

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

20 September 2022

Dear Councillor,

Planning Control Committee
3:00pm, Wednesday 28 September 2022
Council Chamber, Civic Centre, Cannock

You are invited to attend this meeting for consideration of the matters itemised in the following Agenda.

The meeting will commence at 3.00pm or at the conclusion of the site visits, whichever is the later. Members are requested to note that the following site visits have been arranged: -

Application Number	Application Location and Description	Start Time
CH/22/0034	Demolition of existing garage and house, construction of two detached dwellings (Resubmission of CH/21/0331) 4 Penk Drive North, Rugeley WS15 2XY	1.00pm
CH/22/0250	Provision of an EVC hub and associated works Shell petrol filling station, Watling Street, Cannock WS11 1SL	1.30pm
CH/21/0404	Demolition of existing building and erection of 6 bungalows St Saviours Church, High Mount Street, West Hill, Cannock WS12 4BN	2.00pm
CH/22/0237	Outline application, access only, for the residential development of land to the rear of 54 Lloyd Street (including demolition of No. 54) 54 Lloyd Street, Cannock, Staffordshire WS11 1HE	2.30pm



Members wishing to attend the site visits are requested to meet at 4 Penk Drive North, Rugeley WS15 2XY at 1.00pm.

Yours sincerely,

Tim Clegg
Chief Executive

To: **Councillors**

Thompson, S.L (Chair)
Beach, A. (Vice-Chair)

Cartwright, S.M.	Kruskonjic, P.
Crabtree, S.K.	Muckley, A.M.
Fisher, P.A.	Pearson, A.R.
Fitzgerald, A.A.	Thornley, S.J.
Fletcher, J.	Wilson, L.J.
Hoare, M.W.A.	1 vacancy
Jones, V.	

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 31 August 2022 (enclosed).

5. Members' Requests for Site Visits

6. Report of the Interim Development Control Manager

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

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

Site Visit Applications

	Application Number	Application Location and Description	Item Number
1.	CH/22/0034	4 Penk Drive North, Rugeley, WS15 2XY Demolition of existing garage and house, construction of two detached dwellings (Resubmission of CH/21/0331)	6.1 - 6.20
2.	CH/22/0250	Shell petrol filling station, Watling Street, Cannock, WS11 1SL Provision of an EVC hub and associated works	6.21 - 6.36
3.	CH/21/0404	St Saviours Church, High Mount Street, West Hill, Cannock, WS12 4BN Demolition of existing building and erection of 6 bungalows	6.37 - 6.73

Application Number	Application Location and Description	Item Number
4. CH/22/0237	54 Lloyd Street, Cannock, Staffordshire WS11 1HE Outline application, access only, for the residential development of land to the rear of 54 Lloyd Street (including demolition of No. 54)	6.74 - 6.98

Planning Applications

Application Number	Application Location and Description	Item Number
5. CH/22/0215	71 Old Penkridge Road, Cannock WS11 1HY Residential development of 2 no. bungalows to land rear of 71 Old Penkridge Road	6.99-6.126
6. CH/21/0023	Castle Inn, 141 Main Road, Brereton, Rugeley WS15 1DX Demolition of existing building and the erection of an apartment building and associated landscaping, parking and access	6.127-6.170
7. CH/22/0184	Ivy Gardens, Norton Canes, WS11 9SE Two Bedroom Detached Bungalow	6.171-6.195
8. CH/22/0302	35 Greenwood Park, Pye Green, Cannock WS12 4DQ Application Under Section 73 of the 1990 Town and Country Planning Act to not develop the scheme in accordance with Condition 1 (approved plans) but in accordance with the amended plans (change flat roof to pitched roof) pursuant to planning permission CH/21/0438	6.196-6.207

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

Held on Wednesday 31 August 2022 at 3.00pm
in the Council Chamber, Civic Centre, Cannock

Part 1

Present:
Councillors

Thompson, S.L. (Chair)
Beach, A. (Vice-Chair)

Cartwright, S.M.	Jones, V.
Crabtree, S.K.	Kruskonjic, P.
Elson, J. (Substitute)	Pearson, A.R.
Fisher, P.A.	Smith, C.D.
Fitzgerald, A.A.	Thornley, S.J.
Fletcher, J.	Wilson, L.J.
Hoare, M.W.A.	

23. Apologies

An apology for absence was received from Councillor A.M. Muckley.

Notification had been received that Councillor J. Elson would be substituting for Councillor A.M. Muckley.

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

<u>Member</u>	<u>Interest</u>	<u>Type</u>
Pearson, A.R.	Application CH/22/0228, 10 Averill Drive, Rugeley, WS15 2RR - Change of Use from Public Land to Domestic Private Land - Member knows the applicant	Personal

25. Disclosure of Details of Lobbying by Members

Nothing declared.

26. Minutes

Resolved:

That the Minutes of the meeting held on 4 August 2022 be approved as a correct record.

27. Members Requests for Site Visits

Councillor S.L. Thompson requested that a site visit be undertaken in respect of an application on today's agenda - Application CH/21/0404 - St Saviours Church, High Mount Street, West Hill, Cannock, WS12 4BN. Demolition of existing building and erection of 6 bungalows, which was seconded by Councillor A. Pearson. The reason for the site visit was that it was difficult to determine where this site was located, and it would be beneficial for all Members to view.

Should the request be agreed, the application would be considered at a future Planning Control Committee meeting. The applicant's representative, John Heminsley advised that he would defer his right to speak on this matter until the meeting.

Resolved:

That a site visit be undertaken in respect of Application CH/21/0404 - St Saviours Church, High Mount Street, West Hill, Cannock, WS12 4BN for the reason outlined above.

28. Application CH/22/0228, 10 Averill Drive, Rugeley, WS15 2RR - Change of Use from Public Land to Domestic Private Land

Having declared a personal interest in this item Councillor A. Pearson did not take part in the debate or determination of the application.

Following a site visit, consideration was given to the report of the Interim Development Control Manager (Item 6.1 – 6.10) presented by the Principal Development Control Planner.

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

Resolved:

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

29. Application CH/22/0229, 314 Green Heath Road, Cannock, WS12 4HB - Change of Use of Land at Side of Property from Public to Private

Following a site visit, consideration was given to the report of the Interim Development Control Manager (Item 6.11 – 6.20) presented by the Principal Development Control Planner.

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

Councillor A.R. Pearson moved refusal of the application stating that there would be a loss of public space. This was seconded by Councillor A. A. Fitzgerald who also suggested a reason for refusal regarding public safety. Following a discussion, Councillor A. R. Pearson agreed to add a second reason for refusal regarding public safety which was then seconded by Councillor A. A. Fitzgerald

Resolved:

To grant delegated authority to refuse planning permission, contrary to the officer's recommendation, on the grounds of that the proposal would result in loss of open green space to the detriment of the visual amenity of the area and would reduce the natural surveillance of the alleyway, which would lead to perception and fear of crime to the detriment of public safety and residential amenity,

- 30. Application CH/22/0172, Land at Lime Lane, Pelsall, Walsall, WS3 5AT - Application under Section 73 of the Town & Country Planning Act 1990 to vary Conditions No. 3 (amenity building materials), 6 (internal site layout), 7 (SUDS scheme), 11 (parking and turning areas), 12 (caravans siting), & 13 (plan no. condition) of Planning Permission CH/21/0376**

Consideration was given to the report of the Interim Development Control Manager (Item 6.21 – 6.47) presented by the Principal Development Control Planner.

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

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

Resolved:

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

- 31. Application CH/21/0404, St Saviours Church, High Mount Street, West Hill, Cannock, WS12 4BN - demolition of Existing Building and Erection of 6 Bungalows**

The application was deferred to a future meeting to allow for a site visit to be undertaken (as per Minute No. 27, above).

The meeting closed at 3.45 pm.

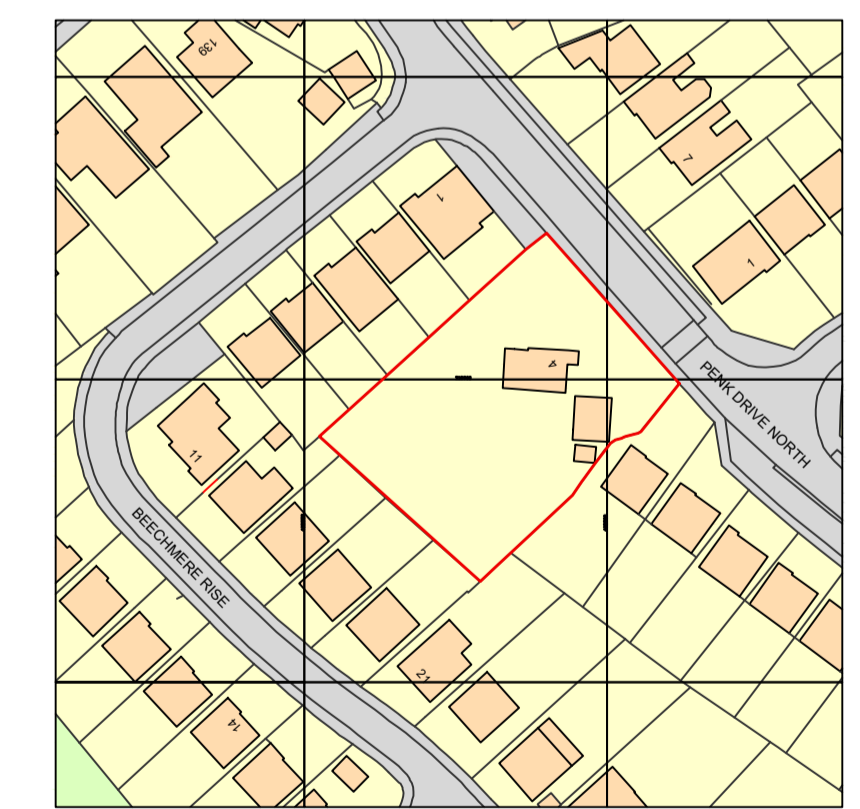
Chair



1 Site Plan
1:200



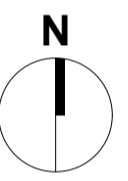
2 Block Plan
1:500



3 Location Plan
1:1250

- Key:
- Site boundary
 - - - 1.8m Closeboard fence
 - - - Storm/Surface Water Drainage
 - - - Foul Drainage

- Soft Landscaping Area (Lawn)
- Hot rolled asphalt BS594 1992 Pt 1 Table 3 Col 55/10, 100 pen binder
- 450 x 450 x 35mm concrete slabs with suitable edging to all interfaces
- Bark chip



A	Plot 2 Perimeter wall to drive amended	MB	12.01.22
X	FIRST ISSUE.	MB	14.12.21
Rev:	Details:	By / Chk:	Date:

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

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

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

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

H&S HAZARDS:

Significant hazards relative to the architectural design shown on this drawing have been assessed and highlighted with reasonable skill and care using a warning triangle system.

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

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

Significant hazards are defined as:-

- * Those not likely to be obvious to a competent contractor or other designers.
- * Those of an unusual nature.
- * Those likely to be difficult to manage effectively.

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Client:
Mr G Stevens & Ms H Hayes

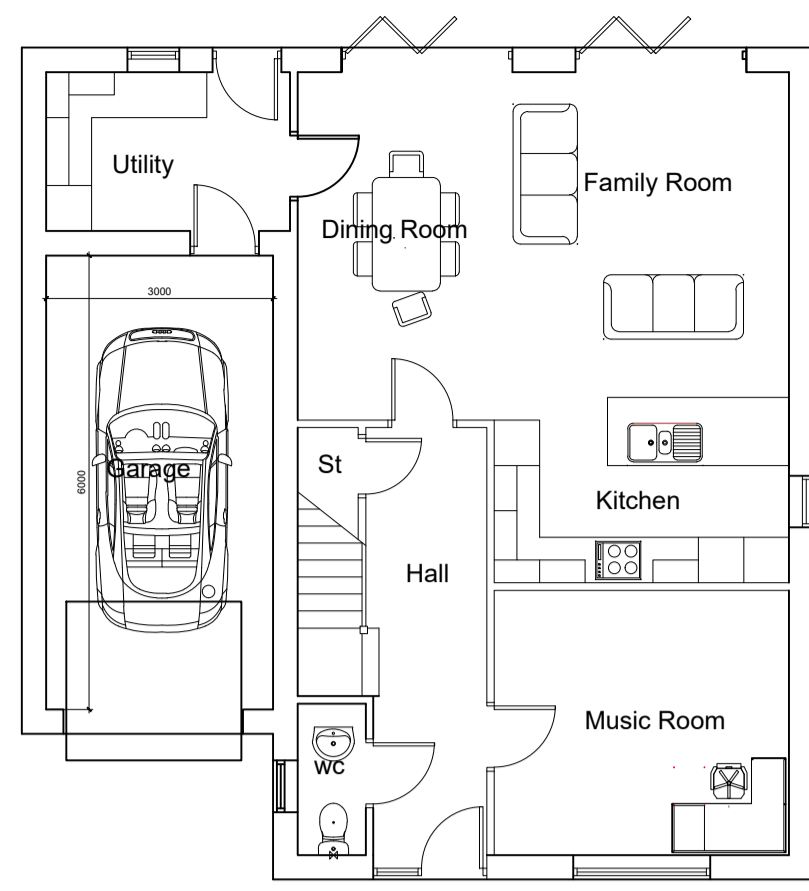
Project:
**4 Penk Drive North
Rugeley
WS15 2XY**

Drawing Title:
House Types

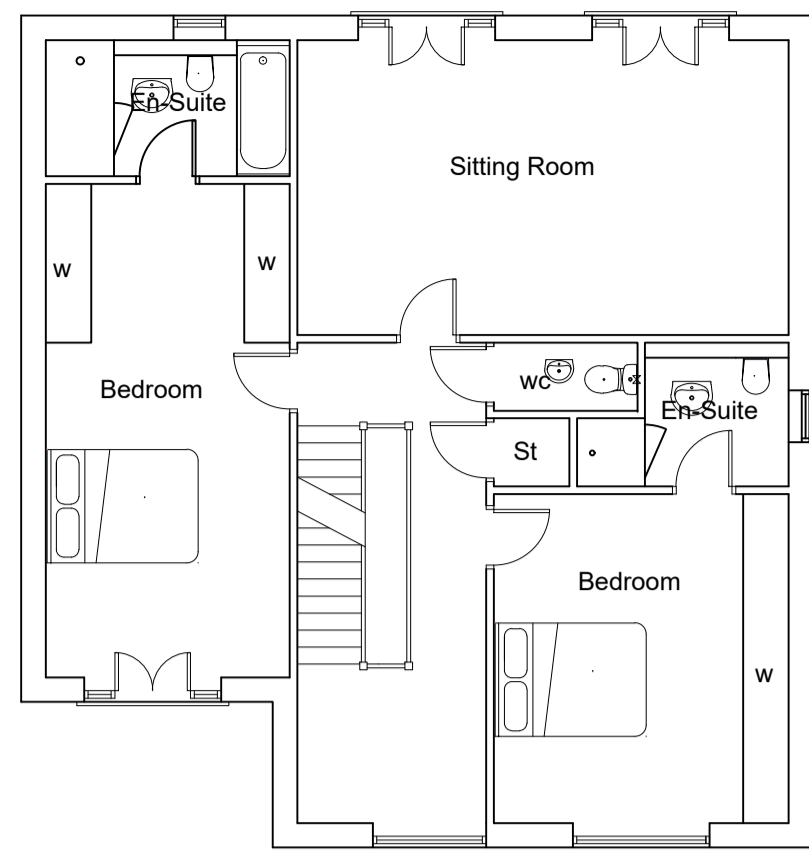
Stage: RIBA 3	Status: Preliminary	Sheet Size: A1
Job Number: 2580	Date: 14.12.2021	Scale: As Noted

