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2 January 2024

Dear Councillor,

**Planning Control Committee**

**3:00pm, Wednesday 10 January 2024**

**Council Chamber, Civic Centre, Cannock**

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

Yours sincerely,



**Tim Clegg**  
**Chief Executive**

To Councillors:

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

## Agenda

### Part 1

#### 1. Apologies

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

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

#### 3. Disclosure of Details of Lobbying of Members

#### 4. Minutes

To approve the Minutes of the meeting held on 13 December 2023 (enclosed).

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

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

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

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

#### *Planning Application*

Application Number	Location and Description	Item Number
1. CH/22/0058	<b>41 Mill Street, Cannock, WS11 0DX:</b> Demolition of existing building to create 15 apartments (1 & 2 bed), associated parking and amenity space.	6.1 - 6.24

#### 7. Exclusion of the Public

The Chair to move:

That the public be excluded from the remainder of the meeting because of the likely disclosure of exempt information as defined in Paragraph 1, 2 and 7, Part 1, Schedule 12A of the Local Government Act 1972 (as amended).

## Agenda

### Part 2

#### 8. **Enforcement Case - 23/145 (also 22/100, 22/099, 19/208)**

Not for Publication Report of the Planning Services Manager (Item 8.1 - 8.6).

The Report is confidential due to the inclusion of information:

- Relating to any individual.
- Which is likely to reveal the identity of an individual.
- Relating to any action taken or to be taken in connection with the prevention, investigation, or prosecution of crime.

#### 9. **Enforcement Case - 22/80**

Not for Publication Report of the Planning Services Manager (Item 9.1 - 9.6).

The Report is confidential due to the inclusion of information:

- Relating to any individual.
- Which is likely to reveal the identity of an individual.
- Relating to any action taken or to be taken in connection with the prevention, investigation, or prosecution of crime.

#### 10. **Enforcement Case - 22/137**

Not for Publication Report of the Planning Services Manager (Item 10.1 - 10.5).

The Report is confidential due to the inclusion of information:

- Relating to any individual.
- Which is likely to reveal the identity of an individual.
- Relating to any action taken or to be taken in connection with the prevention, investigation, or prosecution of crime.

#### 11. **Enforcement Case - 23/109**

Not for Publication Report of the Planning Services Manager (Item 11.1 - 11.6).

The Report is confidential due to the inclusion of information:

- Relating to any individual.
- Which is likely to reveal the identity of an individual.
- Relating to any action taken or to be taken in connection with the prevention, investigation, or prosecution of crime.

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

**Held on Wednesday 13 December 2023 at 3:00pm**

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

**Part 1**

**Present:** Councillors

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

Aston, J.	Pearson, A.R.
Buttery, M. (substitute)	Prestwood, F.
Fitzgerald, A.	Sutherland, M.
Jones, V.	Thornley, S.J.
Kenny, B.	Wilson, L.J.
Mawle, D.	

**54. Apologies**

Apologies for absence were received from Councillor P.T. Jones and P. Kruskonjic.

Notification had been received that Councillor M. Buttery would act as substitute for Councillor P.T Jones.

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

<b>Member(s)</b>	<b>Interest</b>	<b>Type</b>
Aston, J. Buttery, M.S. Fitzgerald, A.A. Wilson, L.J.	Application CH/23/0251: Outline application-erection of a pair of two-bedroom bungalows (access and layout only) - 28 Chapel Street, Heath Hayes, Cannock, WS12 3HE:  Councillors are all Members of Heath Hayes and Wimblebury Parish Council.	Personal
Mawle, D.	Application CH/23/0346: Retrospective change of use from residential property to short term let/holiday accommodation - 88 Hatherton Road, Cannock, WS11 1HH:  Councillor owns a holiday let business in the local area.	Personal and Pecuniary
Pearson, A.R.	Application CH/23/0357: Single Storey side extension and erection of a 2-bay garage to front of existing house - 4 Brindley Crescent, Hednesford, Cannock, WS12 4DS:  Councillor is a Member of Brindley Heath Parish Council.	Personal

<b>Member(s)</b>	<b>Interest</b>	<b>Type</b>
Sutherland, M.	Application CH/23/0357: Single Storey side extension and erection of a 2-bay garage to front of existing house - 4 Brindley Crescent, Hednesford, Cannock, WS12 4DS:  Councillor is a Member of Brindley Heath Parish Council's Planning Committee.	Personal and Pecuniary
Fitzgerald, A.A.	Enforcement Case - ENF/23/109:  Member was aware of the case and had previously spoken about it.	Personal and Pecuniary

#### **56. Disclosure of Details of Lobbying by Members**

Councillor A. Pearson declared that he had been lobbied in connection with Application CH/23/0357, Single storey side extension and erection of a 2-bay garage to front of existing house - 4 Brindley Crescent, Hednesford, Cannock, WS12 4DS.

Councillor S. Cartwright declared that she had been lobbied in connection with Application CH/23/0278, Detached garage and amended vehicular access - 19 Eskrett Street, Hednesford, Cannock, WS12 1AR.

#### **57. Minutes**

##### **Resolved:**

That the Minutes of the meeting held on 15 November 2023 be approved as a correct record.

#### **58. Members Requests for Site Visits**

None.

#### **59. Application CH/23/0251, Outline Application - erection of a pair of two bedroom bungalows (access and layout only) - 28 Chapel Street, Heath Hayes, Cannock WS12 3HE**

Following a site visit consideration was given to the Report of the Planning Services Manager (Item 6.1 - 6.18) presented by the Planning Officer.

The Planning Officer 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 John Heminsley, the agent, speaking in support of the application.

##### **Resolved:**

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

**60. Application CH/23/0278, Detached garage and amended vehicular access - 19 Eskrett Street, Hednesford, Cannock, WS12 1AR**

Following a site visit consideration was given to the Report of the Planning Services Manager (Item 6.19 - 6.35) presented by Planning Officer.

The Planning Officer 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 John Reynolds, the agent, speaking in support of the application.

**Resolved:**

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

**61. Application CH/23/0324, Erection of a detached four bed house with some matters reserved - 18 Old Hednesford Road, Cannock, WS11 6LD**

Following a site visit, consideration was given to the Report of the Planning Services Manager (Item 6.36 - 6.52) presented by the Development Management Consultant.

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

Members were advised of an update, which had been circulated to Members in advance of the meeting. Although not read out, the update previously circulated read: -

*“Officer comment: To clarify, the most recent amended plans submitted with the applicant and being considered by the planning committee also show a reduction in the red line around the area of the access to the proposed dwelling and tree T3. This is to ensure that only the land within the applicant’s control is shown within the red line (so that no Certificate B needs to be signed and served), albeit there are no changes proposed around this access and tree in any case, so this is purely academic”.*

Prior to consideration of the application representations were made by Robert Jones, objector and Colin Sutton, the agent, speaking in support of the application.

Councillor L.J. Wilson moved that the application be refused, and she outlined her reasons for this. This was seconded by Councillor S.J. Thornley.

Following discussion and advice from Officers, Councillor L.J. Wilson and S.J. Thornley withdrew the motion to refuse the application.

Councillor A. Fitzgerald then moved that the application be approved, which was seconded by Councillor B. Kenny. Following a vote, the motion was carried.

**Resolved:**

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

**62. CH/23/0346, Retrospective change of use from residential property to short term let/holiday accommodation - 88 Hatherton Road, Cannock, WS11 1HH**

Consideration was given to the Report of the Planning Services Manager (Item 6.53 - 6.66) presented by the Development Management Consultant.

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

Members were advised of an update, which had been circulated to Members in advance of the meeting. Although not read out, the update previously circulated read: -

*“To clarify, as set out in the applicant’s Supporting Statement, the following measures have been put in place by the applicant to address resident’s concerns:*

- *The letting agent is to reinforce the vetting process with name, mobile, email, ID and selfie.*
- *Normal residential waste bins have been replaced with larger business waste removal bins;*
- *A ring doorbell has been fitted (using images to monitor comings and goings);*
- *A new cleaner has been appointed to take on the garden maintenance in addition to the house;*
- *Looking to source a noise level monitor;*
- *The letting agent’s details will be shared with the local residents, allowing the neighbours to contact the letting agent if the neighbours perceive a problem.*

**Crime Prevention Officer comments:** *Verified that there has been one incident of a brothel at the site. Local residents have not raised any concerns with local police officers regarding other issues.*

*Would like to query some of the measures that the applicant has put in place to address concerns as follows:*

1. **Ring doorbell** - *this may be considered a breach of GDPR, will the applicant have a signed agreement, where the “Air BnB” renter has agreed for their images and activities being stored and viewed? Who will have access to the images, will this be the letting agents or the applicant? How long will the images be stored for? These images should not be shared on social media. The Ring doorbell can be switched off by the renters, by simply turning off the WiFi or removing the device. What is the protocol if the ring doorbell no longer works?*
2. **Resident’s having the letting agent’s details** - *what is considered a problem, which the letting agent will respond to the neighbours. What are the criteria for the letting agent to respond with a phone call or a physical visit?*
3. **Reinforcing the vetting process** - *how will the letting agent ensure the person who is actually at the property is the same person whose ID has been checked?*
4. **The property and the garden will be cleaned by the cleaning contractors, to ensure the property is well maintained** - *what is the policy if the AirBnB renters hold a party? Is there anything in the T&Cs preventing renters from holding a party?*

*The local residents raised a number of concerns regarding inconsiderate parking, with many residential drives being blocked by construction workers vehicles. The complaints also mentioned about the noise, especially when constructions workers talk loudly whilst*

*loading their vehicles in the early mornings, there was also mention of how a vehicle had been left on all night, as the vehicle still contained Tarmac.*

*If this application is approved, I recommend a condition to prevent construction workers and those who have works vans/trucks etc from hiring the property.*

*Officer comment: Although the Crime Prevention Officer has raised a number of queries regarding some of the measures put in place by the applicant, this is largely academic as the application is recommended for refusal. However, it does reiterate the difficulties with having measures in place and being able to adequately control and enforce those measures, which further supports Officer's concern that imposing planning conditions will not be effective at controlling the occupants at the property.*

*In the committee report it has been noted that there is a discrepancy between the floor plan submitted with the application which shows 4 bedrooms and the advertising of the property on websites which states it is a 5-bedroomed house and can sleep up to 9. Having questioned the applicant further about this, they have stated that the living room can be used as a 5<sup>th</sup> bedroom space”.*

Prior to consideration of the application representations were made by Geoffrey Carnell, objector to the application.

