thereabouts.

Lot 4.

Planning Control

Cannock Chase District Council

Civic Centre

Beecroft Road

Cannock

Staffs

7 May 2020

Planning Objection CH/20/026 – 21 Stafford Road-former British Legion to Large HMO

Dear Ms Lewis,

I wish to add to my previous comments regarding the above application.

I have now provided you with documents and details of the history of the application site confirming its connections to the farm land which is now Cannock Park including documents which refer to the existence of Simm Barn which also illustrates the towns transition from agriculture to its eventual use as a Victorian Lodging House which continued until the 1940's.

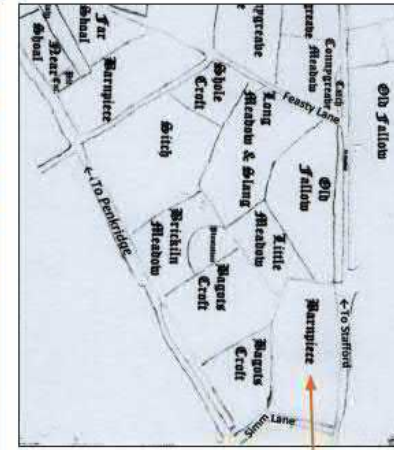
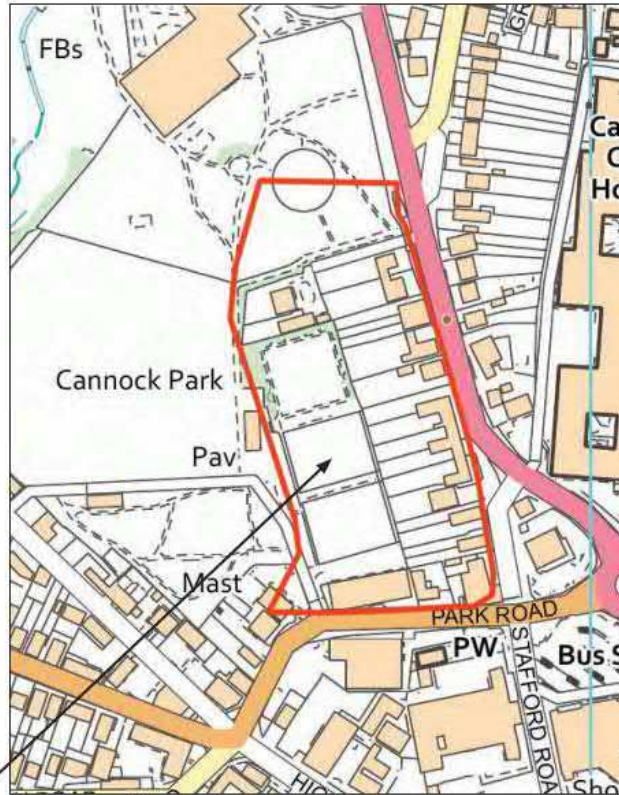
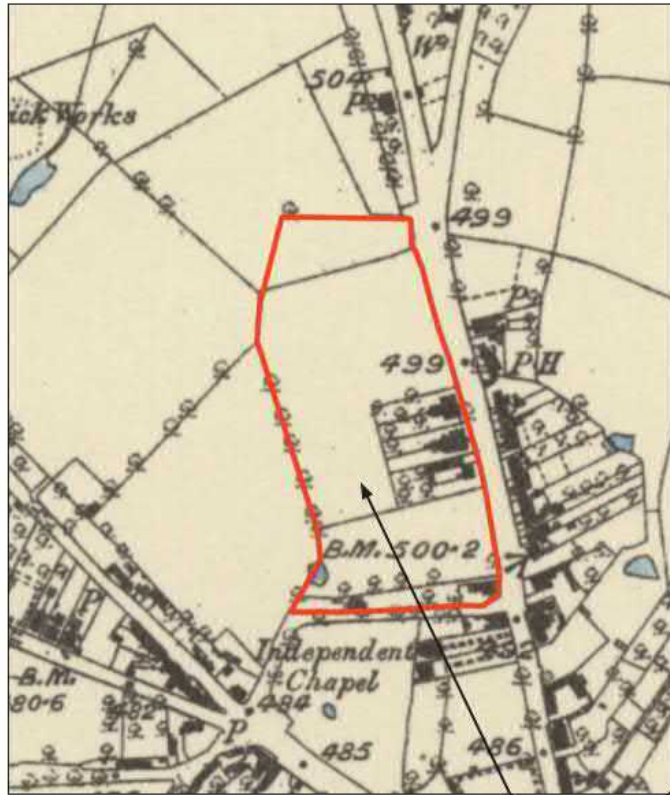
Having read the Historic Assessment I stand by all my earlier objections dated 12th and 17th February 2020 and I continue to object to the demolition of this building or buildings(as the case may be) and the design of the proposed replacement building which is not in keeping with the character of the area. Yes the building (s) has been altered over time, however The Historic Assessment did not say the building or buildings were derelict merely that they didn't qualify to be non-designated heritage assets. It (they) could easily be renovated and restored, as have other buildings in the town for example The New Hall, The White House and the former United Reform Church (opposite the site and now a restaurant). I refer you to the previously approved plans CH/13/0086 to convert the building into 4 flats, an extremely sympathetic plan which enhanced its surroundings.

The Historic Assessment identified the structure as two buildings but was vague and uncommitted in respect of the date of the rear wing, which was unable to be dated without further information. Why hasn't a more detailed survey been carried out to establish the date of this building and why was there no 'Historic Assessment' provided for the original application?

The Historic Assessment says late 19th Century buildings are plentiful, therefore there is no need to declare these buildings as a non-designated heritage asset. Well, they are certainly not plentiful in Cannock which has been decimated over the years. There cannot be another town in the country which has lost so many of its historic buildings which has had a devastating detrimental effect on the town's character. I am sure every time a building was demolished a 'good reason' was found to justify its destruction. Residents of Cannock have been denied the opportunity to participate in compiling a local list of buildings, of interest. Why is there no list?

Appendix 2

Applicant's Heritage Assessment and Rebuttal



EXTRACT FROM MAP PROVIDED BY [redacted], SHOWING 'BARNPIECE'

ENCROACHMENTS



THE PARCEL OF LAND CALLED 'BARNPIECE' overlaid in 1882 (left) and in 2020 (right)

© Crown copyright and database rights [2020]
Ordnance Survey 0100031673

FIGURE I - MAP REGRESSION of BARNPIECE

Melanie Morris Dip. Arch. Cons, IHBC, MRTPI
Mel Morris Conservation
 67 Brookfields Road
 Ipstones
 Staffordshire ST10 2LY
 tel: 01538 266516 email: mel@melmorris.co.uk
 www.melmorrisconservation.co.uk

IHBC
HESPR
 Quality assured hespr.ihbc.org.uk

mel morris
 conservation

RTPI
 Chartered Town Planner

Richard Sunter
Planning Department
Cannock Chase Council
Civic Centre
PO Box 28
Beecroft Road
Cannock
WS11 1BG



8th May 2020

Dear Mr Sunter,

21 STAFFORD ROAD, CANNOCK – RESPONSE AND REBUTTAL

I have set out in this letter a response to [redacted] objections and detailed commentary on her documentary evidence on the following pages and in Figure 1 (A3). This is a form of rebuttal. Please can these representations be added to the planning portal with the application details.

This is to be considered in conjunction with my previous letter dated 9th April 2020.

Yours sincerely

[redacted signature]

[redacted name]; Dip. Arch. Cons, IHBC, MRTPI

67 Brookfields Road
Ipstones
Staffordshire
ST10 2LY

t. 01538 266516
m. 07966 722464

mel@melmorris.co.uk
www.melmorris.co.uk

Response to [redacted] letter of objection and documentary research

The Extensive Urban Survey (EUS) of Cannock, undertaken by Staffordshire County Council, shows the progressive development of the town and the map regression undertaken for this study. The phasing identifies that the land to the north of Simm Lane was not developed until the 19th century. Map 3 of the EUS shows the open field systems around the town, with the application site being part of one of the open fields. It states that these fields were enclosed piecemeal some time after the late 16th century.

The first edition Ordnance Survey map, which was the first accurate record prepared by the Ordnance Survey, shows that the land to the north of Simm Lane (sic Park Road) was not developed in 1816. [redacted] states that "it is not uncommon for maps to differ". When dealing with the Ordnance Survey, however, it should be considered one of the most reliable records and I nor anyone else have any reason to doubt that it is not correct. The [redacted] has provided a map labelled "3 Marques Anglesey 1819-24" (SRO D1821/5). This map also shows the land to the north of Simm Lane (sic Park Road) as undeveloped and owned or occupied by Richard Hall. The land to the south has been sub-divided into plots. It remains quite clear from this map also that the existing buildings at 21 Stafford Road were not developed at this time. The [redacted] is wrong to imply that there are buildings on the site. The structures in Simm Lane (sic Park Road) are not buildings on the north side of the road. The resolution of the map is not clear enough to determine what the map annotations are, but they are not buildings, which are coloured black on the map, and appear to be field boundaries, or markers. Richard Hall appears to own or occupy the whole of the parcel of land bounded by Simm Lane (sic Park Road), Old Penkridge Road, Stafford Road, and Feasty Lane.

Of course this does not preclude the possibility that some other buildings may have been erected on the north side of Simm Lane (sic Park Road) at some time in the past. Our statement is simply, to reiterate, that the present buildings were not erected until the second half of the 19th century and there is no evidence that any form of barn or cowhouse stood on the same site.

Indenture dated 13th January 1756

The Indenture dated 1756 submitted by [redacted] refers to a 'barn' and adjoining 'beast house'. The names in this legal agreement appear to be largely consistent with the field names recorded on the map provided by [redacted] (2a Field Names). However, it should be noted that the field parcel which is called 'Bampiece' and which is located adjoining Stafford Road and Park Road is a very large parcel of land. Comparing this with the later Ordnance Survey maps (see Figure 1 attached), we can see that it includes all of the houses running along the west side of Stafford Road from approximately No. 21 to No. 69 inclusive and stretches along the northern frontage of Park Road; it includes 49 and 47 (Kelvestone House) Park Road, before the road bends in a south-west direction, 3 to 4 times the length of No. 21. It is simply not possible to categorically state that there was a barn located on the site of No. 21 Stafford Road, or even on the road junction, rather than any other part of the 'Bampiece'.

The name Simm Barn suggests a direct association with Simm Lane but the land running along Simm Lane (sic Park Road) within "Bampiece" extends much further than the current application site. There would be no compelling reason to build a detached barn and cowhouse in the 17th or early 18th century right on the road junction of Stafford Road and Simm Lane. Agricultural buildings that directly abut roads are generally a phenomenon of the late 18th

century redevelopment of enclosed farmsteads. This barn was early 18th century or possibly a 17th century threshing barn. There was also no water supply at this location, which would be necessary to accommodate cattle. Other entries from the National Archives from 1738 refer to 'liberty to use the threshing floor' of the barn. This was therefore a large barn with central threshing floor.