Revision:
A

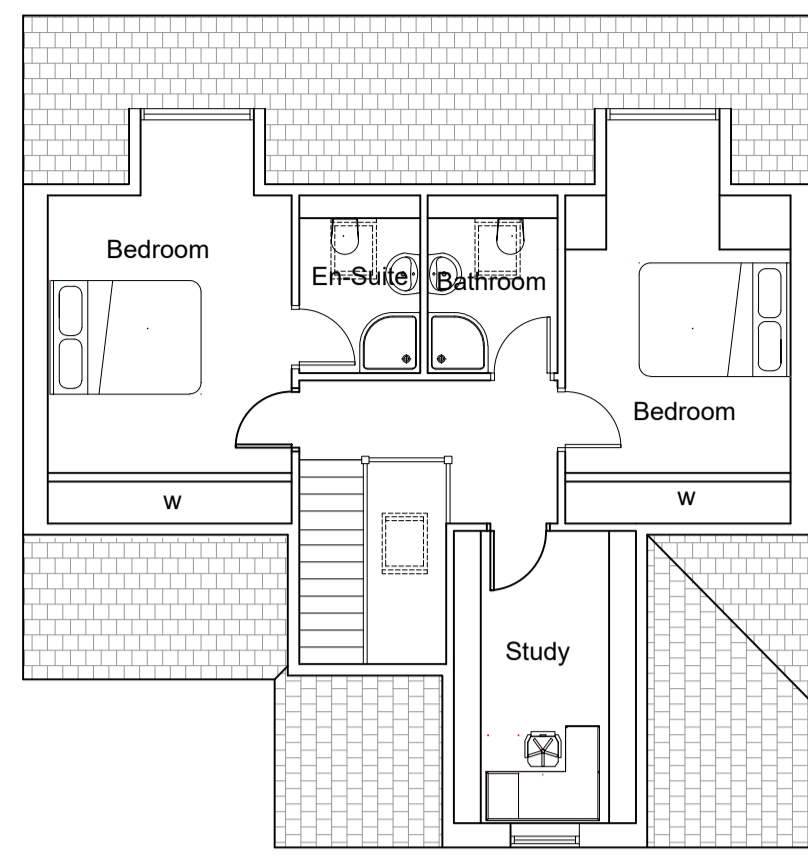
2580-02



Ground Floor Plan



First Floor Plan



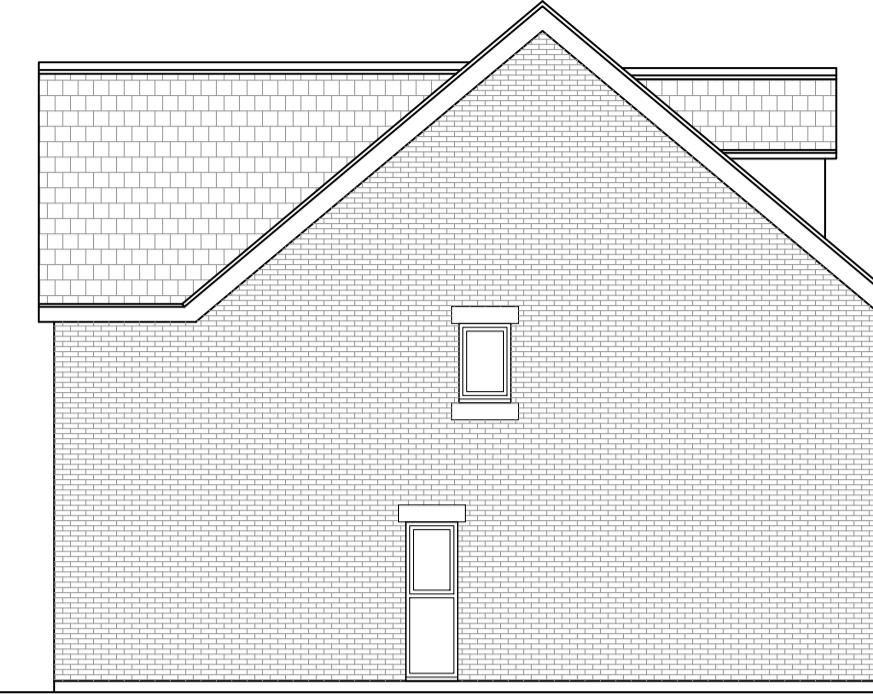
Second Floor Plan



Front Elevation



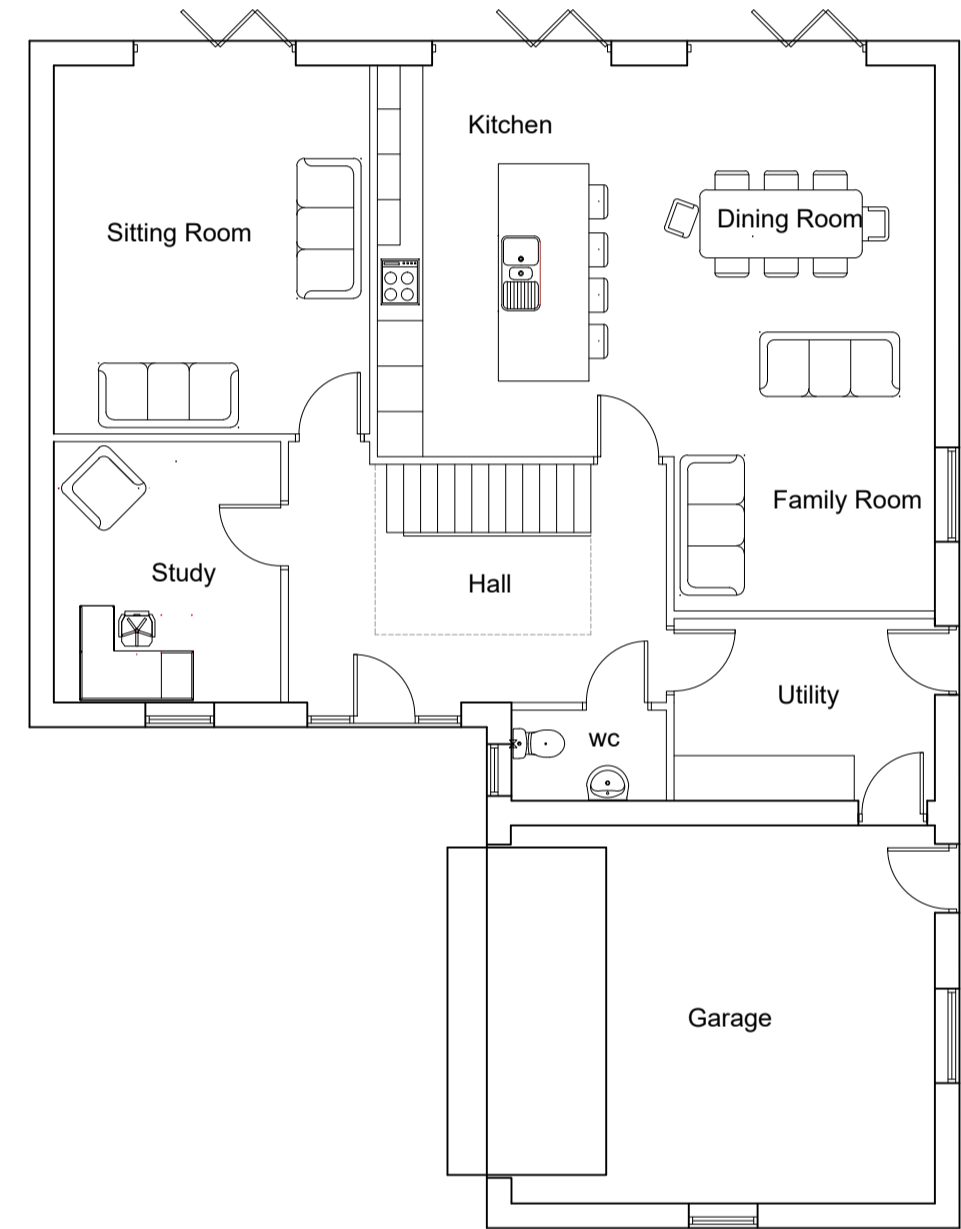
Rear Elevation



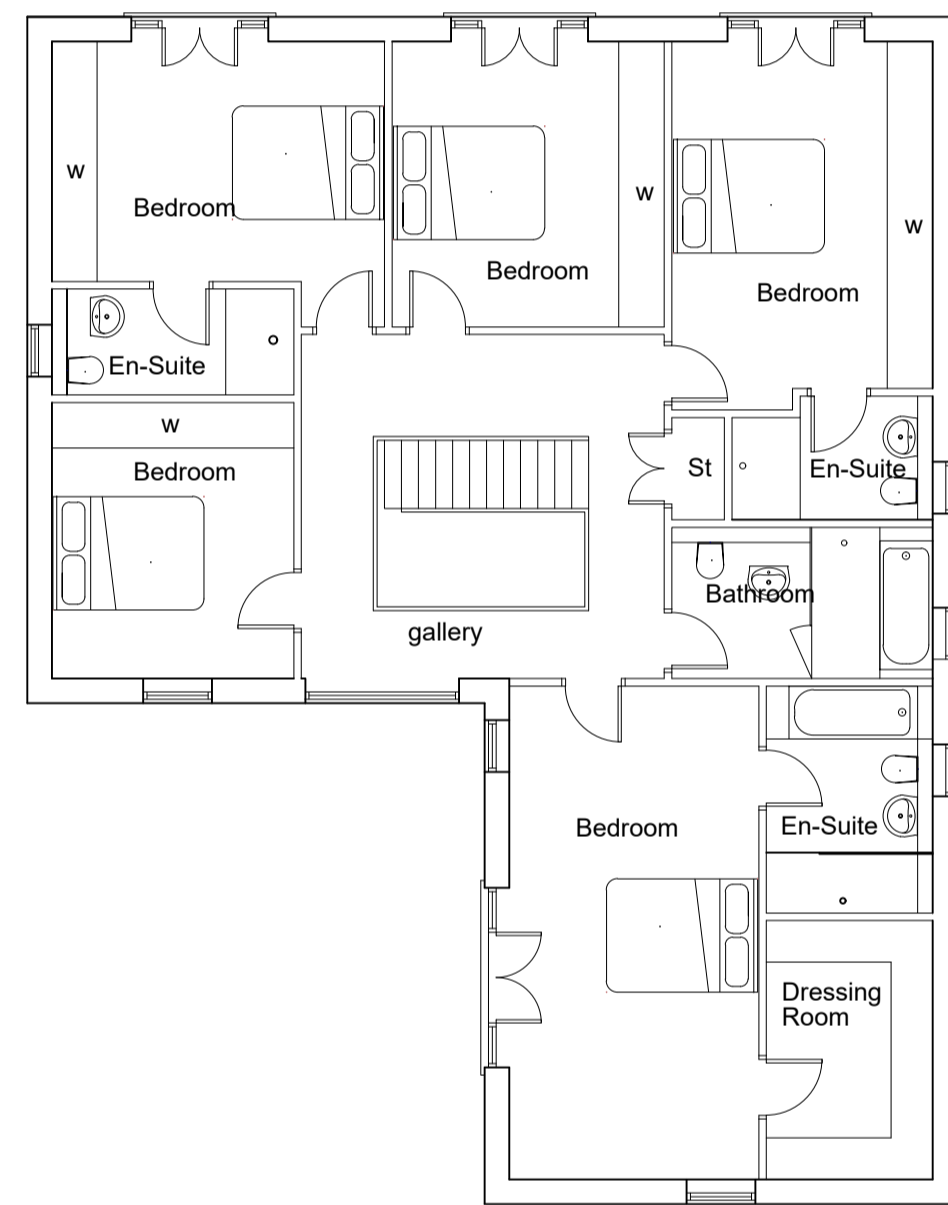
Side Elevation

1 Plot 1 Floor Plans
1:100

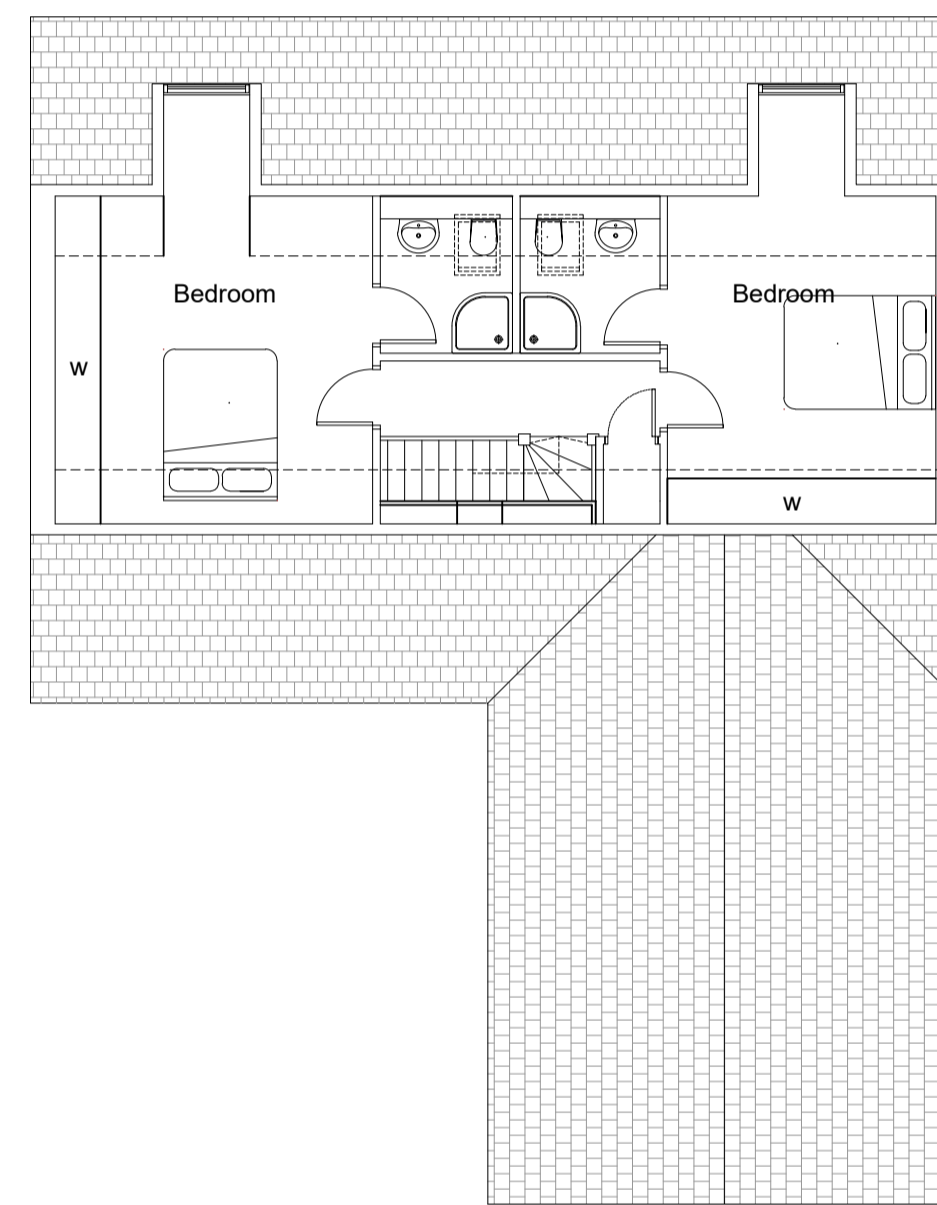
2 Plot 1 Elevations
1:100



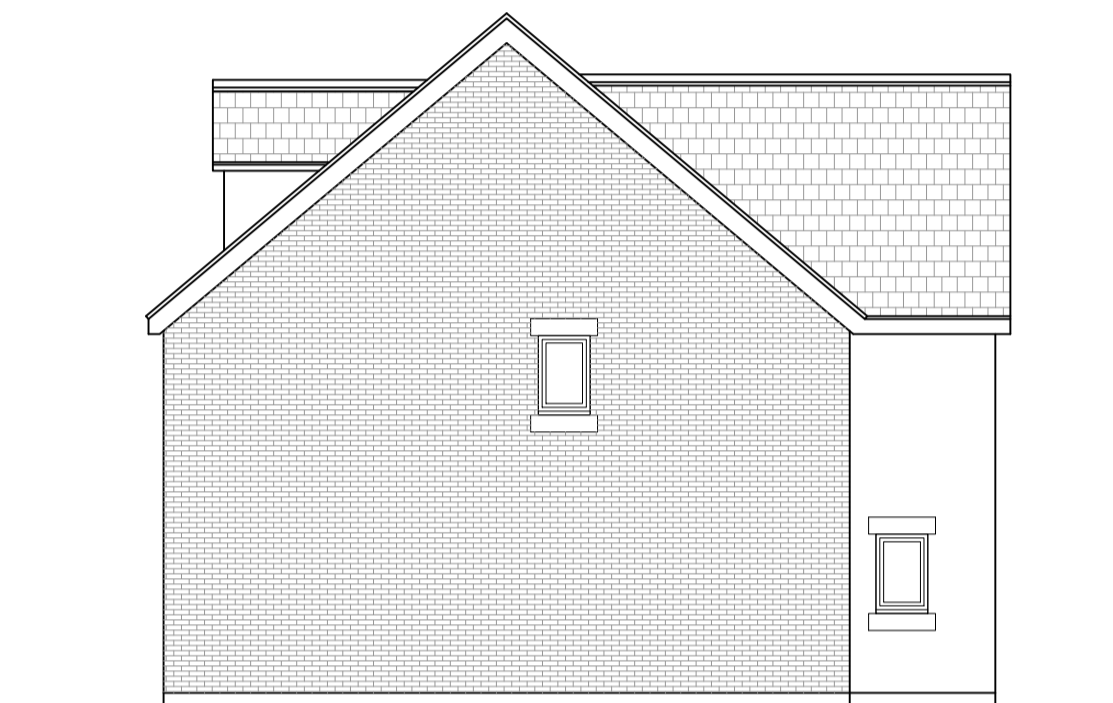
Ground Floor Plan



First Floor Plan



Second Floor Plan



Side Elevation

3 Plot 2 Floor Plans
1:100



Front Elevation



Rear Elevation



Side Elevation



Side Elevation

4 Plot 2 Elevations
1:100

X	FIRST ISSUE	MB	14.12.21
Rev:	Details:	By / Chk:	Date:
<p>Copyright of this drawing is vested in J Mason Associates and it must not be copied or reproduced without formal consent. Do not scale off this drawing for construction purposes. All contractors and sub-contractors are responsible for taking and checking all dimensions relative to their work.</p> <p>Notify J Mason Associates immediately of any variation between drawings and site conditions.</p> <p>DO NOT SCALE OFF THIS DRAWING FOR CONSTRUCTION PURPOSES - IF IN DOUBT ASK.</p> <p>Where drawings are based on survey information received, surveys are available on request.</p> <p>All drawings to be read in conjunction with all relevant Structural and M&E Engineers drawings and specifications.</p> <p>H&S HAZARDS:</p> <p>Significant hazards relative to the architectural design shown on this drawing have been assessed and highlighted with reasonable skill and care using a warning triangle system.</p> <p>This drawing is to be read in conjunction with all other hazards/risks which have been identified and recorded within the construction phase H&S plan.</p> <p>It is assumed that all works on this drawing will be carried out by a competent contractor working, where appropriate, to an approved method statement.</p> <p>Significant hazards are defined as:-</p> <ul style="list-style-type: none"> Those not likely to be obvious to a competent contractor or other designers. Those of an unusual nature. Those likely to be difficult to manage effectively. 			

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Client:
Mr G Stevens & Ms H Hayes

Project:
**4 Penk Drive North
Rugeley
WS15 2XY**

Drawing Title:
House Types

Stage: RIBA 3	Status: Preliminary	Sheet Size: A1
Job Number: 2580	Date: 14.12.2021	Scale: As Noted
2580-02		Revision: -

Contact Officer:	Audrey Lewis
Telephone No:	01543 464528

<p>Planning Control Committee</p> <p>28 September 2022</p>
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Application No:	CH/22/0034
Received:	27-Jan-2022
Location:	4, Penk Drive North, Rugeley, WS15 2XY
Parish:	Rugeley CP
Ward:	Etchinghill and The Heath Ward
Description:	Demolition of existing garage and house construction of two detached dwellings. Resubmission of CH/21/0331
Application Type:	Full Planning Application

Recommendation:

Approve Subject to Conditions

Reason(s) for Recommendation:

Reason for Grant of Permission

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

Conditions (and Reasons for Conditions)

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

Reason

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

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

submitted to and approved by the Local Planning Authority.

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. No development shall take place until details of the finished floor levels of the buildings (in relation to surrounding land) and any other changes to the levels of the land within the site have been submitted to and agreed in writing by the Local Planning Authority. Development shall be implemented in accordance with the agreed details.

Reason

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

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

Reason

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

5. The approved landscape works shall be carried out in the first planting and seeding season following the occupation of any buildings or the completion of the development whichever is the sooner. (pursuant to Condition 4 above)

Reason

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

6. Prior to the commencement of any construction or site preparation works including any actions likely to interfere with the biological function of the retained trees and hedges, approved protective fencing shall be erected in the positions shown on the approved Tree & Hedge Protection layout drawing. Within the enclosed area known as the Tree Protection Zone, no work will be permitted without the written consent of the Local Planning Authority. No storage of material, equipment or vehicles will be permitted within this zone. Service routes will not be permitted to cross the Tree Protection Zones unless written consent of the Local Planning Authority is obtained. The Tree Protection Zone will be maintained intact and the vegetation within maintained until the cessation of all construction works or until the Local Planning Authority gives written consent for variation.

Reason

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

7. The development hereby permitted shall not be occupied until the window bathroom & en-suite windows indicated on the approved plan are obscure glazed. The window(s) shall be non-opening unless the parts of the window which can be opened are more than 1.7m above the floor of the room in which the window is installed.

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

Reason

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

8. No waste materials are to be burnt on site.

Reason

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

9. The development hereby permitted shall not be brought into use until the access and parking areas have been provided in a bound and porous material in accordance with approved 'House Types' Drawing No. 2580-02 Revision A and shall thereafter be retained for the lifetime of the development.

Reason

To comply with Local Plan Policy CP3 (Design) and the NPPF.

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

Reason

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

11. No dwelling hereby permitted shall be completed above ground floor level until a scheme for the provision of bat roosts has been submitted to and approved in writing by the Local Planning Authority. The submitted scheme shall indicate the plots to be provided with bat roosts, which shall be either integrated into the roof or attached to the house in question, and their height and location. Any dwelling

shown to be host to such a bat roost shall be completed in accordance with the approved scheme.

Reason

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

12. If demolition and refurbishment are to be undertaken between the beginning of March and the end of August in any year, there must first be a check undertaken of the building for nesting birds and if birds are nesting then no work can be undertaken until the young have fledged.

Reason

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

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

Reason

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

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

Drg No.s

2580-02 - Rev A Location/Block/Layout Plan

2580-02 - House Types

Site sections streetscene plan

Topographical survey

Arboricultural Impact Assessment

Tree Protection Plan

Tree Report

Bat survey

Reason

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

Informatives:

Notes to Developer:

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

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

INFORMATIVE:

Please note you require Section 184 Notice of Approval from Staffordshire County Council in order to provide the new access. The link below provides a further link to 'vehicle dropped crossings' which includes a 'vehicle dropped crossing information pack' and an application form for a dropped crossing.

Please complete and send to the address indicated on the application form which is Staffordshire County Council at Network Management Unit, Staffordshire Place 1, Wedgwood Building, Tipping Street, STAFFORD, Staffordshire, ST16 2DH. (or email to nmu@staffordshire.gov.uk)

<https://www.staffordshire.gov.uk/Highways/licences/VehicleAccess/VehicleAccessCrossings.aspx>

INFORMATIVE:

The demolition of the existing garage and house should be undertaken under the usual controlled provisions afforded by the Building Act 1984 with the appropriate specialist attention being paid should the constructions of the same incorporate any asbestos containing materials.

Consultations and Publicity

External Consultations

Clerk to Rugeley Town Council

Rugeley Town Council have requested that the application be determined at Committee and also that a site visit be made by the cabinet prior to making a decision, as there are concerns over placing housing on this site.

Travel Management and Safety

Personal Injury Collisions: Current records show that there has been no Personal Injury Collisions on Penk

Drive North within 50 metres either side of the property accesses for the previous five years.

Background: Penk Drive North (ZU5088) is an unclassified 30mph road which benefits from street lighting and traffic calming. It lies approximately 2 miles north west of Rugeley town centre.

Comments on Information Submitted: The application is a re-submission of CH/21/0331 for the demolition of the existing property and garage and the construction of two detached 4 bedroom dwellings. I am unable to scale off from the submitted garage plans however there is sufficient parking for three vehicles for each plot which meets Cannock Chase District Council's parking standards for four bedroom dwellings.

A new vehicular access crossing is proposed for Plot 2 which has sufficient visibility splays for a 30mph road.

Recommendations: There are no objections on Highway grounds to the proposed development subject to the recommended informative and conditions being included on any approval.

Internal Consultations

CIL Officer

I note that on your CIL additional information form, submitted in relation to planning application CH/22/0034, that you wish to apply for a self build exemption. To do this you must follow the below process for each dwelling included in the application:

1. Submit an Assumption of Liability (Form 2)
2. Submit a Self Build Claim Part 1 (Form 7 Part 1) - I note that this has been submitted for one dwelling but as there are two dwellings included for this the process will need to be followed for the other dwelling as additional floorspace is still being created.
3. Submit a Commencement Notice (Form 6)
4. The Council will then acknowledge these, issue a self build grant letter and a liability notice reflecting the exemption.

Please note the above steps must all be completed at least one day prior to commencement of the development. An exemption cannot be granted after a development has commenced, meaning the full chargeable amount will become payable and surcharges may apply.

5. Submit a Self Build Claim Part 2 (Form 7 Part 2) with required supporting evidence. This must be done within 6 months of completion of the exempt dwelling. Failure to submit this within 6 months of completion will result in your exemption lapsing and the full chargeable amount becoming payable.

Please note the exempt dwellings must remain the claimant's main residence for at least 3 years from completion in order to qualify. If this ceases to be the case you must inform the Council and the CIL charge will become payable.

If a self build exemption is granted, the claimant will be required to enter into a Section 106 Unilateral Undertaking in order to mitigate the impacts on the Cannock Chase Special Area of Conservation. This fee is £221.00 per exempt dwelling plus legal costs. The assigned Planning Officer for this case will be in contact with the Council's solicitor to arrange this.

Environmental Health

No adverse comments, subject to conditions, but I would make the following Advisory note:

The demolition of the existing garage and house should be undertaken under the usual controlled provisions afforded by the Building Act 1984 with the appropriate specialist attention being paid should the constructions of the same incorporate any asbestos containing materials.

Development Plans and Policy Unit

The site is in close proximity to the AONB and an SBI. The site does not fall within any designated areas shown on the Local Plan Policies Map.

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

Having looked at the proposal and the provisions of the Development Plan I would advise that I have no further comments to those provided on the previous application (CH/21/0331). We consider the main policy consideration for this application is with regards to the design of the proposed development and impact upon the surroundings, we are happy to leave this to the judgement of the Case Officer.

Contributions

As a residential development scheme the proposal may be CIL liable – advice on liability should be sought from the Planning Obligations Officer.

Given that a net increase in dwellings is proposed the development also needs to mitigate its impacts upon the Cannock Chase SAC (Local Plan (Part 1) Policy CP13). Should the development be liable to pay CIL charges then this will satisfy the mitigation requirements, as per the Local Plan (Part 1) Policy CP13, the Developer Contributions SPD (2015) and the Council's Guidance to Mitigate Impacts upon Cannock Chase SAC (2017). However, should exemption from CIL be sought then a Unilateral Undertaking would be required to address impacts upon the Cannock Chase SAC in accordance with the Councils policy/guidance.

Any site specific requirements may be addressed via a Section 106/278 if required, in accordance with the Developer Contributions and Housing Choices SPD (2015) and in consultation with the relevant infrastructure provider.

Tree Officer

No comments received.

Response to Publicity

The application has been advertised by site notice and neighbour letter. 4 No. letters of representation have been received on the following grounds:

- Overlooking and detrimental impact upon privacy of surrounding existing residents, due to differing ground levels.

- The existing property is sited perpendicular, but the proposed dwellings would directly face the neighbouring properties causing loss of privacy.
- Many of the rear trees have been cleared, since the last refused application, which would cause more loss of privacy, due to less screening being present.

Relevant Planning History

CH/05/0089 Residential development. Full- Refusal - 09/16/2005

CH/10/0389 Extension of time - 2 dormer bungalows - Approved with Conditions - 12/15/2010

CH/13/0438 Residential development - erection of two detached 4 bedroom bungalows - Withdrawn 04/08/2014

CH/21/0331 Demolition of existing garage & house, construction of 2 detached dwellings Full- Refusal - 10/21/2021 on the following grounds:

- .The proposed pair of detached houses, by virtue of their size and scale and the topography of the site would appear overdominant and incongruous in their immediate setting. In addition, the proposed dwellings would not reflect the design of surrounding dwellings which would add to their incongruity to the detriment of the character and appearance of the area and the residential amenity of the occupiers of the neighbouring residential properties. As such, the proposal would not be well-related to existing buildings and their surroundings and constitute poor design, contrary to Policy CP3 of the Cannock Chase Local Plan and which should therefore be refused in accordance with paragraph 134 of the National Planning Policy Framework.
- The proposed scheme for 2 No. x 4 bedroom dwellings would not provide sufficient off street parking provision, to the detriment of highway safety contrary to the adopted Car Parking Standards SPD and paragraph 111 of the National Planning Policy Framework.
- The proposed development does not provide sufficient detail to determine the impact of the proposal on trees, which may result in unacceptable works to and loss of protected and mature trees, which are an important landscape feature of significant visual amenity, contrary to Local Plan Policy CP3 and the National Planning Policy Framework.

1 Site and Surroundings

- 1.1 The application site comprises a detached dormer bungalow and detached garage, with several outbuildings. It is set in a large plot measuring 33m wide x 48m deep located at 4 Penk Drive North and close to the junction with Beechmere Rise. The application site slopes upwards towards north and western directions. There are a number of trees on and around the periphery of the application site, some of which are protected with a Tree Preservation Order (TPO).

- 1.2 The street scene in Penk Drive North (evens numbers side of the road) comprises detached two storey houses of similar design and age, featuring a staggered principal elevation with front dormer windows set out on a common building line with 1m gaps to the common side boundaries.
- 1.3 The site is unallocated and undesignated within the Local Plan. It is located within a Mineral Safeguarding Area and Coal Mining Low Risk Area.

