

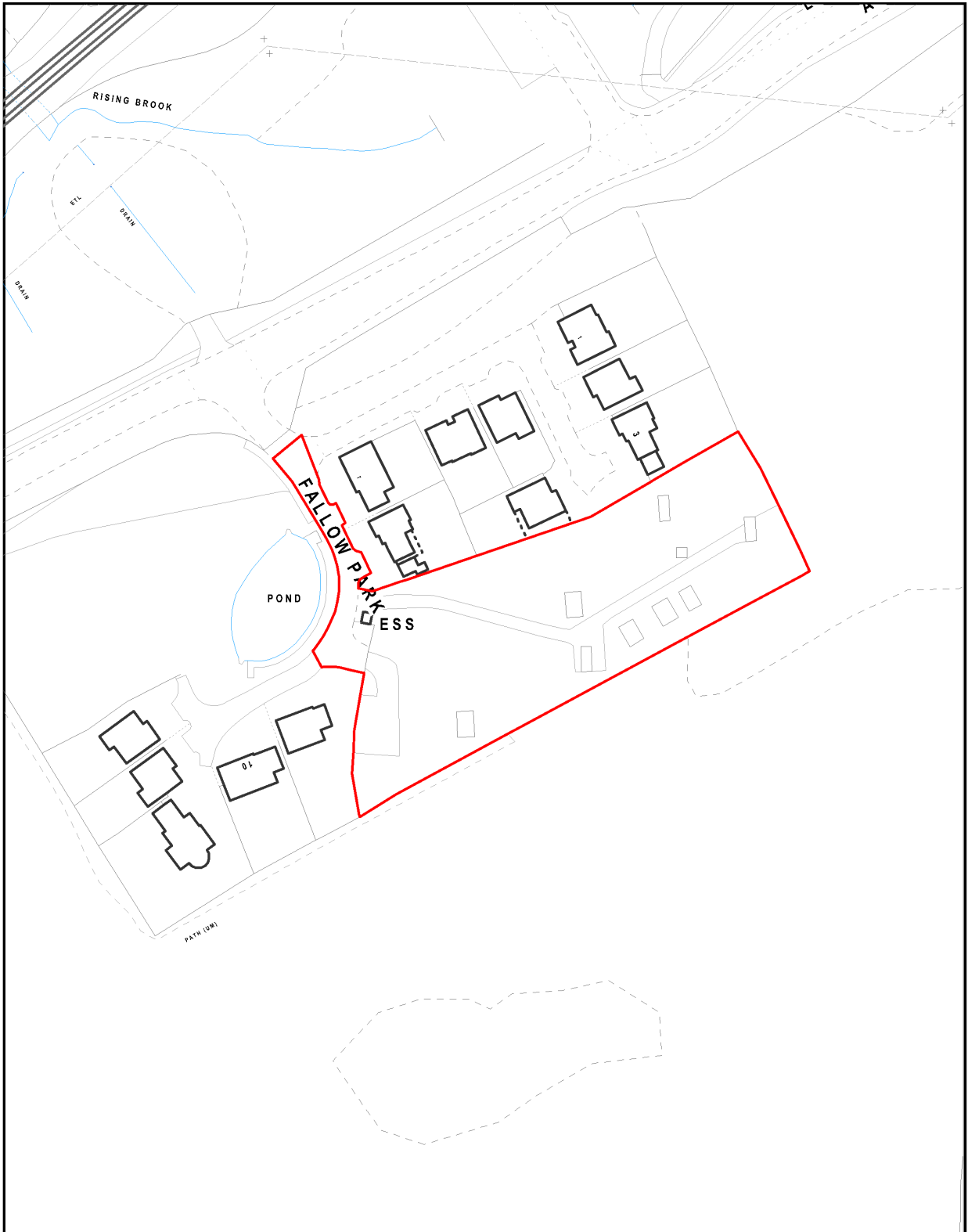
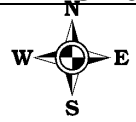


**Application No:** CH/17/348

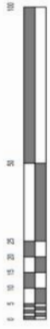
**Location:** Fallow Park, Rugeley Road, Hednesford, Cannock,  
WS120QZ