There is no accompanying map with the Indenture and the Indenture does not provide any detail about the locations of the barn and 'beast house' other than to mention them for the purposes of identification. This would be known to the various parties to the agreement. The purpose of the Indenture appears to be to let a barn and cowhouse and associated fields to Alice Cocker and to arrange a legal agreement over providing access to water to "bring the water out of Stafford Road along the same into a certain Meadow called the Little Meadow in order to water and float the said Simm Barn Piece". The agreement is between Alice Cocker, who is the occupier of Simm Barn, and Edward Wilson who owns the land including the named field "Little Meadow", across which she needs to guarantee a water supply. The agreement includes the annual payment for a 21-year term of "Eight pounds and ten shillings".

The fields that Alice Cocker and James Gillar are renting in this agreement are all named and most can be seen quite clearly by comparison with the map "2a Field names" provided by [redacted] i.e. Brickkiln Meadow, Long Meadow, and Sitch (sic. Hatherton Sitches), Barn Piece. The rental agreement also names the Parkers Piece and Sprags Piece. These appear to be all conjoined and located lying between the Old Penkridge Road and Feasty Lane, with the exception of Barn Piece which is detached and separated from them by Little Meadow, and not part of their tenure. There is no mention of "Bagot's Croft", or "Little Meadow" in their tenure. "Little Meadow" is identified separately as the field through which the water supply is provided. [redacted] has also incorrectly transcribed the reference to "tons of sand". This actually states 'piece of land'. However, "Little Meadow" is identified separately as the field through which the water supply is provided.

This water supply would be for the purpose of guaranteeing a water supply to the livestock using the cowhouse ("beast house") and pasture. If we look at the 1882 Ordnance Survey map we can clearly see ponds within the south-eastern side of the plot occupied by the Brickworks, previously named "Brickkiln Meadow". The Indenture states: Brickkiln Meadow "lies on the side of the Gutter or Sough next Cannock". There is a further very small pond on the old OS maps straddling the field boundary between 'Barnpiece' and the adjoining field, 'Bagot's Croft', which may be the outflow of the water cited in the Indenture if it was piped from Stafford Road across "Little Meadow".

My assessment is the agreement is intended to secure a plentiful supply of water, whilst using the pasture for livestock, in particular cows, and housing them over-winter in the cowhouse. We know from the document that the barn and the "beast house" were adjoining, so we need to look more closely at a potential location where there was a water supply, fed through "Little Meadow".

1882 Ordnance Survey Map at 6-inches to the mile

Looking at the 1882 OS map again, I consider that it is quite likely that the narrow linear plot which appears as part of the property boundary at that time stretching to the west and incorporating 47 and 49 Park Road, may in fact be a roadside encroachment and not even part of the 'Barnpiece'. It is certainly narrow enough and follows the alignment of the road, rather than running perpendicular to it and this is customary for encroachments. The location of No. 21 on the very edge of the road and extending partly into the public domain also makes sense

of this form of encroachment / roadside development. There are similar encroachments along Old Penkridge Road, which I have annotated on the plan (see Figure 1). As you can see, the Old Penkridge Road was originally slightly wider, and when there was pressure for development it was common for houses to be built along the edges of these roads, sandwiched between the highway and the field to their rear. For this reason they often have ancillary garden land to either side, rather than to their rear. This is the common pattern of encroachment in England. They become formalised over time, often by estates where the lord of the manor wants to raise revenue from rentals, and they can also become formalised during the various acts of Enclosure.

Abstract of Title (no reference given)

The Abstract refers to a parcel of land called the 'Barn Piece', a name which also appears twice, in different locations, on the plan submitted by [redacted] called "2a Field Names". It is common to find this arrangement with a former field system enclosed as illustrated on this plan with irregular shaped parcels. The earliest recorded date of this title deed is 1859 and this is a record of land and mineral rights conveyed to George John Stubbs and Edward Phillips Stubbs.

The land named as Barn Piece is identified in the Abstract as occupying 7 acres. Plot number 454B is described as 'two plots or parcels of ground' measuring "one thousand three hundred and thirty six square yards" and were "parts of the Barn Piece". Google 'calculate' tells us that this is 1117 square metres. [redacted] states that "454B (the application site) was conveyed to Mathew Anderson in 1862". This is very misleading and is incorrect because we know that plot 454B at 1117 square metres was far more extensive than the application site. The abstract refers to a plan which is not included in the transcript and it would have been helpful to have a photograph of the original title deed showing this plot. In 1874 the title deed tells us that Matthew Burlace Anderson sells this parcel of land to William Cotton. It refers to a dwelling house and outbuildings erected thereon but there is no record of when they were erected. The title then refers to further land conveyed to William Cotton, including plots numbered 454, Part 454a, 455 and 465. Plots numbered 468 and 469 were also sold to William Cotton by Martin Wilkes and John Neve. It goes on to refer to multiple buildings owned freehold by William Cotton – "messuages or dwellinghouses with the outhouses buildings gardens and appurtenances" on plot numbered 454B. This is clearly a much more extensive plot than simply the present site area of No. 21 Stafford Road. The title deed explains that William Cotton died in 1876, followed by his wife Sarah and that the title passes to John Aston and Joseph Brown (executors) and the land is then sold to William Bishton.

The deed, whilst interesting, does not tell us anything about the use of the land before 1859, or whether there were any buildings on any parts of the land, which extends to an area much larger than the site of 21 Stafford Road, before 1859. Importantly, it does not directly connect 21 Stafford Road with 'Simm Barn.'

[redacted] also has submitted an extract from a newspaper article from 1876 which is a sale by auction of a plot with a "recently-built and compact FREEHOLD DWELLING HOUSE, with the Stabling, range of Workshops and other Buildings and Yard late in the occupation of William Cotton, deceased." The implication from [redacted] including this newspaper article is that this is the site of the later British Legion but I cannot be sure of this. The use of the term 'recently-built' of 1876 tallies with my dating assessment for the building.

Rear Range Dating Evidence

There is very little physical evidence to determine the date of the rear range. We know that it was not built until after the mid 19th century, and it appears to have had a separate function

from the dwelling. It does not have the characteristics of a building which is ancillary to a domestic building, and it clearly has the proportions that would have accommodated sash windows set in rebated openings, with hidden sash boxes to both lower and upper floors; this is one reason why I suggested that it may have had a commercial use; this could include a lodging house. Without original windows or other dateable features, such as doors, joinery and fireplaces, a precise date for this rear range cannot be determined. No-one can reasonably attempt this. The use of Imperial bricks and segmental arched windows is found throughout the second half of the 19th century.

Conclusions

The documentary evidence provides some information about previously developed land upon a plot called 'Barnpiece'. There are two plots called Barnpiece, one of which stretches for long sections parallel with Stafford Road and Park Road. It is not possible to say with any certainty that the site of No. 21 Stafford Road contained this barn and beasthouse. It is an unlikely location for a large threshing barn and the site of No. 21 Stafford Road appears to be a roadside encroachment. No buildings were identified in 1816 on the accurate Ordnance Survey map. The various hypotheses provided by _____ are interesting but not conclusive in any way.

The existing buildings have no relationship with any former buildings on the site.

Lastly, I would like to add that as the whole of the current site has been developed and there is no land which has not been disturbed, I cannot see any point in adding an archaeological condition. In my view this is onerous, unreasonable and not proportionate. A 'barn' or 'beast house' would have had nominal footings (no cellars) and, if it had existed in this position, is unlikely to have survived when the site was redeveloped. There is nothing to be gained or learnt from such a condition. The only reason for applying an archaeological condition would be to discover something useful about the development of Cannock, but this cannot be the case when the land is previously and comprehensively disturbed and outside the medieval settlement. If the planning authority is considering an archaeological condition it must only be applied if the County Archaeologist, the professional adviser to the authority, considers that it is reasonable and proportionate and that there is some conclusive evidence that the land was previously developed. I do not believe that this is the case.

The issue of whether a planning authority permits the demolition of old buildings is one which has to be determined on a case-by-case basis. Clearly, there are different degrees of protection. Listed buildings are protected by law by presumption, buildings in conservation areas are also protected by law and demolition is a material consideration to be determined following a heritage assessment. Where a building is not listed or located within a conservation area, it needs to have some sort of special interest, either by being on a Local List (an objective, criteria-based assessment undertaken by an impartial process) or a 'non-designated heritage asset', which is identified at some point, but the government has provided very clear guidance on 'non-designated heritage assets' in recent years, presumably in order to dissuade planning authorities from refusing applications for development without just cause. It is not appropriate for local planning authorities to identify all old buildings as 'non-designated heritage assets'. The NPPG states:

"A substantial majority of buildings have little or no heritage significance and thus do not constitute heritage assets. Only a minority have enough heritage significance to merit identification as non-designated heritage assets."

Paragraph: 039 Reference ID: 18a-039-20190723

Revision date: 23 07 2019

If a building is a non-designated heritage asset which is identified in the process of determining a planning application, or which the local planning authority or Staffordshire County Council has identified during the scope of any previous surveys or assessments, it would be a material consideration, in accordance with paragraph 197 of the NPPF. However, in this case, the building is not a 'non-designated heritage asset', in that it has not been identified as such by an impartial assessment or survey or by the planning authority or County Council and not by my own Heritage Assessment of the buildings on the site. If the planning authority refuses the application for demolition, based on the fact that this building is old (i.e. mid-late 19th century), without just cause and reasonable grounds, then the applicant is entitled to claim costs at the appeal stage against the costs incurred in preparing this evidence.

Appendix 3**Appeal Decision**

The Planning Inspectorate

Appeal Decision

Site visit made on 16 September 2019

by Graeme Robbie BA(Hons) BPI MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 8 October 2019**Appeal Ref: APP/X3405/W/19/3228451****21 Stafford Road, Cannock WS11 4AF**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
- The appeal is made by Mr D Andrews against the decision of Cannock Chase District Council.
- The application Ref CH/18/247, dated 1 June 2018, was refused by notice dated 5 December 2018.
- The development proposed is site redevelopment to provide 25 room House of Multiple occupancy.

Decision

1. The appeal is dismissed.

Procedural Matters

2. The proposal was initially described in the terms set out in the heading, above. However, it is clear that during the course of the Council's consideration of the proposal it was clarified that the development sought to provide 24 rooms, not 25. It is also clear that that was the basis upon which the Council reached their decision and I shall therefore determine the appeal accordingly.
3. The appellant has submitted a signed, dated and completed unilateral undertaking made under the provisions of section 106 of the Town and Country Planning Act 1990 (as amended) (the Act). The UU would secure a financial contribution to mitigate the adverse impact of a net increase in dwellings on the Cannock Chase Special Area of Conservation (SAC). I shall return to this matter later.

Main Issues

4. The main issues are the effects of the proposed development on:
 - The character and appearance of the surrounding area; and
 - The fear of, and potential for, crime and anti-social behaviour arising from pressure for car parking in the surrounding area.