2 Proposal

- 2.1 The applicant is seeking consent for demolition of existing garage & house, construction of 2 No. detached dwellings.
- 2.2. The proposed houses would be 2 storey, with pitched roofs. Additional bedroom accommodation would be provided in the roofspace with velux and dormer windows. Plot 1 has potential for 6 bedrooms, although it has indicated a sitting room and study on the layout plan, these could easily be used as bedrooms. Plot 2 would have 7 bedrooms (no dormer windows on this design).
- 2.3 The width of the dwellings would be 10.5m (Plot 1) and 12m (Plot 2). The depth of the dwellings would be 11m (Plot 1) and 15.6m (Plot 2). The design of the dwellings would incorporate a front facing gable end. Plot 1 would feature a second floor window to eaves height, while Plot 2 would feature a first floor window to eaves height. The materials would comprise brick and tiles with cill and header detail to windows.
- 2.4 The application is accompanied with a Site Sections Streetscene Plan, Topographical Survey, Tree Survey, Arboricultural Impact Assessment, Preliminary Ecological Appraisal and a Bat Survey.

3 Planning Policy

- 3.1 Section 38 of the Planning and Compulsory Purchase Act 2004 requires planning applications to be determined in accordance with the provisions of the Development Plan, unless material considerations indicate otherwise.
- 3.2 The Development Plan currently comprises the Cannock Chase Local Plan Part 1 (2014), and the Minerals Local Plan for Staffordshire (2015 – 2030).
Cannock Chase Local Plan Part 1
- 3.3 Relevant policies within the Local Plan include: -
 - CP1 - Strategy – the Strategic Approach
 - CP2 – Developer Contributions
 - CP3 - Chase Shaping – Design
 - CP6 – Housing Land
 - CP7 – Housing Choice

Minerals Local Plan for Staffordshire

3.4 Relevant Policies within the Minerals Plan Include:

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

3.5 National Planning Policy Framework

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

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

3.8 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

111: Highway Safety and Capacity

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

174, 180: Biodiversity

218, 219 Implementation

3.9 Other relevant documents include: -

(i) Design Supplementary Planning Document, April 2016.

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

(iii) Manual for Streets

4 Determining Issues

4.1 The determining issues for the proposed development include: -

i) Principle of development

ii) Design and impact on the character and form of the area and protected trees

- iii) Impact on residential amenity
- iv) Impact on highway safety
- v) Impact on nature conservation/CIL
- vi) Affordable housing
- vii) Mineral safeguarding
- viii) Waste and recycling facilities

4.2 Principle of the Development

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

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

'For decision taking this means:

c) approving development proposals that accord with an up to date development plan without delay.

d) where there are no relevant development plan policies, or the policies which are most important for determining the application are out of date, granting permission unless

(i) policies in the Framework that protect areas or assets of particular importance (e.g. Green Belt, AONB, habitats sites) provide a clear reason for refusing the development proposed; or

ii) any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.'

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

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

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

4.2.5 With that in mind it is noted that the application site is not designated as Green Belt, AONB or as a SSSI or SAC, nor does it contain a listed building or

conservation area or affect the setting of a designated heritage asset; nor is it located with flood zones 2 or 3. Therefore the proposal does not engage any policies in the Framework that protect areas or assets of particular importance. As such the proposal should be approved unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole.

4.2.6 In respect to the location of the site it is noted that the site is in a residential area and has benefitted from previous expired permissions for 2 No. dormer bungalows on the site. It therefore conforms to the predominant land use and has good access to goods and services to meet the day to day needs of the potential occupiers.

4.2.7 It is therefore concluded that the proposal is acceptable in principle.

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

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

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

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

4.3.2 Relevant policies within the NPPF in respect to design and achieving well-designed places include paragraphs 126, 130, 132 and 134. Paragraph 126 makes it clear that the creation of high quality buildings and places is fundamental to what the planning and development process should achieve.

4.3.3 Paragraph 130 of the NPPF, in so much as it relates to impacts on the character of an area goes on to state: -

‘Planning policies and decisions should ensure that developments:

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

create attractive, welcoming and distinctive places to live, work and visit;'

4.3.4 Finally Paragraph 134 states

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

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

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

(i) Overall layout

(ii) Density

(iii) Materials, scale and external appearance of the dwellings

(iv) Landscaping

4.3.6 The character of the immediate area in Penk Drive North (evens numbers side of the road) comprises detached two storey houses of similar design and age, featuring a staggered principal elevation with front dormer windows set out on a common building line with 1m gaps to the common side boundaries.

4.3.7 The information presented in drawing '2580-03 - Site Sections' demonstrates how the proposed dwellings sit in line with the overall street scene. The ridge heights of the new properties have been reduced slightly and sit comfortable within the continuity of the step-down appearance, between the existing dwellings. The other houses in the street are substantial 4&5 bed properties, 3 storeys high and the new properties follow this scale and mass. Plot 1 has been amended to incorporate window detailing more in line with the existing properties and the new houses act as a transition between the flat frontages of the adjacent properties and the large gable end of the property fronting Beechmere rise. The designs do not mirror the adjacent properties, but do replicate the materials used and pick up on design features nearby, whilst incorporating a more attractive overall appearance than the existing dwelling and outbuildings. Furthermore, the amendment to the ridge heights allows the size and scale of the proposed dwellings to be comparable to that of the nearby neighbouring properties.

- 4.3.8 Therefore, whilst the design of the properties do not mirror the neighbours, it is considered that they would not be dissimilar in size and scale to the nearby dwellings within the streetscene. It is therefore considered that the refusal reason No.1 of CH/21/331 relating to size and scale has been satisfactorily overcome. As such, the proposal would be well-related to existing buildings and their surroundings comprise good design, in accordance with Policy CP3 of the Cannock Chase Local Plan and paragraph 134 of the National Planning Policy Framework..
- 4.3.9 The Landscaping Officer has not responded to consultation on this application, but since the last refusal a revised tree survey, impact assessment and tree protection plan have been submitted. These indicate that the protected Cherry Trees to the front of the site will be unaffected by the proposed development, however there would be slight incursion into the edge of the root protection zone of a non-protected Scots pine along the side boundary. However, the Scots pine is not protected and could be removed at any time without consent being obtained from the Council. Suitable conditions have been imposed to ensure the tree protection fencing is erected during construction and details of hard landscaping is to be submitted and approved by the Local Planning Authority.
- 4.3.10 It is therefore considered that the proposal could not cause detrimental impact on trees.
- 4.3.11 As such, the proposed development would not have an adverse impact on protected nor non-protected mature trees, in accordance with Local Plan Policy CP3 and the National Planning Policy Framework.

4.4 Impact on Residential Amenity

- 4.4.1 Policy CP3 of the Local Plan states that the following key requirements of high quality design will need to be addressed in development proposals and goes on to include [amongst other things] the protection of the "amenity enjoyed by existing properties". This is supported by the guidance as outlined in Appendix B of the Design SPD which sets out guidance in respect to space about dwellings and garden sizes.
- 4.4.2 Paragraph 130(f) of the NPPF states that planning policies and decisions should ensure that developments [amongst other things] create places with a high standard of amenity for existing and future users.
- 4.4.3 In general the Design SPD sets out guidance for space about dwellings, stating that for normal two storey to two storey relationships there should be a minimum distance of 21.3m between principal elevations (front to front and rear to rear) and 12m between principal elevations and side elevations. Furthermore, the Design SPD sets out minimum rear garden areas, recommending 40-44sqm for 1 or 2 bed dwellings, 65sqm for 3 bed dwellings and 80sqm for 4 bed dwellings.
- 4.4.4 However, it should always be taken into account that these distances and areas are in the nature of guidance. When applying such guidance consideration should be given to the angle of views, off-sets and changes in levels as well as the character of the area.
- 4.4.5 There have been neighbour objections received on the grounds of privacy.

- 4.4.6 The proposed dwellings would comply with facing distance policies and the 45/25 standard, measured from the nearest habitable room windows of the neighbouring dwellings. Proposed garden sizes would comply with Design SPD requirements. It is therefore considered the proposal would have no significant detriment to the surrounding neighbouring properties.
- 4.4.7 Therefore, it is concluded that the proposal by reason of the design and existing boundary treatments, would not result in any significant impact by virtue of overlooking, loss of light, or loss of outlook, on the residential amenities of the future and existing occupiers of the neighbouring properties and that taken as a whole, the proposal would result in a good standard of residential amenity to all existing and future occupants in accordance with Policy CP3 of the Local Plan, the Design SPD and paragraph 17 of the NPPF

4.5 Impact on Highway Safety

- 4.5.1 Paragraph 111 of NPPF states that development should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.
- 4.5.2 The County Highways does not object to the proposal, subject to the imposition of a suitable condition.
- 4.5.3 The proposal provides large family homes with more than 4 No. bedrooms, which would require 3 No. parking spaces for each dwelling. The proposal has now demonstrated that it complies with the parking requirements and adequate visibility splay as outlined within County Highway comments.
- 4.5.4 As such, it is considered that the proposed scheme for 2 No. dwellings would provide sufficient visibility for safe access/egress and off street parking provision, in accordance with the adopted Car Parking Standards SPD and paragraph 111 of the National Planning Policy Framework.

4.6 Impacts of Cannock Chase Special Area of Conservation

- 4.6.1 The Council has a duty as a responsible authority under the Conservation of Habitats and Species Regulations 2010 (Habitat Regulations) to ensure that the decisions it makes on planning applications do not result in adverse effects on the integrity of the Cannock Chase Special Area of Conservation (SAC), which has internationally protected status under the Regulations for its unique heathland habitat.
- 4.6.2 Under Policy CP13 development will not be permitted where it would be likely to lead directly or indirectly to an adverse effect upon the integrity of the European Site network and the effects cannot be mitigated. Furthermore, in order to retain the integrity of the Cannock Chase Special Area of Conservation (SAC) all development within Cannock Chase district that leads to a net increase in dwellings will be required to mitigate adverse impacts. The proposal would lead to a net increase in dwellings and therefore is required to mitigate its adverse

impact on the SAC. Such mitigation would be in the form of a contribution towards the cost of works on the SAC and this would be provided through CIL. An appropriate Habitat Regulations Assessment has been undertaken as required by the regulations for housing development.

- 4.6.3 Subject to the above conditions and the CIL payment the proposal is considered acceptable in respect of its impact on nature conservation interests and therefore would be in compliance with Policies CP3 and CP13 of the Cannock Chase Local Plan and the NPPF.

4.7 Community Infrastructure Levy (CIL) and S106 requirements

- 4.7.1 The Councils CIL Charging Schedule was approved on 19 February 2015 and came into effect on 1 June 2015. The CIL for all new residential development is £51.43 per square metre (plus indexation) of floorspace and is used to pay for infrastructure. The applicant has applied for self build exemption and this is granted, although a self build exemption has been granted this can apply to only one of the two new dwellings (as the applicant has to reside at the new property for 3 years for exemption to be granted). Therefore, because there is still a net increase in floorspace after deducting the exempt floorspace, there is still some CIL payable. This amount will cover the SAC mitigation fee, therefore it is not required to enter into a Section 106 agreement for this fee. If permission is granted a CIL liability notice will be issued reflecting the relief granted.

4.8 Affordable Housing

- 4.8.1 Under Policy CP2 the proposal would be required to provide a contribution towards affordable housing. However, paragraph 64 of the NPPF states that the 'provision of affordable housing should not be sought for residential developments that are not major developments, other than in designated rural areas (where policies may set out a lower threshold of 5 units or fewer)'.
4.8.2 It is considered on balance that the proposal is acceptable without a contribution towards affordable housing.

4.9 Mineral Safeguarding

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

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

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

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

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

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

4.10 Waste and Recycling Facilities

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

4.10.2 Although not indicated on plan, it is considered there is sufficient space to accommodate appropriate waste bin storage both within and outside the application site on bin collection days, in accordance with policy requirements of CP16 and the NPPF.

5 Human Rights Act 1998 and Equalities Act 2010

Human Rights Act 1998

5.1 The proposals set out in this report are considered to be compatible with the Human Rights Act 1998.

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

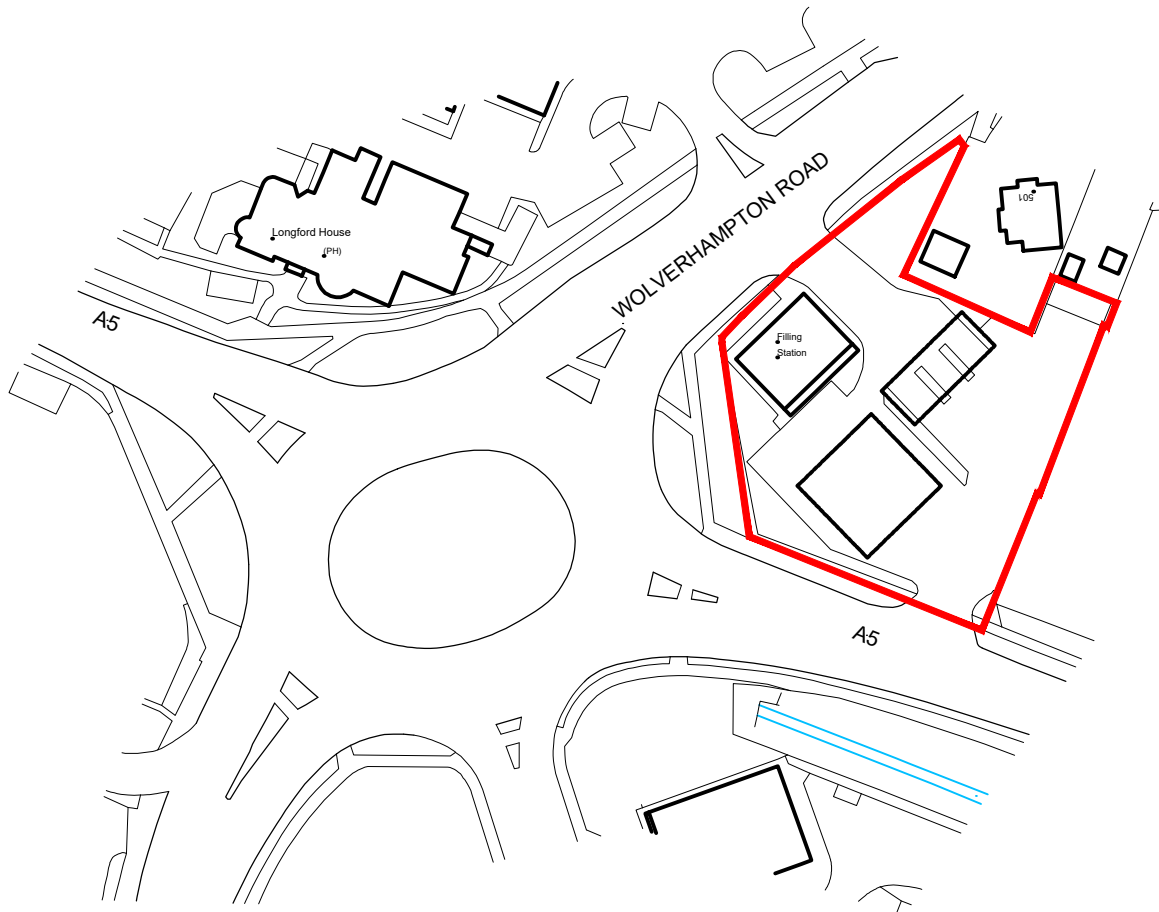


GENERAL NOTES

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THIS DRAWING IS TO BE READ IN CONJUNCTION WITH THE FOLLOWING:

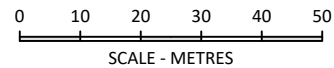
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- CANNOCK- 10019159 - PLNG-01 2021 - Existing Layout
- CANNOCK- 10019159 - PLNG-02 2021 - Proposed Layout
- CANNOCK- 10019159 - PLNG-03 2021 - EV Equipments
- CANNOCK- 10019159 - PLNG-04 2021 - Tracking Plan



A4

ORIGINAL
PLOT SIZE

PLANNING DRAWING



NOTES:

REV	DATE	BY

PROJECT: SHELL CANNOCK
Watling Street, Cannock
Staffordshire, WS11 1SL

TITLE: SITE LOCATION PLAN

DRAWN BY :	JDL	SCALE :	1:1250
DATE :	April 2022	PLOT DATE :	April 2022
CAD FILE :	J:\Drawings\Shell\A - F\Crosshands\3.0 Planning 2022		

JENNINGS DESIGN LIMITED

York House, Valley Court Canal Road,
Bradford West Yorkshire BD1 4SP

TEL. No 01274 395422
FAX. No 01274 395427
E-mail office@jen305.com



SHELL UK LIMITED
SHELL CENTRE
LONDON
SE1 7NA
UNITED KINGDOM

DWG No	10019159	00	2022	*
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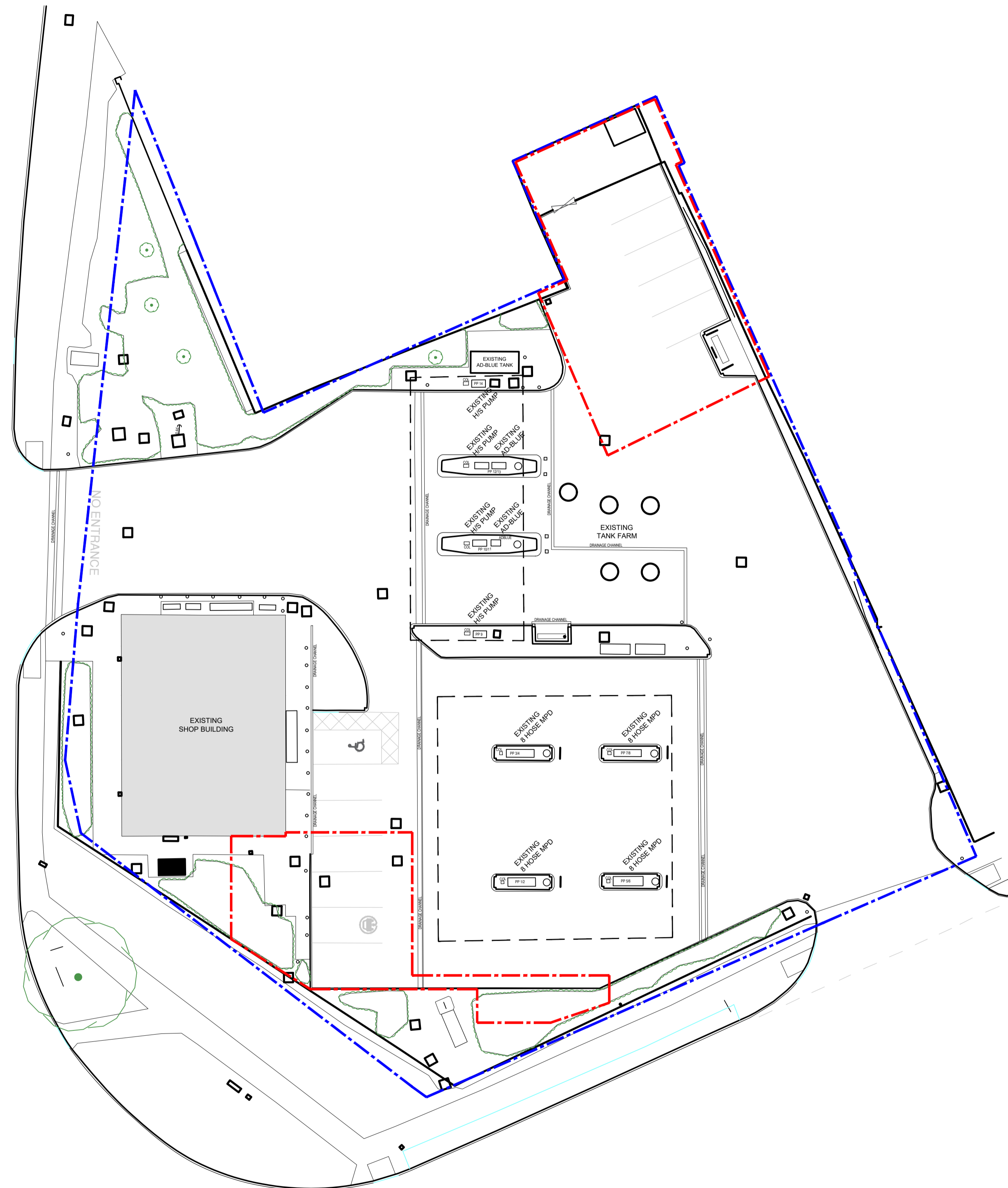


GENERAL NOTES

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THIS DRAWING IS TO BE READ IN CONJUNCTION WITH THE FOLLOWING:

- CANNOCK- 10019159 - PLNG-00 2021 - Site Location Plan
- CANNOCK- 10019159 - PLNG-01 2021 - Existing Layout
- CANNOCK- 10019159 - PLNG-02 2021 - Proposed Layout
- CANNOCK- 10019159 - PLNG-03 2021 - EV Equipments
- CANNOCK- 10019159 - PLNG-04 2021 - Tracking PLaN



TRITIUM PKM150 CHARGERS

PLANNING

JENNINGS DESIGN LIMITED

York House, Valley Court Canal Road,
Bradford West Yorkshire BD1 4SP
TEL. No 01274 395422
FAX. No 01274 395427
E-mail office@jen305.com

REV	DATE	BY

PROJECT: SHELL CANNOCK
Watling Street, Cannock
Staffordshire. WS11 1SL

TITLE: EXISTING SITE PLAN

SHELL UK LIMITED
 SHELL CENTRE
 LONDON
 SE1 7NA
 UNITED KINGDOM

DRAWN BY:	JDL	SCALE:	1:125 @ A1
DATE:	March 2022	PLOT DATE:	April 2022
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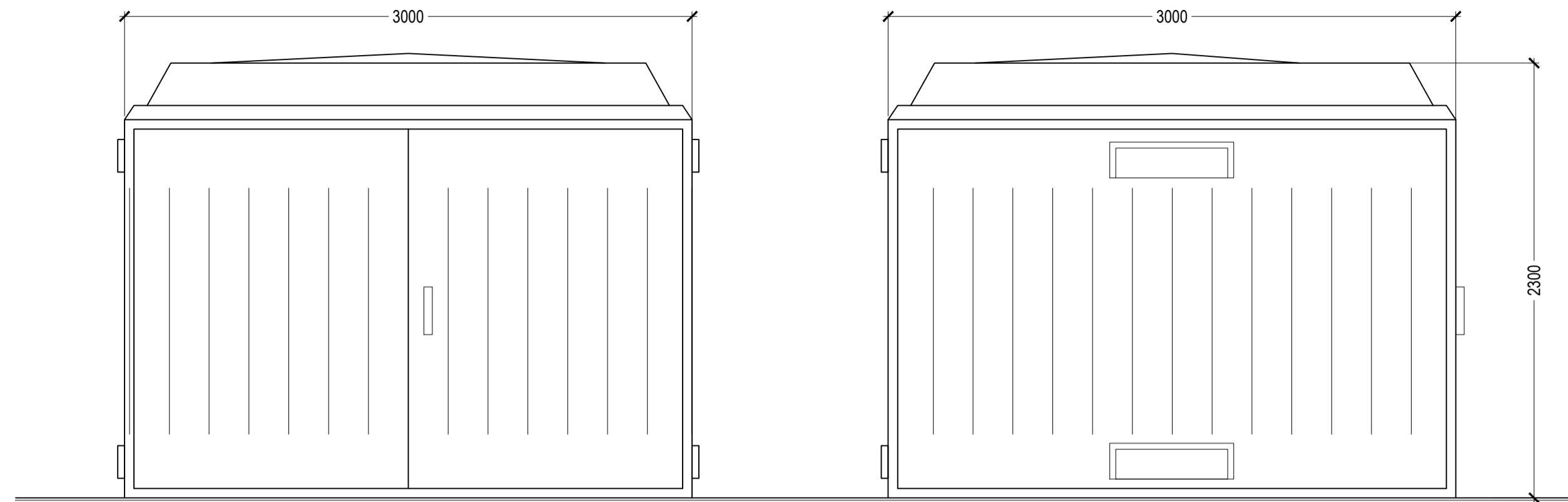
DWG No:	10019159	PLNG 01	2022
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GENERAL NOTES

