

Please ask for: Mrs. W. Rowe

Extension No: 4584

E-Mail: wendyrowe@cannockchasedc.gov.uk

12 April, 2019

Dear Councillor,

**PLANNING CONTROL COMMITTEE
3:00PM, WEDNESDAY 24 APRIL, 2019
COUNCIL CHAMBER, CIVIC CENTRE, CANNOCK**

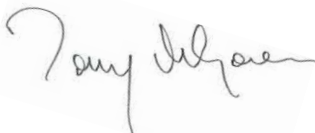
You are invited to attend this meeting for consideration of the matters itemised in the following Agenda.

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

<u>Application Number</u>	<u>Application Description</u>	<u>Start Time</u>
CH/18/363	Land adjacent to 6 Stonehouse Road, Rugeley, WS15 2LL – <i>Erection of two-storey house.</i>	2:00pm
CH/19/046	Unit 9b, Millpark Industrial Estate, Mill Park, Cannock, WS11 7XT – <i>Removal of embankment to form yard area with retaining wall, followed by reinstatement of embankment and retention of roller shutter to rear (resubmission- CH/18/175).</i>	2:30pm

Members wishing to attend the site visits are requested to meet at: land adjacent to 6 Stonehouse Road, Rugeley, WS15 2LL at 2:00pm as indicated on the enclosed plan.

Yours sincerely,



**T. McGovern
Managing Director**

To Councillors:

Cartwright, Mrs. S.M. (Chairman)
Allen, F.W.C. (Vice-Chairman)
Cooper, Miss J. Snape, P.A.
Dudson, A. Stretton, Mrs. P.Z.
Fisher, P.A. Sutherland, M.
Hoare, M.W.A. Tait, Ms. L.
Lea, C.I. Todd, Mrs. D.M.
Pearson, A.R. Woodhead, P.E.
Smith, C.D.

A G E N D A

PART 1

1. Apologies

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

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

3. Disclosure of details of lobbying of Members

4. Minutes

To approve the Minutes of the meeting held on 10 April, 2019 (enclosed).

5. Members' Requests for Site Visits

6. Report of the Development Control Manager

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

Finding information about an application from the website

- On the home page click on planning applications, listed under the 'Planning & Building' tab.
- This takes you to a page headed "view planning applications and make comments". Towards the bottom of this page click on the text [View planning applications. By clicking on the link I agree to the terms, disclaimer and important notice above.](#)

- The next page is headed "Web APAS Land & Property". Click on 'search for a planning application'.
- On the following page insert the reference number of the application you're interested in e.g. CH/11/0001 and then click search in the bottom left hand corner.
- This takes you to a screen with a basic description - click on the reference number.
- Halfway down the next page there are six text boxes - click on the third one - view documents.
- This takes you to a list of all documents associated with the application - click on the ones you wish to read and they will be displayed.

SITE VISIT APPLICATIONS

<u>Application Number</u>	<u>Application Location and Description</u>	<u>Item Number</u>
CH/18/363	Land adjacent to 6 Stonehouse Road, Rugeley, WS15 2LL: <i>Erection of two-storey house</i>	6.1 – 6.19
CH/19/046	Unit 9b, Millpark Industrial Estate, Mill Park, Cannock, WS11 7XT: <i>Removal of embankment to form yard area with retaining wall, followed by reinstatement of embankment and retention of roller-shutter to rear (resubmission-CH/18/175).</i>	6.20 – 6.33

OTHER APPLICATIONS

CH/18/176	Land at Walsall Road, Norton Canes, Cannock, WS11 9PX: <i>Full planning application for residential development on land comprising 67 dwellings with car parking, new estate roads, public open space and associated infrastructure.</i>	6.34 – 6.50
CH/18/392	Land at 71 Burntwood Road, Norton Canes, WS11 9RG: <i>Erection of 70 dwellings, access and open space, landscaping, drainage and associated works.</i>	6.51 – 6.80
CH/19/035	The Academy Early Years Childcare, Main Road, Brereton, Rugeley, WS15 1EE: <i>Variation of Condition 24 (approved plans-CH/18/261) to extend the existing basement.</i>	6.81 – 6.143

137. Application CH/18/363, Land adjacent to 6 Stonehouse Road, Rugeley, WS15 2LL, erection of two storey house

(Councillor M. Sutherland had declared a personal and pecuniary interest in the above application. As the Committee agreed to defer the application prior to any discussions taking place he remained in the Chamber).