At this point Councillor D. Mawle declared that he had a personal and pecuniary interest and therefore did not participate in the determination of the application.

**Resolved:**

That the application be refused for the reasons outlined in the report.

**63. Application CH/23/0287, Part Demolition of ground floor, 2 storey rear extension and conversion into 4 no. 1 bedroom apartments - 151 Unit 2 and Flat above, Walsall Road, Norton Canes, Cannock, WS11 9QX**

Members noted that the report had been withdrawn from the agenda.

**64. Application CH/23/0357, Single Storey side extension and erection of a 2 bay garage to front of existing house - 4 Brindley Crescent, Hednesford, Cannock, WS12 4DS**

Consideration was given to the Report of the Planning Services Manager (Item 6.85 - 6.100) presented by the Planning Officer.

The Planning Officer provided a presentation to the Committee outlining the application showing photographs and plans of the proposals.

At this point Councillor M. Sutherland declared that he had a personal and pecuniary interest and therefore did not participate in the determination of the application.

Councillor B. Kenny moved that the application be refused, however this was not seconded.



Councillor A.R. Pearson then moved that the application be approved, and he outlined his reasons for this. This was seconded by Councillor S. Cartwright.

Officers advised that relevant standard conditions could be attached to any approval should Members wish to delegate this to Officers. The motion was amended to reflect the inclusion of delegating the drafting of conditions to Officers.

Following discussion and advice from Officers, a vote was taken on the motion to approve, which was carried.

**Resolved:**

- (A) That the application, which was recommended for refusal, be approved as the design of the extension and garage was considered appropriate and met the respective policy requirements of Local Plan Policy CP3 with regard to amenity and design considerations.
- (B) That the conditions and reasons for the approval be delegated to Officers to determine.

**65. Exclusion of Public**

**Resolved:**

That the public be excluded from the remainder of the meeting because of the likely disclosure of exempt information as defined in Paragraphs 1, 2 and 7, Part 1, Schedule 12A of the Local Government Act 1972 (as amended).

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

**Held on Wednesday 13 December 2023 at 3:00pm**

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

**Part 2**

**66. Enforcement Case - ENF/23/109**

Consideration was given to the Not for Publication report of the Planning Services Manager (Item 8.1 - 8.11) *(presented by the Enforcement Officer)*.

The Enforcement Officer provided a presentation to the Committee outlining the report.

At this point Councillor A. Fitzgerald declared that she had a personal and pecuniary interest and therefore did not participate in the determination of the application.

**Resolved:**

- (A) That an Enforcement Notice be served under s171A of the Town and Country Planning Act 1990 for the unauthorised material change of use of land within the Green Belt and AONB to the northern and western boundaries of the property from an agricultural use to a use in connection with the adjoining residential use, by extending the existing rear residential curtilage, contrary to policy CP14 of the Cannock Chase Local Plan and paragraph 138c of the NPPF.
- (B) That, should the terms of the Notice be not complied with, authorisation be sought to initiate prosecution proceedings, under s179 of the Act, should it be necessary.

The meeting closed at 5:05pm

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**Chair**

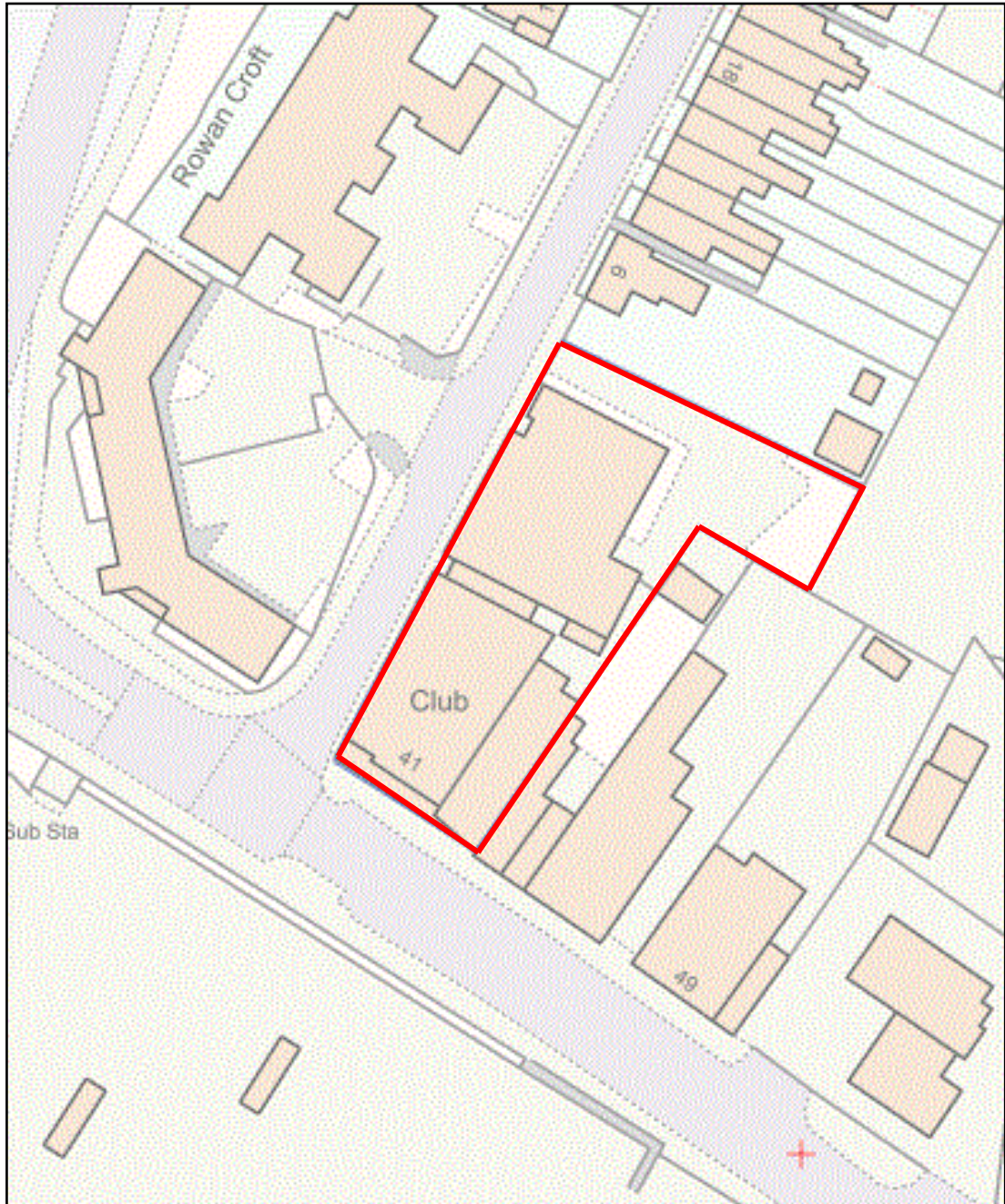


Application: CH/22/0058

Location: 41 Mill Street, Cannock







## Location plan

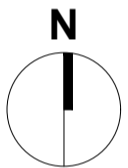


Site Plan

House

Key:

- Site boundary
- - - 1.8m Closeboard fence
- - - 600mm Hoop Top Fence
-  Soft Landscaping Area (Bark Chippings)
-  Soft Landscaping Area (Lawn)
-  Block Paving
-  450 x 450 x 35mm concrete slabs with suitable edging to all interfaces



D	North-west access gate & fence amended	MB	12.07.22
C	Landscape officer comments incorporated	MB	22.06.22
B	Highways comments incorporated	MB	28.04.22
A	Amendments to amenity space	MB	01.03.22
X	FIRST ISSUE	MB	11.11.21
Rev:	Details:	By / Chk:	Date:

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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 S Murray**