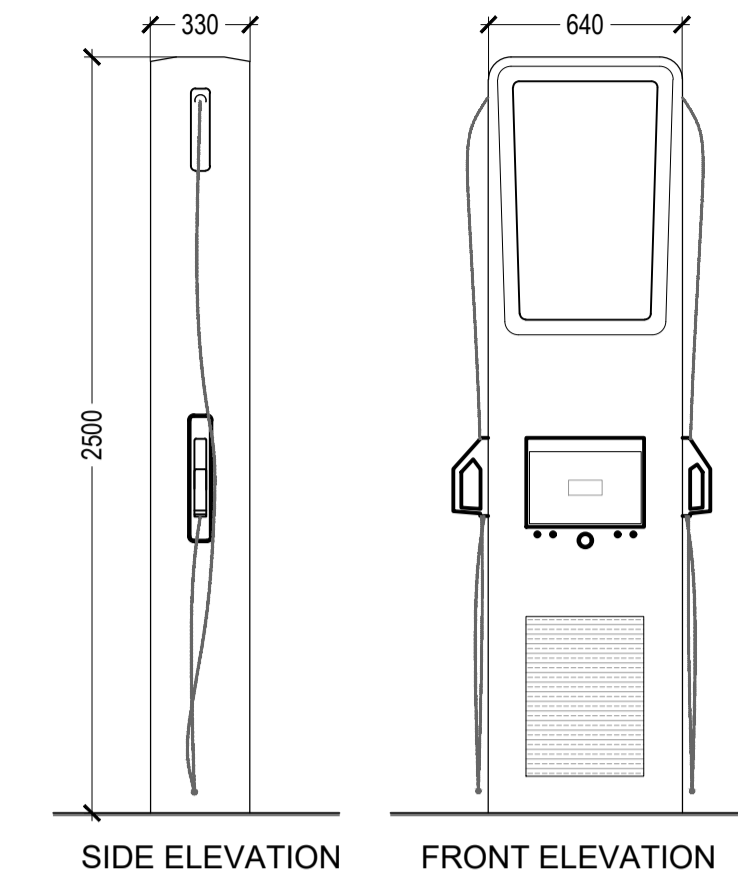
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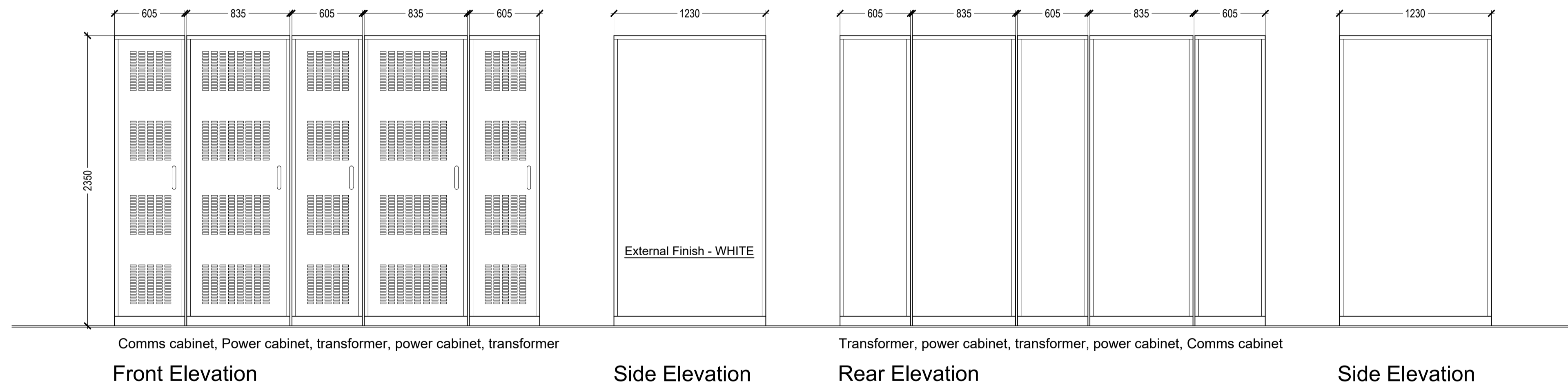
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- CANNOCK- 10019159 - PLNG-02 2021 - Proposed Layout
- CANNOCK- 10019159 - PLNG-03 2021 - EV Equipments
- CANNOCK- 10019159 - PLNG-04 2021 - Tracking Plan



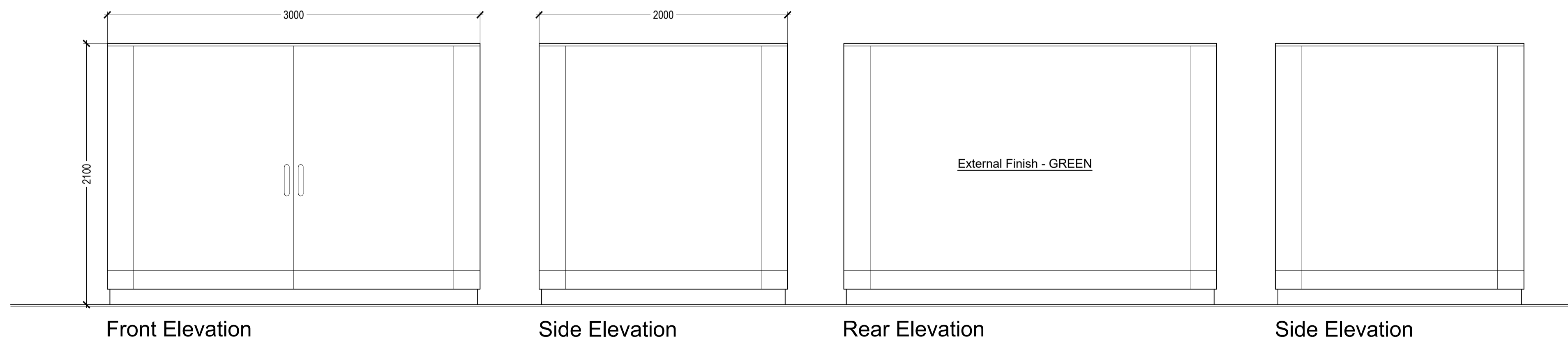
SUB-STATION ELEVATIONS
(External finish Green) - Scale 1:25



CHARGING UNIT - Scale 1:25



TYPICAL EQUIPMENT MODULE UNIT ELEVATIONS - Scale 1:25



TYPICAL MAINS GRP CABINET ELEVATIONS - Scale 1:25

TRITIUM PKM150 CHARGERS			
PLANNING			
JENNINGS DESIGN LIMITED			
York House, Valley Court Canal Road, Bradford West Yorkshire BD1 4SP			
TEL. No 01274 395422 FAX. No 01274 395427 E-mail office@jen305.com			
REV	DATE		BY
PROJECT: SHELL CANNOCK Watling Street, Cannock Staffordshire. WS11 1SL			
TITLE: EV EQUIPMENT			
		SHELL UK LIMITED SHELL CENTRE LONDON SE1 7NA UNITED KINGDOM	
DRAWN BY:	JDL	SCALE:	1:125 @ A1
DATE:	March 2022	PLOT DATE:	April 2022
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DWG No:	10019159	PLNG 03	2022

Contact Officer:	David O'Connor
Telephone No:	4515

<p>Planning Control Committee</p> <p>28 September 2022</p>
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Application No:	CH/22/0250
Received:	30-Jun-2022
Location:	Shell petrol Filling Station, Watling Street, Cannock WS11 1SL
Parish:	
Ward:	Cannock South
Description:	Provision of an EVC hub and associated works
Application Type:	Full Planning Permission

RECOMMENDATION: APPROVE SUBJECT TO CONDITIONS

REASON(S) FOR RECOMMENDATION:

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

CONDITIONS (AND REASONS FOR CONDITIONS)

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

Reason

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

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

Site Location Plan reference: Cannock - 10019159 - EV - PLNG 00 - Site Location Plan;

Proposed Site Layout reference: Cannock - 10019159 - EV - PLNG 02 - Proposed Site Plan;

EV Equipment reference: Cannock - 10019159 - EV - PLNG 03 - EV Equipment;

Tracking Layout reference: Cannock - 10019159 - EV - PLNG 04 - Tracking Plan;

Noise Report – Venta Acoustics VA4358.220912.L1 dated 12 September 2012

Reason

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

3. Prior to the erection of any new lighting at the application site, a lighting assessment shall be submitted to the Local Planning Authority for approval. The lighting assessment shall consider the potential impacts of the proposed new lighting installation, together with appropriate mitigation measures. The approved lighting assessment details and mitigation shall thereafter be implemented in full and maintained in perpetuity.

Reason: To limit the impact of artificial light on residential amenity, in line with paragraphs 183-188 of the National Planning Policy Framework.

NOTES TO THE DEVELOPER:

1. Lighting: Details of lighting consultancies able to assist with this condition can be obtained from: Institute of Lighting Professionals <https://theilp.org.uk/> / 01788 576492

The submitted information would normally be expected to include:

- A statement setting out why lighting is required.
- The proposed times of use, including any seasonal variations.
- A plan showing the area to be lit, the existing landscape features and any mitigation measures.
- Full specifications of the proposed lighting.
- Full details of the number and location of lighting units, including mounting and orientation.

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

CONSULTATIONS AND PUBLICITY

Internal consultations

Environmental Health: No objections

Thanks you for the opportunity to comment on the above. EPT have no objections to the proposed scheme, and welcomes facilities that encourage the shift to low emission transport

[Since Environmental Health's original comments further details in relation to noise associated with the substation were sought.]

Environmental Protection have considered the additional noise information and would not have any objections on noise grounds.

External consultations

Staffordshire County Highways Authority: No objections

Site Visit Conducted on: 14-Jul-2022

Personal Injury Collisions: Current records show that there were 2no Personal Injury Collisions on Watling Street and 1no PIC on Wolverhampton Road within 43 metres either side of the property accesses for the previous five years. Although all PICs are regrettable, the overall volume of collisions does not suggest there are any existing safety problems that would be exacerbated by the proposed development.

Background: The entrance to Shell Petrol Station is located off Watling Street; a busy A classified dual carriageway trunk road with a 70mph speed limit which comes under Highways England jurisdiction. Customers exit onto Wolverhampton Road (A4601) a classified 30mph road which benefits from street lighting and has footway provision on both sides. It lies 1.5 miles south west of Cannock Town centre and 7.5 miles west of M6 Toll.

Comment on information submitted: The application is for the installation of 3 electric charging points in the car park of Shell Petrol Station. The submitted plan shows the charging points will use 3 out of the existing 6 parking spaces and will

require the relocation of the Amazon parcel locker. As the units will be used by customers visiting the Petrol Station the proposal will not be detrimental to the existing use therefore the highway authority has no objection to this proposal.

RESPONSE TO PUBLICITY

The application has been advertised by site notice and neighbour letter. 1 No. letter of objection in relation to the proposals has been received. In summary this raises the following matters:

- We wish to object to the substation adjacent to our garden as this would mean that we could not sit in our garden without the constant whine of a substation. We would also have the constant arrival of cars and doors banging while they charge up. Another neighbour to the site is Available Car and I cannot understand why the proposed substation is not put on their boundary as they only sell cars and don't have to live with the noise.
- At present behind the fence is a shed and an area that is fenced off from the rest of the station where they store their bins. The storage of bins has been a concern as they do not always shut them and so we have litter blowing into our garden.
- Whilst there is a quite high fence, I have not been assured that there won't be things overhanging this fence which would be an eyesore and would degrade our time in the garden. We have spent a lot of money on our garden improving it and installing a wooden gazebo for hot summer days.
- They also propose to do this work in the height of summer for 9 weeks when my grandchildren will be off school. We wouldn't be able to use the garden.
- Additional fencing screening or planting to lessen the impact should be provided.

RELEVANT PLANNING HISTORY

- CH/11/0140 Redevelopment of petrol station
Withdrawn 07/20/2011
- CH/12/0087 Non-illuminated freestanding sign
Advert-Grant with Conditions 05/10/2012
- CH/14/0297 Demolition of filling station and bathroom showroom to rear.
Erection of replace Full - Approval with Conditions 05/13/2015

- CH/14/0297/B Discharge of condition 9 (environmental verification report) for planning permis Discharge of Conditions - Full Approval 12/14/2016
- CH/15/0288 Discharge of conditions: 4,6,10,11,12,15,17, 8 & 5 for CH/14/0297 Discharge of Conditions - Part Approval 02/24/2016
- CH/17/089 Retrospective application for the retention of ATM Full - Approval with Conditions 05/04/2017

1. **SITE AND SURROUNDINGS**

- 1.1 The application site is located on the junction of the Watling Street (A5) and Wolverhampton Road (A4601), approximately 2km to the southwest of Cannock town centre. The site contains an established petrol filling station comprised of four pump islands in a square configuration closest to the nearby traffic island opposite the site. To the rear of the forecourt is a three-lane heavy goods vehicle fuelling facility and to the northwest of the site is the main sales building of flat roofed and modern design.
- 1.2 The immediate context to the south and east of the site is highly commercial, comprising a mixed range of uses including large scale car sales to the east and carpet sales, food sales, textiles sales and electrical sales within the nearby retail park to the south. To the north of the site the immediate context is residential comprising a row of predominantly semi-detached dwellings (interspersed with detached) that all display a consistent set back and front onto Wolverhampton Road. To the west of the site is a hotel development.

2. **PROPOSAL**

- 2.1 The application seeks full planning permission for the provision of an Electric Vehicle Charging Hub and associated works at the existing filling station premises. The development involves the provision of 3 electric vehicle (EV) charging bays which will replace 4 existing spaces (two general spaces, one EVC space and an air/water bay) located in front of the existing sales building. Additionally, the provision of the associated infrastructure including GRP cabinet and substation which are to be positioned to the northern corner of the site. The air/water bay is to be repositioned on the eastern boundary of the site.
- 2.2 The application proposes the Petrol Filling Station will continue to function as existing, and the only alterations are to the car parking arrangements. There are no proposed alterations to the existing access and egress arrangements.

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
 - CP3: - Chase Shaping-Design
 - CP10: - Sustainable Transport
 - CP16: - Sustainable Resource Use
- 3.4 The relevant policies within the Minerals Plan are: -
- (i) Mineral Safeguarding

National Planning Policy Framework

- 3.5 The NPPF (2021) sets out the Government's position on the role of the planning system in both plan-making and decision-taking. It states that the purpose of the planning system is to contribute to the achievement of sustainable development, in economic, social, and environmental terms, and it states that there should be 'presumption in favour of sustainable development' and sets out what this means for decision taking.
- 3.6 The NPPF (2021) confirms the plan-led approach to the planning system and that decisions must be made in accordance with the Development Plan unless material considerations indicate otherwise.
- 3.7 Relevant paragraphs within the NPPF include paragraphs: -
- | | |
|--------------------------------------|---|
| 8: | Three dimensions of Sustainable Development |
| 11-14: | The Presumption in favour of Sustainable Development |
| 38: | Decision-making |
| 47-50: | Determining Applications |
| 110, 111, 112, 113: | Promoting Sustainable Transport |
| 126, 130-132, 134: | Achieving Well-Designed Places |
| 152, 154, 157, 167: 169:
218, 219 | Meeting the Challenge of Climate Change, Implementation |

Other relevant documents include: -

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

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

Cannock Chase District Local Plan Preferred Options 9 February 2021)

4. DETERMINING ISSUES

4.1 The determining issues for the proposed development include: -

- a) Principle of development
- b) Design and character and appearance
- c) Residential amenity
- d) Highways Considerations
- e) Mineral safeguarding

5. PRINCIPLE OF THE DEVELOPMENT

5.1 Planning applications must be determined in accordance with the development plan unless material considerations indicate otherwise, and regard must be had to National Planning Policy in the form of the NPPF. There is no made Neighbourhood Plan for the area in question.

5.2 Cannock Chase Local Plan Policy CP1 (Strategy) states that when considering development proposals, the Council will take a positive approach that reflects the presumption in favour of sustainable development contained in the National Planning Policy Framework. The policy suggests the Council should work proactively with applicants jointly to find solutions which mean that proposals can be approved wherever possible, and to secure development that improves the economic, social and environmental conditions in the area.

5.3 Policy CP10 (Sustainable Transport) states that the Council will work with local transport bodies and developers to help develop and promote sustainable transport modes that provide realistic alternatives to the car, and

which help contribute to achieving national climate change targets and reduce air pollution.

- 5.4 Policy CP16 (Climate Change and Sustainable Resource Use) seeks to improve accessibility of services and sustainable transport networks which in turn will help contribute to improved energy efficiency, renewable and low carbon energy generation and higher levels of overall sustainable construction having regard to local opportunities.
- 5.5 The NPPF similarly advocates at Para 112 that applications for development should be designed to enable charging of plug-in and other ultralow emission vehicles in safe, accessible, and convenient locations. Para 152 suggests that the planning system should support the transition to a low carbon future, seeking to assist in radically reducing greenhouse gas emissions and supporting the use of renewable and low carbon energy.
- 5.6 Officers assess the Cannock Chase Local Plan positively supports the provision of renewable and low carbon developments having regard to Policies CP1, CP10 and CP16. This is consistent with the approach to decision taking advocated in NPPF para 152 and 112. Accordingly, it is assessed the development proposed would be acceptable in policy principle terms in that the application development would support the transition to a low carbon future by promoting use of alternative fuels by domestic drivers through the improved availability of charging infrastructure.

6. DESIGN AND CHARACTER AND APPEARANCE OF THE AREA

- 6.1 The proposed development involves the repurposing of existing parking bays to serve as electric vehicle charging bays and the repositioning of the air/water fillinl and Amazon parcel collection locker within the forecourt area. Additionally a new substation and cabinet would be provided in the rear corner of the site.
- 6.2 The changes proposed will have minimal effect on the street scene and visible character of the site. As such Officers are satisfied there would be no substantive change to the sites character and appearance. The proposals would therefore comply with Local Plan Policy CP3 design requirements.

7. RESIDENTIAL AMENITY

- 7.1 Paragraph 130(f) of the NPPF states that planning policies and decisions should ensure that developments [amongst other things] create places with a high standard of amenity for existing and future users. Local Plan Policy CP3 contains a similar requirement that the "amenity enjoyed by existing properties" should be protected.

- 7.2 Concerns are raised by the neighbouring property that the provision of the electric charging bays would lead to noise and disturbance through car doors slamming (and similar) affecting the use of the existing residential property and garden.
- 7.3 Officers assess the use of the site as a 24h petrol filling station is well established. The proposals relate to the renewal of existing car parking spaces to form electric vehicle charging points. 1 No. EV point already exists on the site and Officers are not aware of any previous noise complaints in this regard. 2 No. more points are proposed within this submission creating a total of 3 EV points. The existing use of the filling station includes unrestricted use by cars and HGVs, which in conjunction with the existing A5 traffic would create a relatively high existing ambient noise environment. For HGVs in particular the fuelling pumps are closer to the property concerned than the proposed charging points. Environmental Protection were consulted on the application and raise no objections to the proposals overall. Officers assess there is no basis to consider the additional EV charging points would materially increase either the use of the site or noise emitted from the site above existing levels.
- 7.4 With regard to observations about noise from the substation, the applicant's have provided a letter from an appropriately qualified Acoustic consultant. This states that at the property (11m away) noise levels from the substation are likely to be 28dB(A) and within the garden 31dB(A). The report assess these levels are very low and very unlikely to cause nuisance or any negative impact on nearby residential properties. In discussions with the Council's Environmental Protection Officers, it was noted that the prevailing noise environment around the existing petrol filling station are likely to be substantially higher than the levels above. Accordingly in this regard Environmental Protection have confirmed they raise no objections on the basis of noise.
- 7.5 As such it is concluded that the proposal would not have a significant impact on the standard of residential amenity of neighbouring properties and therefore would be in accordance with Policy CP3 of the Cannock Chase Local Plan and Paragraph 130(f) of the NPPF.

8. HIGHWAYS CONSIDERATIONS

- 8.1 The proposals will result in the loss of 1 No. parking space from the application site accommodate the EV charging points. No other changes to the site access or egress will result from the proposals and the site will continue in the same manner it has been used. Staffordshire County Highways Authority raise no objections in relation to the loss of the space.

8.2 It is therefore concluded that the proposals would not result in unacceptable impact on highway safety, or residual cumulative impacts on the road network would be severe in line with Para 111 of the NPPF. For these reasons it is considered that the proposal is in accordance with Policy CP10 of the Cannock Chase Local Plan and paragraphs 110, 111, 112 and 113 of the National Planning Policy Framework.

9. MINERAL SAFEGUARDING

9.1 The site falls within a Mineral Safeguarding Area (MSAs) for superficial sand and gravel deposits. Paragraph 2010(c) of the National Planning Policy Framework (NPPF) and Policy 3 of the Minerals Local Plan for Staffordshire (2015 – 2030), both aim to protect mineral resources from sterilisation by other forms of development.

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

- a) 'Within a Mineral Safeguarding Area, non-mineral development except for those types of development set out in Appendix 6, should not be permitted until the prospective developer has produced evidence prior to determination of the planning application to demonstrate:
 - (i) the existence, the quantity, the quality and the value of the underlying or adjacent mineral resource; and
 - (ii) that proposals for non-mineral development in the vicinity of permitted mineral sites or mineral site allocations would not unduly restrict the mineral operations.

9.3 Table 7 of Appendix 6 outlines "Exemptions Criteria for Mineral Safeguarding" and includes, amongst other things, safeguarding areas;

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

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

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

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

10. **HUMAN RIGHTS ACT 1998 AND EQUALITY ACT 2010**

Human Rights Act 1998

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

Equality Act 2010

10.2 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.