**Proposal:** Residential development:- Erection of 3No. Houses

**ITEM NO. 6.1**



# Location Plan



Scale 1:1250



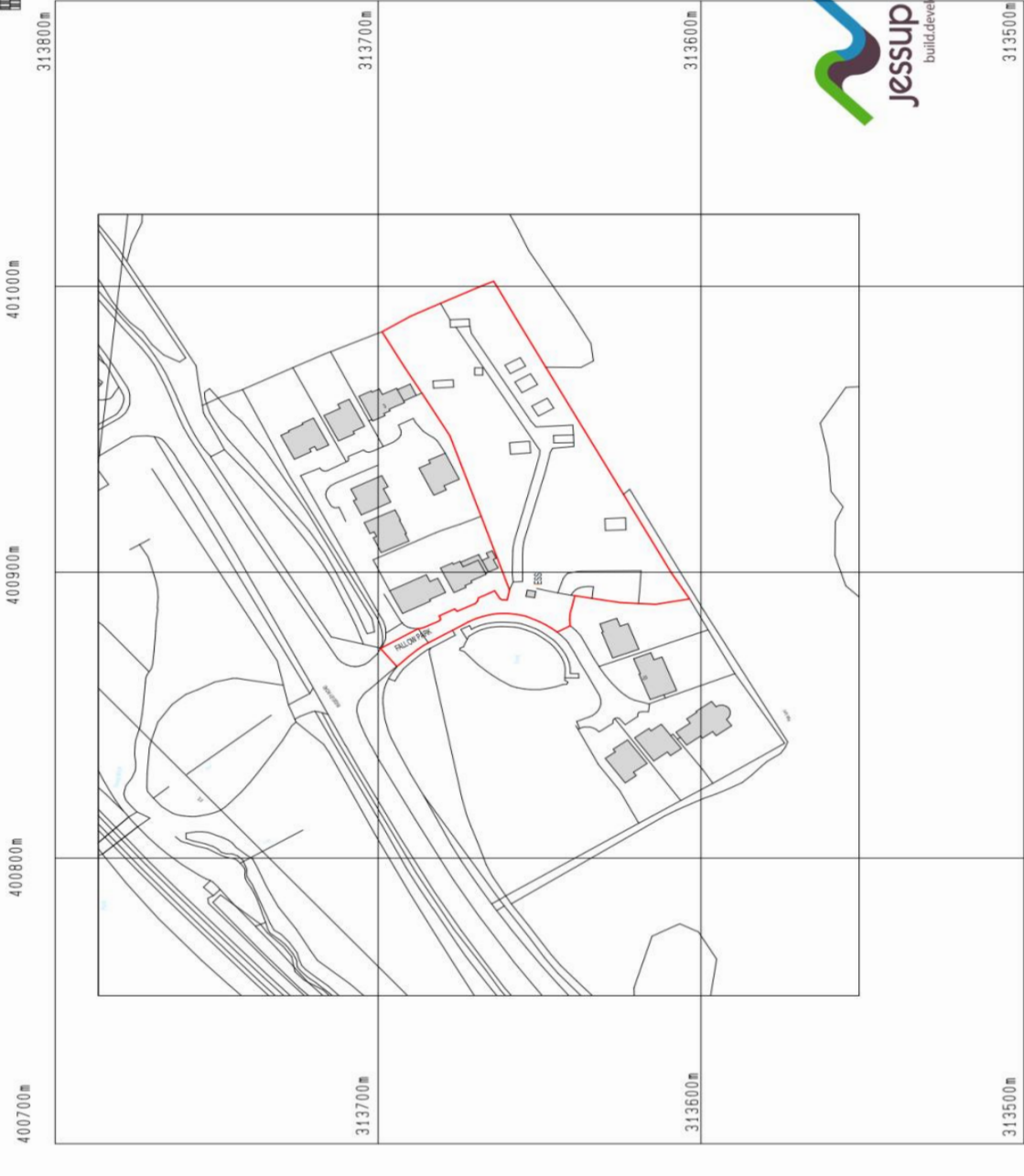
1 Station Court  
Griton Road  
Cannock  
Staffordshire  
WS11 0EJ  
t: 01543 466447  
e: arch@spfaizey.co.uk  
www.spfaizey.co.uk

**S. P. Faizey**  
Chartered Architects



JESSUP	
FALLOW PARK PHASE 2	
BRINDLEY HEATH	
LOCATION PLAN	
scale/DWG	date
1:1250	AUG 17
SPF	17010/1

Copyright of this drawing remains with S. P. Faizey Chartered Architects. Do not scale off drawing.



400700m 400800m 400900m 401000m 401100m

313500m 313600m 313700m 313800m

Crown Copyright and database rights 2017 OS 100019980

# Site Plan



**Fallow Park**  
**PHASE 2**  
 Plots 14, 15 & 16  
 Site Area 0.53 Hectares



1 Station Court  
 Cannon Road  
 Cannock  
 Staffordshire  
 WS11 5EJ  
 T: 01549 46447  
 E: office@spfaizley.co.uk  
 W: www.spfaizley.co.uk

<b>JESSUP</b>			
FALLOW PARK PHASE 2			
BRINDLEY HEATH			
SITE PLAN			
number	date	sheet	of
1/500	AUG 17	01P	17010/2

Copyright of this drawing remains with S. P. Faizley  
 Chartered Architects Do not scale off drawing

# Plot 14 Plans

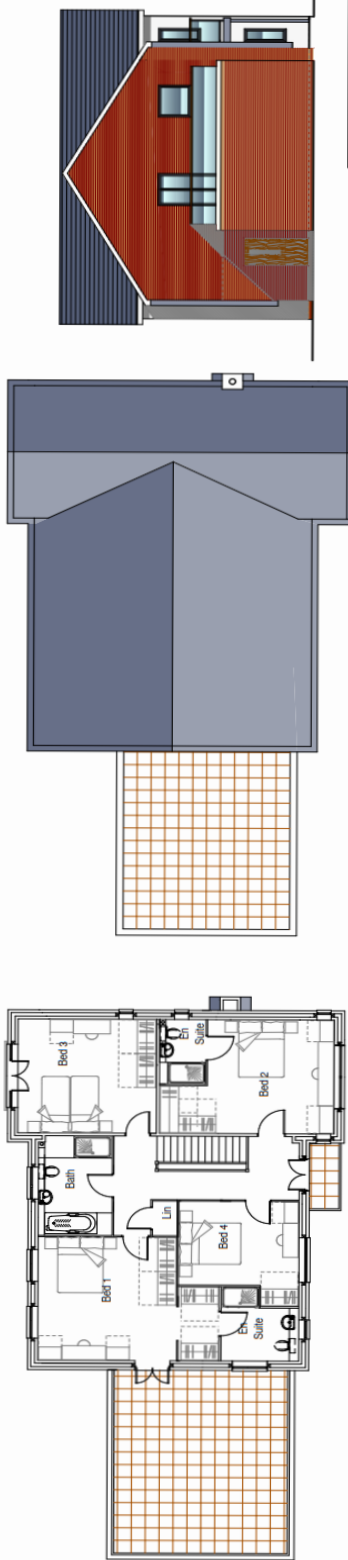
Fallow Park



Side Elevation

Rear Elevation

Front Elevation



First Floor Plan

Ground Floor Plan

Roof Plan

Floor Area - 255 Sq. M  
 (220 Sq. M + 35.00 Sq. M Garage)  
 Footprint - 165.00 Sq. M

Side Elevation

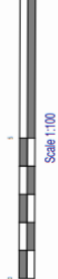
Station Court  
 Cambridge  
 Cambridgeshire  
 CB2 3RQ  
 Tel: 01223 464447  
 e: arch@spfalzey.co.uk  
 www.spfalzey.co.uk

**Jessup**  
 build.develop

**S. P. Falzey**  
 Chartered Architect  
 www.spfalzey.co.uk

JESSUP	
FALLOW PARK PHASE 2	
BRINDLEY HEATH	
PLANS & ELEVATIONS: PLOT 14	
Issue	Rev
1:100	AUG 17
Sheet	17010/5

Copyright of this drawing remains with S. P. Falzey Chartered Architect. Do not scale off drawing.