Project:  
**Redevelopment of former Silks Nighclub  
 Mill Street  
 Cannock**

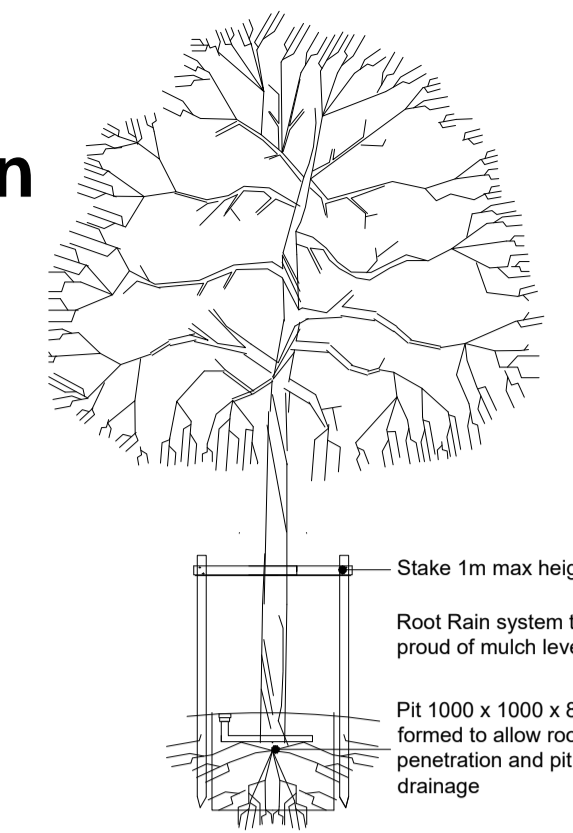
Drawing Title:  
**Proposed Site Plan**

Stage: <b>RIBA 3</b>	Status: <b>Planning</b>	Sheet Size: <b>A1</b>
Job Number: <b>2612</b>	Date: <b>11.11.2021</b>	Scale: <b>1:100</b>

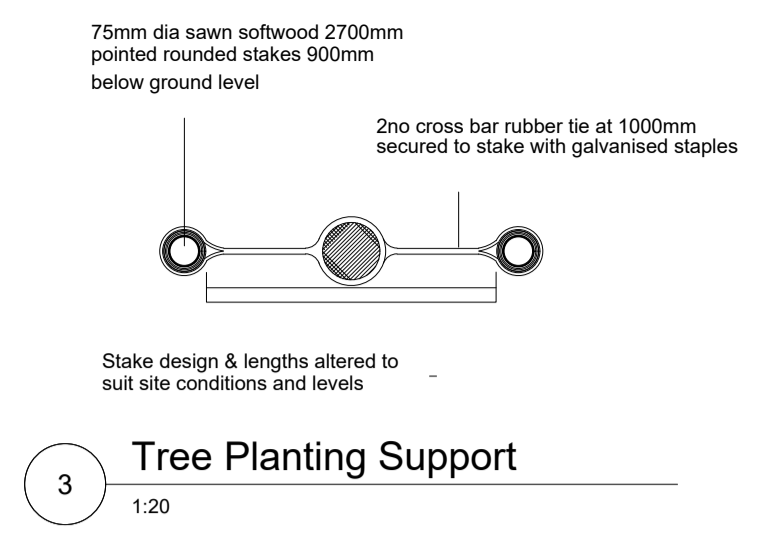
Revision:  
**2612-03** **D**

1 Site Plan  
 1:100

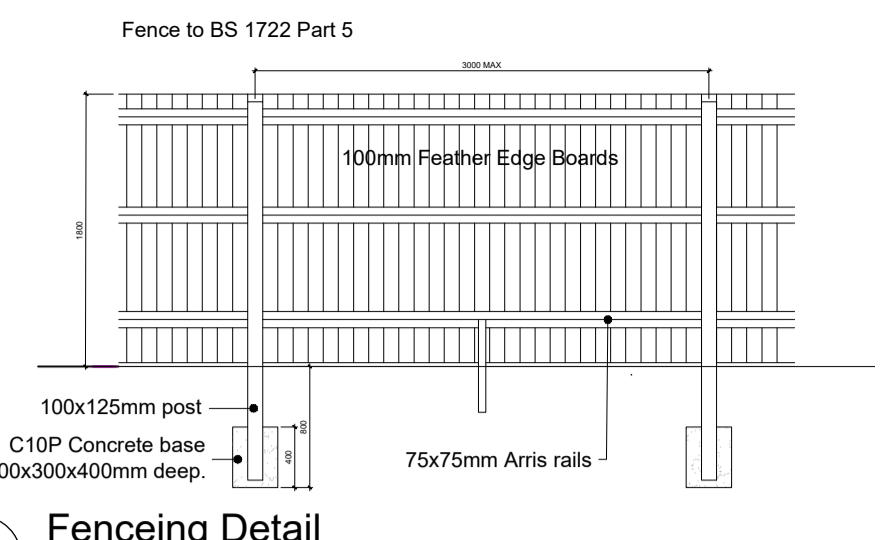
Landscape Plan



2 Tree Planting Support  
1:50



3 Tree Planting Support  
1:20



4 Fencing Detail  
1:50

- Key:
- Site boundary
  - 1.8m Closeboard fence
  - 600mm Hoop Top Fence
  - Soft Landscaping Area (Bark Chippings)
  - Soft Landscaping Area (Lawn)
  - Block Paving
  - 450 x 450 x 35mm concrete slabs with suitable edging to all interfaces
- GENERAL NOTES:

1.0 SOILS: Subsoil to be scarified to 300mm depth prior to spreading topsoil to alleviate compaction. Imported topsoil to be in accordance with BS3882 'Premium Grade' or as approved. As scarified topsoil (and imported if requested) to be laboratory tested to BS3882 and ameliorated as required to meet the required specification. Screened or manufactured topsoil is not acceptable. Grass areas to be a minimum depth of 150mm, shrub beds 450mm depth and forestry / transplants 300mm depth. Incorporate proprietary non peat compost to BS1 PAS:100 to 50mm depth evenly worked into soil.

2.0 EXISTING TREES: Where trees are to be retained they should be subject to a full arboricultural inspection to assess condition and safety. Retained trees shall be protected from damage by erection of 2.3m waistmesh fencing on a scaffold framework in accordance with BS 5837:2005 Fig 2. These barriers shall be maintained in position and in good condition until works are complete. Fencing to be located in accordance with Table 2 at a radius of 12 times the stem diameter (single stem trees) or 10 times the basal diameter (trees with more than one stem below 1.5m from ground) refer to Clause 5.2.2 Further precautions are to be taken as detailed within BS5837:2005 9.4

3.0 TREE SURGERY / REMOVAL: Tree surgery and tree removal to be carried out by a registered tree surgeon in accordance with BS 3996:1999.

4.0 TREE PLANTING: All trees to be in accordance with BS 3936 / 5236. Trees to be planted in accordance with BS4428 and securely staked using 2no tree stakes and bed using 2no stakes per tree. (No stake and crossbar type planting method should be used). Trees to be planted in pits 1000x1000x750mm backfilled with topsoil mixed with tree planting compost, ensuring tree pits are a minimum of 75mm deeper and 150mm wider than the tree roots. Base of pits to be broken up to a depth of 150mm. All trees to be container grown. The base of trees to be planted in grass areas are to be covered with 75mm depth bark mulch to 1.0m diameter and kept weed free.

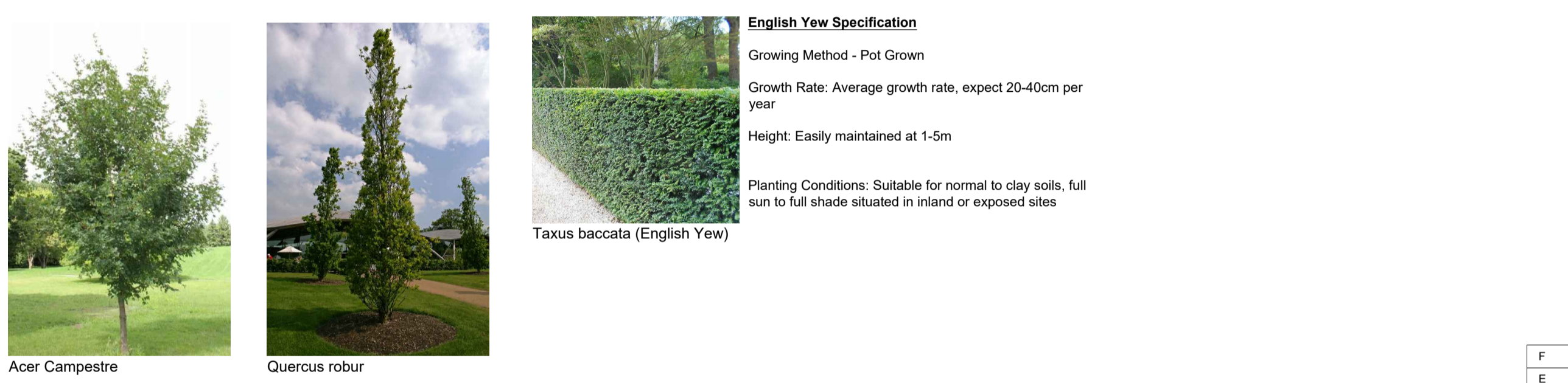
5.0 SHRUB PLANTING: Plants are to be in accordance with BS3936 and handled in accordance with CPSE guidelines and planted in accordance with BS 4428. Hedge plants to be planted in double staggered rows 300mm apart at 450mm centres. Well water plants immediately after planting and prior spreading of mulch.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