Reasons*Character and appearance*

5. The appeal site lies at the corner of Stafford Road and Park Road. As a two storey building, despite the mixed nature of single storey and two storey elements at the side and rear of the building it is of a scale broadly comparable

to the domestic, and domestically scaled, buildings immediately adjoining the site.

6. I accept that there are more substantial, taller and bulkier buildings nearby, such as the two-and-a-half storey Kelvestone House on Park Road, the three and four storey South Staffordshire College buildings a short distance to the south on the opposite side of Park Road and the nearby Cannock Shopping Centre complex. The nearby 'Podge and Tin' building is also a substantial, if isolated, building that lies opposite the appeal site surrounded by the local road network on all sides. I also acknowledge that the appeal site, like those buildings identified above, lies within the defined town centre¹. However, these buildings all stand apart from the appeal site, physically and visually detached from it and set in different contextual settings.
7. Notwithstanding the site's inclusion within the defined town centre, the appeal site and the existing building are, in terms of their position and character, more akin to the modest scale and domestic character of the buildings that lie alongside. However, although it would not be inaccurate to describe the proposed building as being largely two-and-a-half, rather than three, storeys, to do so would understate its relative scale, bulk and massing, particularly given the extent of the proposal's footprint area and significant elements of three storey gable elevations.
8. The proposed House in Multiple Occupancy (HMO) would occupy all but a very small section of the existing building's built footprint, and would do so with a greater overall scale, bulk and massing. Furthermore, the three storey gable element of the proposal's south facing flank extension would be a considerable and incongruously bulky element within its immediate context and surroundings.
9. It may be that there are other taller buildings nearby, such as those some way distant on the opposite sides of the roundabout and across Park Road, but it is not those buildings that provide immediate context to the proposal. Instead, the two storey buildings immediately to the west and north of the site provide context. And in that sense, the proposal would be incongruous, and incongruously large.
10. Furthermore, despite the appellant's conviction that the context demands and supports a building of the scale, bulk and massing of that proposed, attempts to reflect the modest proportions of adjacent buildings would result in a compromised appearance with conflicting rooflines and proportions. This would be particularly evident at the front where the narrow two storey element adjacent to 23 Stafford Road would fail to respond to the roof form of No. 23, and at the rear where the awkward and competing lines of the recessed three storey element and the substantial rear gable would create an awkward and visually intrusive feature into the Park Road streetscene.
11. I agree that corner sites provide opportunities for strong design statements. However, they also require care in that they are exposed to multiple elevational views; in this instance from the front from Stafford Road, the gable and flank from Park Road and the rear in longer views along Park Road. The proposal provides interest on the flank and gable elevations with an articulated façade and dormer upper floor windows providing some relief.

¹ Map extract at paragraph 3.4, Appellant's Appeal Statement

12. However, extending almost the entire depth and width of the appeal site plot, the building's flank elevation would be an incongruous and dominant feature within the Park Road streetscene. Moreover, the position of such a dominant flank immediately at the back edge of the footpath would be an imposing and visually overpowering feature at a point where the pedestrian environment is constrained by the restricted width of the pavement and pedestrian crossing.
13. Thus, for the reasons I have set out, the proposal would fail to secure the high standard of design of buildings that policy CP3 of the Cannock Chase Local Plan (CCLP) seeks. CCLP policy CP3 identifies key requirements of high quality design, including the consideration of design imaginatively in its context to complement and enhance local character and appearance, and be well-related to existing buildings and their surroundings in terms of, amongst other factors, layout, scale and appearance. The proposal would fail to adequately demonstrate these key considerations and is thus in conflict with CCLP policy CP3.
14. The appeal site lies close to, but beyond, the defined Cannock Town Centre Conservation Area (CA). I am also advised that there is a grade II listed St Luke's church on Park Road. I have noted that officers concluded in their recommendation to the Council's Planning Control Committee that there would be no harm to the setting of the listed building the character or to the character or appearance of the nearby CA. There is no suggestion in the first refusal reason that the Council consider there to be harm, nor has the argument subsequently been made that the proposal would cause harm, be it less than significant or otherwise.
15. However, although I have concluded, for the reasons set out above, that the proposal would fail to secure the high quality design sought by CCLP policy CP3, I have not been presented with any further evidence to lead me to a different conclusion in respect of the applicable statutory test² regarding the listed building, or whether the proposal would affect the significance of the CA by development outside it. The absence of harm in these terms weighs moderately in support of the proposal, albeit that the harm to character and appearance that would result from the proposal's failure to demonstrate high quality design would not be outweighed by this moderately favourable support.

Car parking

16. Despite some apparent confusion on the Council's behalf, it is clear that the proposed scheme does not include provision for on-site car parking, whether for residents or cleaning staff. Other than a very small number of time-limited on-street spaces a short distance to the north of the site on the stub-end of Stafford Road, I saw that parking is heavily restricted on roads around the appeal site.
17. However, it is not the effect upon highway or pedestrian safety of the absence of on-site, and limited access to on-street, parking that concerns the Council. Rather, it is the potential for conflict to arise due to increased parking pressure arising from the proposal. The Council express this in terms of the potential effect of this on social cohesion and the potential for, and fear of, crime. But the Council have not provided any evidence to substantiate their position that the proposal's lack of on-site parking provision would lead to conflict, anti-

² Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990

social behaviour or threaten social cohesion. I appreciate that the proposal may lead to increased parking pressures, but I have no reason to believe that that would manifest itself in the manner, or with the implications, that the Council suggest.

18. I have not been directed to any development plan policies that refer specifically to social cohesion, anti-social behaviour, potential for crime or the fear of crime, nor have the Council cited any in their second refusal reason. Paragraph 127(f) of the Framework does however recognise that in seeking to achieve well-designed places planning decisions should *'create safe, inclusive and accessible places.....and where crime and disorder, and the fear of crime, do not undermine quality of life or community cohesion and resilience'*. For the reasons I have set out above, however, I am not persuaded that the proposal would result in harm in the manner set out by the Council or would fail in the terms set out by Framework paragraph 127(f).

Other Matters

19. CCLP policy CP13 states that 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. It goes on to state that all development that leads to a net increase in dwellings in Cannock Chase District will be required to mitigate adverse effects.
20. In this instance, the appellant has submitted a UU to provide for a financial contribution as mitigation for the net increase in dwellings that would result from the proposal, should the appeal be successful. The Council have not challenged the approach or amount set out in the UU. However, as I minded to dismiss the appeal, it has not been necessary to consider this matter, or the provisions of the UU, further.
21. The efficient use of land is not just a matter of how many housing units can be accommodated within a particular site. As I have set out above, the proposal would cause harm to the character and appearance of the surrounding area for the reasons stated. The efficiency of the use of land in providing 24 rooms units within the proposed HMO carries only limited weight and falls significantly short of outweighing the harm to character and appearance that I have identified.
22. I was also able to view the appeal site from nearby properties at 23 and 25 Stafford Road. Notwithstanding my conclusions regarding the effects of the proposal in terms of impact upon character and appearance, these viewpoints afforded me the opportunity to consider the proposal's relationship with those properties in terms of the impact upon living conditions thereof. Although not cited as a reason for refusal by the Council, I have carefully considered the respective arguments put forward by the appellant and occupiers of those properties in this respect.
23. Having done so, I am satisfied that the proposal would not cause harm to the living conditions of occupiers of either property in terms of outlook, privacy or daylight and sunlight. I accept that the rear portion and elements of the flank and rear elevations would be visible from within the rear gardens of both properties, but this would not be sufficient in my view to cause material harm to the amenities of occupiers of those properties. The absence of harm in this respect is only a neutral factor to which I afford only limited weight.

Conclusion

24. For the reasons I have set out above, and having considered all other matters raised, I conclude that the appeal should be dismissed.