# Plot 15 Plans

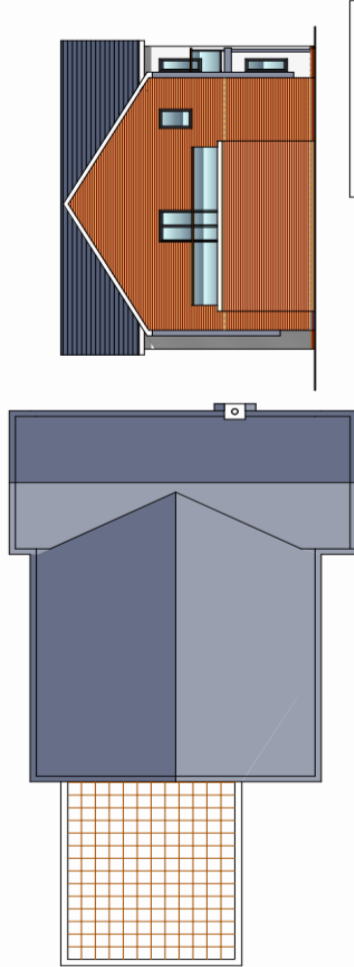
Fallow Park



Side Elevation

Rear Elevation

Front Elevation



Side Elevation

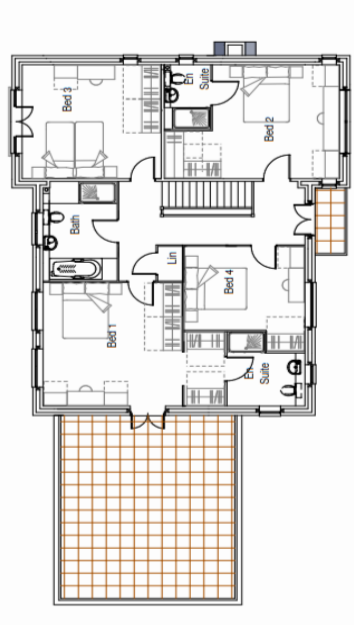
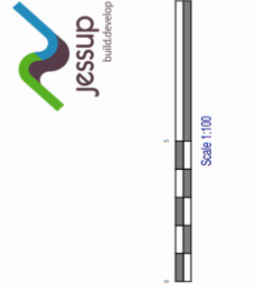
Roof Plan

Floor Area - 265 Sq.M  
 (220 Sq.M - 26.00 Sq.M Garage)  
 Footprint - 165.00 Sq.M

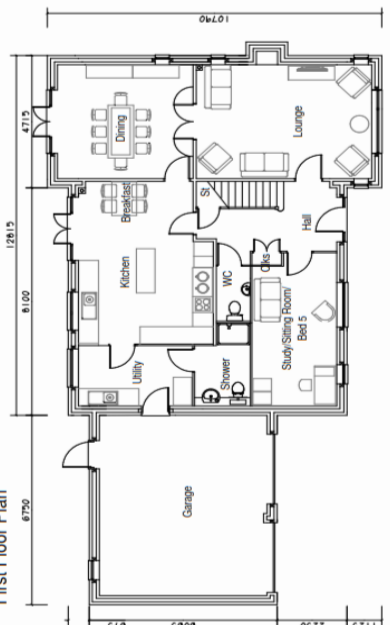
1 Station Court  
 Orion Road  
 Salford  
 Greater Manchester  
 M6 6PU  
 S. P. Fitzey  
 Chartered Architects  
 e: spfitzey@spfitzey.co.uk  
 w: www.spfitzey.co.uk

JESSUP	
FALLOW PARK PHASE 2	
BRINDLEY HEATH	
PLANS & ELEVATIONS: PLOT 15	
date	17/01/16
scale	1:100
sheet	AUG17_SFP

Copyright of this drawing remains with S. P. Fitzey Chartered Architects. Do not scale off drawing.



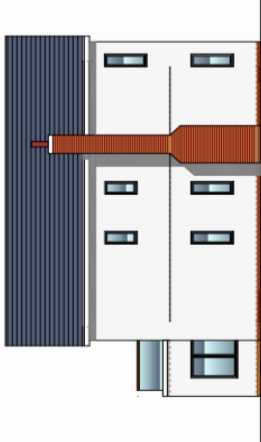
First Floor Plan



Ground Floor Plan

# Plot 16 Plans

Fallow Park



Side Elevation



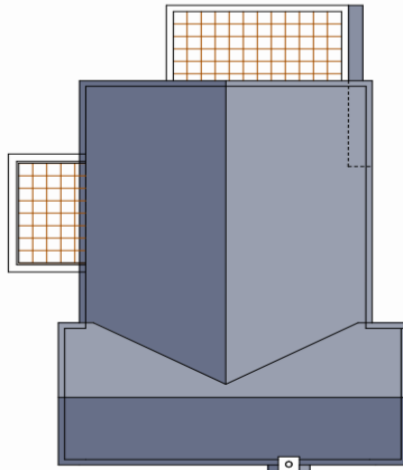
Rear Elevation



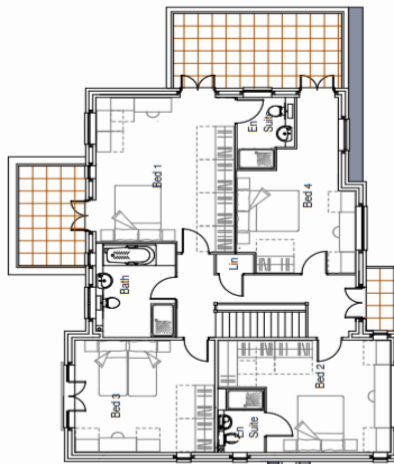
Front Elevation



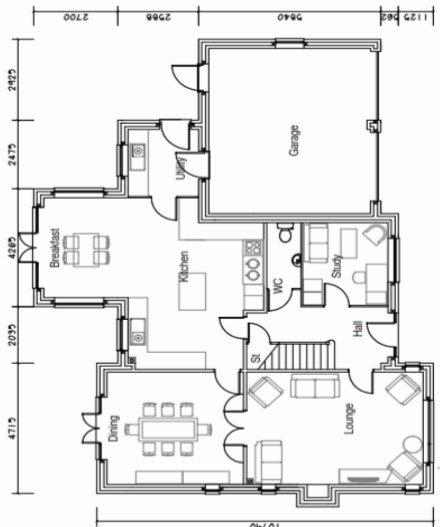
Side Elevation



Roof Plan



First Floor Plan



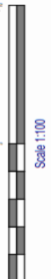
Ground Floor Plan

Floor Area - 246 Sq M  
 (213 Sq M + 33 Sq M Garage)  
 Footprint - 137.00 Sq M



1 Station Court  
 Giron Road  
 Southwood  
 Stroudshire  
 W511GE  
 T: 01535 666447  
 S. P. Falzrey  
 chartered-architects.co.uk  
 www.sppfalzrey.co.uk