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

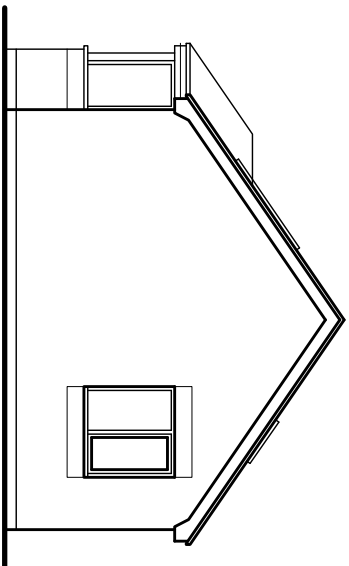
- (i) Eliminate discrimination, harassment, victimisation and any other conduct that is prohibited;
- (ii) Advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
- (iii) Foster good relations between persons who share a relevant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

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

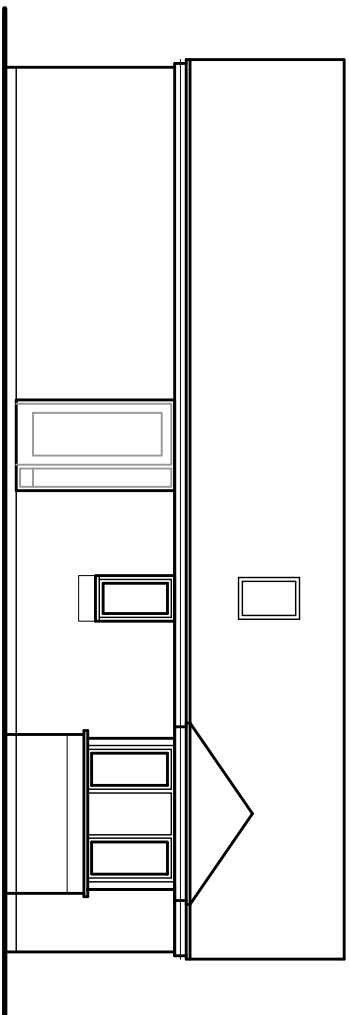
Such consideration has been balanced along with other material planning considerations and it is considered that the proposal is acceptable in respect to the requirements of the Act. Having had regard to the particulars of this case officers consider that the proposal would not conflict with the aim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

11. CONCLUSION

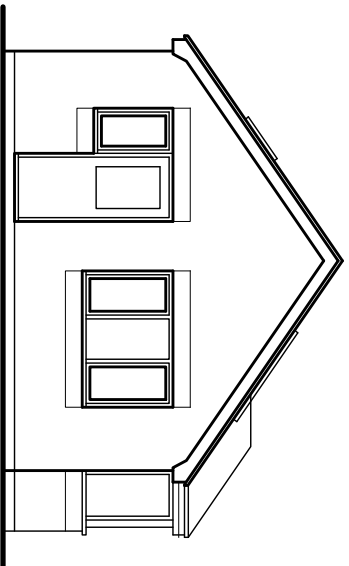
- 11.1 The application seeks to provide Electric Vehicle Charging Points and the required associated infrastructure to accompany them. It is assessed the application development would support the transition to a low carbon future by promoting use of alternative fuels by domestic drivers through the improved availability of charging infrastructure and would therefore be acceptable in principle.
- 11.2 The proposal represents a modernisation of the existing facilities on the site to meet changing motorists' and environmental needs. Whilst the concerns in relation to potential noise are noted, there is no obvious or substantive basis on which to consider the proposals would lead to significant adverse impacts on the adjacent residential property. There are no adverse highway impacts that result from the development and the development has a little effect on the character of the area. As such the development is considered to accord with Local Plan Policies CP1, CP3, CP10 and CP16 and is consistent with the approach to decision taking advocated in NPPF para 152 and 112.



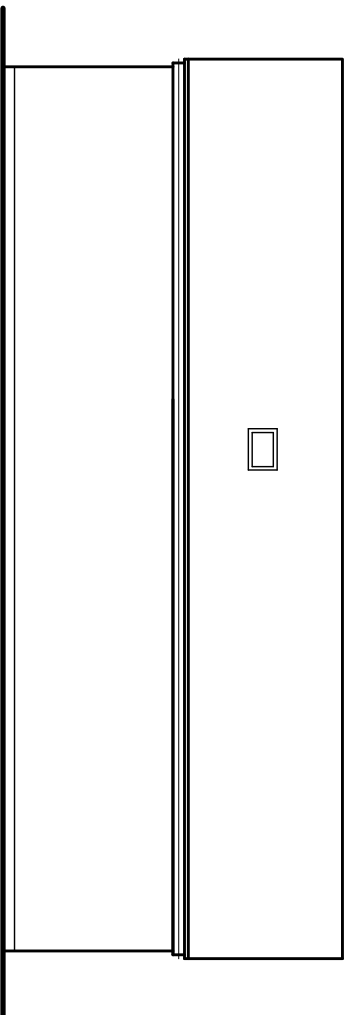
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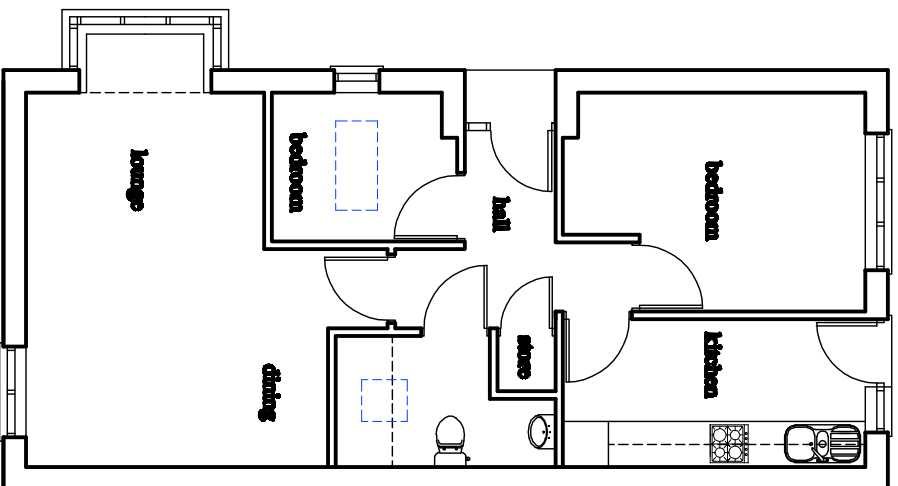
SIDE ELEVATION 1:100



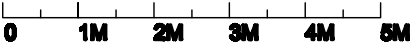
REAR ELEVATION 1:100



SIDE ELEVATION 1:100



GROUND FLOOR PLAN 1:100



PLOT 5

FACING MATERIALS
 Roof tiling, facing brickwork
 + white upvc windows, doors
 + Velux rooflights
 all to LA approval

floor plans + elevations 1:100

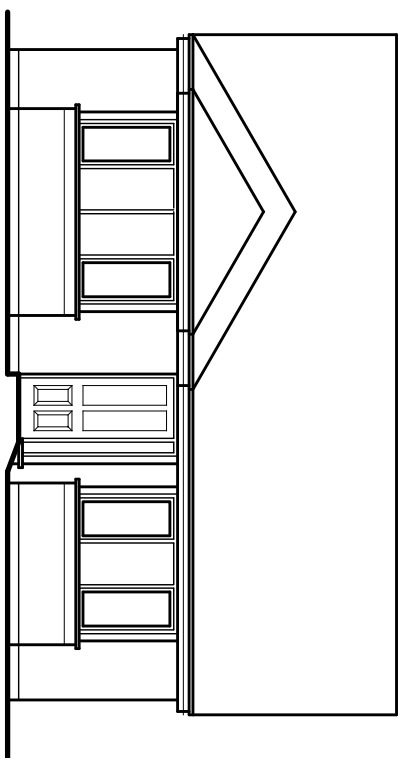
Plotted at A3

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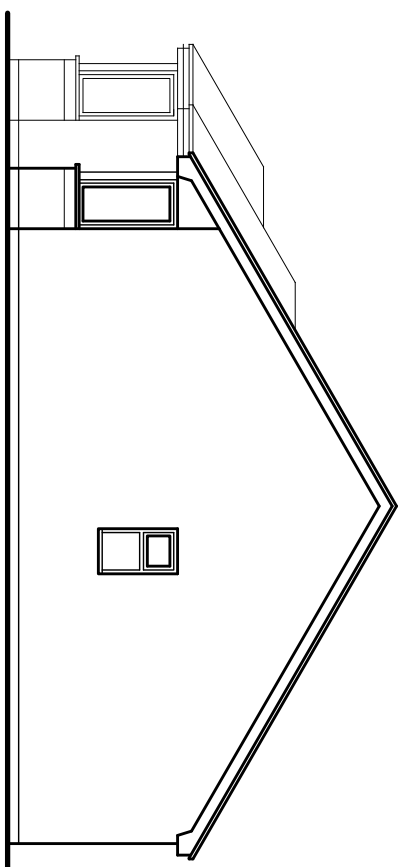
REVISIONS

CLIENT
LAMM HOMES LTD
 PROJECT
RESIDENTIAL DEVELOPMENT
 ST SAVIOURS CHURCH
 High Mount Street
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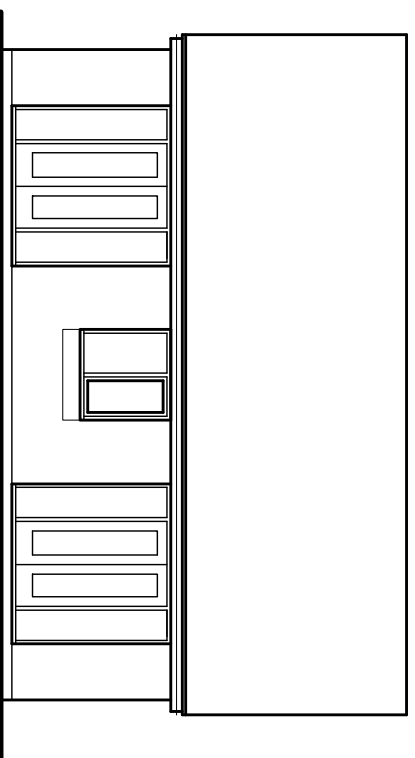
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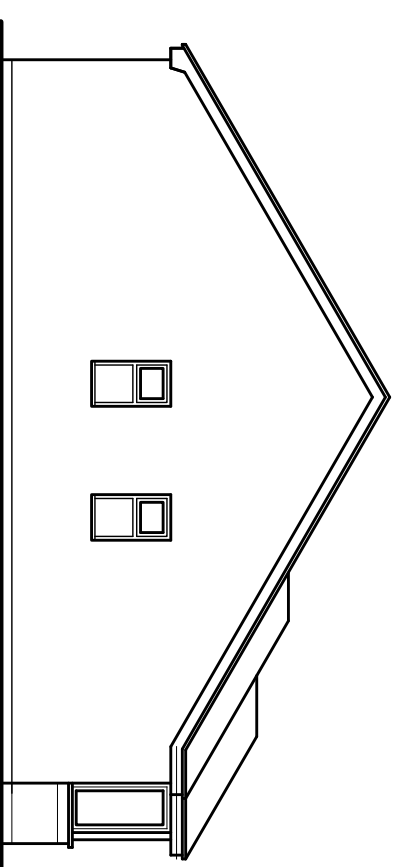
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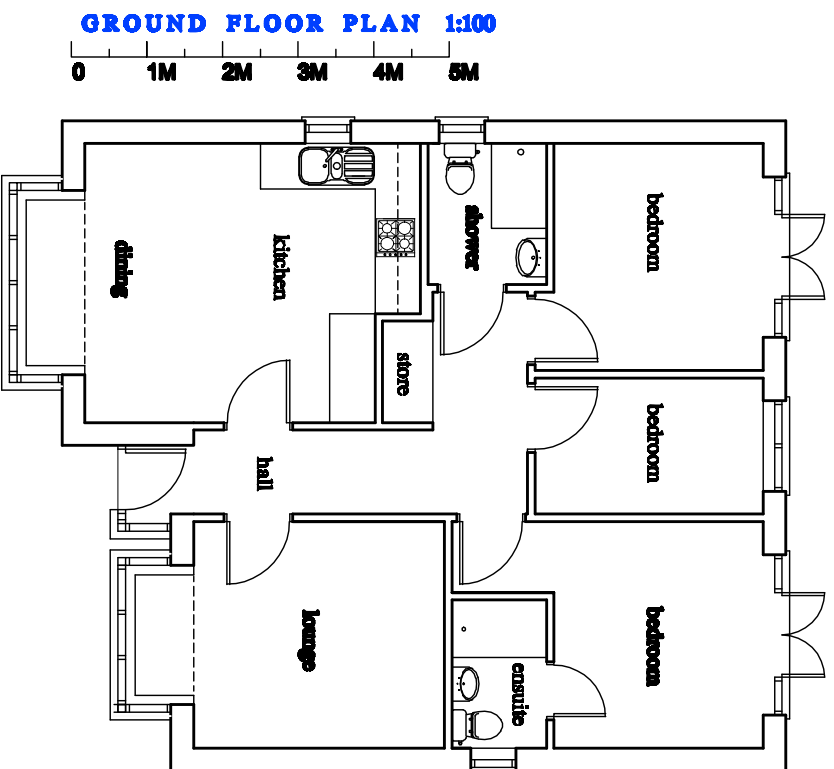
SIDE ELEVATION 1:100



REAR ELEVATION 1:100



SIDE ELEVATION 1:100



GROUND FLOOR PLAN 1:100

0 1M 2M 3M 4M 5M

PLOT 6
FACING MATERIALS
 Roof tiling, facing brickwork
 + white upvc windows, doors
 + Velux rooflights
 all to LA approval

floor plans +
 elevations 1:100

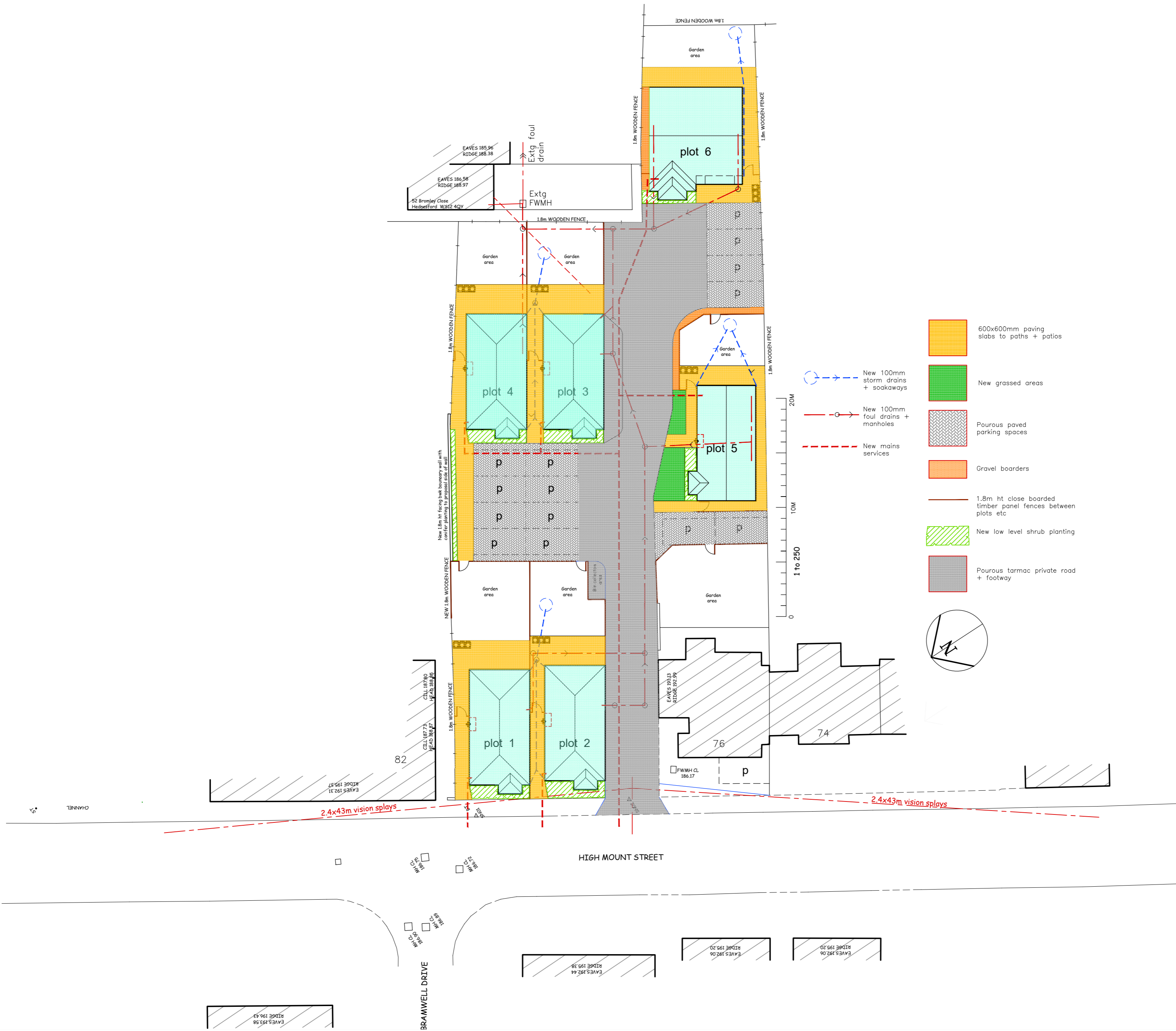
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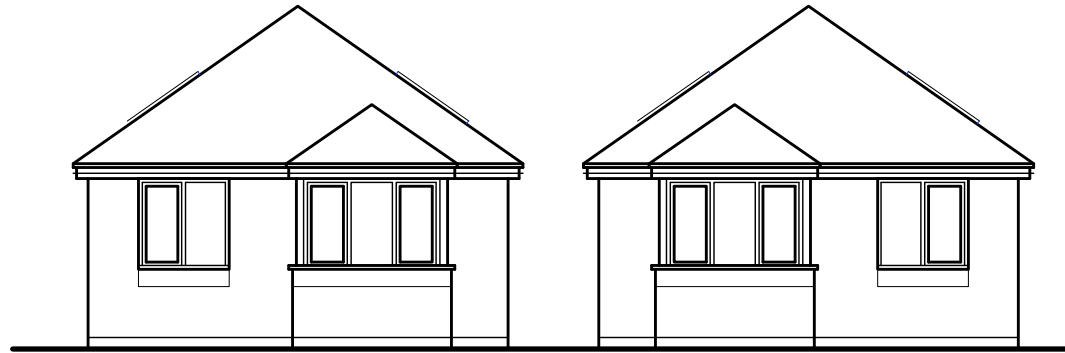


REVISIONS
 REV B
 Pitched roofs to plot 1 to 4 made into hipped roofs, brickwork boundary wall together with conifer planting added to end of parking spaces between plots 1 + 3 12.02.2022
 REV A
 General revisions 21.12.2021

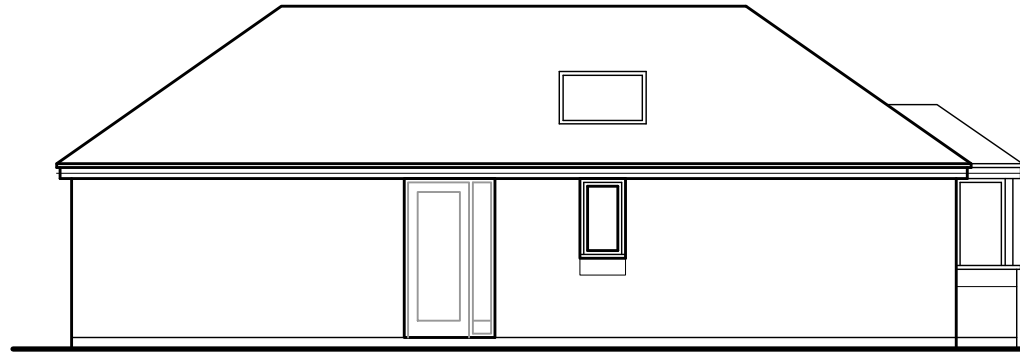
proposed site plan 1:250
 Plotted at A2

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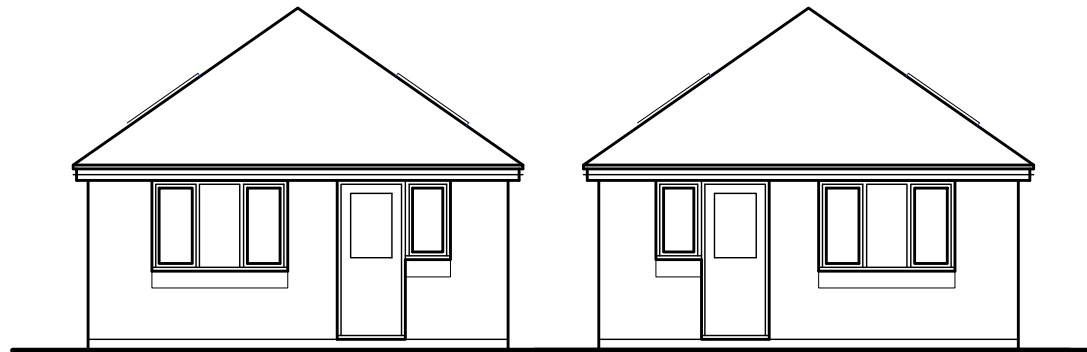
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 PROJECT: **RESIDENTIAL DEVELOPMENT**
 ST SAVIOURS CHURCH
 High Mount Street
 Hednesford
 WS12 4BN
 Sept 2021
 Dr no: 2021:130:02B



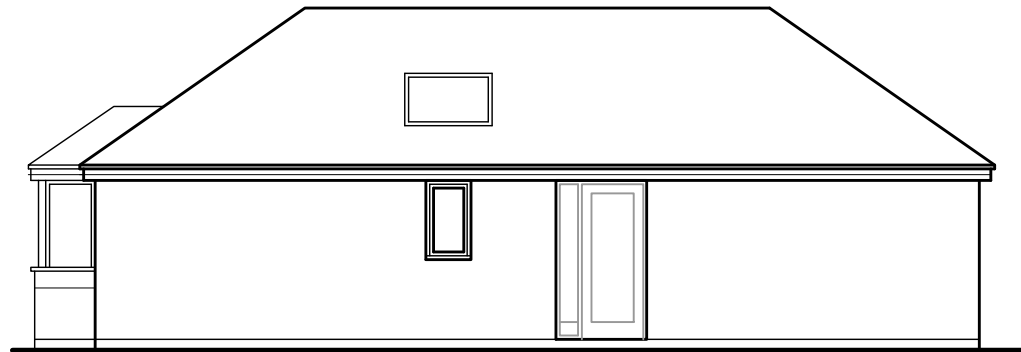
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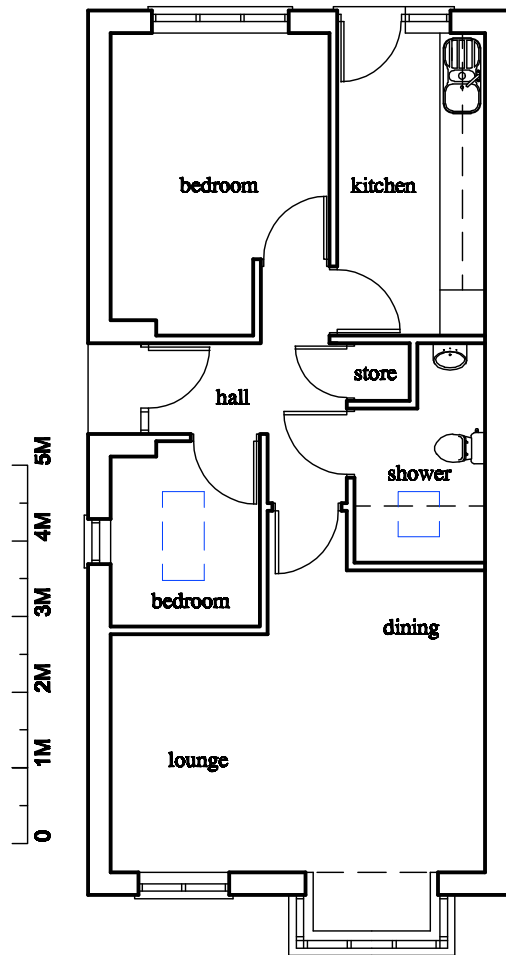
SIDE ELEVATION 1:100