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

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

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

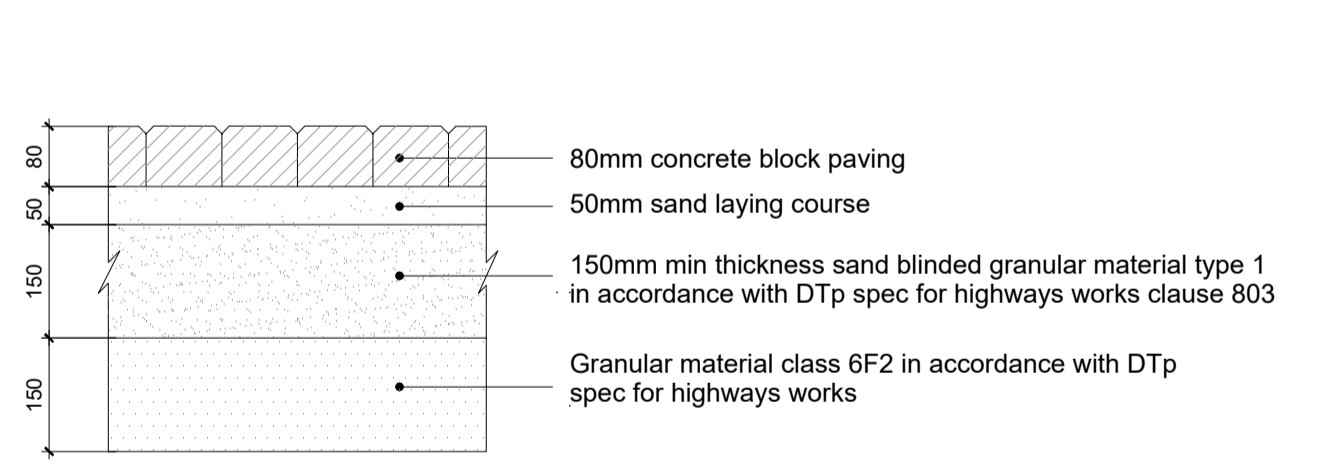
- Eradicate weeds by hand or chemical means
- Cut out dead or damaged stock or branches, prune as required
- Ensure all shrubs and trees are firmly in, securely staked and bed
- Collect litter, sweep and tidy site
- Apply suitable pesticides, fungicides and fertilisers as required
- Carry out grass mowing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



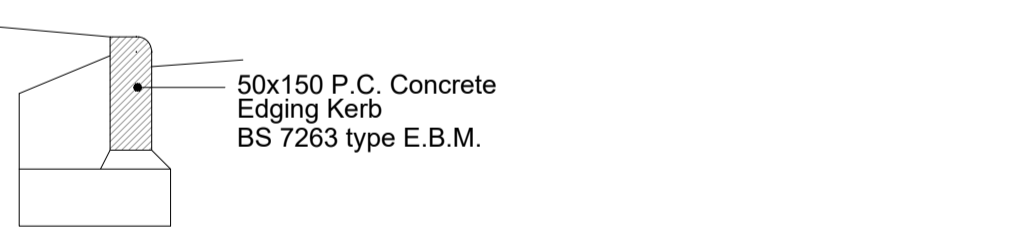
5 Planting Specics

Amount	Species	Size	No. per m <sup>2</sup>
81	Berberis thunbergii (BT)	30-40cm	4/m <sup>2</sup>
80	Hebe rakaiensis (HR)	20-30cm	4/m <sup>2</sup>
67	Spiraea japonica 'candle light' (SJ)	40-60cm	3/m <sup>2</sup>
30	Hebe Sutherlandii (HS)	25-30cm	4/m <sup>2</sup>
30	Sonquinea 'Mid Winter Fire' (S)	25-30cm	4/m <sup>2</sup>
6	Acer Campestre (Field Maple)	4-8m	1/m <sup>2</sup>
68m	Taxus baccata (English Yew)	1m Pruned	-
2	Quercus robur (Fastigiata Group) 'Koster'	1m Pruned dia	1/m <sup>2</sup>

6 Planting Schedule



7 Block Paving Detail  
1:10



8 Kerb Detail  
1:10



9 Hoop Top Railing



10 Marshalls Keyblock - Brindle



11 Fencing Image

F	Roof terrace removed	MB	25.07.23
E	Seating on roof terrace shown	MB	12.07.22
D	Landscape officer comments incorporated	MB	22.06.22
C	Landscape officer comments incorporated	MB	26.05.22
B	Highways comments incorporated	MB	28.04.22
A	Amendments to amenity space	MB	01.03.22
X	FIRST ISSUE.	MB	11.11.21

Rev: Details: By / Chk: Date:

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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 work 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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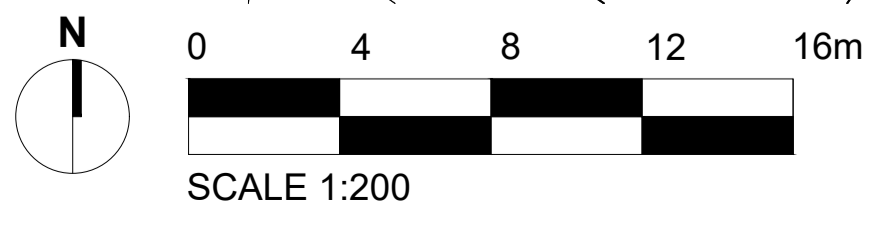
Client:  
**Mr S Murray**

Project:  
**Redevelopment of former Silks Nightclub  
Mill Street  
Cannock**

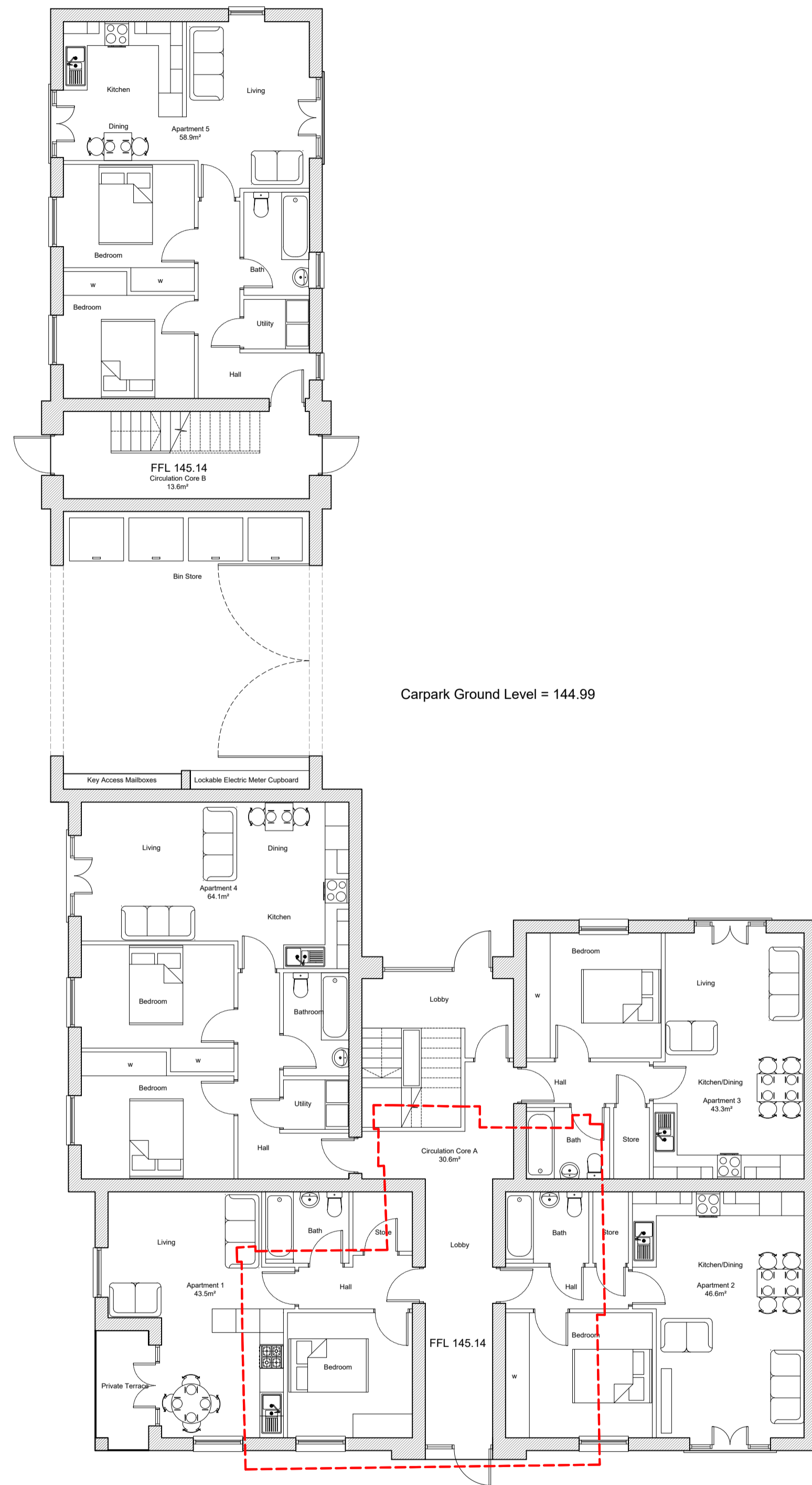
Drawing Title:  
**Proposed Site Plan**

Stage: <b>RIBA 3</b>	Status: <b>Planning</b>	Sheet Size: <b>A1</b>
Job Number: <b>2612</b>	Date: <b>11.11.2021</b>	Scale: <b>As Noted</b>
<b>2612-04</b>		Revision: <b>F</b>