Graeme Robbie

INSPECTOR

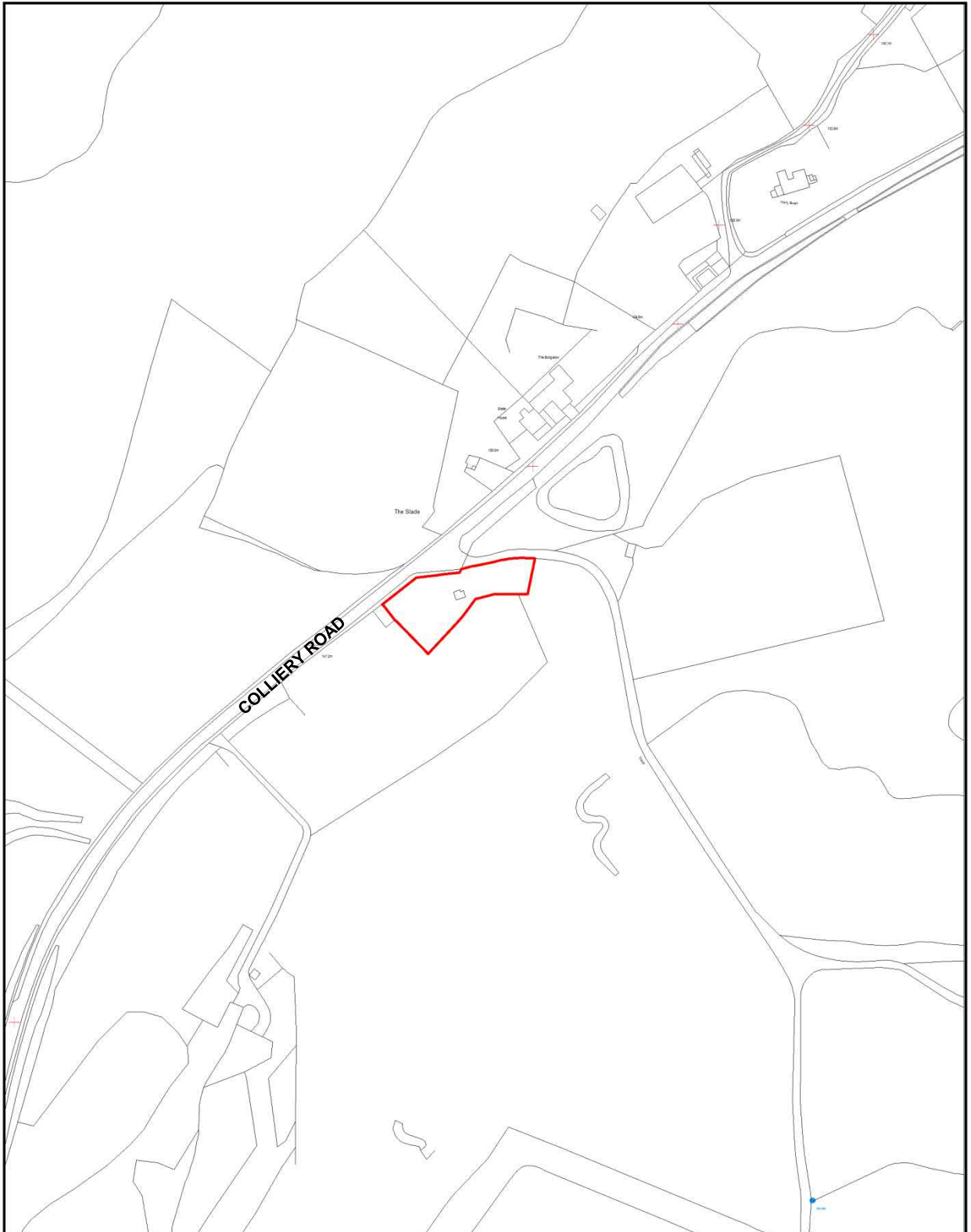


Application No: CH/20/029

Location: Land Off Colliery Road, Brereton, Rugeley

Proposal: Erection of a stable building and hardstanding

Item no. 6.40

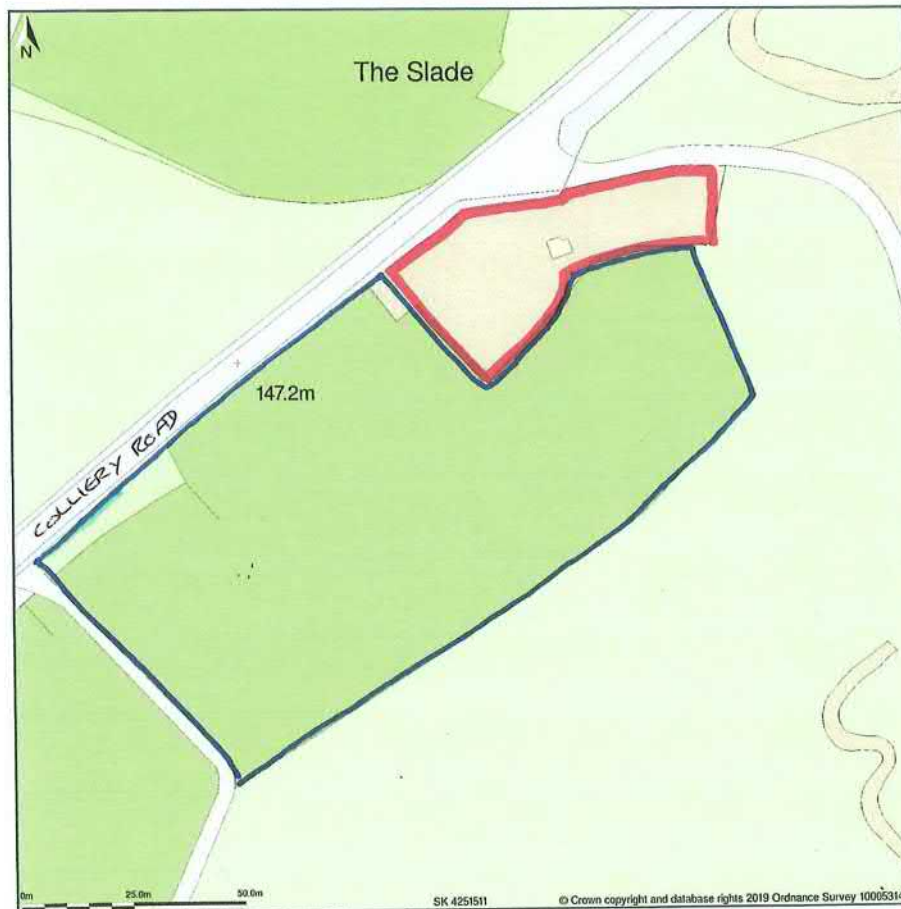


Location Plan



CH/20/029

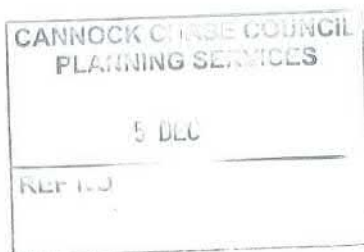
Land off Colliery Road, Brereton, Rugeley, Staffordshire, WS15 1QR



Site Plan shows area bounded by: 404150.78, 315010.94 404350.78, 315210.94 (at a scale of 1:1250), OSGridRef: SK 4251511. The representation of a road, track or path is no evidence of a right of way. The representation of features as lines is no evidence of a property boundary.

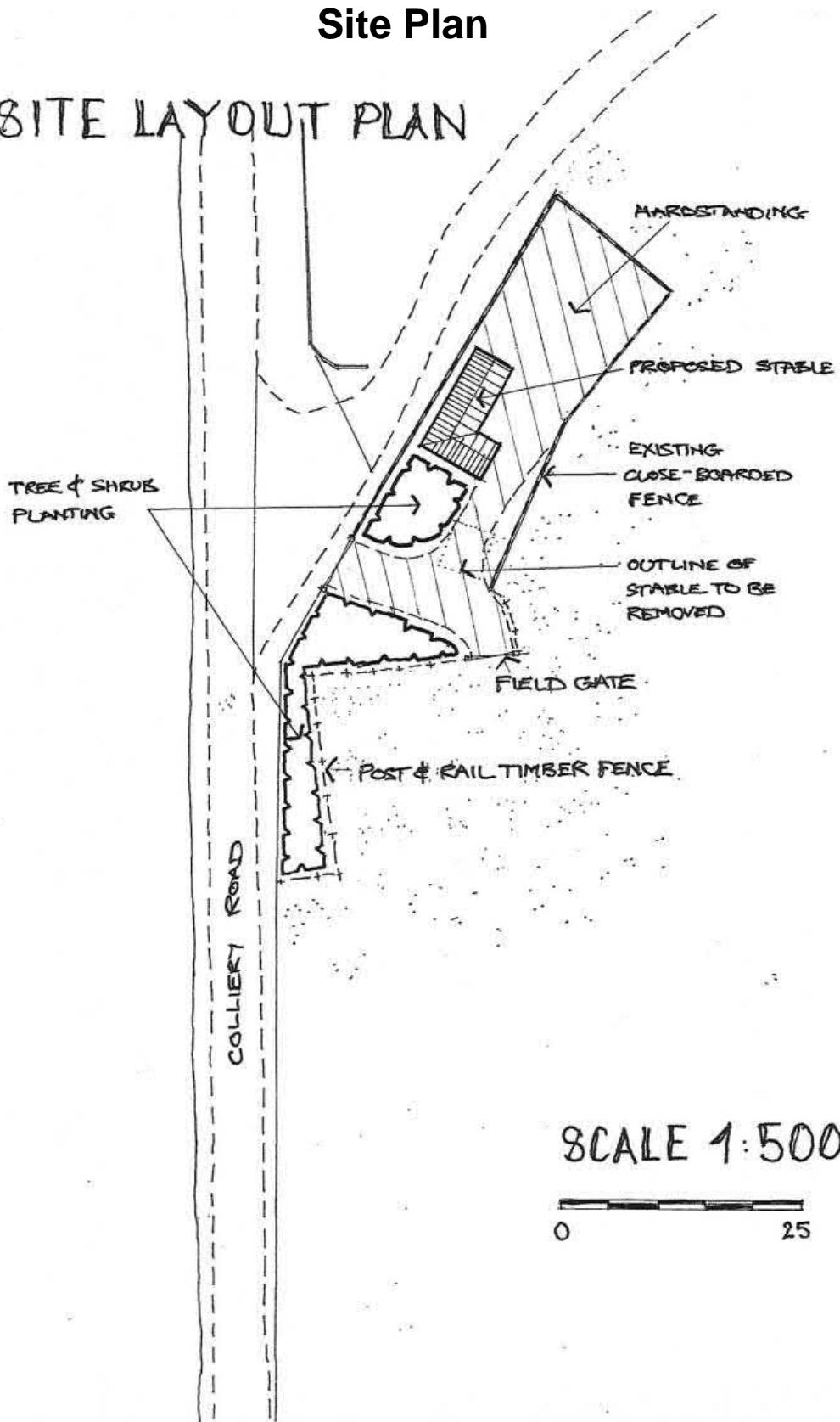
Produced on 24th Nov 2019 from the Ordnance Survey National Geographic Database and incorporating surveyed revision available at this date. Reproduction in whole or part is prohibited without the prior permission of Ordnance Survey. © Crown copyright 2019. Supplied by www.buyaplan.co.uk a licensed Ordnance Survey partner (100053143). Unique plan reference: #00474283-C118C7

Ordnance Survey and the OS Symbol are registered trademarks of Ordnance Survey, the national mapping agency of Great Britain. Buy A Plan logo, pdf design and the www.buyaplan.co.uk website are Copyright © Pass Inc Ltd 2019



Site Plan

SITE LAYOUT PLAN



SCALE 1:500

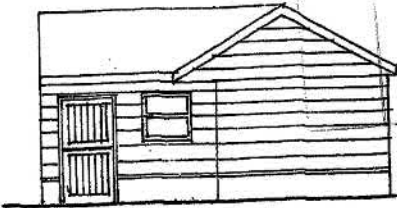


Proposed Elevations

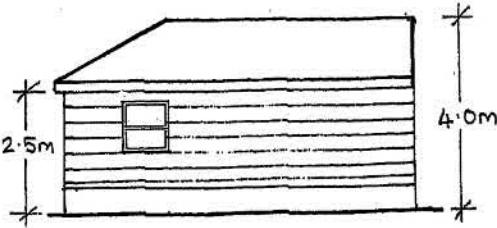
STABLE BUILDING SCALE 1:100



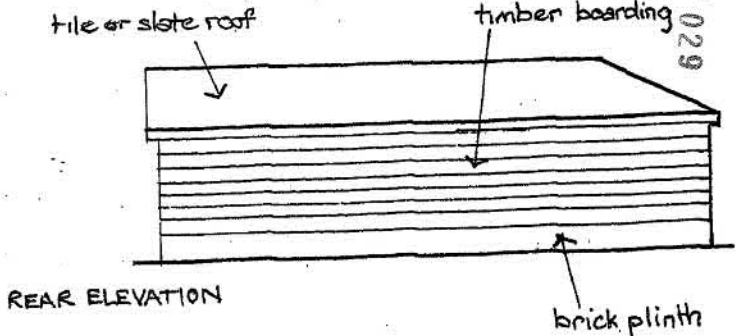
FRONT ELEVATION



END ELEVATION



END ELEVATION



REAR ELEVATION

CANNONVILLE DISTRICT COUNCIL
PLANNING SERVICES
5 DEC

JH/20/029

Contact Officer:	Claire Faulkner
Telephone No:	01543 464337

Application No:	CH/20/029
Received:	23-Jan-2020

PLANNING CONTROL COMMITTEE	
Location:	Land Off Colliery Road, Brereton, Rugeley
Parish:	Brereton and Ravenhill
Description:	Erection of a stable building and hardstanding
Application Type:	Full Planning Application

RECOMMENDATION:	
Approve Subject to Conditions	

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

Conditions (and Reasons for Conditions):	
<p>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.</p> <p>Reason To comply with the requirements of Section 91 of the Town & Country Planning Act 1990.</p> <p>2. No materials shall be used for the external surfaces of the development other than those specified on the application.</p> <p>Reason In the interests of visual amenity and to ensure compliance with Local Plan Policies CP3, CP15, CP16, RTC3 (where applicable) and the NPPF.</p>	

3. No part of the development hereby approved shall be brought into use until a scheme detailing the new fencing and a tree and hedgerow planting scheme, 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'.