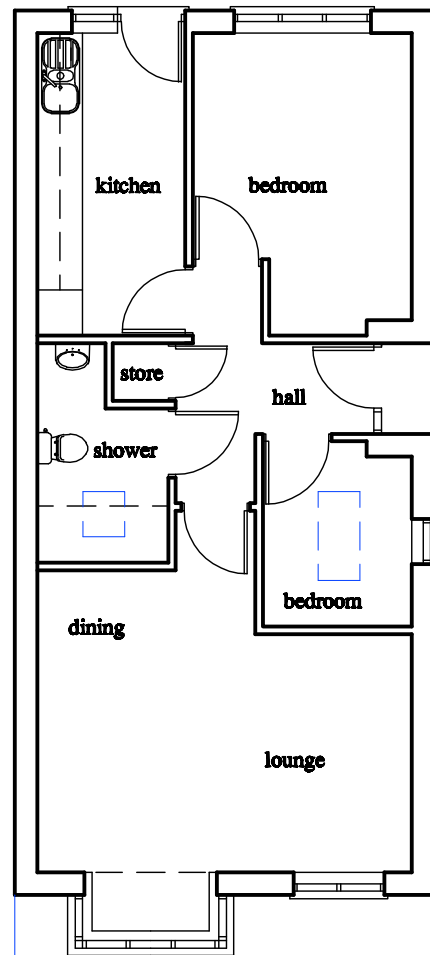
REAR ELEVATION 1:100



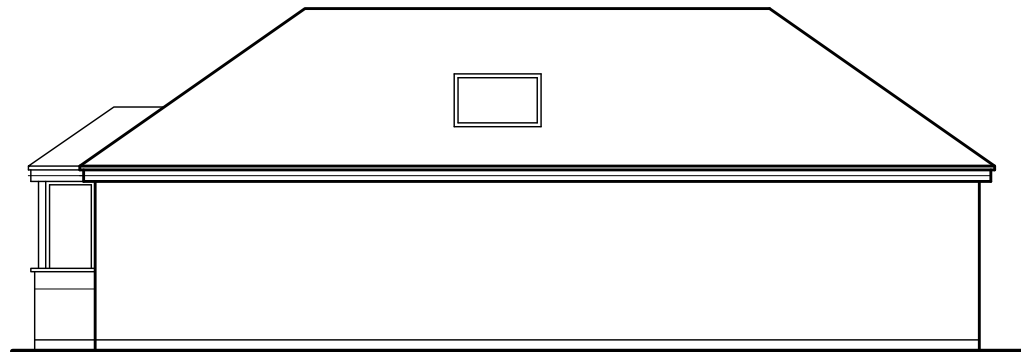
SIDE ELEVATION 1:100



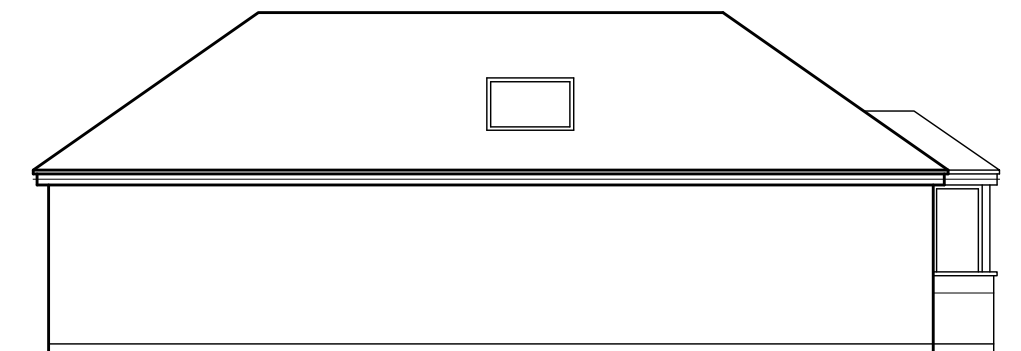
plot 3



plot 4



SIDE ELEVATION 1:100



SIDE ELEVATION 1:100

**PLOTS
3 + 4**

FACING MATERIALS
 Roof tiling, facing brickwork
 + white upvc windows, doors
 + Velux rooflights
 all to LA approval

floor plans +

elevations 1:100

REVISIONS
 REV A
 Roof made into hipped
 roofs 14.02.2022

Plotted at A3
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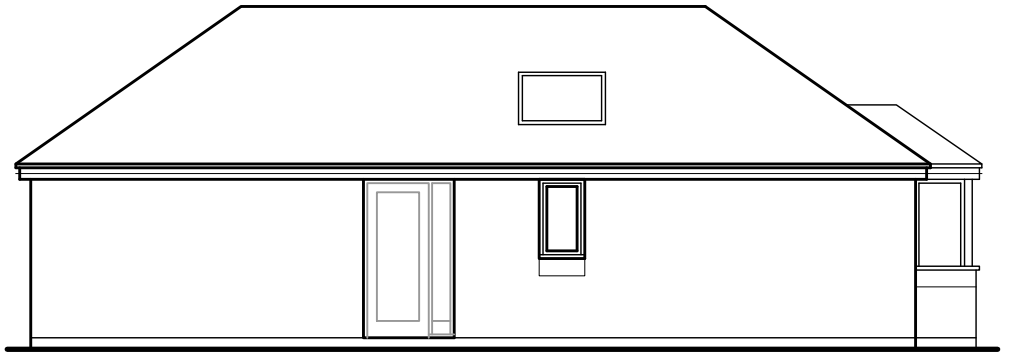
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Sept 2021
 Dr no
2021:130:06A



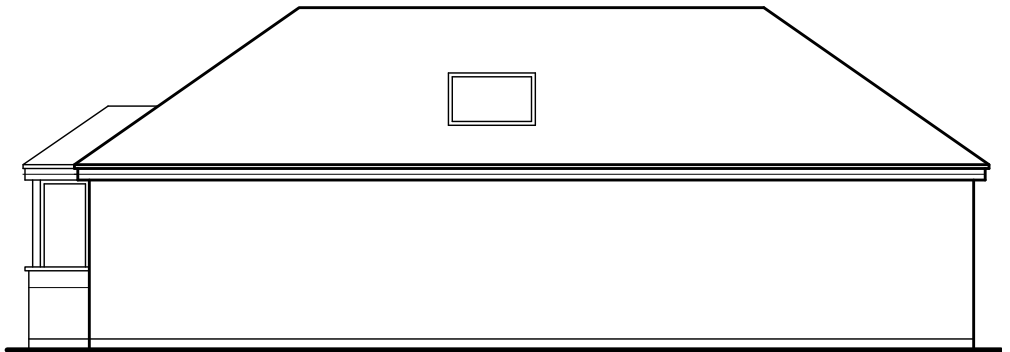
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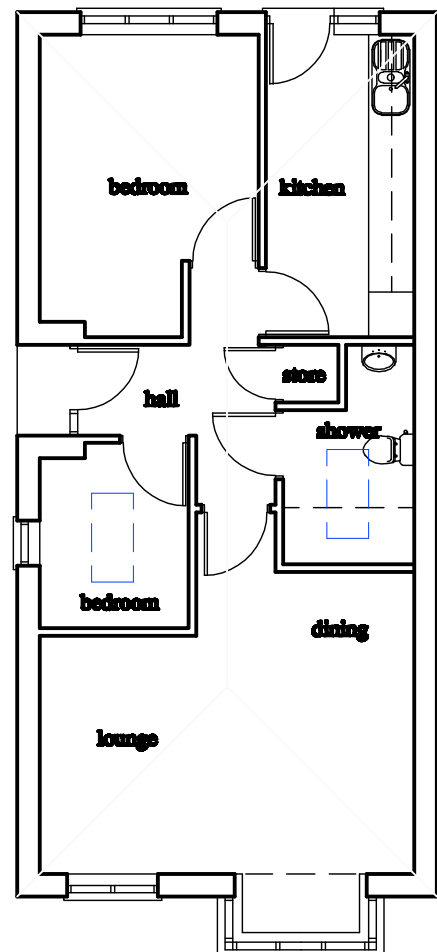
SIDE ELEVATION 1:100



REAR ELEVATION 1:100



SIDE ELEVATION 1:100



GROUND FLOOR PLAN 1:100

PLOTS 1 + 2

FACING MATERIALS
 Roof tiling, facing brickwork
 + white upvc windows, doors
 + Velux rooflights
 all to LA approval

Plotted at A3 **JOHN REYNOLDS & ASSOCIATES ARCHITECTURAL CONSULTANT**
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LAMM HOMES LTD

PROJECT

RESIDENTIAL DEVELOPMENT

ST SAVIOURS CHURCH
 High Mount Street
 Hednesford
 WS12 4BN

Sept 2021

Dr no

2021:130:05A

REVISIONS

REV A
 Roof made into hipped
 roofs 14.02.2022

**floor plan +
elevations 1:100**

Contact Officer:	Claire Faulkner
Telephone No:	01543 464337

<p>Planning Control Committee</p> <p>28th September 2022 2022</p>
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Application No:	CH/21/0404
Received:	29-Sep-2021
Location:	St Saviours Church, High Mount Street, West Hill, Cannock, WS12 4BN
Parish:	Hednesford CP
Ward:	Hednesford North
Description:	Demolition of existing building and erection of 6 bungalows
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):

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

Location Plan

2021:130:02B Proposed Site Plan

2021:130:05A Floor Plans & Elevations Plots 1 & 2

2021:130:06A Floor Plans & Elevation Plots 3 & 4

2021:130:07 Floor Plans & Elevations Plot 5

2021:130:08 Floor Plans & Elevations Plot 6

Tree Report Ref: THC/2021/08/13 AS 13th August 2021

Bat & Bird Assessment 16th August 2021

Reason

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

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

Reason

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

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

Reason

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

4. The development hereby approved shall not be commenced until:
 - i) A Ground Gas Remediation Statement with supporting justification shall be submitted to and approved in writing by the Local Planning Authority. The Remediation Statement shall detail the exact manner in which any necessary mitigation works are to be carried out and provide justification as to why the level of mitigation measures proposed are deemed appropriate. The statement shall also include details of validation testing that will be carried out once works have been completed.

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

Reason

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

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

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

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

Reason

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

6. No part of the development hereby approved shall be undertaken above ground level until a scheme detailing the external environment-landscape, including planting, fencing, walls, surface treatment & construction details for the site has

been submitted to and approved by the Local Planning Authority. The details shall be in the form as specified in Annex C of the Supplementary Planning Guidance 'Trees, Landscape and Development' and shall include an Arboricultural Method Statement.

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

Reason

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

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

Reason

The Local Planning Authority considers that such development would be likely to adversely affect the amenity of neighbouring occupiers and the character of the area. It is considered to be in the public interest to require an application to enable the merits of any proposal to be assessed and to ensure compliance with Local Plan Policy CP3 - Chase Shaping - Design and the NPPF.

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

Reason

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

9. No dwelling hereby permitted shall be completed above ground floor level until a scheme for the provision of bat roosts has been submitted to and approved in writing by the Local Planning Authority. The submitted scheme shall indicate the plots to be provided with bat roosts, which shall be either integrated into the roof or the house in question, and their height and location. Any dwelling shown to be host to such a bat roost shall be completed in accordance with the approved scheme.

Reason

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

10. The development hereby permitted shall not commence until drainage plans for the disposal of foul and surface water flows have been submitted to and approved by the Local Planning Authority.

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

Reason:

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

11. The development hereby permitted shall not be occupied until the vehicular access onto High Mount Street has been fully constructed in accordance with the approved plan.

Thereafter, the access shall be retained for the lifetime of the development.

Reason

In the interests of highway safety and the National Planning Policy Framework

12. The proposed car parking spaces and internal private access drive as shown on the approved plans shall be sustainably drained, hard surfaced in a bound material, and marked out prior to the first occupation of the site hereby permitted.

Thereafter these parking areas shall be retained in accordance with the approved plans for the lifetime of the development, unless otherwise agreed in writing by the Local Planning Authority.

Reason

In the interests of highway safety and the National Planning Policy Framework

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

Reason

In the interests of highway safety and the National Planning Policy Framework

14. The development hereby permitted shall not be occupied until details for secure, covered and safe cycle parking facilities have been submitted to and approved in writing by the Local Planning Authority.

Thereafter the approved facilities shall be retained in perpetuity.

Reason

In the interests of highway safety and the National Planning Policy Framework

15. No development shall take place until details of the finished floor levels of the buildings (in relation to surrounding land) and any other changes to the levels of the land within the site have been submitted to and agreed in writing by the Local Planning Authority.

Thereafter, development shall be implemented in accordance with the agreed details.

Reason

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

16. Notwithstanding the approved details, prior to the commencement of development, a Construction Method Statement shall be submitted to and approved in writing by the Local Planning Authority.

The statement shall have regard to relevant guidance; including but not limited to, Control of Dust and Emissions during Construction and Demolition, Guidance on Assessment and Monitoring of Dust from Demolition and Construction, and BS5288 with regard to noise management. The submitted statement shall provide:-

- Hours of working
- The parking of vehicles for site operatives and visitors,
- Routing and timing of delivery vehicles to and from the site,
- Measures to control the emission of dust and dirt during construction, including minimising the track-out of any material onto the public highway,

- Noise and vibration management procedures, including how complaints will be handled.

Thereafter, the approved statement shall be adhered to throughout the construction period (including demolition).

Reason

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

17. Notwithstanding the approved plans, the details for any lighting scheme proposed to the access and parking areas of the development shall first be submitted to and approved in writing by the Local Planning Authority.

Thereafter, the approved lighting scheme shall be implemented in accordance with the approved details and retained for the lifetime of the development.

Reason

The Local Planning Authority considers that such development would be likely to adversely affect the amenity of neighbouring occupiers. It is considered to be in the public interest to require such detail to enable the merits of any proposal to be assessed and to ensure compliance with Local Plan Policy CP3 - Chase Shaping - Design and the NPPF.

18. No plant or machinery shall be operated, no loading or unloading of vehicles and no movement of commercial vehicles to or from the site and no construction works shall take place outside the hours of 08:00hrs to 18:00hrs Monday - Friday, 08:00hrs to 13:00hrs on Saturdays. None of the above operations shall be carried out at any time on Sundays or Bank and Public Holidays.

Reason

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

Notes to the Developer:

1 Severn Trent

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

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

2. Highway Authority

The works required will require the relevant permit from our Network Management Section. Please note that prior to the access being constructed you require Section 184 Notice of Approval from Staffordshire County Council. The link below provides a further link to 'vehicle dropped crossings' which includes a 'vehicle dropped crossing information pack' and an application form for a dropped crossing. Please complete and send to the address indicated on the application form which is Staffordshire County Council at Network Management Unit, Staffordshire Place 1, Tipping Street, STAFFORD, Staffordshire, ST16 2DH. (or email to nmu@staffordshire.gov.uk)

<http://www.staffordshire.gov.uk/transport/staffshighways/licences/>

3. Cadent

Cadent Gas own and operate the gas infrastructure within the area of your development. There may be legal interest in the land that restrict activity in proximity to Cadent assets in private land. The applicant must ensure that the proposed works do not infringe on legal rights of access and or restrictive covenants that exist.

If buildings or structures are proposed directly above the apparatus the development may only take place following diversion of the apparatus. The applicant should apply online to have apparatus diverted in advance of any works, by visiting cadentgas.com/diversions

Prior to carrying out works, including the construction of the access points, please register on www.linesearchbeforeudig.co.uk to submit details of the planned works for review, ensuring requirements are adhered to.

4. Staffordshire County Rights of Way

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

It should be noted, however, that this does not preclude the possibility of the existence of a right of way at common law, or by virtue of a presumed dedication under Section 31 of the Highways Act 1980. It may, therefore, be necessary to make further local enquiries and seek legal advice in respect of any physically evident route affecting the land, or the apparent exercise of a right of way by members of the public.

Consultations and Publicity

External Consultations

Hednesford Town Council

No objection

Travel Management and Safety

No objection subject to condition

Severn Trent Water

No objection subject to condition

Cadent

No objection subject to informative.

Staffordshire Public Rights of Way Officer

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

ASC Ltd on behalf of the Local Planning Authority

In normal circumstances from a structural point of view there would be no reason why the church should not be converted to residential/office use. However we are unable to comment on costs of such a conversion.

Andrew Golland Associates Limited on behalf of the Local Planning Authority

I confirm that a scheme for the conversion of the building into residential accommodation together with the construction of two detached dwellings in the grounds would be unviable.

Inspire Heritage on behalf of the Local Planning Authority

Objection

The church is prominent in the street scene making a positive contribution to the street and wider area.

St Saviours Church provides a sense of place and contributes to local distinctiveness of the area, this would be lost if demolished and replaced as proposed. The scheme also fails to respond to the character and appearance of area due to the single storey

massing and form proposed. The proposal would cause a level of harm disproportionate to the significance of the building as a non-designated heritage asset. Due to the demolition of the building and its total loss this is categorized as being of substantial harm. As such the proposal conflicts with paragraphs 201 and 203 of Section 16 of the Framework.

The scheme would fail to comply with local plan policies Policy BE1 of the Hednesford Neighbourhood as the building is identified as for inclusion in the District Council's Local List. Plan and states There will be a presumption that the buildings listed in appendix 4 will be retained

Internal Consultations

CIL Officer

The proposed development would be CIL liable.

EnvironmentalHealth

No objection subject to conditions

Planning Policy

No objection

Parks & Open Spaces

Objection

- o Land ownership query re Plot 6 and Certificate A.
- o Tree report insufficient and incomplete information as noted.
- o Fully detailed landscape scheme required inc both hard and soft landscaping.
- o Requirement for documents not supplied, such as planting being retained, proposed planting plans, detailed design for gardens & access for parking.

Response to Publicity

The application has been advertised by site notice and neighbour letter. 6 letters of representation have been received. The comments are summarised below:-

- Occupiers within Bromely Close, have no current light or noise pollution
- Wildlife Impact from the proposal as there are currently no properties at the rear of Bromley Close and occupiers enjoy the wildlife and greenery
- The layout in the site plan shows a foul drain feed into current drain from 52 Bromley Close, where the main sewage will feed into? Any soakaway at the rear of proposed plot 6 could affect my property with possible flooding and or subsidence
- Value / re-sale would be impacted for existing properties
- Shame if the historical building is demolished to make way for a few bungalows
- Birds and bats on the site
- Potential overlooking and loss of light / privacy from the development as its on higher ground than some of the surrounding properties
- Already existing parking issues within the wider area. The internal layout would introduce vehicle movements within close proximity to neighbouring properties
- Dust and dirt that will be generated
- Asbestos present within the church
- Where will boiler plumes discharge
- Potential lighting of the access and private road may impact on neighbours
- New boundary treatments being 1.8m high would be higher than the existing and would impact on neighbours.
- Existing neighbours would be impacted if new dwelling owners construct sheds / extensions / outbuildings.
- Proposals are an invasion on personal space for existing residents,
- The applicant does not have permission to access No.52 Bromley Close to use the foul drain.
- Plans show new mains service that travels from the rear of proposed plot 3 into the rear garden area of 52 Bromley Close crossing the access to 54 Bromley close ; What is the new mains service ? as its not indicated on the drawing to what type of service it is , it seem to vanish under paving slabs of plot 3
- The soundness of the building its viability for other uses
- The building is of value to the local community

Relevant Planning History

CH/12/0268	Two storey side and rear extension, and a single storey rear extension	Full - Approval with Conditions	10/16/2012
CH/88/096 03/23/1988	Proposed refurbishment of existing toilets	Full - Approval	
CH/91/0123 04/17/1991	Residential development (outline)	Outline-Approval With Conditions	

1 Site and Surroundings

- 1.1 The application site relates to a former church building and associated land sited in High Mount Street, Hednesford.
- 1.2 The application site was constructed in 1888 and comprises of a red brick building which sits behind a short overgrown frontage onto High Mount Street.
- 1.3 St Saviours Church is identified as a non-designated heritage asset and locally listed within the Hednesford Neighbourhood Plan. The building has been extended at the side and rear with somewhat unsympathetic two storey and single storey flat roofed extensions.
- 1.4 The application site benefits from a frontage of approx.. 19m which includes an existing access to the side of the building which provides access to the rear. A further 5m across the front of No.76 is also included in the application to provide for the visibility splay.
- 1.5 The site has a depth of 52 which extends back from the edge of the highway to the boundary with No. 52 Bromley Close. The site also extends back behind No. 76 for approx. 47m and incorporates land to the rear of 52 – 56 Bromley Close. The land is currently hard & soft landscaped which is overgrown.
- 1.6 The site slopes from High Mount Street to the south-eastern boundary where it joins the rear gardens on Bromley Close, a fall of approx.. 5m. Most of the site is enclosed with timber fencing.

- 1.7 The site also includes part of the rear garden of the existing dwelling 76 High Mount Street and a separate area of land to the rear of this property, both of which are within the ownership of the applicant.
- 1.8 The wider street scene is residential and contains a mix of two storey terraced houses dating from the late 19th/early 20th century, together with more recent infill development. The dwellings are mostly 2 storey houses however there are a number of bungalows within the area, including an infill site located to the south west of the application site, know as 'High Meadows Close'.
- 1.9 The site does not fall within any formal landscape designations or include any Tree Preservation Orders (TPO) but is within the forest of Mercia Community Forest boundary. The site is also located within a mineral safeguarding area and a Coal Authority designated low risk area.

2 Proposal

- 2.1 The applicant is seeking consent for the demolition of existing building and erection of 6 bungalows.
- 2.2 The proposed dwellings comprise of two detached two bedroomed bungalows which would front High Mount Street in place of the existing building. A further three detached two bedroomed bungalows and one detached three bedroomed bungalow would be provided to the rear of the site.
- 2.3 The proposed bungalows would have footprints of between approx.. 52m² and 64m² and would be constructed to between 4.5m and 5m in height (2.4m to the eaves). The proposed bungalows would be constructed from facing brickwork and tile. The private amenity areas would be denoted by close board fencing and would comprise of approx.. 43m² and 63m².
- 2.4 The access to the site would be in place of the existing access which would be widened to 5m and would run along the side of 76 High Mount Street. The access would narrow to 4.2 metres with a turning head at its eastern end providing access to 8 parking spaces.

- 2.5 The garden area to No.76 has been reduced in order to accommodate part of the wider site. The retained rear garden to this dwelling would measure 65m² and two parking spaces accessed from the private drive, would be provided to serve this existing dwelling.