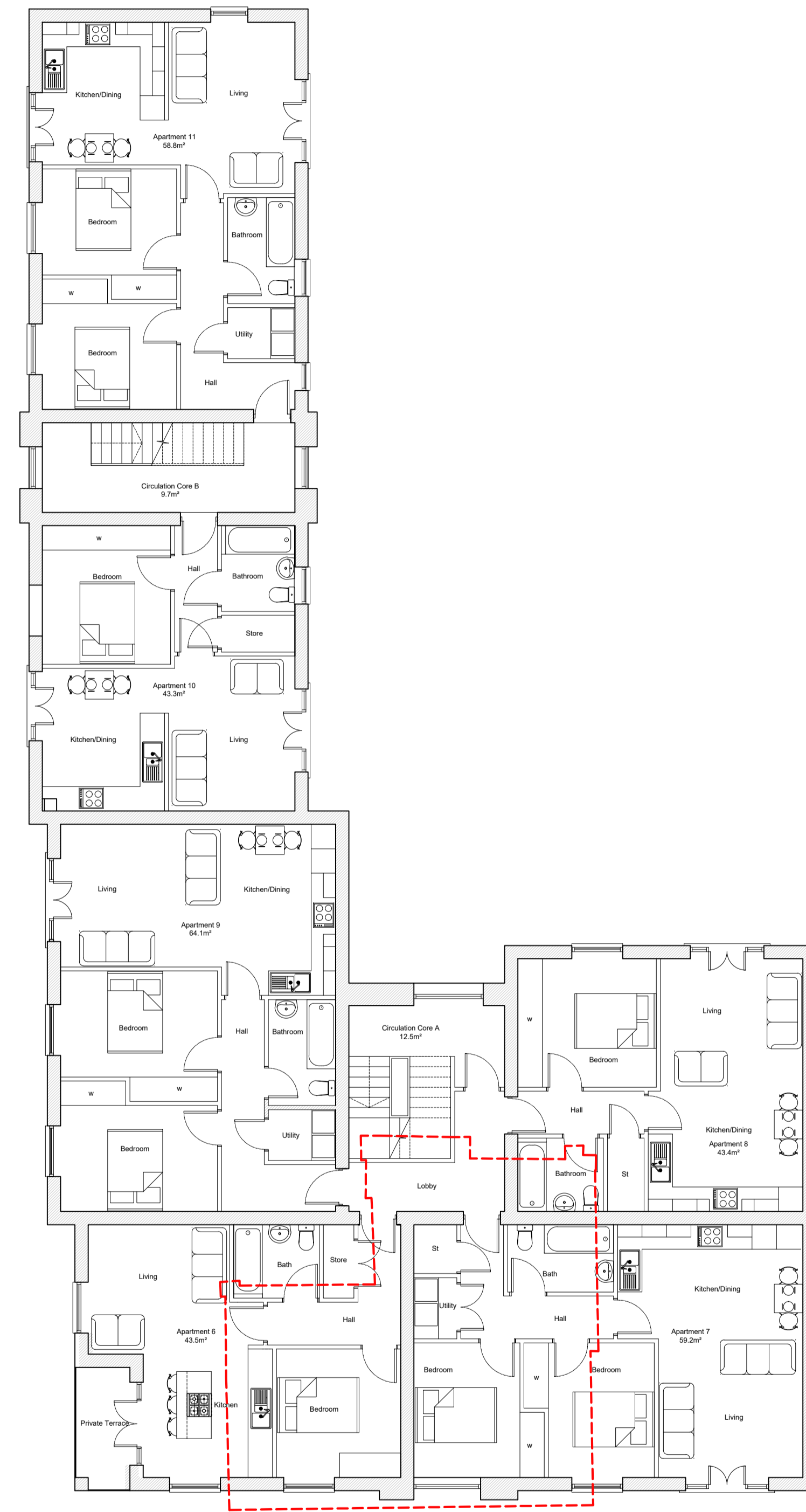
1 Landscape Plan  
1:200



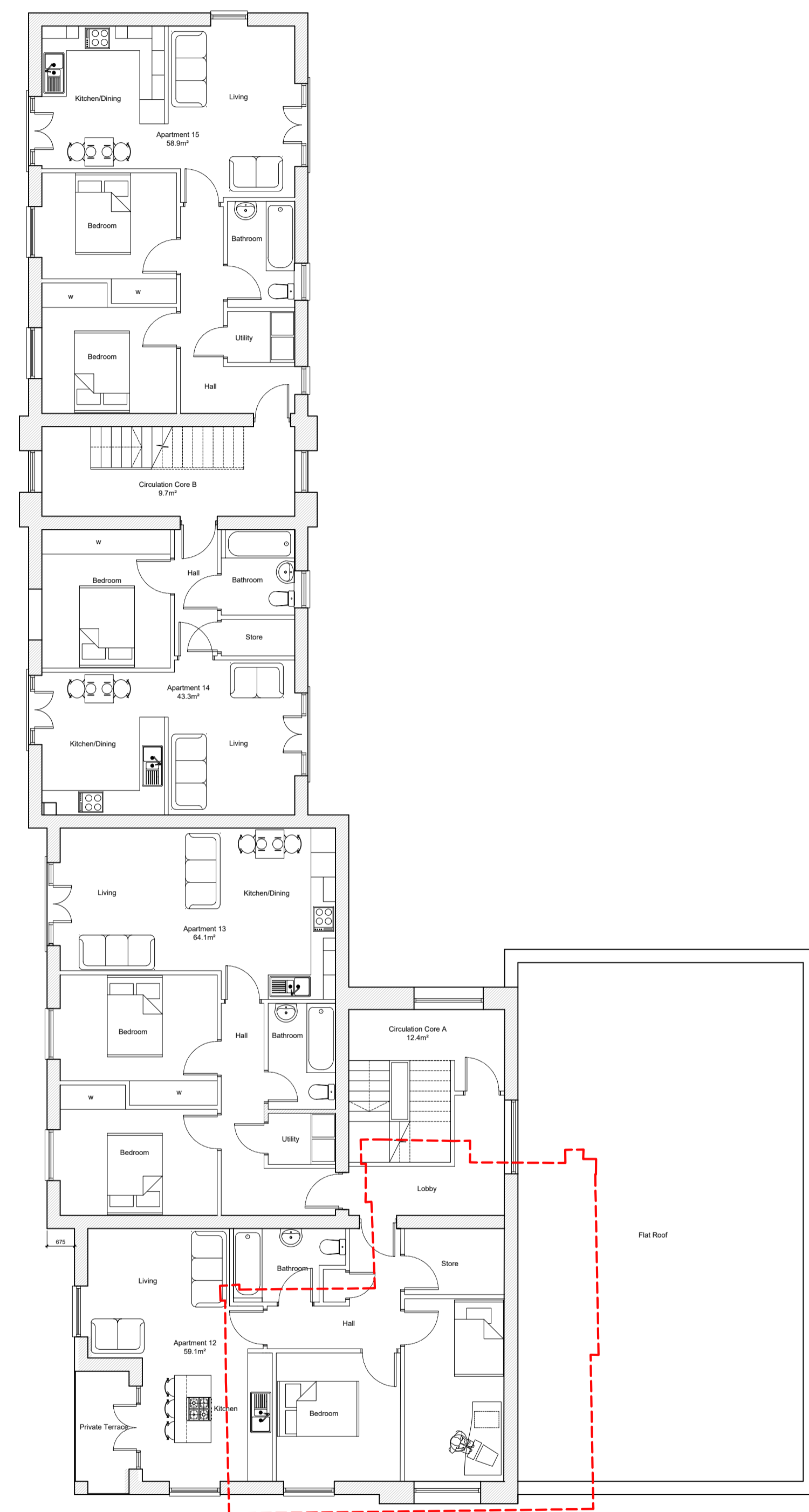
Floor Plans



1 Ground Floor Plan  
1:100



2 First Floor Plan  
1:100



3 Second Floor Plan  
1:100

KEY  
--- 18th Century footprint of building



SCALE 1:100

B	Garden deck removed	MB	25.07.23
A	Highway comments incorporated.	MB	28.04.22
X	FIRST ISSUE.	MB	11.11.21
Rev:	Details:	By / Chk:	Date:

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**H&S HAZARDS:**

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- Those of an unusual nature.
- Those likely to be difficult to manage effectively.

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Client:  
**Mr S Murray**

Project:  
**Redevelopment of former Silks Nighclub  
Mill Street  
Cannock**

Drawing Title:  
**Proposed Floor Plans**

Stage: <b>RIBA 3</b>	Status: <b>Planning</b>	Sheet Size: <b>A1</b>
Job Number: <b>2612</b>	Date: <b>11.11.2021</b>	Scale: <b>1:100</b>
Revision: <b>2612-05</b>		<b>B</b>

Proposed Elevations



1 South Elevation  
1:100



2 East Elevation  
1:100



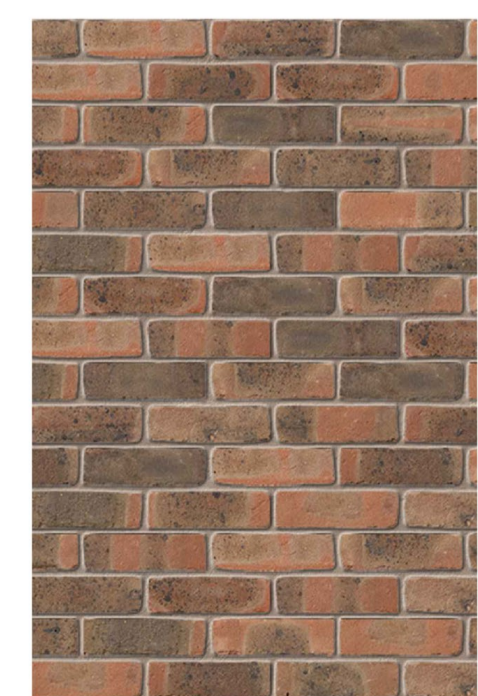
3 North Elevation  
1:100



4 West Elevation  
1:100



5 Mill Street Elevation - Proposed  
1:100



6 Bexhill Dark - A4009A



7 Clerkenhall Wigston - A5528A



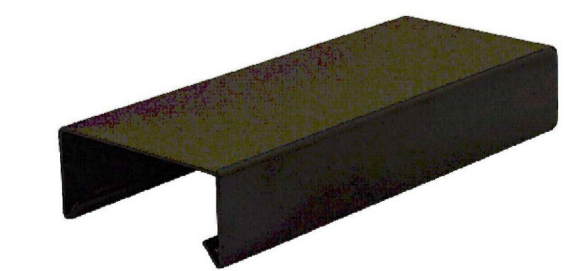
8 Ibstock Enclosed Bat Box 'C'