JESSUP	
FALLOW PARK PHASE 2	
BRINDLEY HEATH	
PLANS & ELEVATIONS: PLOT 16	
Issue	1/100
Date	AUG 17
Drawn	SPF
Project	1701017



Scale 1:100

Copyright of this drawing remains with S. P. Falzrey Chartered Architects. Do not scale off drawings.

CGI



FALLOW PARK, BRINDLEY HEATH - PHASE 2  
CGI



PAGE INTENTIONALLY BLANK



**Application No: CH/17/348**

**Received: 18-Aug-2017**

**Location: Fallow Park, Rugeley Road, Hednesford, Cannock, WS12 0QZ**

**Parish: Brindley Heath**

**Ward: Hednesford North Ward**

**Description: Residential development:- Erection of 3No. Houses**

**Application Type: Full Planning Application**

**RECOMMENDATION Refuse for the following reason: -**

1. The application site lies within the West Midlands Green Belt wherein there is a presumption against inappropriate development which should only be allowed where very special circumstances have been demonstrated such that the harm to the Green Belt and any other harm is clearly outweighed by other considerations. The proposed development, by virtue of the scale and mass of the proposed buildings would clearly result in a greater impact on the openness of the Green Belt than the existing development and as such would constitute inappropriate development in the Green Belt. The applicant has not put forward any 'other considerations' that would clearly outweigh the harm to the Green Belt and as such there are no very special circumstances to justify approval of the proposal. As such it has not been demonstrated that the harm to the Green Belt and the AONB has been clearly outweighed by other considerations such that very special circumstances exist that would justify approval. As such the proposal would be contrary to the provisions of the National Planning Policy Framework

#### **EXTERNAL CONSULTATION**

##### **Brindley Heath Parish Council**

No objection.

##### **Ramblers Association**

No comment.

##### **Staffordshire County Highways**

No objection subject to condition.

##### **National Grid**

No response to date.

##### **Crime Prevention Staffordshire Police HQ**

No response to date.

##### **County Council Footpath Officer**

The application documents do not recognise the existence of Public Bridleway No.2 Brindley Heath Parish which runs to the rear of the proposed development site. This does not appear to be directly affected by the scheme but it should be referenced in the Design & Access Statement. The attention of the developer should be drawn to the existence of the path and to the requirement that any planning permission given does not construe the right to divert, extinguish or obstruct any part of the public

footpath. If the footpath needs diverting as part of these proposals the developer would need to apply to the Council.

Staffordshire County Historic Environment Advisor

No objection subject to condition.

INTERNAL COMMENTS

Environmental Health

The site is within 250m of historical infill sites, and has had previous industrial use. As such, a site investigation for contamination and ground gases will be required for this proposed phase ii development. The site investigations submitted in support of this application relate to Phase 1 on the adjacent land, so are not directly applicable. They did however, demonstrate elevated carbon dioxide ground gas emissions and hydrocarbon contamination requiring mitigation, which may act as an indicator to the potential contamination issues on this plot.

If results demonstrate the need, then a mitigation strategy should be provided for prior approval. A verification report should also be provided upon completion of the approved works.

Any existing buildings should be removed or demolished under controlled conditions. Should the premises contain any asbestos cement material then a specialist contractor will be required for removal and disposal. Copies of waste transfer notes should be retained by the main contractor.

Planning Policy

The site is located within the Green Belt and AONB, just outside the urban area of Hednesford. It is a 'windfall site' having not been previously identified within the Strategic Housing Land Availability Assessment (SHLAA) as a potential housing site (whilst the Phase 1 scheme nearing completion is identified within the SHLAA as it is permitted and under construction, the Phase 2 which is the subject of this application has not been).

Local Plan (Part 1) Policy CP1 identifies that the urban areas of the District will be the focus for the majority of new residential development, which this site lies outside of. Policy CP1 states development proposals at locations within the Green Belt will be assessed against the NPPF and Policy CP14. It identifies that a 'positive approach that reflects the presumption in favour of sustainable development' will be taken when considering development proposals, including windfall sites. Policy CP6 also 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 them (subject to other policy provisions).

The NPPF identifies that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. A number of exceptions are not considered to be inappropriate development in the Green Belt. The applicant states that the site represents previously developed land, having being occupied by testing huts with associated hard tarmac areas and access roads. The applicant outlines that the development proposals are in accordance with the provisions of the NPPF, which states that appropriate development within the

Green Belt can include 'limited infilling or the partial or complete redevelopment of previously developed sites...which would not have a greater impact upon the openness of the Green Belt and the purpose of including land within it than existing development; or, not cause substantial harm to the openness of the Green Belt, where the development would re-use previously developed land and contribute to meeting an identified affordable housing need within the area of the local planning authority.

However, paragraph 145 excludes 'temporary buildings' from this exemption and the NPPF definition of previously developed land also refers to 'permanent structures'. In this context it would be useful for the applicants to clarify if the testing huts on site represent 'permanent buildings/structures' as opposed to temporary buildings -from the applicants photographs provided in the Design and Access Statement, some of the huts appear to resemble porta cabins. The applicant's statement identifies they are permanent buildings/structures but further evidence to support this would be helpful e.g. planning permission history; length of time on site; construction features (e.g. are they attached to ground); intended lifespan; connection to utilities etc.