3 Planning Policy

- 3.1 Section 38 of the Planning and Compulsory Purchase Act 2004 requires planning applications to be determined in accordance with the provisions of the Development Plan, unless material considerations indicate otherwise.
- 3.2 The Development Plan currently comprises the Cannock Chase Local Plan Part 1 (2014), the Hednesford Neighbourhood (2017 – 2028) and the Minerals Local Plan for Staffordshire (2015 – 2030).
- 3.3 Relevant policies within the Local Plan include: -
- CP1 - Strategy – the Strategic Approach
 - CP3 - Chase Shaping – Design
 - CP6 – Housing Land
 - CP7 – Housing Choice
 - CP10 – Sustainable Transport
 - CP12 – Biodiversity and Geodiversity
 - CP14 – Landscape Character and Cannock Chase Area of Outstanding Natural Beauty
 - CP15 – Historic Environment
- 3.4 Relevant Policies within the Minerals Plan Include:
- Policy 3: - Safeguarding Minerals of Local and National Importance and Important Infrastructure

3.5 Relevant policies within the Hednesford Neighbourhood Plan include: -

Policy BE1 – There will be a presumption that the buildings listed in

appendix 4 will be retained. When the original use of a building becomes redundant or unviable, a flexible approach will be taken to supporting changes of use, provided that the uses are compatible with the immediate surroundings and secure long term life of the building.

Policy H1 – The building of bungalows will be supported where it is viable

either as a component of the dwelling types or, on appropriate small developments as the whole development.

3.6 Relevant paragraphs within the NPPF include paragraphs: -

8:	Three dimensions of Sustainable Development
11-14:	The Presumption in favour of Sustainable Development
47-50:	Determining Applications
64:	Affordable housing not required for non major applications
111:	Highway Safety and Capacity
126, 130, 132, 134:	Achieving Well-Designed Places
174, 180:	Biodiversity
194 – 208:	Proposals Affecting Heritage Assets
218, 219	Implementation

3.9 Other relevant documents include: -

(i) Design Supplementary Planning Document, April 2016.

- (ii) Cannock Chase Local Development Framework Parking Standards, Travel Plans and Developer Contributions for Sustainable Transport.
- (iii) Manual for Streets
- (iv) National Planning Policy Guidance (NPPG)

4 Determining Issues

4.1 The determining issues for the proposed development include: -

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

4.2 Principle of the Development

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

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

'For decision taking this means:

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

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

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

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

4.2.5 With that in mind it is noted that the application site is not designated as Green Belt, AONB or as a SSSI or SAC; nor is it located with flood zones 2 or 3, with the exception that it does affect a locally listed heritage asset. This issue is assessed in the next section of this report.

4.2.6 The site is within a residential location in Hednesford and therefore is close to the schools and served by bus routes giving access by public transport. As such the

site has good access by public transport, walking and cycling to a range of goods and services to serve the day to day needs of the occupiers of the proposed development. The site is not designated as a statutory or non- statutory site for nature conservation.

4.2.7 Given the above, the proposal is compatible with the surrounding land uses and is considered acceptable in principle subject to the proposal being acceptable in respect to its impact on the non-designated heritage asset. The proposal is also still required to meet the provisions within the development plan in respect to matters of detail.

4.3 Impact to the Locally Listed heritage Asset

4.3.1 The application site is not nationally listed however it is listed within the Hednesford Neighbourhood Plan under Policy BE1. A locally listed building is of architectural or historic interest which makes a valuable contribution to the character of an area, but does not qualify for inclusion on the statutory list.

4.3.2 Policy BE1 identifies that there will be a presumption that the buildings listed in appendix 4 will be retained. Where the original use of a building becomes redundant or unviable, a flexible approach will be taken to supporting changes of use, provided that uses are compatible with the immediate surroundings and secure the long term life of the building.

4.3.3 Further guidance within Paragraph 203 of the NPPF identifies that the effect on the significance of a non-designated heritage asset should be taken into account when determining an application. This includes applications that directly or indirectly affect non-designated heritage assets. A balanced judgement must be reached with regard to the scale of any harm or loss caused and the significance of the heritage asset.

4.3.4 In this instance, St Saviours Church, comprises of a red brick church of traditional construction which is prominent in the street scene. The simple rectangular plan form, use of local red brick and clay tile roof covering contribute to the surviving historic and architectural interest of this vernacular building.

4.3.5 Architectural details include a large oculus window to the principal elevation, entrance porch with decorative brick arch, two pinnacles and bell tower to front façade and to the side and rear of the building are projecting brick columns separating the large arched windows. The building has been extended at the side

and rear with somewhat unsympathetic two storey and single storey flat roofed extensions. The rest of the land to the rear of the church is largely overgrown.

- 4.3.6 The application form identifies that the property has been vacant since 2017 and has been redundant in its use as a church. However, the demolition of the extant building would be contrary to the provisions of Policy BE1 of the Hednesford Neighbourhood Plan.
- 4.3.7 In this respect, the Conservation Officer states that the demolition of the heritage asset is of significant concern due to the high-quality architectural design of the building and its historic interest. Notwithstanding this, the building is a non-designated heritage asset and therefore in accordance with Paragraph 203 of the NPPF a balanced judgement must be reached with regard to the scale of any harm or loss caused and the significance of the heritage asset.
- 4.3.8 The Conservation Officer also references Policy BE2 of the Hednesford Neighbourhood Plan stating that the building makes a positive contribution to the character and appearance of the street scene and is noted within the neighborhood plan as *“an area of special local character”* forming part of Greenheath Road, Station Road and High Mount Street. However your officers confirm that this is designation is located approx.. 300m from St Saviours Church and focusses on Greenheath Road, West Hill Avenue and includes the south-western end of High Mount Street (West Hill Primary School) only. The Conservation Officer did opine however that where infill bungalows have been allowed these are minimal interventions.
- 4.3.9 The Conservation Officer raised concern regarding the loss of the building stating that the building while in need of attention is capable of conversion as noted with ASC design Limited report. The ASC report was carried out on behalf of the Planning Authority and whilst it did state that the building was capable of conversion, it also continued that the author was unable to comment on the costs of such a conversion.
- 4.3.10 In this respect the applicant has submitted a viability assessment with which to demonstrate that the conversion of the existing building into four apartments and the construction of land to the rear for two further dwellings would be economically unviable. In this respect the comments of the neighbours are noted in terms of the viability of the building and other uses. Following this, Your

Officers commissioned Andrew Golland to provide an independent assessment of the proposed development.

4.3.11 Andrew Golland concluded that:-

“The Existing Use Value of the site relates to the value of the existing building and land. The land and building is best described as ‘community’. As such, it has little value, either on a comparative or investment basis. It may be possible to rent the church out for various community events but I can’t see that this would really be a commercial operation or exercise; and hence the land and buildings have little existing use value. The appraise shows a residual value of minus £137,000.”

4.3.12 Given the above, It has been demonstrated that the conversion of the existing building would be economically unviable. This gives no incentive to bring forward the site for the retention of the existing building and its conversion into residential apartments.

4.3.13 It is noted that whilst the application site is listed within the Hednesford Neighbourhood Plan for retention, Hednesford Town Council have not objected to the demolition of the building.

4.3.14 Further, Hednesford Neighbourhood Plan Policy H1 identifies that the building of bungalows would be supported where it is viable either as a component of the dwelling types or, on appropriate small developments as a whole. The application site would re-use a sustainably located brownfield site and the provision of bungalows would add to the Councils Housing stock.

4.3.15 Given the above, whilst it is regrettable that a locally listed building would be lost, it has been demonstrated that its retention would be economically unviable and, the re-use of a brownfield site, within a sustainable urban location would add to the Councils housing stock and is not being objected to by the Town Council. It is therefore concluded that, on balance, the proposed development is acceptable in this respect.

4.4 Design and Impact on the character and appearance of the area

- 4.4.1 In this respect, it is noted that character assessment as per the Design SPD states that Hednesford is a small town at the foot of Hednesford Hills which is largely 20th century in character but with remnants of former industry / Victorian properties.
- 4.4.2 The street scene is characterized by two storey residential dwellings in the form of semi-detached and terraced dwellings. These are constructed in brick or have been rendered and many have low brick boundary walls or hedging to provide enclosure to the back of pavement. Many dwellings are built directly onto the back of pavement, and some boundary treatments have been removed to provide car parking. In-fill development is characteristic of High Mount Street and the wider location.
- 4.4.3 The layout plan demonstrates how the proposed dwellings would be accommodated within the site. The application proposal would construct two single storey dwellings set behind short frontages onto High Mount Street. These dwellings would be constructed in place of the existing building and whilst further forward within the site, would be of a reduced depth and height. The private gardens would be to the rear. The existing access into the site would be used for access to the four dwellings proposed to the rear. The four dwellings would be single storey with private amenity space to the rear or side. There would be two parking areas to the rear within the curtilage of the application site.
- 4.4.4 The street scene is already well varied in terms of designs, materials and periods of construction and in fill development is a characteristic of the wider location including High Meadows Close, Windsor Court and Mavis Road which are all examples similar development sites to the proposal comprising of between 3 and 5 bungalows accessed via a short private drive. As such, the proposed bungalows would reflect the design and appearance of the this location.
- 4.4.5 With the exception of the overgrown frontage there is little significant tree planting within the site. The applicant has however, provided a tree survey with which to inform the application for the few trees on and around the rear of the site. The tree report concluded that the tree stock in general is of low quality. The area behind both the church building and the house have not been managed for some time and consequently the area has become overgrown with invasive vegetation. The report concludes that the proposal can be achieved with no tree removal.

- 4.4.6 The comments of the Councils Landscape Officer are noted and details for a landscaping scheme to include an Arboricultural method Statement has been recommended.
- 4.4.7 Paragraph 131 of the NPPF stresses the importance trees make to the character and quality of urban environments and that opportunities are taken to incorporate trees into new development. In this instance, there is very little scope for any tree planting to be provided. It is noted that a hedgerow would be planted along part of the shared boundary with No. 83 and that there would be scope within the rear gardens of the individual plots for some further planting. In this respect, the comments of The Councils Landscape Officer are noted with regard to requiring details for the private rear gardens. However your Officers do not considered it reasonable to control what future occupiers of the plots plant within their private gardens.
- 4.4.8 In respect to the comments from the Councils Landscape Officer in terms of land ownership, the applicant has provided evidence within the submission that they have ownership of the site in its entirety.
- 4.4.9 Therefore, having had regard to Policy CP3 of the Local Plan and the above mentioned paragraphs of the NPPF it is considered that the proposal would be well-related to existing buildings and their surroundings, successfully integrate with existing features of amenity value, maintain a strong sense of place and visually attractive such that it would be acceptable in respect to its impact on the character and form of the area.

4.5 Impact on Residential Amenity

- 4.5.1 In this respect the nearest residential properties to the proposal are located to the immediate north, east and west of the site. The comments from the objectors are noted in relation to the potential for overlooking, impact on daylight and outlook and overbearing.
- 4.5.2 In respect to the property to the immediate north of the site, this is a two storey dwellings and the proposed dwellings (plots 1 & 2) would be sited adjacent the side of this property, separated by approx.. 3m. It is noted that there are windows in the side elevation of No.82, at ground floor level. It is understood that these windows comprise a secondary window to a lounge and a secondary window to a kitchen. The side facing windows are currently impeded by the position of the two

storey church building. Whilst the existing building is sited 6m from the side of this dwelling it is considered that the proposal for single storey dwellings constructed to a lower height and of a shorter depth than the existing building would improve the daylight and outlook from these windows for the adjacent occupiers.

- 4.5.3 The dwellings proposed to the rear of the site would be single storey and would be on lower ground than that of No.82. No. 82 has its parking and turning area to the immediate rear and the private rear garden adjacent this. The proposed parking area would be sited adjacent to the outdoor amenity of No.82 however the proposal incorporates a brick wall with planting in this location which would provide a screen for the proposed parking area. The proposed single storey dwelling (plot 4) would be constructed adjacent the parking area and would remain approx.21m. from the main dwelling of No.82. Notwithstanding, the single storey design of the dwelling and the intervening boundary treatments would ensure the existing occupiers are adequately screened.
- 4.5.4 With regard to the dwellings to the rear, Nos 52 to 56 Bromley Close would have a dwelling (plot 6) located adjacent their rear boundaries. Proposed plot 6 would be single storey and would be constructed 0.8m from the shared boundaries. The proposed dwelling would remain 14.4m from the rear elevation of No. 52. It is noted that Nos.54 and 56 benefit from a single storey rear extensions however the proposed dwelling would still remain over 12m from the rear elevation of these extensions. The Design SPD states that where a side elevation faces a rear elevation the distance retained should be no less than 10.7m for single storey structures in order to avoid any overbearing impact. As such, the proposed dwelling exceeds the required separation distance for space about dwellings.
- 4.5.4 Proposed plots 3 and 4 would be sited within the wider site and would be orientated with the rear elevations facing towards the side boundary of No.52 Bromley Close. The proposed dwellings would be separated from this neighbour by the rear gardens, a distance of 8.6m to the shared boundary, 9.6m to the side elevation of the two storey dwelling. This separation distance would represent a shortfall in the spatial separation distance set out within the Design SPD for 10.7m, which is to avoid any overbearing on existing properties. In this instance, it is noted that the proposed dwellings are single storey and the intervening boundary treatments would adequately screen the amenity space of No.52. It is also noted that the proposed dwellings would comply with the Councils Daylight Outlook Standard in respect to openings within the principal elevations of No.52. As such,

the proposed development would not be significantly overbearing on the occupiers of No. 52 Bromley Close.

- 4.5.5 In order to further protect the amenity of the adjacent occupier, a condition has been recommended for the permitted development rights to be removed from the new dwellings so they cannot extend without first seeking planning permission and a further condition recommended for the finished floor levels to be provided. Both recommended conditions would seek to protect the amenity of the adjacent occupiers.
- 4.5.6 An objector had noted that the proposed fencing at 1.8m would be higher than the existing situation and this could have a detrimental impact to the occupiers of adjoining dwellings. Your Officers confirm that the 1.8m high boundary treatments are typical of domestic boundary treatments and this could currently be changed to 2m without planning permission as this is the height permissible under Schedule 2, Part 2, Class A of the General Permitted Development Order (GPDO).
- 4.5.7 An objector has stated that houses within Bromley Close currently have no noise pollution. Your Officers confirm that the application is for residential dwellings and as such any noise generated from this use would be compatible with the surrounding development which comprises of residential properties.
- 4.5.8 Given the above, and subject to the recommended conditions, it is considered that the proposal would, on balance, not cause any significant detrimental impact upon amenity to the occupiers of the neighbouring units. The proposal is therefore considered acceptable in accordance with Local Plan Policy CP3 and the NPPF.

4.6 Highway Implications

- 4.6.1 Paragraph 111 of NPPF states that development should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe. The objections from neighbours are noted in respect of existing parking issues.
- 4.6.2 There is an existing access into the site from High Mount Street which would be retained and used. This access is located immediately between the Church building and the side elevation with No.76 High Mount Street. The access would

be increased in width to 5m at its widest to allow for vehicles to pass. The access would extend into the site giving access to two parking areas and a turning head. There would be parking provided for 14 vehicles which would be allocated to the individual dwellings.

4.6.3 Staffordshire County Highway Authority was consulted on the application and raised no objections to the proposal in terms of highway safety, subject to the recommended conditions and the requirement to widen the existing dropped kerb.

4.6.4 The parking provision complies with the Councils Parking Standard SPD based on the scale of the dwellings proposed.

4.6.5 Given the above, it is concluded that, subject to the attached conditions the proposal would not lead to unacceptable impacts on highway safety and that the residual cumulative impacts on the road network would not be severe. As such the proposal would accord with the broad thrust of Policy CP10 of the Local Plan and Paragraph 111 of NPPF.

4.7 Impact on Nature Conservation Interests

4.7.1 The comments of the neighbours are noted in terms of impact on wildlife however, the application site is not subject to any formal or informal nature conservation designation and is not known to support any species that are given special protection or which are of particular conservation interest. Furthermore, no substantial evidence has been presented to demonstrate that any such species or habitat exists on the site.

4.7.2 Notwithstanding this, the applicant has submitted a bat and bird survey with which to inform the application. This found that there was no evidence of bats using the building as a place of shelter and the emergence surveys have shown no bats emerging from the building. As such, the demolition of the building will not affect a place of shelter for bats. The demolition of the building will not affect nesting birds.

4.7.3 Given the above, the site has no significant ecological value and therefore the proposal would not result in any direct harm to nature conservation interests.

- 4.7.4 In order to enhance the nature conservation opportunities for the site, a condition requiring the bat boxes be included in the construction of the dwellings as per the recommendations in the applicants Bat Survey.
- 4.7.5 Under Policy CP13 development will not be permitted where it would be likely to lead directly or indirectly to an adverse effect upon the integrity of the European Site network and the effects cannot be mitigated. Furthermore, in order to retain the integrity of the Cannock Chase Special Area of Conservation (SAC) all development within Cannock Chase District that leads to a net increase in dwellings will be required to mitigate adverse impacts. The proposal would lead to a net increase in dwellings and therefore is required to mitigate its adverse impact on the SAC. Such mitigation would be in the form of a contribution towards the cost of works on the SAC and this is provided through CIL.
- 4.7.6 Given the above it is considered that the proposal, would not have a significant adverse impact on nature conservation interests either on, or off, the site. With the recommendation to include a bat box, the proposal would provide opportunities to enhance nature conservation. In this respect the proposal would not be contrary to Policies CP3, CP12 and CP13 of the Local Plan and the NPPF.

4.8 Drainage and Flood Risk

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

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

- 4.8.2 In this respect it is noted that the building and surrounding hardstanding already exist and is serviced by drainage. The proposal would not increase the area of buildings or hard standing occupying the site to such an extent that would generate significant additional run-off from the site.

4.8.3 Severn Trent was consulted on the application and raised no objection in terms of drainage or flooding issues. As such it is concluded that the proposal would be acceptable from a flood risk and drainage perspective.

4.9 Mineral Safeguarding

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

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

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

4.10 Ground Conditions and Contamination

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

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

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

4.11 Affordable Housing

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

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

4.12 Objections received not already covered above: -

4.12.1 An objector has raised concern regarding the potential for dust and dirt that will be generated. Your Officers confirm that a condition has been recommended for a Construction method Statement to be provided to the Local Planning Authority which will seek to control emission of dust and dirt during construction.

4.12.2 An objector has raised concerns regarding potential asbestos present within the church. Your Officers confirm that asbestos wasn't detected in either of the structural assessments carried out at the building.

4.12.3 An objector has queried where boiler plumes will be discharged. Your Officers confirm that this is not a material consideration of the determination of the application and would be control under the specific boiler flue regulations

4.12.4 An objector has raised concern regarding potential lighting of the access and private road and its impact on existing residents. Your Officers confirm that no lighting is identified on the submitted plans. A condition has however, been recommended for details of any future lighting scheme to be submitted for prior approval.

4.12.5 An objector has stated that the applicant does not have permission to access No.52 Bromley Close to use the foul drain. Your Officers confirm that the grant of planning permission does not grant permission for the applicant to access third party land. The applicant would need to seek further permission from the land owner to carry out any works separately.

4.12.6 An objector has queried a line marked on the Proposed Site Plan which he states seems to show new mains service that travels from the rear of proposed plot 3 into the rear garden area of 52 Bromley Close crossing the access to 54 Bromley close ; 1) What is the new mains service and 2) it seem to vanish under

paving slabs of plot 3. With regard to the first query, your Officers confirm that the line indicates the foul drains and manholes. With regard to the second part of the query, your Officers confirm that the line shown on the plan leading from No. 52 Bromley Close to the rear garden of proposed plot 3 denotes the 45° line.

4.12.7 An objector has stated that the proposal would impact upon property values. Your Officers confirm that this is not a material consideration for the determination of the planning application.

5 Human Rights Act 1998 and Equality Act 2010

Human Rights Act 1998 and Equality Act 2010

Human Rights Act 1998

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

Equality Act 2010

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

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

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

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

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

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

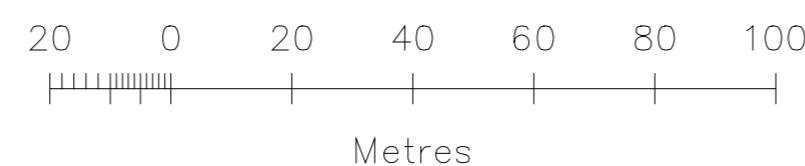
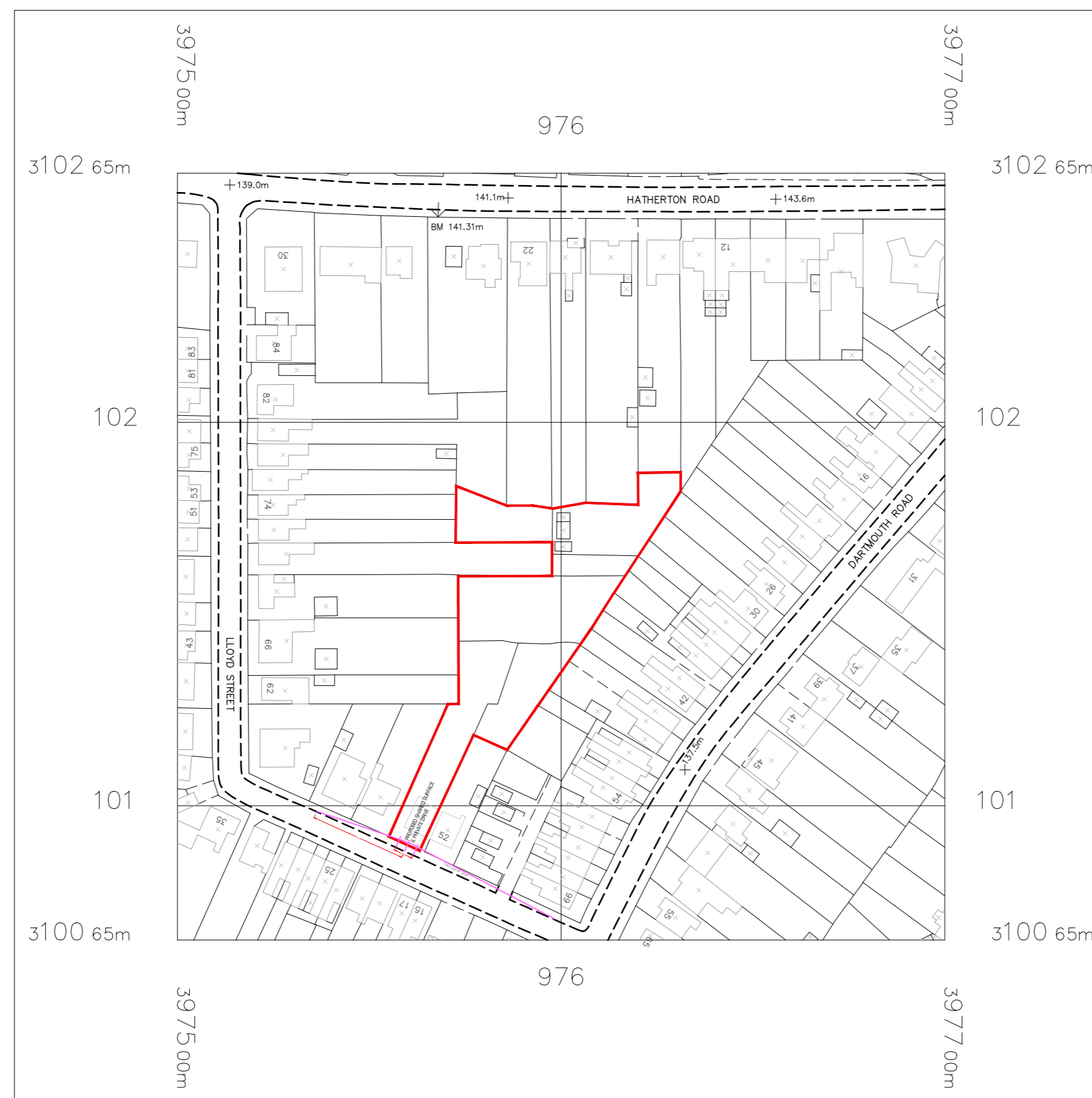
Such consideration has been balanced along with other material planning considerations and it is considered that the proposal is acceptable in respect to the requirements of the Act. Having had regard to the particulars of this case officers consider that the proposal would not conflict with the aim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

6 Conclusion

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

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

NOTES: DO NOT SCALE FROM THE DRAWING - ONLY USE FIGURED DIMENSIONS
 ALL DRAWINGS TO BE READ IN CONJUNCTION WITH SPECIFICATION(S)
 WHEREVER POSSIBLE USE SITE DIMENSIONS PRIOR TO FABRICATION
 REFER ANY DISCREPANCIES FOUND TO THE ARCHITECT
 WHETHER SPECIFICALLY STATED OR NOT ALL WORKS ARE TO COMPLY WITH:
 i) THE BUILDING REGULATIONS
 ii) THE REQUIREMENTS OF THE NHBC
 iii) THE CLIENTS BRIEF WHERE RELEVANT



REV	Amendment	Date	Drn	Chk

Revisions:



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Client:



Site:
Proposed Development at Lloyd Street, Cannock

Title:
Location Plan

Scale:
1:1250 @ A2

Drw No.:
Lloyd Street/Location Plan

DWG File Ref:
 DRAWN:MLR

Date:
06/09/21

Rev:
 -

Written dimensions to be taken only. Do not scale from drawing.
 Minor inaccuracies may occur due to printing processes.