The approved landscape and fencing works shall thereafter be carried out in the first planting and seeding season following the completion of the stable building. The landscaping and fencing scheme shall thereafter be retained for the lifetime of the development.

Reason

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

4. No means of external illumination shall be brought into use lighting within the application site, until details of the proposed lighting, including the proposed location, type of cowl and lighting intensity, has been submitted to and approved in writing by the Local Planning Authority.

Thereafter the agreed lighting scheme shall be implemented in accordance with the approved details.

Reason

To ensure that the brightness of any lighting erected does not have an adverse impact on protected species, highway safety and the night time character of the area in line with Local Plan Policy CP3.

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

Site Layout Plan (as amended, received 3/4/2020)

Proposed Stable Elevations

Proposed Stable Floor Plan

Arboricultural Impact Assessment and Tree Protection Plan

Reason

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

6. Without the express consent of the Local Planning Authority, there shall be no human habitation on or over the application site. Specifically no caravans, tents or temporary accommodation shall be positioned on or over the site at any time and no storage other than that ancillary to the use of the stables hereby permitted shall be carried out on the land.

Reason

In the interests of protecting the character and appearance of the Cannock Chase Area of Outstanding Natural Beauty in accordance with Policies CP3 and CP14 of the Cannock Chase Local Plan (Part 1) and paragraph 172 of the National Planning Policy Framework.

Consultations and Publicity

EXTERNAL CONSULTATION

Brereton & Ravenhill Parish Council

Objection

The development is grossly excessive in an area of Green Belt and within the Area of Outstanding Natural Beauty.

The amount of land shown for the development is ambiguous as it could represent most of the site. The inference given from the documentation is that the land shown could support a caravan or mobile home.

This proposal is an attempt to create residential accommodation contrary to Green Belt Policy and harmful to the AONB. It would become an intensively developed area.

The Parish Councils conclusion is reinforced by the nature of the fencing erected on site which is harmful to the AONB.

The following comments were submitted following the consultation of the amended plans:-

The Parish Council wish to confirm its original objection to this planning application and add the following:-

1. We share the concerns of Cannock Chase AONB partnership.
2. The area of hardstanding shown is much greater than needed for stables.
3. The proposal would be overdevelopment on land that is both Green Belt and Area of Outstanding Natural Beauty.
4. The likelihood is that this is a precursor to an application for a caravan or a mobile home to "look after" the horses.
5. The proposal will not preserve the openness of the Green Belt.
6. The proposal is not sensitive to the distinctive character of the landscape in its vicinity.

AONB Unit

No objection.

The amended application is for a moderate sized single storey stable faced in timber, and area of hardstanding (gravel) for access. The proposed all-weather exercise arena has been deleted from the application, and area of hardstanding slightly reduced. The amended plan also indicates removal of close boarded fence along the road frontage to the south of the access gate with tree and shrub planting behind.

I also refer to your email dated 15th April indicating that the applicant has confirmed that they will remove the fencing and replace it with a low fence, possibly post and

rail (verbal suggestion from the applicant) with hedgerow planting for additional security.

The amendments are welcomed and the AONB Partnership removes its objection.

INTERNAL COMMENTS

Parks & Open Spaces

No response to date

Environmental Health

The site is immediately adjacent to a former infill site, which may have the potential to generate landfill gas. I would assume that the stable building will be well ventilated thereby potentially precluding the necessity for dedicated ground gas protection measures. However, I would ask that the level of ventilation is confirmed by the applicant in order that I may be satisfied that this is the case.

The applicant has stated that it is not known whether lighting will be required. Should external lighting form part of the proposal, details should be supplied and approved prior to approval.

Planning Policy -

The National Planning Policy Framework (NPPF Paragraph 11) states that development proposals that accord with an up-to-date development plan should be approved without delay. Where there are no relevant plan policies, or the policies which are most important for determining the application are out of date, planning permission should be granted, unless policies in the Framework that protect areas or assets of particular importance (e.g. Green Belt, AONB, habitats sites) provides a clear reason for refusal, or any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.

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

The site lies within the Green Belt, outside of the urban areas and defined village settlement boundaries as per Local Plan (Part 1) Policy CP1. The proposed development area lies within the AONB boundary and the proposed stable and hardstanding would be sited adjacent to existing tree and shrub planting and would be set back from the Colliery Road by way of the existing access.

Local Plan (Part 1) Policy CP1 identifies that development proposals at locations within the Green Belt will be assessed against the NPPF and Policy CP14.

The NPPF (Para 145) identifies exceptions to the construction of new buildings as inappropriate in the Green Belt. These exceptions include provision of appropriate facilities (in connection with the existing use of land or change of use) for outdoor recreation as long as they preserve the openness of the Green Belt and do not conflict with the purposes of including land within it.

The NPPF (Para 172) also states that great weight should be given to conserving and enhancing landscape and scenic beauty in AONBs, which have the highest status of protection in relation to these issues.

Policy CP14 of the Local Plan sets out that landscape character will be considered in all development proposals in order to protect and conserve locally distinctive qualities, rural openness and sense of place. Proposals in the AONB which are compatible with its management objectives will be supported; inclusive of good management of horse pasture including field boundary treatments and 'gapping up' of hedgerows to maintain habitats. It is also considered that development proposals, including those for appropriate development within the Green Belt, and land management practices within the AONB, must be sensitive to the distinctive landscape character and ensure they do not have an adverse impact upon their setting through design, layout or intensity.

Local Plan Policy CP3 requires high standards of design of buildings and spaces that successfully integrate with the extant environment and demonstrates appropriate designs that preserve and enhance the landscape, scenic beauty and character of the AONB and the Green Belt.

The Council's Design SPD 2016 provides design guidance relating to equestrian development; whilst most small scale equestrian related development can usually be assimilated into its surroundings with careful siting and management, some aspects can have a significant visual impact. A key issue is larger stable buildings with potential for future conversion to other uses and 'Maneges' (surfaced riding areas) becoming more common with potential impacts upon sensitive landscape areas. Freestanding stables need to be sensitively located in order to minimise their effect on their surroundings and where possible they should be sited so that they closely relate to existing natural screening. Additional screening may be required in appropriate circumstances. Within the AONB conservation of the natural beauty is the primary objective, having full regard to the economic and social wellbeing of the area, so the effects of a proposal on the landscape and environment will be a major factor to be taken into account.

Stables need to be of a size that is comfortable for their purpose but not large enough to enable easy conversion to other uses. In general each loose box within a stable block will need to be approximately 10-15sqm in floor area. The height need not exceed 2.3m to the eaves, but all stables should have a pitched roof in the interest of visual amenity.

Materials used in the construction of stables should reflect the nature and purpose of the building and be sensitive to the countryside location.

Erection of fencing to enclose a paddock and removal of an existing hedgerow can have a detrimental effect on landscape quality which is of particular importance in

the AONB. Extensive areas of hardstanding should be avoided and permeable surfaces used instead.

Applications for stable buildings should include details of drainage and the storage/disposal of bedding/manure.

Consideration should be given in full to the Design SPD guidance provided on Equestrian Development.

RESPONSE TO PUBLICITY

Adjacent occupiers notified and a site notice posted with no letters of representation received.

1.0 RELEVANT PLANNING HISTORY

CH/18/354 Retention of hard surface area and proposed stable block. Refused for the following reasons:-

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

The proposed stable and associated area of hardstanding would entail the introduction of built form in the countryside, the effect of which would be exacerbated by the positioning of the stable block in an area of open land, the materials used and the extent of the area of associated hardstanding which would fail to preserve the openness of the Green Belt; and conflict with the purposes of including land within the Green Belt. The proposal would therefore constitute inappropriate development in the Green Belt.

Furthermore, the harm by reason of inappropriateness and the harm to the character of the Cannock Chase Area of Outstanding Natural Beauty would not be clearly outweighed by the benefits of fire and crime prevention put forward by the applicant such that very special circumstances would exist to support approval of the proposal.

- (ii) The proposed stable and associated area of hardstanding, the proposed materials, and the lack of appropriate screening would detract from the rural, semi-natural character of this part of the Cannock Chase Area of Outstanding Natural Beauty contrary to Policies CP3 and CP14 of the Local Plan and section 172 of the NPPF.

The applicant subsequently appealed the decision but the case was dismissed on 20th September 2019.

CH/98/0352 Change of use of the land to the keeping of horses and the retention of the field shelter. Approved.

Site and Surroundings

- 2.1 The application site comprises part of a 1.82 hectare site situated on Colliery Road which is used for the grazing of horses and which also partly forms a gateway into the attractive woodland, health and small fields landscape of the AONB to the south – west of the built up area of Rugeley. #
- 2.2 There are some dwellings along Colliery Road with several pieces of land used for horse grazing and stabling. The landscape is undulating but remains predominately open.
- 2.3 The site is situated within the West Midlands Green Belt and Area of Outstanding Natural Beauty (AONB). According to the Review of the AONB Landscape Character Framework for Cannock Chase AONB (2017) the site lies at the transition between Settled Heathland (north of Colliery Road), Sandstone Hills and Heaths, to the east of the site and Forest heathlands. The main character of the valley is Settled Heathland characterised by pastoral farmland and paddocks; small to medium sized hedged fields; dispersed roadside dwellings. The valley and valley sides rise into the unenclosed landscapes occupied by heathland and woodland.
- 2.4 There are a number of mature and semi-mature trees around the boundary of the wider site which are covered with a TPO (29/2003).

3.0 Proposal

- 3.1. The application seeks consent for the erection of a stable block and associated hardstanding.
- 3.2 The proposed stable block would be constructed of timber clad walls on a brick plinth and, corrugated metal sheets on the roof. The building would accommodate 2 separate horse boxes together with a tack / feed store.
- 3.3 The proposed stable building would comprise an area of 53.8m² and would be constructed with a hipped roof to a height of 4m (2.5m to the eaves).
- 3.4 For clarity it should be noted that the original application included the 'construction of a horse exercise arena'. This element has been removed from the application.
- 3.5 The applicant has stated that the existing hardstanding would be removed and reincorporated back into the grassed field and that the existing closeboarded fence that runs along the boundary of the site would be replaced with a low post and rail fence with a hedgerow planted for additional security

4 Supporting Information

- 4.1 The applicant has stated that stabling and keeping of horses is an appropriate use of land within the countryside, including within the Green belt. The keeping of horses for recreational use is not inappropriate in the Green Belt and this includes the provision of small scale buildings and developments which facilitate such a use.
- 4.2 The British Horse Society consider that stables are essential for the keeping of horses in this country; to provide shelter during periods of inclement weather, when horses are ill or when they are being treated by a vet. They also provide opportunity for the paddocks to be rested.
- 4.3 The applicant has also stated that the close board fencing around the site would be removed and replaced with a low level post and rail fence and hedgerow planting. The applicants states that some of the fencing to the east of the site is not on his land and has been erected by a third party.