Should it be accepted that the land is previously developed then in terms of openness the detailed design of the scheme should be assessed in its context. Openness should be assessed in spatial (quantum of development) and visual impact terms. It is queried as to whether the relatively large increase in proposed floorspace of the actual dwellings (circa 600sqm additional) combined with an increase in storey heights would not have a greater impact upon openness (particularly as this site lies on land which is more elevated than the surrounding site, as detailed in the applicant's Design and Access Statement). Policy CP14 of the Local Plan (Part 1) states that the ground floor area of any replacement building within the Green Belt should not normally exceed that of the original property by more than 50%- which this proposal is significantly above (representing almost a 200% increase on ground floor footprint from 163sqm to 487sqm). It is noted that overall the proposal is slightly reducing the overall hard surfaced area; that it represents a low density scheme (6 dwellings per ha); and that the site is relatively well screened by existing landscape, which may reduce the visual impact; however this should be assessed in conjunction with the proposed landscaping plans.

It is also noted that to the north-west of the site lies the existing Phase 1 residential scheme, which represents an existing built development within the development proposals immediate vicinity. However, the site overall still sits within a relatively undeveloped location and visual impacts upon the undeveloped areas to the north and east in particular need to be considered. Should it be concluded that there will be a greater impact upon openness, then the scheme should be considered inappropriate development in the Green Belt and the applicant will need to demonstrate very special circumstances which outweigh the harm to the Green Belt in order in order to justify their proposal (NPPF).

The site lies within the AONB. Policy CP14 of the Local Plan (Part 1) sets out the approach to protecting, conserving and enhancing landscape character, particularly by supporting development proposals within the AONB that are compatible with its management objectives. In relation to residential development, the impact of new buildings needs to be carefully considered and the Design SPD (2016) (section on Green Belt and AONB) sets out measures which can be incorporated to help new

developments to reduce their impact upon the AONB and complement existing developments within it. Similar comments outlined above in relation to the increased floor print and increased storey height also apply with regards to the potential impact upon the AONB.

With regards to the detailed design of the scheme, regard should be paid to Policy CP3, Policy CP16 and the Design SPD, Parking Standards, Travel Plans and Developer Contributions for Sustainable Transport (2005) (contains parking standards) overall.

As a residential development scheme the proposal is CIL liable. Given that a net increase in dwellings is proposed the development also needs to mitigate its impacts upon the Cannock Chase SAC (Local Plan Part 1 Policy CP13). Should the development be liable to pay CIL charges then this will satisfy the mitigation requirements, as per Local Plan Part 1 Policy CP13, the Developer Contributions SPD (2015) and the Council's Guidance to Mitigate Impacts upon Cannock Chase SAC (2017). However, should exemption from CIL be sought then a Unilateral Undertaking would be required to address impacts upon the Cannock Chase SAC in accordance with the Council's policy/guidance. Any site specific requirements may be addressed via a Section 106/278 if required, in accordance with the Developer Contributions and Housing Choices SPD (2015) and the Council's most up to CIL Regulation 123 list.

In summary, further clarification on the status of the land would be welcomed in the first instance. Subject to the site being considered previously developed land, then the detailed design of the scheme needs to be assessed to ensure no greater impact upon openness of the Green Belt in order to be considered appropriate development in the Green Belt. Should it be judged to have a greater impact upon openness then the applicant should be asked to demonstrate very special circumstances to justify the harm to the Green Belt. The scheme design should also ensure no adverse impacts upon the AONB.

Council Ecologist

No response to date.

Housing Strategy

No contribution required.

Landscape Officers

No objection in principle - The site lies within the Green Belt and Area of Outstanding Natural Beauty (AONB). The majority of trees on this site are covered and protected via TPO 8/2009. It appears Group G11 of TPO 8/2009 which should have been retained have instead been removed and replaced. The tree survey, constraints plan and Arboricultural Impacts plans are acceptable. The agent may consider relocating the Sorbus at the front of plot 15 due to the close vicinity to the path and road. Berry drop will be an issue in the long term.

Services & Drainage and all service details are required together with drainage, drains runs, apparatus and chambers.

RESPONSE TO PUBLICITY

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

1. **RELEVANT PLANNING HISTORY**

- 1.1 The following planning history of the wider site is of relevance to the application: -

CH/10/0069 - Demolition of existing office buildings and construction of 13 detached dwellings (resubmission of CH/09/0157). Phase 1. Approved

CH/09/0157 - Demolition of existing office buildings and construction of 13 detached dwellings – Refused for the following reason:

“The proposal constitutes inappropriate development in the Green Belt which would have an adverse effect on openness particularly because of the spread of development across the site and the height of the proposed buildings. The scheme is therefore contrary to Policies C1 of the Cannock Chase Local Plan 1997 & DS13 of the Staffordshire Structure Plan 2002”.

2. **SITE AND SURROUNDINGS**

- 2.1 The application relates to a 0.5 hectare site situated on Rugeley Road, Hednesford. The site comprises part of the former Ultra Electronics site with associated outbuildings and hard surfacing. The company has relocated from this site and premises in Main Road Brereton to a new, purpose built development at Towers Business Park. The front of the site which previously accommodated the main Ultra Electronics office building has since been redeveloped for 13 bespoke residential buildings. This part of the wider site which is referred to by the applicant as 'Phase 1' of the Fallow Park development.
- 2.2 The site is situated within the Green Belt and the Cannock Chase Area of Outstanding Natural Beauty (AONB).
- 2.3 The site is within 250m of a former landfill site which ceased use in 2005. The landfill was used for inert waste and since the use was ceased the former pits have been covered. The land to the south and east remains open and unused.
- 2.4 The application site itself comprises primarily of 9 single storey testing stations associated with the former use of the site with associated hard standing for parking and access. The cumulative footprint of testing stations equates to approximately 163m<sup>2</sup> and give a total volume of 430m<sup>3</sup>. The existing hardstanding also covers an area of 1046m<sup>2</sup> (20% of the total site area of 0.53ha), however there is no volume associated with this.
- 2.5 The nearest residential properties are sited to the immediate north and west of the site and formed Phase 1 of the overall development of the site; this current application being referred to by the applicant as Phase 2. Phase 1 is comprised of 13 individually designed detached dwellings and landscaping

including a large communal pond. The nearest dwellings within Phase 1 side onto the application site.