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REV B	RED EDGE CLARIFIED ON NORTHERN BOUNDARY	25-08-22		
REV A	VISIBILITY UPDATED	11-08-22		
Rev	Amendment	Date	Drn	Chk

Revisions:



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Client:



Site:
Proposed Development at Lloyd Street, Cannock

Title:
Block Plan

Scale:
1:500 @ A2

Scale:
 Date: **06/09/21**

Drg No.:
Lloyd Street/Block Plan/01

DWG File Ref:
 DRAWN:MLR

Rev:
B

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 Minor inaccuracies may occur due to printing processes.



Contact Officer:	Claire Faulkner
Telephone No:	01543 464337

<p>Planning Control Committee</p> <p>28th September 2022</p>

Application No:	CH/22/0237
Received:	04-Jul-2022
Location:	54 Lloyd Street, Cannock, Staffordshire WS11 1HE
Parish:	Non Parish
Ward:	Cannock West
Description:	Outline application - access only - for the residential development of land to the rear of 54 Lloyd Street (including demolition of No.54)
Application Type:	Outline 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)

1. This permission relates to the following plans:

Location plan

Lloyd Street / Block Plan / 01 B

Ecological Appraisal Ref.Floyd0822_PEA dated August 2022

Transport Assessment prepared by Capricorn Transport Planning dated Feb 2022.

Reason

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

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

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

Reason

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

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

Reason

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

4. In the case of any reserved matters application for approval, the development shall be for no more than 5 dwellings.

Reason

To safeguard the amenities of adjoining residents and to be compatible in character with adjoining development and to ensure compliance with Local Plan Policies CP3 - Chase Shaping Design.

5. The design of the dwelling shall be single storey with all accommodation at ground floor level.

Reason

To safeguard the amenities of adjoining residents and to be compatible in character with adjoining development and to ensure compliance with Local Plan Policies CP3 - Chase Shaping Design.

6. The development hereby permitted should not commence until drainage plans for the disposal of foul and surface water flows have been submitted to and approved by the Local Planning Authority.

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

Reason:

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

7. The development hereby permitted shall not be brought into use until the access has been provided in a bound and porous material in accordance with 'Site Access – Visibility Splays' Drawing No. DR001 Revision A and shall thereafter be retained for the lifetime of the development.

Reason

In the interests of highway safety and to ensure compliance with the NPPF and the Staffordshire County Council Residential Design Guide.

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

Reason

In the interests of highway safety and to ensure compliance with the NPPF and the Staffordshire County Council Residential Design Guide.

9. Prior to the vehicular access crossing being widened the telegraph pole shall be repositioned clear of the visibility splay.

Reason

In the interests of highway safety and to ensure compliance with the NPPF and the Staffordshire County Council Residential Design Guide.

10. No development shall take place including any works of demolition, until a Highways 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
- Wheel wash facilities

Reason

In the interests of highway safety and to ensure compliance with the NPPF and the Staffordshire County Council Residential Design Guide.

11. Notwithstanding the proposed use of a private bin collection company, details for a bin store to the rear of the highway shall be submitted to and approved in writing prior to the commencement of the development hereby approved.

The approved binstore shall thereafter be provided for and retained for those purposes for the lifetime of the development.

Reason

This is to ensure that the development is provided with a satisfactory means of refuse storage and collection.

Notes to the Developer:

1 Environmental Health

The demolition of the existing building should be undertaken under the usual controlled provisions afforded by The Building Act 1984 with the appropriate specialist attention being paid should the construction of same incorporate any asbestos containing materials.

2. Coal Authority

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

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

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

3. Highway Authority

The applicant shall approach British Telecom for a quotation to undertake the repositioning replacement of the telegraph pole. The whole cost is to be borne by the applicant/ developer.

Please note the works will require the widening of the current vehicular access crossing which needs a Section 184 Notice of Approval from Staffordshire County Council. The link below provides a further link to 'vehicle dropped crossings' which includes a 'vehicle dropped crossing information pack' and an application form for a dropped crossing. Please complete and send to the address indicated on the application form which is Staffordshire County Council at Network Management Unit, Staffordshire Place 1, Wedgwood Building, Tipping Street, STAFFORD, Staffordshire, ST16 2DH. (or email to nmu@staffordshire.gov.uk)

<https://www.staffordshire.gov.uk/Highways/licences/Vehicleaccess/VehicleAccessCrossings.aspx>

4. Severn Trent

Severn Trent Water advise that there is a public 150mm combined sewer located within this site. Public sewers have statutory protection and may not be built close to, directly over or be diverted without consent. You are advised to contact Severn Trent Water to discuss the proposals. Severn Trent will seek to assist in obtaining a solution which protects both the public sewer and the building. Please note, when submitting a Building Regulations application, the building control officer is required to check the sewer maps supplied by Severn Trent and advise them of any proposals located over or within 3 meters of a public sewer. Under the provisions of Building Regulations 2000 Part H4, Severn Trent can direct the building control officer to refuse building regulations approval.

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

5. Fire Safety Officer

The applicant is requested to familiarise themselves with the comments from the Fire Safety Officer.

Consultations and Publicity

External Consultations

Fire Safety

No objection subject to informative

Natural England

No objection subject to appropriate mitigation

Severn Trent Water Ltd

No objection subject to condition and informative

Internal Consultations

Landscape Officer

No objection to the principle of residential development.

Environmental Health

No objection subject to informative.

Response to Publicity

The application has been advertised by site notice and neighbour letter. 29 letters of representation have been received. The representations are summarised below:-

- Adequacy of parking/loading/turning - Lloyd Street already has a parking problem. The street is narrow. Lloyd Street has a lot of on street parking due to terrace houses and second vehicles in the household, where residents park on the curb either side to allow a single flow through.
- Bin collections are tricky for the drivers to get through already without added material deliveries and disruption the development would bring.
- The left turning into Lloyd Street from Dartmouth Road is precarious. As there is parking all along Lloyd Street outside of houses.
- I understand a traffic speed survey was done in January. This is a small portion of traffic at a quiet time.
- Concerned about the amount of noise the access road will create.
- The angle to turn right into the new proposed access will be a sharp left turn which is just after a bend. The bend already causes hazardous driving conditions negotiating vehicles parked on the roads and kerbs.
- Cannock is becoming increasingly busy at peak times with queuing traffic on Dartmouth and Hatherton Road leading to Cannock Town. This creates more traffic cutting through Lloyd Street and problems turning on to Dartmouth. I believe that the proposed development will cause additional problems to the current ones.
- The CCDC Environmental officers report states that any development would need to show an increase in biodiversity/habitat value above the existing level. It is difficult to see how this would be achieved. How will this wildlife be protected.
- There are numerous mature trees on the boundary of the proposed development. I believe therefore it would be impossible for the development to have a positive effect.
- The proposed development could be an eyesore for existing occupiers.

- We should be protecting areas of green space for mental health reasons.
- The applicants Transport Statement includes the findings of a traffic flow study. However, our initial comments are that this study was conducted at a time of exceptionally high cases of Covid-19. Therefore, at the time of the study there were exceptionally high numbers of pupils absent from the local schools and people working from home. Consequently, we do not believe that this Transport Statement can be considered to reflect the “usual” traffic flows that the residents of Lloyd Street experience and consequently should be re-done.
- Loss of privacy to existing residents

Relevant Planning History

CH/21/0439 Residential Development - Outline application for access only. Refused for the following reason:-

Notwithstanding the detail provided on the submitted plans, the application has not adequately demonstrated suitable visibility splays from the access onto Lloyd Street in accordance with current National Guidance (Manual for Streets).

The application has provided no information with which to inform the application in terms of the quantum of the proposed development and therefore it has not been possible for the Local Planning Authority to make an appropriate and full assessment of the highway impacts.

As such, the proposal is contrary to the objectives and policies contained within paragraph 111 of the National Planning Policy Framework and Policy CP10 of the Cannock Chase Local Plan.

Although the dwellings would make a very modest contribution to the housing supply and the local economy these factors would be clearly outweighed by the harm to highway safety.

1 Site and Surroundings

- 1.1 The application site comprises of an area of land to the rear of dwellings within Hatherton Road, Dartmouth Road and Lloyd Street.
- 1.2 The site is of an irregular triangular shape and covers an area of approx. 2425m². The site is bound by the boundary treatments of the surrounding properties. There are trees and shrubs within and around the site however none of these are protected.
- 1.3 The application site is accessed via 54 Lloyd Street.
- 1.4 The site is in part unallocated and undesignated in the Cannock Chase Local Plan (Part 1). The application site is also located within a Low Risk Development Boundary as defined by the Coal Authority and a Mineral Safeguarding Area.

2 Proposal

- 2.1 The applicant is seeking outline consent with some matters reserved.
- 2.2 Access from Lloyd Street has been included within the application. No. 54 itself would be demolished to make way for the proposed entrance.
- 2.3 All other matters are reserved however, the applicant has stated that the proposed development would be for no more than 5 single storey dwellings.
- 2.4 The applicant has provided a Traffic Assessment with which to inform the application.

3 Planning Policy

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

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

3.3 Relevant policies within the Local Plan include: -

- CP1 - Strategy – the Strategic Approach
- CP2 – Developer Contributions
- CP3 - Chase Shaping – Design
- CP6 – Housing Land
- CP7 – Housing Choice
- CP10 - Sustainable Travel
- CP12 – Biodiversity and Geodiversity
- CP13 – Cannock Chase SAC
- CP16 – Climate Change

3.4 Relevant Policies within the Minerals Plan Include:

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

3.5 Relevant Policies within the NPPF include:-

- 8: Three dimensions of Sustainable Development
- 11-14: The Presumption in favour of Sustainable Development
- 47-50: Determining Applications
- 64: Affordable housing not required for non major applications
- 111: Highway Safety and Capacity
- 126, 130, 132, 134: Achieving Well-Designed Places
- 174, 180: Biodiversity
- 183-185 Ground Conditions and Pollution
- 218, 219 Implementation

3.6 Other relevant documents include: -

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

4 Determining Issues

4.1 The determining issues for the proposed development include: -

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

4.2 Principle of the Development

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

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

'For decision taking this means:

- c) approving development proposals that accord with an up to date development plan without delay.

- d) where there are no relevant development plan policies, or the policies which are most important for determining the application are out of date, granting permission unless
 - (i) policies in the Framework that protect areas or assets of particular importance (e.g. Green Belt, AONB, habitats sites) provide a clear reason for refusing the development proposed; or
 - ii) any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.’

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

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

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

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

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

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

4.2.7 In the case of residential proposals, regard will also be paid to the findings of the Strategic Housing Land Availability Assessment. Where a shortfall in the five-year housing supply is apparent then the presumption should be in favour of residential development, unless the economic evidence is strong and compelling. The SHLAA (2022) has confirmed The Council currently has a 5 year land supply.

4.2.8 In respect to the location of the site it is within a predominantly residential location within close proximity to the district centre, close to the schools and served by bus routes giving access by public transport. As such the site has good access by public transport, walking and cycling to a range of goods and services to serve the day to day needs of the occupiers of the proposed development. The site is not located within either Flood Zone 2 or 3 and it is not designated as a statutory or non- statutory site for nature conservation nor is it located within a Conservation Area (CA) nor does it affect the setting of a designated or undesignated heritage asset. Given the above the proposal would be acceptable in principle.

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

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

4.3.1 The site is within the South and West Cannock Character Area, the character of which is described in Appendix A of the Design SPD. Key Local Design Principles (amongst others) are that :-

The spacious nature of lower density areas has led to pressure for intensification of development, particularly on the larger plots with impacts

on/loss of mature trees and shading effects on new development itself. Whilst such development can have benefits by increasing the housing stock and making efficient use of land, it can also affect local character, amenity and privacy unless development is designed to be sympathetic to the main features which make these areas unique.

- 4.3.2 The application site comprises of an irregular shape set to the rear of residential dwellings. The proposed access would be gained from Lloyd Street and would extend into the site along the gardens of Nos. 52 & 56 Lloyd Street, stretching some 32m before opening up into the wider site.
- 4.3.3 The land that forms the application site appears to be fenced off from the majority of the private gardens associated with the surrounding houses. The existing character comprises of a variety of dwelling types however most benefit from long rear gardens divided by fencing and interspersed with trees and shrubs.
- 4.3.4 Whilst dwellings within this location vary in terms of their design detailing, the character of the area is derived from the uniformity of their layout providing continuity and enclosure to the surrounding streets, which provide a well defined distinction between public and private space.
- 4.3.5 There are trees within and around the site. Paragraph 131 of the NPPF stresses the importance trees make to the character and quality of urban environments and that opportunities are taken to incorporate trees into new development. Notwithstanding this, there are no protected trees within or around the site and any proposed development should seek to enhance its setting with the addition of new planting.
- 4.3.6 No indicative layout has been provided and no scale or quantum of development proposed. However, given the above, residential development within this location could create an anomaly in the established urban grain of the existing area. Notwithstanding this, it is noted that a low scale form of development may reduce the impact on the character and form in this location. However, this would need to be assessed with the submission of full plans at the Reserved Matters stage subject to the grant of outline approval.

4.4 Impact on Residential Amenity

4.4.1 In this respect the comments of the objectors are noted in terms of potential siting of dwellings, scale, overlooking and noise. It is noted that the applicant has confirmed the future development would comprise of no more than 5 single storey dwellings. No indicative plans have been submitted with which to demonstrate how residential development could be accommodated within the site.

4.4.2 Notwithstanding, a residential scheme could come forward that would have a minimal impact on the existing properties. Given the above, the proposed residential development could be located on the site without any significant adverse impact to residential amenity and would be fully assessed at Reserved Matter stage subject to approval of this outline application.

4.4.3 The potential noise generated as a consequence of the proposed development and the access would be of a residential nature and therefore be compatible with the residential uses of the surrounding properties. As such, the proposal would not result in a significant detrimental impact on the occupiers of the existing dwellings.

4.5 Impact on Highway Safety

4.5.1 Paragraph 111 of NPPF states that development should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe. The objections from the neighbouring occupiers are noted in respect of highway safety, existing parking issues and the proposed access.

4.5.2 It is noted that the previous application was refused for the following reason:-

“Notwithstanding the detail provided on the submitted plans, the application has not adequately demonstrated suitable visibility splays from the access onto Lloyd Street in accordance with current National Guidance (Manual for Streets).

The application has provided no information with which to inform the application in terms of the quantum of the proposed development and therefore it has not

been possible for the Local Planning Authority to make an appropriate and full assessment of the highway impacts.

As such, the proposal is contrary to the objectives and policies contained within paragraph 111 of the National Planning Policy Framework and Policy CP10 of the Cannock Chase Local Plan.”

4.5.3 The applicant has submitted a Transport Assessment with which to inform the application and this addresses the previous reason for refusal. The comment from an objector stating that given the assessment was carried out at a quiet time when COVID cases were high and as such should be carried out again are noted. However, The Highway Authority have assessed the Transport Statement and have found no reason to not accept its contents, or conclusions. Other comments raised in respect to the access are also noted.

4.5.3 The Transport Assessment has confirmed the following:-

- The scheme would not materially affect traffic flows on Lloyd Street or its connections with Dartmouth Road and Hatherton Road. Section 4 of the TS demonstrates that the net additional traffic generated would be negligible (a maximum of 2 vehicles per hour two-way) and cannot be regarded as having the potential for any severe residual impact on capacity or road safety under the terms of the NPPF.
- Existing traffic flows on Lloyd Street were surveyed and found to be around 300 vehicles per 24-hour day and a maximum of 50 vehicles per hour during the peak periods (all figures are two-way). The peak hour would be an average of around 1 vehicle per minute. At off-peak times, this figure would be lower. Traffic flows on Lloyd Street are therefore not significant.
- The proposed access would provide appropriate visibility to/from the bend in Lloyd Street, based on national design guidance and surveyed traffic speeds. The proposed junction is also adequately spaced from the junction with Dartmouth Road. The access layout and location has been checked by the highway authority and found to be acceptable in these respects.

- The needs of service vehicles visiting the site are to be addressed at detailed design stage. Refuse collection would be secured via private contract using vehicles of an appropriate size for the development and Lloyd Street itself.
- The proposed access would not be additional but would replace an existing access albeit with improved geometry. It is therefore not expected to result in any material displacement of parking elsewhere on Lloyd Street.

4.5.4 The Highway Authority was consulted on the application and raised no objection to the proposal. The Highway Officer stated that the Transport Assessment includes details of an independent traffic survey undertaken to determine the speed of Lloyd Street. This has established the actual speed of traffic travelling along Lloyd Street is between 20-21mph and subsequently this allows for a reduced visibility splay of 2m x 24-26m.

4.5.5 In light of the acceptance of the proposal by the Highway Authority, the application should be allowed as it has adequately demonstrated that suitable visibility splay from the access onto Lloyd Street is achievable. As such, the proposal is in accordance with Paragraph 111 of NPPF and would not result in an unacceptable impact on highway safety.

4.6 Impacts of Cannock Chase Special Area of Conservation

4.6.1 Under Policy CP13 development will not be permitted where it would be likely to lead directly or indirectly to an adverse effect upon the integrity of the European Site network and the effects cannot be mitigated. Furthermore, in order to retain the integrity of the Cannock Chase Special Area of Conservation (SAC) all development within Cannock Chase District that leads to a net increase in dwellings will be required to mitigate adverse impacts. There is a net increase in dwellings of 5 No. such that SAC mitigation contributions are required. Such contributions will be secured by CIL at the Reserved Matters Stage.

4.6.2 The comments of the neighbours in respect to the wildlife and ecological enhancements are noted. The application site is not however, 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.

4.6.3 Notwithstanding the above, the applicant has provided an Ecological Assessment of the site as prepared by Dr Bodnar. The Assessment concludes that the majority of the Construction Zone is likely to be of 'low ecological value' consisting primarily of improved grassland, although the scattered landscape trees, non native shrubs, and native hedges have moderate ecological value and should be retained as far as is compatible with the development, protected and expanded within any development of the site. The Assessment continues that the features of highest ecological value within the development site are the trees, hedges, and native scrub, though the trees are not considered of high arboricultural value, they screen the site, connect the site to the wildlife corridors through the landscape and have moderate ecological value. The Assessment confirmed that the site has moderate bat foraging potential, the gardens offer partial shelter and mixed vegetation, along with some habitat structure. However, the trees on site appear unsuitable for bat roost formation and too young to have developed features suitable for bat roosting. As such the site has no significant ecological value and therefore the proposal would not result in any direct harm to nature conservation interests.

4.6.4 In order to enhance the nature conservation opportunities for the site, any future development would need to incorporate landscaping measures designed to encourage wildlife into the site, including native planting bat boxes, bird boxes, hedgehog friendly fencing and vehicle charging points in the construction of the proposal.

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

4.7 Drainage and Flood Risk

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

4.7.2 In this respect it is noted that paragraph 159 of the NPPF states

'inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk (whether existing or future)' adding 'where development is necessary in such areas, the development should be made safe for its lifetime without increasing flood risk elsewhere'.

4.7.3 It is noted that the site is within close proximity to a main road and is within a built up area. Severn Trent was consulted on the application and raised no objection subject to the recommended condition. As such it is in close-proximity to drainage infrastructure that serves the surrounding area and is considered acceptable.

4.8 Mineral Safeguarding

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

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

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

4.9 Waste and Recycling Facilities

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

4.9.2 In this respect, the comments of the objectors are noted in respect to the development being serviced via a private company. It is noted that the access would be via a private driveway and as such a private company used.

Notwithstanding, no details have been submitted in respect to a management of the refuse. As such details for a communal bin collection point to be located within close proximity to the highway wherein bins are already collected by the Local Authority has been recommended.

4.10. Ground Conditions and Contamination

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

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

4.11 Affordable Housing

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

4.11.2 In this instance, the applicant has confirmed that the proposed development would be for no more than 5 dwellings. As such, it is considered on balance that the proposal is acceptable without a contribution towards affordable housing. The number of dwellings proposed on the site can be controlled via condition, as recommended.

4.12 Objections received not already covered above:-

4.12.1 An objector stated that green space should be protected for mental health however your officers confirm that whilst the application site provides the existing residents with pleasant views of green space, the land is private and is not an area of public open space for use by local residents.

5 Human Rights Act 1998 and Equality Act 2010

Human Rights Act 1998

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

Equality Act 2010

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

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

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

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

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

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

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

6 Conclusion

- 6.1 The proposal is an outline application to include access and all other matters reserved. The applicant has confirmed the total number of dwellings would be no more than 5 single storey dwellings.
- 6.2 Given the issues raised within the previous application have been addressed and the Highway Authority accept the access into the site as being suitable, it is concluded that the principle of residential development is acceptable in this residential location and the applicant has demonstrated that the impact to highway safety is acceptable.
- 6.3 As such, the proposed development, for the reason set out above, is acceptable and would accord with Local Plan Policy CP3, the Design SPD and the requirements of the NPPF and would not result in an adverse impact to the character of the location and to highway safety. Therefore, approval is recommended subject to conditions.