5 Planning Policy

- 5.1 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.
- 5.2 The Development Plan currently comprises the Cannock Chase Local Plan (2014). Relevant policies within the Local Plan include
- 5.3 Cannock Chase Local Plan (2014):
- | | |
|-------|---|
| CP1 - | Strategy – the Strategic Approach |
| CP3 - | Chase Shaping – Design |
| CP14- | Landscape Character and Cannock Chase Area of Outstanding Natural Beauty (AONB) |
- 5.4 National Planning Policy Framework
- 5.5 The NPPF (2019) sets out the Government's position on the role of the planning system in both plan-making and decision-taking. It states that the purpose of the planning system is to contribute to the achievement of sustainable development, in economic, social and environmental terms, and it states that there should be "presumption in favour of sustainable development" and sets out what this means for decision taking.
- 5.6 The NPPF (2019) confirms the plan-led approach to the planning system and that decisions must be made in accordance with the Development Plan unless material considerations indicate otherwise.
- 5.7 Relevant paragraphs within the NPPF include paragraphs: -
- | | |
|--------|--|
| 8: | Three dimensions of Sustainable Development |
| 11-14: | The Presumption in favour of Sustainable Development |

47-50:	Determining Applications
124, 127, 128, 130:	Achieving Well-Designed Places
143 – 145	Proposals affecting the Green Belt
172	Conserving and Enhancing the Natural Environment
212, 213	Implementation

5.8 Other Relevant Documents

- Design Supplementary Planning Document, April 2016.
- Cannock Chase AONB Management Plan 2019-2024

6 Determining Issues

6.1 The determining issues for the application are;

- Principle of the development in the Green Belt;
- Impact on the character and form of the area and AONB
- Weighing Exercise to Determine Whether Very Special Circumstances Exist

6.2 Principle of the Development

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

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

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

6.2.3 Local Plan Policy CP1 & CP3 require that development proposals at locations within the Green Belt to be considered against the NPPF and Local Plan Policy CP14. Local Plan Policy CP14 relates to landscape character and the AONB rather than to whether a proposal constitutes appropriate or inappropriate development.

- 6.2.4 Whether a proposal constitutes inappropriate development is set out in Paragraphs 145 & 146 of the NPPF. Paragraph 145 relates to new buildings and Paragraph 146 to other forms of development including engineering operations. The lists contained within these paragraphs are closed and therefore are fixed.
- 6.2.5 Paragraph 145 of the NPPF states that local planning authorities should regard the construction of new buildings as inappropriate in the Green Belt' adding exceptions to this are' and goes onto include 'the provision of appropriate facilities for outdoor sport and recreation [etc] as long as the facilities preserve the openness of the Green Belt and do not conflict with the purposes of including land within it.
- 6.2.6 Paragraph 146 of the NPPF considers engineering operations, such as the proposed hardstanding. The paragraph continues that such development would not be inappropriate providing it would preserve the openness of the Green Belt and would not conflict with the purposes of including land within it.
- 6.2.7 Having regard to the above it is noted that the provision of small stable blocks for personal use are normally accepted as an example of an appropriate facility for outdoor sport and recreation. The purpose of the proposal to accommodate two stables with an integral tack/ store room would fall within what is considered as a small stable.
- 6.2.8 Notwithstanding the above it is noted that in order for the stable and hardstanding to be not inappropriate in the Green Belt they must preserve the openness of the Green Belt and not conflict with the purposes of including land within it. Turning to the first issue it is well worth considering issues surrounding the concept of openness as it applies to the determination of planning applications.
- 6.2.9 Openness is the absence of built form and as such any new building would have the potential to impact on openness as all buildings have a volume and therefore a mass. Whether a building materially detracts from openness will therefore not only depend on its size and scale but equally on the openness of the locality and its relationship with other built or natural structures such as woodland hedges, field corners and against high hedges.
- 6.2.10 Guidance is provided for stable developments within the Design SPD. This seeks new development to be sensitively located in order to minimise their effect on their surroundings and where possible should be sited so that they closely relate to existing natural screening. Isolated positions within open fields where they would be conspicuous would be unacceptable. The guidance continues that the stables should be of an appropriate size and materials used in the construction of the stables should reflect the nature and purpose of the building and be sensitive to the countryside location. The guidance further states that extensive areas of hardstanding should be avoided and permeable surfaces used instead.

6.2.11 In this instance, the proposed stable block would replace an existing stable block and separate building used in association with the stable. One of the existing buildings was damaged beyond repair by a fire.

6.2.12 It is noted that the proposed stable block building would have a footprint of 53.8m², be constructed to a maximum height of 4m and would be constructed adjacent existing trees and proposed planting. Further, your Officers note that when considering the previous planning application (same size, scale and design of stable as the current application), the Planning Inspector stated that "the proposal would result in a relatively small single storey building". As such, it is considered that the design and scale of stable block accords with the requirements set out within the Design SPD.

6.2.13 The proposed stable building would be sited on existing hardstanding to the east of the entrance. This hardstanding is bound to the north, south and east by a 2m high close board fence and the stable located at its western end, would form an enclosed stable yard. It is proposed that this would create a stable yard that would facilitate the turning and loading / unloading of a motorised horse box. Officers acknowledge that some form of hardstanding already exists in this location. The applicant has stated that this hardstanding is required to allow a horse vehicle to turn and load / unload on land within the applicant's ownership. The general turning space for such vehicles is approx. 13m which would also allow sufficient space for the parking of vehicles. It is also noted that the hardstanding in this location already exists and has been in situ for over 4 years and is therefore not liable for enforcement action.

6.2.14 Taking the above into consideration along with the siting of the stables at the field edge against the background of trees that the proposal would preserve the openness of the Green Belt

6.2.15 The purposes of including land in the Green Belt are set out in Paragraph 134 of the NPPF and include: -

- a) to check the unrestricted sprawl of large built-up areas;
- b) to prevent neighbouring towns merging into one another;
- c) to assist in safeguarding the countryside from encroachment;
- d) to preserve the setting and special character of historic towns;
and
- e) to assist in urban regeneration, by encouraging the recycling of derelict and other urban land.

It is considered that the proposal, by virtue of its isolated location, small scale and that it would include existing lawful hardstanding, would not conflict with the purposes of including land within the Green Belt

6.2.16 Given the above it is concluded that the proposal would preserve the openness of the Green Belt and would not conflict with the purposes of including land within it; and as such would not constitute inappropriate development in the Green Belt.

6.2.17 The applicant has acknowledged that the additional hardstanding to the south-west of the entrance is unlawful and has stated this would be removed and reincorporated into the field.

6.2.18 The applicant has also stated that the existing close board fencing would be removed and replaced with more appropriate post and rail fencing with additional boundary hedging planted to provide any security. However, the removal of the additional unlawful hardstanding and close boarded fencing does not form part of the current application and therefore are not material to the determination of the application before members. Their removal therefore should be considered separately and be given no weight in the determination of the application.

6.3 Design and impact on the Character and Form of the Area and AONB

6.3.1 The site is located within the Cannock Chase Area of Outstanding Natural Beauty. Paragraph 172 of the NPPF sets out that great weight should be given to conserving the landscape and scenic beauty of an AONB. This is continued in Local Plan Policy CP14 which states:

“Development proposals including those for appropriate development within the Green Belt ... must be sensitive to the distinctive landscape character and ensure they do not have an adverse impact on their setting through design, layout or intensity.”

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

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

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

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

Planning policies and decisions should ensure that developments:

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

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

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

6.3.6 In respect to the impact on the trees within the site the applicant has commissioned an Arboricultural Report. This outlines that the quality of trees is categorised as follows: -A (high quality and value), B (moderate quality and value), C (low quality and value) and U which are considered as unsuitable for retention.

6.3.7 The report concludes that of the 6 trees and 1 group of trees surveyed T2 & T4 were of moderate quality (B1) and T1, T3, T5, T6 and G7 all being of low quality (C1/2). TG7 has been subject to fire damage and as such would be removed and replaced with a better species.

6.3.8 The findings of the arboricultural report are considered to be reasonable and proportionate to the condition of the trees within the site. It is also noted that there are no tree protection orders on the site and these trees could be removed at any time by the owner.

6.3.9 Given the above, it is noted that the application site is surrounded on four sides by open fields being separated from the fields to the north-west by the highway and is visible from the public right of way to the east. The rural openness of the application site and the immediate area is a key part of the character of the landscape of the AONB in this location. The AONB Unit was consulted on the application and welcomed the amendments made to the application and the additional planting suggested by the applicant. As such, the AONB Unit withdrew their original objection and fully support the application subject to conditions to ensure the removal of the existing closeboard fencing and the planting of additional hedgerows. However, as stated earlier as these elements do not relate to the application that is being proposed their removal cannot be secured by conditions attached to any

permission granted. This would instead need to be secured by enforcement action if it is expedient to do so.

6.3.10 As such, subject to the above and the recommended conditions, the proposal would protect and enhance the AONB in accordance with the Policies CP3 and CP14 of the Local Plan, Section 172 of the NPPF and Policy LCP 8 of the AONB Management Plan 2019-2024.

6.4 Objections raised not already covered above

6.4.1 Potential for the siting of a caravan on the land

The Parish Council's have raised concerns regarding the future need for a dwelling / caravan on this site, using the security of the horses as justification. Your Officers confirm that the application in law must be determined on the basis of the submission. It is not a material consideration to 'suppose' that a person might do something other than is suggested in their application. Therefore to be clear, the use as travellers accommodation is not a component of the application submitted and would require separate permission of its own, if an unauthorised use was to occur. Further assessment and separate planning permission would then be required in terms of compliance with planning policy and other material considerations.

Notwithstanding the above regard must be had to the fact that the site is located within an AONB which is given the highest level of protection and it is therefore appropriate that the strictest controls are provided on any activities that would normally be incidental or ancillary to the main use, including means of temporary accommodation and or storage. As such a condition to this effect is recommended to be attached to any permission granted.

7 Human Rights Act 1998 and Equalities Act 2010

7.1 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.

8.0 EQUALITIES ACT

8.1 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.

8.2 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

- 8.3 It is therefore acknowledged that the Council needs to have due regard to the effect of its decision on persons with protected characteristics mentioned.
- 8.4 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 make a neutral contribution towards the aim of the Equalities Act.