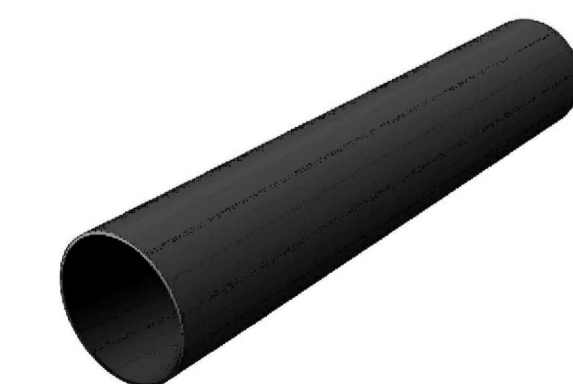
9 Ibstock Eco-habitat for Swifts



10 RAL 7016 Window Frames/Door Frames/ Balcony



11 RAL 7016 Parapet Coping



12 Black Rainwater Goods

B	Garden deck removed	MB	25.07.23
A	Highway comments incorporated.	MB	28.04.22
X	FIRST ISSUE.	MB	11.11.21
Rev:	Details:	By / Chk:	Date:

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Client:  
**Mr S Murray**

Project:  
**Redevelopment of former Silks Nightclub  
Mill Street  
Cannock**

Drawing Title:  
**Proposed Elevations**

Stage: <b>RIBA 3</b>	Status: <b>Planning</b>	Sheet Size: <b>A1</b>
Job Number: <b>2612</b>	Date: <b>11.11.2021</b>	Scale: <b>1:100</b>

Revision:  
**2612-06 B**

3D Views



1 View from Mill Street/Prince Street Junction



2 Viewdown Mill Street



3 View down Prince Street



4 Aerial View

C	Garden deck removed	MB	25.07.23
B	Highway & Landscape comments incorporated.	MB	29.04.22
A	Amendments to amenity space	MB	01.03.22
X	FIRST ISSUE.	MB	11.11.21
Rev:	Details:	By / Chk:	Date:

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Client:  
**Mr S Murray**

Project:  
**Redevelopment of former Silks Nighclub  
 Mill Street  
 Cannock**

Drawing Title:  
**Proposed 3D Views**

Stage: <b>RIBA 3</b>	Status: <b>Planning</b>	Sheet Size: <b>A1</b>
Job Number: <b>2612</b>	Date: <b>11.11.2021</b>	Scale: <b>1:100</b>

<b>2612-07</b>	Revision: <b>C</b>
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**Planning Control Committee**  
**10 January 2024**

<b>Application No:</b>	CH/22/0058
<b>Received:</b>	15-February-2022
<b>Location:</b>	41 Mill Street, Cannock, WS11 0DX
<b>Ward:</b>	Cannock South
<b>Description:</b>	Demolition of existing building to create 15 apartments (1 & 2 bed), associated parking and amenity space
<b>Application Type:</b>	Full Planning Application

**This application is being reported back to the Planning Control Committee because of the viability issues of developing the site whilst providing S106 financial contributions as requested below.**

**The report has been altered at paragraph 4.12 to reflect the viability issue. The remainder of the report is as presented to Members at the Planning Control Committee meeting held on 18 October 2023.**

**Recommendation:**

It is recommended that the application be approved subject to the recommended conditions without the requirement to enter into a S106 agreement for the provision of a financial contribution towards affordable housing however, a S106 agreement should be required to allow the Council to assess the viability issue for affordable housing contributions if the development is not completed within a given time period.

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

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

Reason:

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

2. The development hereby approved, shall be undertaken in accordance with the external materials detailed within the approved plans.

Reason:

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

3. Prior to the development becoming occupied, the proposed sound attenuation measures (Section 5 in the RP Acoustics report of 17 February 2023) shall be implemented in full and maintained in perpetuity.

Reason:

To mitigate potential adverse impacts from noise on residential amenity in line with paragraphs 189-194 of the NPPF.

4. No development shall take place including any works of demolition until a Construction Management Plan (CMP) has been submitted to and approved in writing by the Local Planning Authority.

The approved CMP 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
- wheel wash facilities
- Times of deliveries including details of loading and unloading of plant and materials
- Storage of plant and materials used in constructing the development
- Noise and vibration
- Dust Control
- Lighting
- Waste Management
- Traffic Management
- Engagement/Complaint handling with the local community.

Reason:

In the interests of highway safety, in accordance with Local Plan Policy CP3 and paragraph 115 of 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.

Reason:

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

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

Reason:

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

7. The development hereby permitted shall not be brought into use until the access, parking and turning areas have been provided in a bound and porous material in accordance with 'Proposed Site Plan' 2612-04 Revision F and shall thereafter be retained for the lifetime of the development.

Reason:

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

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

9. The development hereby permitted shall not be brought into use until the approved foul and surface water drainage scheme shown in the drawing below has been implemented:

Proposed Drainage, Catchment Area, and exceedance Flow Layouts (Drawing Number J02236/A1/001 Revision A, 2nd November 2022).

Thereafter the drainage scheme shall be retained and maintained in accordance with the Drainage Maintenance Strategy dated October 2022 by the named maintenance company stated within the document.

During the demolition and construction phase, temporary measures shall be implemented by the Contractor on site to mitigate against the release of surface water runoff and sediment to 3rd party land.

Reason

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

10. The development hereby approved shall not be occupied until the scheme for the secure two-tier cycle storage as indicated on Dwg.No. 2612 -04 Rev F 'Proposed Site Plan' has been implemented in full.

Thereafter the secure cycle storage shall be retained and maintained for the lifetime of the development, unless otherwise approved in writing by the Local Planning Authority.

Reason

In the interests of protecting the air environment in accordance with paragraph 157 of the National Planning Policy Framework.

11. 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.

12. The scheme for the provision of hedgehog access points as detailed within the Landscape Management Plan Rev B shall be implemented prior to occupation of the development hereby approved. Thereafter, the hedgehog access points shall be retained and maintained for the lifetime of the development.

Reason

In the interests of enhancing improving biodiversity habitat in accordance with Policy CP12 of the Local Plan and paragraphs 180 of the NPPF.

13. The scheme for the provision of Ibstock Enclosed Bat Box 'C' & Ibstock Eco-habitat Swift boxes as detailed within the Proposed Elevations Plan Dwg.No.2612-06 B shall be implemented prior to occupation of the dwellings hereby approved. The biodiversity improvement measures shall thereafter be retained for the lifetime of the development.

Reason

In the interests of enhancing improving biodiversity habitat in accordance with Policy CP12 of the Local Plan and paragraphs 180 of the NPPF.

14. Following completion of landscape establishment, the external landscape environment shall be managed in accordance with the approved Landscape Management, unless otherwise agreed in writing by the Local Planning Authority.

Reason

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

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

Drg No.2612-01 (location plan)

Drg No.2612-02 Rev F (block plan & 25 degree right to light influence)

Drg No.2612-03 Rev D (proposed site plan)

Drg No.2612-04 Rev F (proposed site plan landscaping)

Drg No.2612-05 Rev B (proposed floor plans)

Drg No.2612-06 Rev B (proposed elevations)

Drg No.2612-07 Rev C (proposed 3 D views)

Drg No. J02236/A1/001 Revision A, 2nd November 2022 - Proposed Drainage, Catchment Area, and exceedance Flow Layouts.

Reason

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

**Notes to the Developer:**

**Coal Authority**

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

## Highways

Please note the works require 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](mailto:nmu@staffordshire.gov.uk))

[www.staffordshire.gov.uk/Highways/licences/Vehicle-access/VehicleAccessCrossings.aspx](http://www.staffordshire.gov.uk/Highways/licences/Vehicle-access/VehicleAccessCrossings.aspx)

## 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.

## Secured By Design

Information is available on the website and should be reviewed by the applicant.

## Consultations and Publicity

### Internal Consultations

#### *Development Plans and Policy Unit*

No objections, subject to SAC & CIL payments being secured via a Section 106/278 if required, in accordance with the Councils policy/guidance.

#### *Travel Management and Safety*

No objections to the amended information, subject to the imposition of conditions.

#### *Environmental Protection Officer*

No objections to the amended information, subject to imposition of conditions.

#### *Private Sector Housing*

No comments received.

***Waste and Engineering Services***

No comments received.

***Strategic Housing***

No objection. The applicant has demonstrated that on site affordable housing would not receive support from Registered Providers due to the scale and nature of the development. As such, the applicant should provide a financial contribution for off-site affordable housing provision.

***Economic Development***

No objections.

***CIL Officer***

The development would be CIL liable for the sum of £44,369.06 (index linked).