- 2.6 There are a number of mature and semi-mature trees around the boundary of the site, many of which have been protected by TPOs. The trees and existing dwellings screen the majority of the site from the adjacent highway with only limited views into the site surrounding the vehicular access.

3. **PROPOSAL**

- 3.1 The application is for the demolition of the existing structures and for the construction of three detached two storey dwellings and associated parking and amenity space.

- 3.2 The proposed new dwellings would be of contemporary and bespoke designs finished in a combination of brick, render and cladding. The design incorporates integral garages with balconies, projecting front gables and large feature windows.

- 3.3 The proposed footprints of the dwellings vary between 246m<sup>2</sup> and 255m<sup>2</sup> with the volumes equating to a total of approx. 2849m<sup>3</sup>.

- 3.4 Each of the proposed dwellings would be sited with a frontage onto a shared access drive off the existing access within the wider site. Parking would be provided for 4 vehicles per dwelling and amenity space to the rear varying between 315m<sup>2</sup> and 1330m<sup>2</sup>.

4. **PLANNING POLICY**

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

- 4.2 The Development Plan currently comprises the Cannock Chase Local Plan (2014). Relevant policies within the Local Plan include

- 4.3 Cannock Chase Local Plan (2014):

- CP1 - Strategy – the Strategic Approach
- CP2 - Developer contributions for Infrastructure
- CP3 - Chase Shaping – Design
- CP6 - Housing Land
- CP7 - Housing Choice
- CP13 - Cannock Chase Special Area of Conservation (SAC)
- CP14 - Landscape Character and Cannock Chase Area of Outstanding Natural Beauty (AONB)

- 4.4 National Planning Policy Framework

4.5 The NPPF (2018) 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 a "presumption in favour of sustainable development" and sets out what this means for decision taking.

4.6 The NPPF (2018) confirms the plan-led approach to the planning system and that decisions must be made in accordance with the Development Plan unless material considerations indicate otherwise.

4.7 Relevant paragraphs within the NPPF include paragraphs: -

8:	Three dimensions of Sustainable Development
11-14:	The Presumption in favour of Sustainable Development
47-50:	Determining Applications
124, 127, 128, 130:	Achieving Well-Designed Places
212, 213	Implementation
143 – 145	Green Belt
172	Area of Outstanding Natural Beauty

4.8 Other Relevant Documents

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

## 5. DETERMINING ISSUES

5.1 The determining issues for the application are;

- Principle of the development in the Green Belt.
- Impact on the character and form of the area and AONB.
- Impact upon residential amenity.
- Impact on highway safety.
- Affordable housing.
- Ground contamination.
- Drainage and flood risk.
- Other Consideration advanced by the applicant.
- Weighing exercise to determine whether Very Special Circumstances exist.

## 6. PRINCIPLE OF THE DEVELOPMENT

6.1.1 The site is located within the West Midlands Green Belt, wherein there is a presumption against inappropriate development, which should not be approved except in 'very special circumstances'. Paragraph 144 of the NPPF states that 'when considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt' adding "very special circumstances" will not exist unless the

potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations'.

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

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

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

6.1.4 Whether a proposal constitutes inappropriate development is set out in Paragraphs 145 & 146 of the NPPF. Paragraph 145 relates to new buildings.

6.1.5 The NPPF, paragraph 145, states "A local planning authority should regard the construction of new buildings as inappropriate in Green Belt. Exceptions to this includes, amongst other things: -

"limited infilling or the partial or complete redevelopment of previously developed sites (brownfield land), whether redundant or in continuing use (excluding temporary buildings), which would not cause substantial harm to the openness of the Green Belt where the development would re-use previously developed land and contribute to meeting an identified housing need within the area of the local planning authority."

6.1.6 The proposal could be considered as not inappropriate provided it meets one of the above exceptions. However, in this case it is clear that the replacement buildings would be significantly larger than the testing units they replace. The assessment of whether a replacement building would be materially larger is primarily, but not exclusively, a question of size. The intention is clearly that new buildings should be of a similar size in scale to those being replaced. 'Materially' allows for the exercise in judgement as to the perception of an increase in size arising from the design, massing and disposition of the replacement buildings.

6.1.7 In this instance, the proposed total footprint of buildings would be 756m<sup>2</sup> compared to the existing 163m<sup>2</sup> (approximating to a net increase of 593m<sup>2</sup> or 363%) and a proposed volume of 2849m<sup>3</sup> compared to existing 430m<sup>3</sup>



(approximating to a net increase of 2419m<sup>3</sup> or 562%). As such it is abundantly clear that the proposal would result in a substantial increase in the size and mass of the buildings on the site.

- 6.1.8 The existing testing units are spread over the site and there is already a large extent of hardstanding. However, the existing testing units are relatively small and single storey and therefore their impact on the openness of the Green Belt is limited. The proposal would provide three large 4x bedroom dwellings each covering an area of approx. 255m<sup>2</sup> (one dwelling alone covering more than the existing testing units combined).
- 6.1.9 Whilst there is a significant area of hardstanding currently servicing the testing units this has no significant impact on the openness of the Green Belt. Although the proposal would lead to a decrease the overall effect would be limited.
- 6.1.10 In support of the application the applicant has put forward a case purporting to argue that the proposal would not have a material impact on the openness of the Green Belt or the purposes of including land within it. This states: -

"This is the final phase of a comprehensive redevelopment of a brownfield site which originally comprised a two storey office block, vehicle workshop, other minor outbuildings and the 9 test buildings together with considerable areas of hardstanding. At the time of the original application for 13 dwellings, the significant reduction in the amount of hardstanding and the general "greening" of the site with habitat improvements and additional planting were taken into account in relation to the overall impact on openness. We think that this approach should also apply to this final phase of development.