Following the site visit consideration was given to the report of the Development Control Manager (Item 6.1 – 6.22 of the Official Minutes of the Council).

The Development Control Manager advised that, since the publication of the agenda, the objector, who was listed as speaking at today's meeting, had indicated she was unable to attend due to bereavement. He suggested that the Committee defer the application until 24 April to allow the objector the opportunity to attend the meeting and make representations. He confirmed that the objector and the applicant's agent, who was also listed as speaking, were both content with this suggestion.

RESOLVED:

That the application be deferred to the meeting on 24 April, 2019 to enable the objector to attend and make representations along with the applicant's agent.

138. Application CH/19/015, 71 Old Penkrige Road, Cannock, WS11 1HY – demolition of existing house, erection of 2 no. detached dwellings

Following a site visit, consideration was given to the report of the Development Control Manager (Item 6.23 – 6.52 of the Official Minutes of the Council).

Prior to consideration of the application representations were made by Mr. Albert Haywood and Mr. Martyn Rochelle, objecting to the application and Ms. Heather Sutton, speaking in favour of the application on behalf of the applicant.

The Development Control Manager confirmed that there was a typing error on Item no. 6.52, paragraph 6.1 of the report. The reference to "Brereton" should be replaced with "Cannock".

RESOLVED:

That the application, which was recommended for approval, be refused for the following reasons:-

The proposed two storey dwelling to rear, by virtue of its size and scale, the location of the windows within it and their juxtaposition in respect to neighbouring properties, the difference in ground levels between the site compared to that of neighbouring properties, and the back-land nature of the site would result in unacceptable levels of overlooking and loss of privacy and outlook and therefore fail to protect the residential amenities of the occupiers of the neighbouring properties and to retain a high standard of amenity for those occupiers contrary to

Policy CP3 of the Cannock Chase Local Plan and paragraph 127(f) of the National Planning Policy Framework.

139. Application CH/18/398, 25 Surrey Close, Cannock, WS11 8UF – retention of conservatory and alterations to rear garden levels

Consideration was given to the report of the Development Control Manager (Item 6.53 – 6.67 of the Official Minutes of the Council).

Prior to consideration of the application representations were made by Mr. Harry Wilkes, an objector and Mr. David Hyden, speaking in favour of the application on behalf of the applicant.

Arising from the representations, it became apparent that since the meeting on 27 February, 2019 when the Committee had deferred the application to enable officers to have further discussions with the applicant, these discussions had not taken place. It was suggested that the application be deferred once more to enable officers to discuss potential solutions with the applicant and objector.

RESOLVED:

That the application be deferred to enable officers to discuss potential solutions with the applicant and objector.

140. Appeal Decisions in relation to Planning Application Nos. CH/18/092, CH/18/288 and CH/17/252

Consideration was given to the report of the Development Control Manager (Item 6.68 – 6.79 of the Official Minutes of the Council).

RESOLVED:

The Committee noted the report outlining the following recent appeal decisions:-

- (i) Application CH/18/092 124 New Penkridge Road, Cannock - one block of 8 no. 2 bedroom apartments (Appeal Dismissed);
- (ii) Application CH/18/288 32 Attlee Crescent, Rugeley – one detached dwelling (Appeal Dismissed);
- (iii) Application CH/17/252 53 Gorsey Lane, Cannock – 1 no. 3 bedroom bungalow (Appeal Allowed).

The meeting closed at 4.10pm.