***Fire Officer***

No comments received.

***Landscaping Officer***

No objections subject to conditions

**External Consultations**

***Conservation Officer***

No objections to the loss of the building, following heritage and viability assessments establishing that the building is not financially viable to be retained.

No objections to the proposed design of the replacement building.

***Flood Risk Officer***

No objection subject to condition

***South Staffs Water***

No comments

***Severn Trent Water***

No objections, subject to condition and informative.

***School Organisation***

No education contribution required, as there are sufficient number of school places at primary and secondary phases of education to mitigate the impact of the development.

***Crime Prevention Officer***

No objections, however, recommendations are made to achieve Secure by Design Accreditation.

***Natural England***

No objection - subject to appropriate mitigation being secured.

**Minerals Team**

No comments, as the development falls within the requirements of Policy 3 exemptions.

**County Archaeologist**

No objections, advises to defer to conservation advisor.

**Historic Environment Officer**

No comments received.

**Response to Publicity**

The application has been advertised by advert, site notice and neighbour letter. 5 No. letters of representation have been received (4 No. from the same person) on the following grounds:

- The neighbouring resident does not want the windows of the proposed development facing their garden/property.
- The proposal would cause light restriction to the garden of the neighbouring property.
- A new brick wall should be provided instead of the existing low wall (comprising brick pillars/wooden panels) to the boundary with No.6 Price Street.
- The demolition works could cause damage to the property, life, and profits of the adjacent business owner, who states they would claim compensation for any financial losses to the business as a result of the development.

**Relevant Planning History**

No recent relevant planning history

**1 Site and Surroundings**

- 1.1 The application site comprises a large, detached building formally known as Silks nightclub, which ceased trading in 2018. The building comprises part two storey (original) and part single storey elements (extensions) with a mixture of flat and pitched roofs and a large expanse of front canopy.
- 1.2 The building comprises a majority of white rendered finish. The building has remained vacant for several years and has fallen into a state of disrepair. The building is of no significant architectural merit.
- 1.3 The application site is located within a prominent corner position at the junction of Mill Street and Price Street, within the Cannock Town Centre boundary on the Local Plan (Part 1) Policies map and near to the Cannock Town Centre Conservation Area and Grade II Listed Buildings at 8, 8a & 10 Mill Street. It is also within a Mineral Safeguarding Area.
- 1.4 On the Price Street frontage, there is an existing dropped kerb, which is located adjacent to the edge of the application building.

- 1.5 The side boundary of a semi-detached house located at No.6 Price Street adjoins the rear boundary of the application property. No.6 has kitchen, bedroom and conservatory windows facing the application site, which are located approximately 4m from the rear boundary of the application site. There is a brick and fence panel boundary between the site and this residential property, comprising 2m high brick pillars and fence panel infills (some of which were missing at the time of site visit).
- 1.6 The nearest property at No.45 Mill Street comprises a C1800 part brick/part render property that has been altered with a ground floor modern shop front and illuminated signage. This property currently operates as a hot food takeaway. The application site also shares part of its rear boundary (beyond No.45 Mill Street) with the service area for the B&M Home Store accessed off Church Street.
- 1.7 There is a modern large two storey building, which operates as a training centre located on the opposite corner of Price Street. Morrison's supermarket and its associated car park is located opposite the site within Mill Street.
- 1.8 There are a mixture of two and three storey properties, red brick, and white/cream colour render finishes within the immediate locale.

## **2 Proposal**

- 2.1 The application seeks site redevelopment to provide 15 No. x 1- and 2-bedroom apartments. The building would comprise two and three storey elements to be located on the Mill Street elevation, where it would step down to two storey height adjacent to the business premises.
- 2.2 The maximum height of the new building would be 10m high (3 storey element) with a flat roof design. The proposed building would comprise a modern contemporary design with red and cream colour brick materials with sections of mid and dark grey panels and fenestration, some of which would incorporate Juliet balconies.
- 2.3 To the rear of the proposed development would be the parking area with provision for 19 No. car parking spaces. This would be accessed from Price Street via an archway in the proposed building. On site covered cycle provision is also proposed adjacent the rear entrance into the building. To the rear would also be amenity space for the occupiers of the proposed building. These comprises of two small areas with one set out with seating. The amenity areas would be landscaped with grass and tree planting with further planting around the main road frontages. A secure bin store and cycle store would be provided.
- 2.4 Biodiversity enhancements are proposed and include inbuilt bird and bat boxes are as well as hedgehog corridors.

## **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***

Relevant policies within the Local Plan include: -

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

3.3 ***Relevant Policies within the Minerals Plan Include:***

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

3.4 **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
- 115: Highway Safety and Capacity
- 131-139: Achieving Well-Designed and Beautiful Places
- 185-188: Biodiversity
- 195, 200-214: Heritage Assets
- 224, 225: Implementation

3.5 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.

<b>4 Determining Issues</b>
-----------------------------

4.1 The determining issues for the proposed development include: -

- i) Principle of development

- ii) Design and Impact on the character of the Conservation Area/Listed Buildings
- iii) Impact on residential amenity.
- iv) Impact on highway safety.
- v) Impact on nature conservation
- vi) Affordable Housing
- vii) Drainage and flood risk
- viii) Waste and recycling facilities
- ix) Crime and the fear of crime
- x) Mineral safeguarding

## 4.2 Principle of the Development

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

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

‘For decision taking this means:

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

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

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

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

- 4.2.5 With that in mind it is noted that the application site is not designated as Green Belt, AONB or as a SSSI or SAC, nor does it contain a listed building or conservation area nor is it located with flood zones 2 or 3. However, the proposal has the potential to affect the setting of the Cannock Town Centre Conservation Area and nearby Grade II listed buildings. Therefore, the proposal does engage policies in the Framework that protect the setting of designated heritage assets. This issue will be addressed later in this report.
- 4.2.6 In other respects the site is located within an existing urban area in Cannock, wherein Policy CP6 identifies that there is an allowance for windfall housing sites to contribute to the District's housing requirements and positive consideration will be given to those which accord with sustainable development principles identified in the NPPF and the strategic approach identified in Policy CP1 and other Local Plan policies as appropriate.
- 4.2.7 The current building has been out of use as a nightclub for several years. The site is surrounded by a mixture of uses and is well served by bus routes giving access to public transport, walking, and cycling to a range of goods and services to serve the day to day needs of the occupiers of the proposed development.
- 4.2.8 The proposal would demolish a decaying building of no architectural merit, with a viable robust residential use that would also increase housing supply and choice. As such, it would comply with the thrust of policy requirements in respect to the broad location of developments. The proposal is therefore considered acceptable in principle subject to compliance with policy in respect to the impact on the setting of designated heritage assets.
- 4.2.9 Although a proposal may be considered to be acceptable in principle it is still required to meet the provisions within the development plan in respect to matters of detail. The next part of this report will go to consider the proposal in this respect.
- 4.3 **Impact on the Character of the Area including the Conservation Area/Listed Buildings**
- 4.3.1 The issues in respect to design and the impact on the character and form of the area are intrinsically linked to the impacts on the setting of the nearby Grade II listed building and Conservation Area. In this respect the proposal engages the duty under S66(1) and S72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 which sets out that 'In considering whether to grant planning permission which affects a listed building or its setting, or conservation area, the local planning authority shall have special regard to the desirability of preserving or enhancing the character or appearance of that area.'
- 4.3.2 It is one of the core principles of the NPPF that heritage assets should be conserved in a manner appropriate to their significance. Chapter 16 of the National Planning Policy Framework at para 201 sets out that the local planning authority should identify and assess the particular significance of any heritage asset. They should take this assessment into account when considering the impact of a proposal on a heritage asset, to avoid or minimise conflict between the heritage asset's conservation and any aspect of the proposal.

- 4.3.3 Paras 195-214 sets out the framework for decision making in planning applications relating to heritage assets and this application takes account of the relevant considerations in these paragraphs. The proposal also engages Policy CP15 'Historic Environment' of the Local Plan.
- 4.3.4 In accordance with the requirements of paragraph 201 of the NPPF the applicant has submitted a Heritage Impact Statement and historic maps through which the development of the site, nearby conservation area and setting of the nearby listed buildings can be assessed.
- 4.3.5 This assessment states the building to be demolished is not a designated heritage asset, though it is sited within close proximity to the Town Centre Conservation Area and near to heritage assets and Listed Buildings.
- 4.3.6 An independent Conservation consultant was appointed by the Council to assess the contents of the submitted heritage impact assessment. The consultant found the original (front) part of the building could be classed as a non-designated heritage asset under paragraph 208 of the NPPF, as it was a mid-late 18<sup>th</sup> century former dwelling, recorded as The Black Horse in the 1860's.
- 4.3.7 Notwithstanding this, it was considered that 41 Mill Street does not fall within the setting of the Conservation Area, as the application site is separated from the Conservation Area by the ring road and intervening buildings. Furthermore, the site is remote from the listed building at Nos. 8 & 10 Mill Street, as the Morrison's supermarket and junctions of the multi-lane road provide physical separation.
- 4.3.8 The Conservation Consultant accepted this view but continued that the demolition of the existing historic building had not been adequately justified within the Heritage Impact Statement. In this respect, the applicant submitted a Viability Appraisal carried out by Griffith Land for the proposed redevelopment of the former nightclub. The appraisal found that the building was not financially viable to retain due to the fact that the relatively low sale values of the proposed apartments together with the high building costs and the restrictions that would limit the development of the wider site if the frontage building is retained would result in a negative value. The proposed three storey apartment block would, however, prove a viable solution to the site.
- 4.3.9 Subsequent to the submission of the applicants Viability Assessment, the Council appointed Dr Golland, an independent consultant, to assess their report. Dr Golland concurred with the findings of the applicant's assessment and confirmed the retention of the frontage building would render the site unviable.
- 4.3.10 On balance, it is considered that the replacement building in a similar location is not considered harmful, but beneficial and an enhancement to the visual appearance of the area. The current building is in a poor state of repair, is visually damaging to the area and the replacement building will create a positive impact upon the immediate site and the surrounding town centre.
- 4.3.11 The distance and separation provided by the intervening roads and supermarket between the designated heritage assets to the application site would mean they are not directly affected physically by the redevelopment of the application site.