9.0 Conclusion

- 9.1 The application proposes the erection of stable building and the construction of an associated access track. Whilst the site is within the designated Green Belt where new buildings are strictly controlled, the development is for an appropriate facility for outdoor sport and recreation purpose that falls within the permitted list of exceptions set out within NPPF Para 145(b). As such in principle the development is considered acceptable.
- 9.2 In design terms, the positioning of the building close to existing and proposed landscaping near to the site boundary accords with the guidance within the Design SPD. Subject to conditions for new landscaping and lighting amongst others, the development is considered to constitute acceptable design in this setting.
- 9.3 Taking the above factors into account it is considered the development, is acceptable having had regard to the adopted development plan, relevant locally set standards and the NPPF.

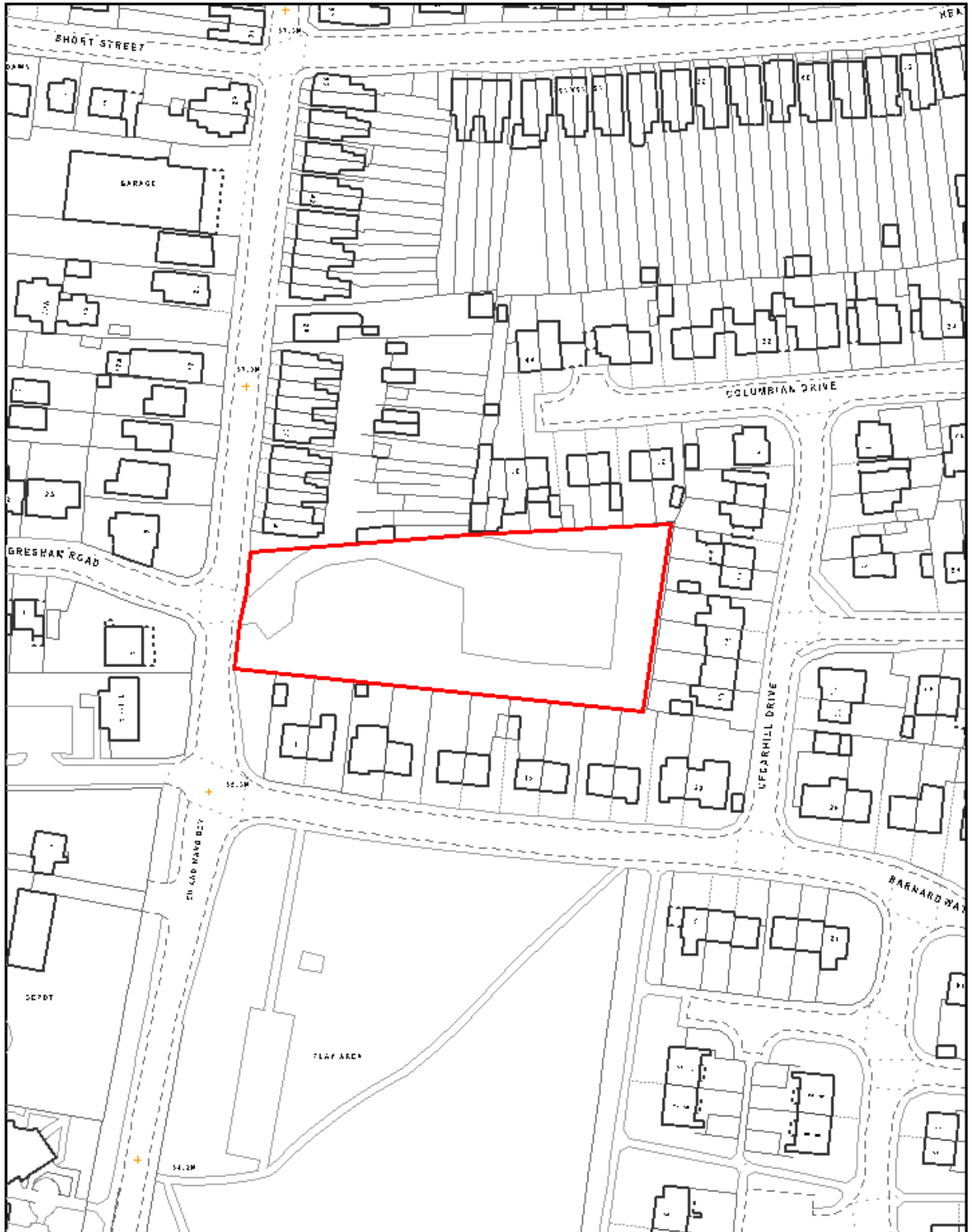


Application No: CH/15/0497

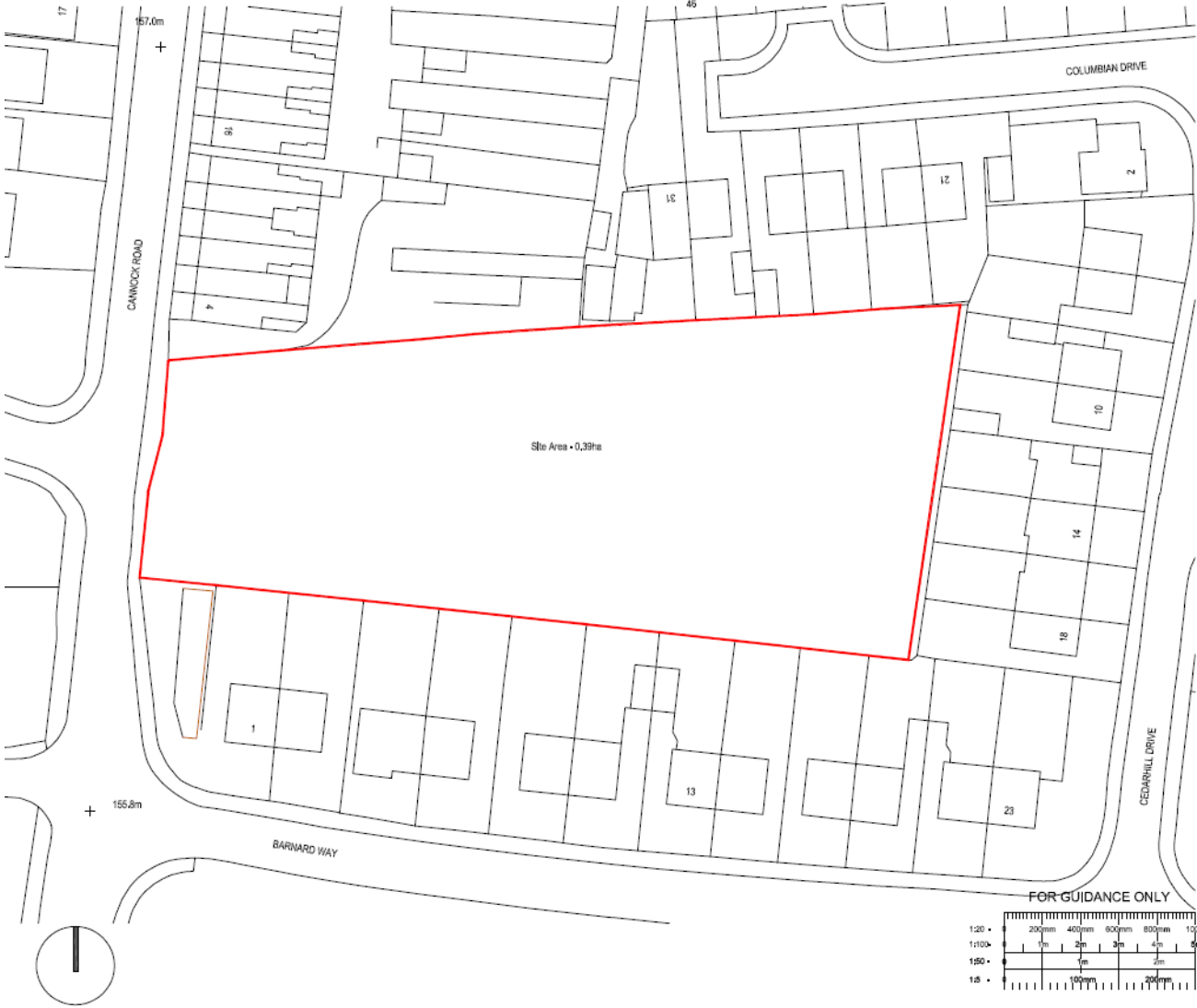
Location: Blackfords Working Mens Club, Cannock Road, Cannock

Proposal: Residential Development: Proposed erection of 4 x two storey apartment buildings to form 26 apartments and associated car parking

Item no. 6.59



Location Plan



Site Plan



Street Scene



1-1 Elevation to Carrack Road
1:100



2-2 Section Through Site
1:200

Proposed Landscape Plan



Proposed Landscaping plan 1:200

Plots 1-4



Front Elevation



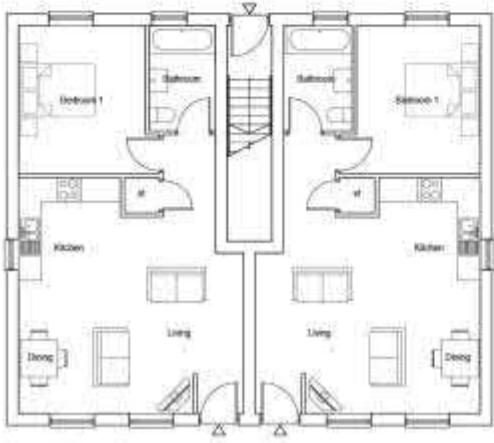
Side Elevation



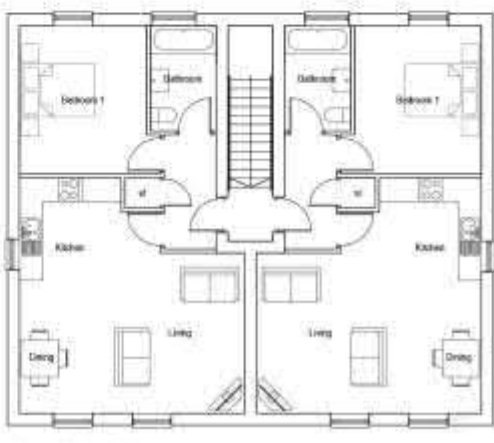
Side Elevation



Rear Elevation



Ground Floor Plan
1/2 Area



Ground Floor Plan
1/2 Area

Plots 5-6



Front Elevation



Side Elevation



Side Elevation



Rear Elevation



Ground Floor Plan (Plot 5)

Steps



First Floor Plan (Plot 6)