Adding the floorspace of the test buildings (163m<sup>2</sup>) to the existing hardstanding in phase 2 (1046m<sup>2</sup>) gives a figure of 1209m<sup>2</sup>. As the lawful use of this part of the site is still for light industrial purposes the buildings could be extended by 10% under PD rights and the whole area could be laid as hardstanding in connection with the lawful use (Classes H and J of Schedule to the GDPO 2015). Setting aside the potential considerable increase in hardstanding for a moment, the floorspace of the buildings if extended under PD rights could be 179m<sup>2</sup> which, when added to the existing hardstanding, gives a hard surfaced total of 1225m<sup>2</sup>. The current proposed scheme as amended following updated tree survey information has a total hard surfaced area of 1197 m<sup>2</sup> including the footprints of the dwellings which comprises 487 m<sup>2</sup>. It can be seen, therefore, that the hard surfaced area would be reduced as a consequence of this development.

Clearly volume would be greater with the three dwellings having a volume of 2849m<sup>3</sup> compared with 430m<sup>3</sup> for the existing test buildings + 10% but we do not consider that this should be the primary consideration.

The other relevant issue is the spread of buildings across the site, with the existing test buildings spread more widely compared with the compact grouping of the proposed 3 dwellings, thereby leaving a much greater area of the site, particularly near to the boundaries, containing no buildings. So we believe that this should be part of the overall assessment of impact on

openness in addition to the points on existing area of hardstanding and potential lawful increase in hardstanding which could take place in connection with the existing use. As you note in your email, the NPPF describes " ... the complete redevelopment of previously developed sites, which would not have a greater impact on the openness of the Green Belt" as being one of the exceptions for development in the Green Belt that is not inappropriate.

In relation to the contributions the site makes to the five purposes of Green Belts (NPPF para. 80), taking account of the site's brownfield status, the checking of unrestricted sprawl, prevention of neighbouring towns from merging, assisting in safeguarding the countryside from encroachment and preserving the setting/character of historic towns would not be affected by the development as proposed and limiting the development of phase two would not make any real difference. Assisting urban regeneration is not relevant because of the site's brownfield status."

6.1.11 In respect of the above officers would comment that whatever happened in the Phase 1 of the development was determined on its own merits at that time. Likewise this application should be determined on its own merits as they stand at the point at which the decision is made. At this moment in time whatever originally stood on the site has now been demolished and its previous volume is irrelevant to the determination of the current proposal. Therefore the mass and volume of the original buildings that stood on 'Phase 1' is not material to the determination of the current application and the proposition put forward by the applicant is fundamentally flawed in this respect.

6.1.12 In respect to the issue of permitted development rights it is noted that significant weight should only be afforded to permitted development as a fall-back position if there is a reasonable prospect that the development pursuant to a permitted development right would be implemented. In this case the buildings on the site are limited in size, in a poor state of repair and have little utility outside of their original bespoke use. As such officers consider that there is no reasonable prospect that the development pursuant to permitted development rights would be undertaken and that little weight should be afforded to the fall-back position.

6.1.13 Given the above it is clear that the proposal overall would result in a substantial increase in the mass of built form on the application site and therefore the proposal would have a materially greater impact on openness of the Green Belt and therefore constitutes inappropriate development in the Green Belt contrary to the NPPF paragraph 145 (g).

6.1.14 Paragraph 143 of the NPPF makes it clear that "inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances". Furthermore paragraph 144 states when "considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt" adding "Very special circumstances will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly

outweighed by other considerations". The test of whether Very Special Circumstances therefore requires an assessment of all potential harms and benefits of the proposal. This report will therefore now go on to consider other material considerations to establish the weight to be attributed to the various factors and then will conclude with the weighing exercise to determine whether very special circumstances exist.

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

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

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

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

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

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

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

Planning policies and decisions should ensure that developments:

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

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

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

6.2.6 Given the above, it is noted that the proposal would be materially larger than the existing buildings and together with its contemporary design it could potentially have an adverse impact on the character and form of the AONB. However, there are various considerations which weigh in favour of the proposal.

6.2.7 The existing testing units comprise of a dilapidated buildings sporadically sited around the application site. These buildings are served by areas of hardstanding. The proposed development would remove these buildings and provide new bespoke designed dwellings reflective of the adjacent site. A landscaping scheme would also be incorporated to soften the overall impact on the surrounding AONB. As such the proposal would not detract from the immediate street scene or the wider AONB.

6.2.8 Turning now to the architectural merits of the proposed dwellings and whether they are acceptable at this location it is noted that the existing buildings on the adjacent site (phase 1) are of bespoke designs incorporating projecting front gables, render, brickwork and cladding finishes, flat roof garages to provide balconies and large glazed openings. The fact that the proposal would introduce dwellings to the application site does not in itself mean that a proposal is automatically harmful to the character of the AONB. Indeed although paragraph 124 of the NPPF states that planning decisions should create high quality buildings and places whilst paragraph 130 makes it clear that planning decisions should make sure development improves the character and quality of an area and the way it functions.

6.2.9 In respect to the use of facing brickwork, cladding and render, the Cannock Chase AONB, it is noted that unlike many other AONBs and National Parks there are few buildings within the Cannock Chase AONB and that the character of the built environment contributes little towards the overall character of the AONB as a whole. Most buildings within the AONB date from the early to mid C20th and possibly later and hence are of standard designs which are commonly found throughout the West Midlands region. In addition to this many of the buildings within the AONB are rendered. Examples include many of the larger detached dwellings within Kingsley Wood Road, Pye Green Water Towner, the terrace of dwellings along Slitting Mill Road and several detached properties along Penkridge Bank Road and most recently at

the adjacent Fallow Park (phase 1). As such it would be difficult to demonstrate that the use of render would be out of character with the built component of the AONB when much of that component is comprised of rendered properties, including elements of render and cladding on the wider Fallow Park site. In addition given that the site is well screened, the proposed dwellings would be set back from the adjacent highway and read in conjunction with the adjacent dwellings, it is considered that the use of materials including cladding and render would not in any case have a significant impact on the character of the AONB.