- 4.3.12 The replacement building, with a similar style of building finishes to the locality, using a mixture of red and cream colour brick and dark grey materials, would not detract from the character of the surrounding area. The proposal is of a simple modern design that would provide variety and complementary contrast in design within the street scene with details appropriate to this location, which would replace a derelict building currently having a negative impact on the Town Centre.
- 4.3.13 It is thus considered, the absence of harm to the setting of the Listed Buildings and Conservation Area, whilst demonstrating the wider public benefits of the proposal that would bring the site back into use by and providing a high quality building for 15 No. homes would conform with the provisions of Section 66(1) & 72 of the Planning (Listed Building and Conservation Areas) Act 1990 and Paragraph 208 of the NPPF and CP15 of the Local Plan.

### **Design**

- 4.3.14 The Conservation Officer had no objections to the proposed development being of a modern and contemporary design. It was stated within the consultation response that:

*'the design is well-considered and in terms of its contextual relationship with the housing along Prince Street and the scale of existing development along the Mill Street frontage to the south-east, it relates well and is not oversized relative to its context. Materials are varied and reflect the variety of materials within Cannock. The flat roofs are contemporary, but as the site lies outside the historic core, I consider that this enables the scheme to have additional accommodation without having an over-bearing effect on the adjoining properties. It integrates well within its historic context and in my view, it fulfils the Local Plan policy CP15.'*

- 4.3.15 Landscaping has been considered as part of the development, which would also enhance the street scene in accordance with Policy CP3 of the Local Plan.
- 4.3.16 As such, it is considered that the proposed building would easily assimilate into the already varied street scene. Having had regard to Policies CP3 and CP15 of the Local Plan and the above mentioned paragraphs of the NPPF it is considered that the proposal would be well-related to existing buildings and their surroundings, successfully integrate with existing features of amenity value, maintain a strong sense of place and visually attractive such that it would be acceptable in respect to its impact on the character and form of the area.

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

- 4.4.1 In respect to the impact on amenity, the comments of the neighbouring occupiers are noted. In this respect amended plan information (Drg No.2612-02 Rev F - block plan & 25 degree right to light influence) has been submitted to indicate that the proposal would not cause additional overshadowing, nor reduce receipt of light to the nearest residential property than that of the existing buildings. The nearest windows of the apartments would be located at least 21.3m from the side facing windows of No.6 Price Street. As such, adequate separation distance would be provided in accordance with the adopted Design SPD requirements. In addition, the proposed garden and parking area on Price Road elevation separates the proposed building from the residential property.
- 4.4.2 The building line layout would also respect the existing front-to-front relationship that exists along Price Street.

4.4.3 It is therefore considered that the proposal would not cause significant adverse impact on privacy to any residential neighbouring properties.

4.4.4 The Environmental Protection Officer has no objection to the proposal and suitable conditions have been imposed to ensure appropriate residential amenity of the potential and surrounding residents is retained.

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

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

4.5.1 Paragraph 115 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 Staffordshire County Highway Authority was consulted on the proposal and raised no objections to the proposal in terms of highway safety. The site is located within a sustainable location within Cannock Town Centre and as such it provides excellent access to public transport due to the town's main bus station being opposite. The site is also within walking/cycling distance of the town's main railway station and the scheme would provide a secure cycle store via the gated pedestrian access off Price Street, which would allow sustainable travel options to potential residents of the development.

4.5.3 The Highway Officer has recommended imposition of conditions pertaining to construction and cycle parking provision. As such, it is therefore considered that the proposal would not have an adverse impact upon highway safety, and that the level of parking is acceptable at this town centre location paragraph 115 of the NPPF.

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

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

4.6.2 Under Policy CP13 development will not be permitted where it would be likely to lead directly or indirectly to an adverse effect upon the integrity of the European Site network and the effects cannot be mitigated. Furthermore, in order to retain the integrity of the Cannock Chase Special Area of Conservation (SAC) all development within Cannock Chase District that leads to a net increase in dwellings will be required to mitigate adverse impacts. The proposal would lead to a net increase in dwellings and therefore is required to mitigate its adverse impact on the SAC. Such mitigation would be in the form of a contribution towards the cost of works on the SAC and this is provided by CIL or S106 agreement. An appropriate Habitats Regulation Assessment has been undertaken as part of the due process.

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

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

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

#### **4.8 Waste and Recycling Facilities**

4.8.1 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).

4.8.2 The proposal indicates provision of a communal bin storage area, which would be screened by the proposed building from the street and located adjacent to the vehicular entrance to the courtyard area.

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

#### **4.9 Ground Conditions and Contamination**

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

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

#### **4.10 Crime and the Fear of Crime**

4.10.1 There have been no concerns raised relating to the proposal being perceived as leading to an increase in anti-social behaviour and crime.

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

#### **4.11 Other Issues Raised by Objectors**

4.11.1 The issue relating to potential damage to property/life/loss of profit margins are not material planning considerations. If damage occurs from redevelopment, then this would be a civil matter between the relevant parties involved.

4.11.2 With regards to the issue raised regarding neighbour preference for provision of a new boundary wall, the scheme has to be considered as submitted based on its current merits. A low brick wall with pillars and fencing infill panels already exists to which the landscaping officer has raised no concerns or made any recommendation for its replacement. It would therefore be unreasonable to impose this requirement upon the applicant as there is no planning purpose for them to provide a new boundary treatment in this location. The neighbour could construct a new boundary treatment within their property if they required (subject to planning permission if required).

#### 4.12 **S106 Requirements**

4.12.1 Under Policy CP2, developments of 15 or more dwellings, 20% is required for affordable housing. The proposed development therefore has a requirement for 3 affordable units. However, the applicant had provided evidence that, due to the scale and nature of the development, a Registered Provider would not be interested in taking on such units. Your Strategic Housing Officer had assessed the evidence submitted and accepted that a Registered Provider would not be forthcoming. In light of the lack of deliverability for the affordable units, a financial contribution for off-site affordable housing provision was requested instead to be secured via a S106.

4.12.2 In respect to this application, the applicant has raised concerns regarding the viability of the proposal in light of the required s106 contributions. Paragraph 3.9 of the Council's Developer Contributions and Housing Choices Supplementary Planning Documents set out considerations in respect to situations where there are concern about viability. This states:

“CIL charges are non-negotiable unless a specific request is made for relief in accordance with the Council's relief and exceptions policy. The Council's CIL guidance clearly sets out the circumstances where this can be applied and the process for applicants. Planning Obligations are negotiated on a case-by-case basis.”

4.12.3 The guidance as set out in the Planning Practice Guidance states that where a developer/landowner believes that viability is an issue in relation to a specific Planning Obligation, applicants will need to make a submission to the Council which should include the following:

- i. A financial viability appraisal
- ii. A statement outlining the benefits and risks of not meeting all of the policy requirements and the site being delivered immediately. This statement should set out the applicants proposed approach to address viability issues arising i.e., if they are seeking deferment, phasing, or discounting of the Planning Obligations.

4.12.4 In this respect the applicant has submitted a viability assessment carried out by Griffin Land with which to demonstrate the impact of the affordable housing provision on the proposed scheme. Your Officers commissioned Dr Golland to provide an independent assessment of the proposed development.



4.12.5 Dr Golland concluded that:

*“the site is not sufficiently viable to support the payment of an affordable housing contribution or CIL is viable as the residual value falls below the land value benchmark (£468,000 deficit).”*

This gives no incentive to bring forward the Site for the proposed residential development and so the project costs would have to reduce substantially in order to make the site viable.

4.12.6 The independent assessment concluded that they agreed with the applicant's conclusion that the Site is unviable with the inclusion of a S106 contribution. If S106 contributions are not sought by the Council, then viability will improve and hence there is more likelihood of the proposed development being delivered.

4.12.7 As such, your Officers recommend that given the above, the site would not be viable with the inclusion of the s106 financial provision for affordable housing contribution. Officers confirm that the development would remain CIL liable.

4.12.8 As such, your Officers recommend that the application be approved without the s106 requirement in accordance with the Planning Practice Guidance on Viability (2014).

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

### **Human Rights Act 1998**

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

### **Equality Act 2010**

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

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

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

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

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

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

Such consideration has been balanced along with other material planning considerations and it is considered that the proposal is acceptable in respect to the requirements of the Act. Having had regard to the particulars of this case

officers consider that the proposal would not conflict with the aim of the Equality Act.

<b>6 Conclusion</b>
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- 6.1 Having had regard to the Local Plan, the NPPF and all other policy and material considerations it is considered, on balance, that the proposal, subject to the agreement of a s106 which allows the Council to reassess the viability issue if the development is not completed within a given time period, and the attached conditions, the proposal 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 s106 and the attached conditions.