Steps

Plots 7-10



Front Elevation



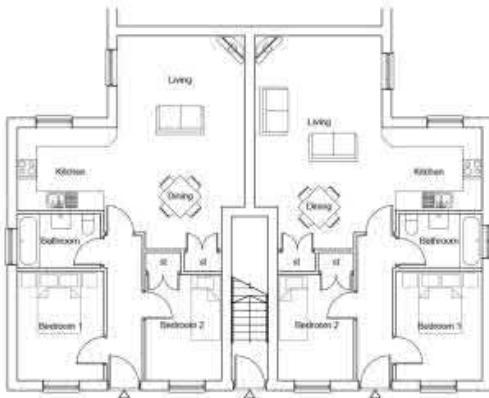
Side Elevation



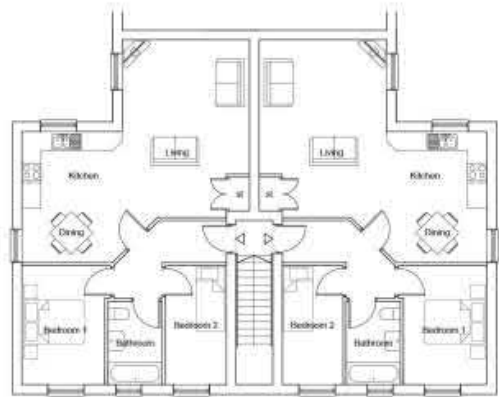
Side Elevation



Rear Elevation



Ground Floor Plan (Plots 7 & 8)
83.3sqm



First Floor Plan (Plots 9 and 10)
83.3sqm



Plots 11-12



FOR GUIDANCE ONLY

Plots 13-18



Front Elevation



Side Elevation



Side Elevation



Rear Elevation



Ground Floor Plan



First Floor Plan

Plots 19-26



Front Elevation

Side Elevation (plots 24/26)



Side Elevation (plots 19/21)

Rear Elevation



Ground Floor Plan (Plots 19 - 26)

10.00m



First Floor Plan

10.00m

Contact Officer:	Richard Sunter
Telephone No:	01543 464481

Application No:	CH/15/0497
------------------------	------------

PLANNING CONTROL COMMITTEE	
Received:	23 December 2015
Location:	Blackfords Working Mens Club, Cannock Road, Cannock
Parish:	Non Parish Area
Description:	Variation of Section 106 Agreement to Alter the Provision of Affordable Housing from On-Site Provision to a Commuted Sum in respect to Planning Permission CH/15/0497 for Residential Development: Proposed erection of 4 x two storey apartment buildings to form 26 apartments and associated car parking.
Application Type:	Variation of Section 106 Agreement

RECOMMENDATION:

Approve the Variation to the Section 106 agreement so that the requirement for the provision of affordable units on site is amended to the provision of a commuted sum towards off-site provision.

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/ or the National Planning Policy Framework.

Conditions (and Reasons for Conditions):

None required.

Consultations and Publicity

External Consultations

None.

Internal Consultations

None.

Response to Publicity

None.

Relevant Planning History

Relevant planning history to the site is as follows: -

An application (reference CH/15/0497 for residential development comprising the erection of 4 x two storey apartment buildings to form 26 apartments and associated car parking was approved, subject to a section 106 agreement, on .21-March 2017.

The Section 106 required (amongst other things) that: -

- (i) Prior to the commencement of development the developer had to submit to and obtain the approval of the Council in respect to the details of the type, size, (including details of the internal floor area), design, tenure and location of the affordable housing unit: and
- (ii) No more than 50% (rounded up to the nearest whole number) of the unrestricted housing units shall be completed until the Council has confirmed in writing that it is satisfied that the owner has entered into a legally binding contract with a registered provider to transfer all the affordable housing units to a registered provider.

1 Site and Surroundings

- 1.1 The application site comprises land at the former Blackfords Working Mens' Club, comprising an approximately 4 ha site, which is broadly rectangular in shape along Cannock Road, Cannock. The site is located near the junction of Cannock Road and Barnard Way. The site is within walking distance of public transport allowing access to Cannock town centre.
- 1.2 The site fronts Cannock Road, to the north of the site are dwellings along Cannock Road and Columbian Drive; to the south dwellings along Barnard Way and dwellings along Cedar Hill to the east. There is also a park south of the site beyond Barnard Way.

- 1.3 The surrounding housing is predominantly 2 storey from the 60's and 70's with the exception of Victorian terraces along Cannock Road.
- 1.4 The site benefits from a full planning permission for the development of the site to provide 26 residential apartments (5x1 bed and 21 x 2 bed), set out as four separate blocks across the site.

2 Proposal

- 2.1 The Applicant is seeking consent for a variation of the Section 106 to allow the requirement for on- site provision of affordable housing to be changed to a commuted sum.
- 2.2 Property Services have conformed that the commuted sum would be £21,735 (which is based on 5No 1 bedroom flats).

3 Planning Policy

- 3.1 Section 38 of the Planning and Compulsory Purchase Act 2004 requires planning applications to be determined in accordance with the provisions of the Development Plan, unless material considerations indicate otherwise.
- 3.2 The Development Plan currently comprises the Cannock Chase Local Plan (2014) and the Minerals Local Plan for Staffordshire (2015-2030).
- 3.3 Relevant Policies within the Local Plan Include: -
- CP7: - Housing Choice
- 3.4 There are no applicable policies within the Minerals Plan.
- 3.5 National Planning Policy Framework
- 3.6 The NPPF (2019) sets out the Government's position on the role of the planning system in both plan-making and decision-taking. It states that the purpose of the planning system is to contribute to the achievement of sustainable development, in economic, social and environmental terms, and it states that there should be 'presumption in favour of sustainable development' and sets out what this means for decision taking.
- 3.7 The NPPF (2019) confirms the plan-led approach to the planning system and that decisions must be made in accordance with the Development Plan unless material considerations indicate otherwise.
- 3.8 Relevant paragraphs within the NPPF include paragraphs: -
- 8: Three dimensions of Sustainable Development.
11-14: The Presumption in favour of Sustainable Development.

47-50: Determining Applications.
59, 64: Delivering a Sufficient Supply of Homes.

3.9 Other relevant documents include: -

Developer Contributions and Housing Choices SPD

4 Determining Issues

4.1 The only determining issue in this case is whether the substitution of on-site provision for a commuted sum towards off-site provision is acceptable.

4.2 As the approved scheme is for 26 dwellings an on-site provision of 20% (5 units) affordable housing was required to make the scheme policy compliant. However, the affordable units would need to be managed by a registered provider. To this effect the section 106 agreement set out a number of triggers for the approval of the affordable housing units and their transfer to a registered provider.

4.3 However, the developer has written to the Council and stated that

“We are now in the process of trying to discharge the Section 106 agreement for this site.

In order to discharge our responsibility we have employed Messers. John Shepherd Estate Agents to market the 5no. Affordable housing units on this site to registered social housing providers.

They have contacted 8no. registered social housing providers (please find enclosed a copy letter from John Shepherd Estate Agents dated 16/9/2019) which details their efforts and the outcome.

None of the 8no. registered providers are interested in taking the 5no. units.”

4.4 Officers can confirm that registered providers are generally unwilling to take on small numbers of units in mixed tenure blocks. Indeed the Council’s own Housing Department has confirmed that they are unwilling to take on the flats.

4.5 Given the above it is considered reasonable to allow the section 106 be varied to allow an appropriate commuted sum to be secured towards the provision of off-site affordable housing.

5 Human Rights Act 1998 and Equalities Act 2010

Human Rights Act 1998

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

Equalities Act 2010

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

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

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

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

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

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

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

6 Conclusion

- 6.1 The developer is seeking consent for a variation of the Section 106 to allow the requirement for on- site provision of affordable housing to be changed to a commuted sum as they have not been able to identify a registered provider who is willing to accept the flats.
- 6.2 This is considered reasonable and it is recommended that the variation of the Section 106 agreements is approved.

Cannock Chase District Council**Planning Control Committee****27th May 2020****Written Ministerial Statement on Planning and Construction Working Hours****Introduction**

On 13 May 2020, the government published a written ministerial statement on planning and construction working hours. This statement expects local planning authorities to approve requests to extend construction working hours temporarily to ensure safe working in line with social distancing guidelines until 9pm, Monday to Saturday, unless there are very compelling reasons against this. A full copy of the guidance is attached at Appendix 1.

Officer Response

In response to the above and the guidance in Appendix 1 planning officers will deal with any requests to extend construction working hours in the following way. In order to inform the decision the applicants wishing to take benefit of the guidance should have to submit a revised (Construction Environmental Management Plan (CEMP) which should include: -

1. The time limit for which the applicant is requesting the variation to last to.
2. How they intend to control noise, dust and vibration.
3. The hours that they intend to work.
4. The area(s) within the site to which the requested hours are being asked to apply, together with activities they are asking to be permissible (e.g. one would not want piling at 9.00 at night - certainly not close to houses)
5. Contact details for site managers just in case they need to be contacted at short notice.
6. Details of how they will contact the local community and inform them of the new site working hours and contact details should members of the community wish to contact the site manager and, or local planning authority.
7. A timetable for the review of the arrangements.

Recommendation

That members note the above arrangements

APPENDIX 1

EXTRACT OF GUIDANCE ON PLANNING AND CONSTRUCTION HOURS

What is the purpose of the written ministerial statement on planning and construction working hours?

On 13 May 2020, the government published a [written ministerial statement](#) on planning and construction working hours. This statement expects local planning authorities to approve requests to extend construction working hours temporarily to ensure safe working in line with social distancing guidelines until 9pm, Monday to Saturday, unless there are very compelling reasons against this.

Who will be able to benefit from this flexibility?

Developers should expect their local planning authority to grant temporary changes to construction working hours until 9pm or later, 6 days a week, wherever possible and where construction working hours are controlled by planning condition. This flexibility is in relation to control imposed by the planning system only.

How can a developer benefit from this?

A developer wishing to amend their conditioned construction working hours should contact their local planning authority. They will be able to tell you whether they are happy to agree amended working hours informally, or whether you need to submit a formal application as well as through which route.

What is the process involved?

Where there are modest or short-term changes to construction working hours, this may be agreed informally with the local planning authority, and they should use their discretion to not enforce against a breach of working hours.

Where long or more significant changes to working hours are required, a formal application may be requested by the local planning authority. In doing so, it will be important for applicants to consider potential impacts and, where necessary, to put forward plans to manage concerns, drawing on existing good practice.

How will the local planning authority come to their decision?

We expect local planning authorities to be supportive of reasonable requests. Local authorities should accept proposals for extended working hours unless there are very strong reasons against this. They should ensure that decisions are issued within 10 days where possible. We expect this to be a soft and user-friendly process and for guidance to be available on the local authority website.

In making their decision local planning authorities may consider where there are unreasonable impacts but they will be able to reject proposals only where there are very compelling reasons. These reasons could include the significant impact on neighbouring businesses or uses, such as care homes, which are particularly sensitive to noise, dust or vibration, which cannot be overcome through other mitigation, or where impacts on densely populated areas would be unreasonable.

Will extensions to construction working hours into late evening or at weekends be allowed?

The aim is to allow construction work until 9pm, Monday to Saturday. Longer hours may be justified, especially if there are no residential dwellings nearby. However, local planning authorities will maintain local discretion, and where there are unreasonable impacts, they will be able to reject proposals to extend construction hours into the late night or on a Sunday. In all cases, sympathetic site management should be demonstrated.