- 6.2.10 The majority of landscaping within the curtilage of the site would be retained. The trees are covered by Tree Protection Orders (TPOs). The Council's Tree Officer is satisfied that the proposed development could be constructed without any detrimental impact to the trees given the existing hardstanding and the separation distances between the trees and the proposed buildings.
- 6.2.11 The vast majority of the AONB is comprised of heathland and woodland and hence is devoid of buildings and essentially open in nature. This is a fundamental part of the character of the AONB. In this respect the proposal, by virtue of the increased mass and scale of buildings on the site would result in some harm to the character of the AONB. However, the harm would be limited due to the woodland screening around the site.
- 6.2.12 Therefore, taking all of the above into account and having had regard to Policies CP3 and CP14 of the Local Plan and the appropriate sections of the NPPF it is considered that the proposal would result in limited harm to the character and form of the Cannock Chase AONB.

### 6.3 Impact upon Residential Amenity

- 6.3.1 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.
- 6.3.2 Paragraph 127(f) of the NPPF states that planning policies and decisions should ensure that developments [amongst other things] create places with a high standard of amenity for existing and future users.
- 6.3.3 The adjacent dwellings side onto the application site; proposed plot 14 would be sited with a side elevation adjacent the side of existing plot 9 at a distance of 8m. Proposed plot 15 would face the side of existing plots 4 & 8 however this would be at a distance of 25m and separated by the existing trees and access road. The final proposed plot (16) would side onto the side of existing plots 3 and 4 however this would be separated by a distance of 13m to the boundary of the application site.

6.3.4 Based on the above it is considered that the separation distances proposed to existing buildings and the intervening boundary treatments would protect the amenity of both existing and future occupiers of the site and the neighbours. Therefore the proposed redeveloped dwelling would not result in any significant impact, by virtue of overlooking, loss of light or loss of outlook, on the residential amenities of the occupiers of the nearest properties. As such it is concluded that a high standard of amenity for existing and future users

6.4 Impact on Highway Safety

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

6.4.2 It is noted that Stafford County Highways raised no objection to the proposed development.

6.4.3 The proposed development would provide 4 spaces per dwelling which is over and above the requirement for 4 x bedroom properties. As such, the proposal accords with the requirements of the Parking SPD and it is concluded that the proposal would not have an unacceptable impact on highway safety.

6.5 Impact on Nature Conservation Interests

6.5.1 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.

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

6.5.3 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. The proposal would be CIL liable.

6.5.4 Given the above it is considered that the proposal, subject to the CIL payment, 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.

6.6 Affordable Housing and other Developer Contributions

6.6.1 This application constitutes phase 2 of a wider redevelopment scheme. Phase 1 for 13 dwellings has already been constructed. The total residential development of the site would equate to 16 dwellings and therefore would fall under Policy CP2 of Cannock Chase Local Plan for an affordable housing contribution. In this instance, the proposed development for 3 dwellings would take the total development of phase 1 and phase 2 to 16 which would require an on site contribution. From the outset it has been clear that the development of the site would constitute of 2 phases. As such, if approval is granted it is recommended that a s106 agreement be entered for the provision of 1 dwelling in accordance with Policy CP2 of the Cannock Local Plan.

#### 6.7 Ground Contamination

6.7.1 The comments raised by the Councils Environmental Health Officer are noted and agreed. The application site location within 250m of historic landfill sites and has had previous industrial use. As such a site investigation for contamination and ground gases would be required. If as a consequence of the investigation, results demonstrate the need, then a mitigation strategy should also be provided for prior approval. A verification report should also be provided upon completion of the approved works. This requirement should be added to any decision notice as a condition subject to the application being granted approval.

6.7.2 Officers also stated any existing buildings should be removed or demolished under controlled conditions. Should the premises contain any asbestos cement material then a specialist contractor will be required for removal and disposal. Copies of waste transfer notes should be retained by the main contractor. This would be included on any decision notice as an informative should the application be approved.

#### 6.8 Drainage and Flood Risk

6.8.1 The site is located in 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, there is an existing dwelling on the site with existing drainage and it is located within a built up area. As such it is in close proximity to drainage infrastructure that serves the surrounding area. Therefore, it is considered that options for draining the site are availability and that this can be adequately controlled by condition.

#### 6.9 Other Considerations

6.9.1 Although the applicant has submitted a supporting statement it is unclear whether this purports to argue that the proposal would not have a greater impact on the openness of the Green Belt and therefore is not inappropriate within the Green Belt; or whether it purports there are very special circumstances that would justify the proposal. However, the statement appears to read as a justification that the proposal would not have a greater impact on the Green Belt and therefore is not inappropriate rather than a case that very special circumstance exist to justify approval of the application.

6.9.2 In either case officers would reiterate the comments made in paragraph 6.1.11 to 6.1.12 of this report and would recommend that no weight should be afforded to the matters put forward by the applicant. As such it is officer's firm opinion that there is no case that very special circumstances exist to justify what is clearly inappropriate development within the Green Belt.

6.10 Weighing Exercise to Determine Whether Very Special Circumstances exist.

6.10.1 The proposal constitutes inappropriate development within the Green Belt and would detract from the openness of the Green Belt. Therefore in accordance with the NPPF substantial weight should be afforded to this harm to the Green Belt. In addition the proposal would reduce the openness of the Cannock Chase AONB and therefore result in harm to this fundamental characteristic of the AONB. However given that the site is well-screen it is considered that limited weight should be afforded to this matter.

6.10.2 Conversely it is officer opinion that no factor or consideration of any significant weight has been put forward in support of the proposal.

6.10.3 As such it has not been demonstrated that the harm to the Green Belt and the AONB has been clearly outweighed by other considerations such that very special circumstances exist that would justify approval. On this basis it is recommended that the application be refused.

7. HUMAN RIGHTS ACT

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

8. EQUALITIES ACT

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

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

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

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

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

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

8.4 Such consideration has been balanced along with other material planning considerations and it is considered that the proposal is acceptable in respect



to the requirements of the Act. Having had regard to the particulars of this case officers consider that the proposal would make a neutral positive contribution towards the aim of the Equalities Act.

9. **CONCLUSION**

9.1 In respect to all matters of acknowledged interest and policy tests it is considered that the proposal constitutes inappropriate development within the Green Belt and therefore should be refused unless very special circumstances exist.

9.2 As such it has not been demonstrated that the harm to the Green Belt and the AONB has been clearly outweighed by other considerations such that very special circumstances exist that would justify approval. On this basis it is recommended that the application be refused.