CHAIRMAN



Application No: CH/18/363

Location: Land adjacent to 6, Stonehouse Road, Rugeley, WS15 2LL

Proposal: Erection of two storey house

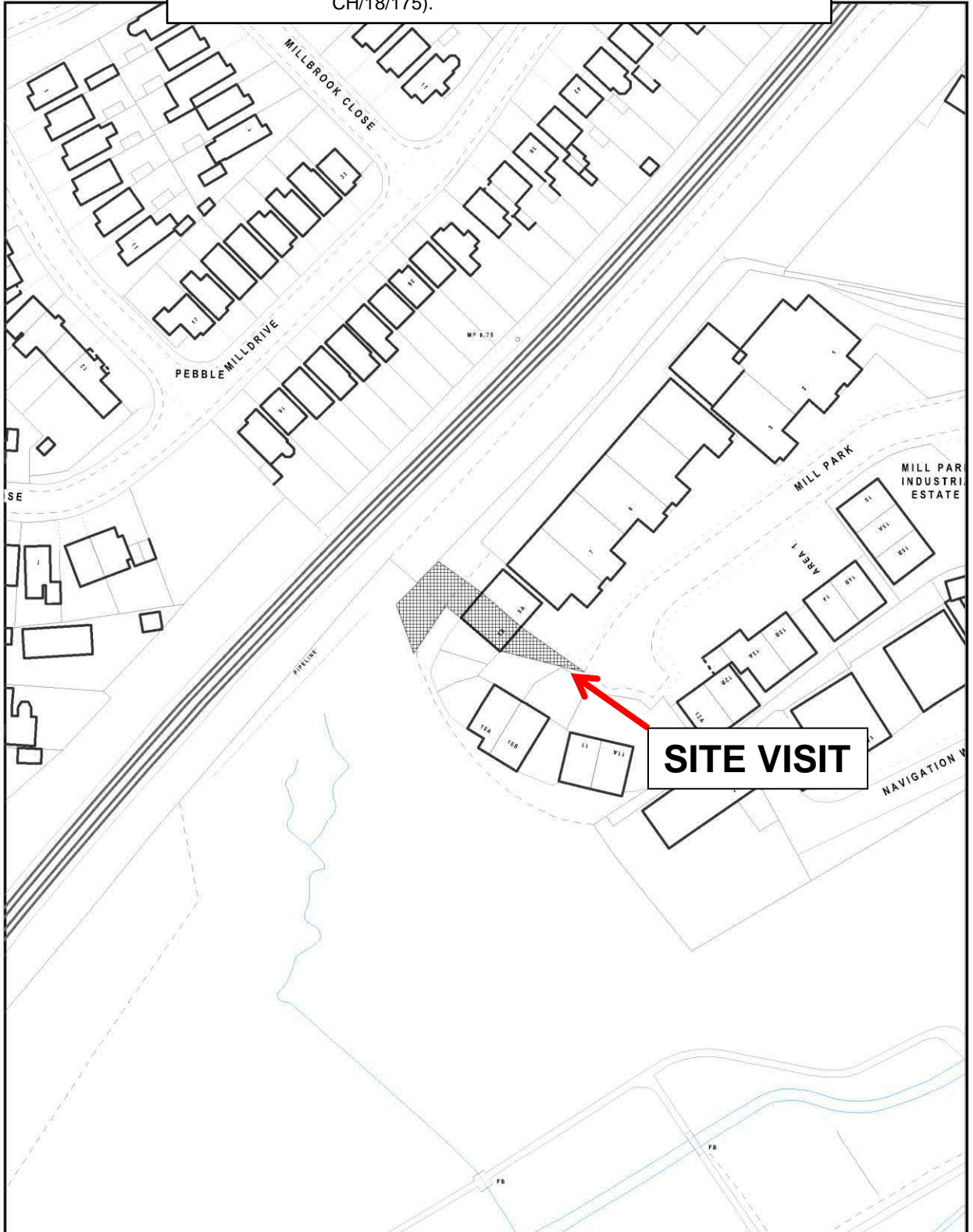




Application No: CH/19/046

Location: Unit 9b, Millpark Industrial Estate, Mill Park, Cannock, WS11 7XT

Proposal: Removal of embankment to form yard area with retaining wall, followed by reinstatement of embankment and retention of roller shutter to rear. (resubmission - CH/18/175).





Application No: CH/18/363

Location: Land adjacent to 6, Stonehouse Road, Rugeley, WS15 2LL

Proposal: Erection of two storey house

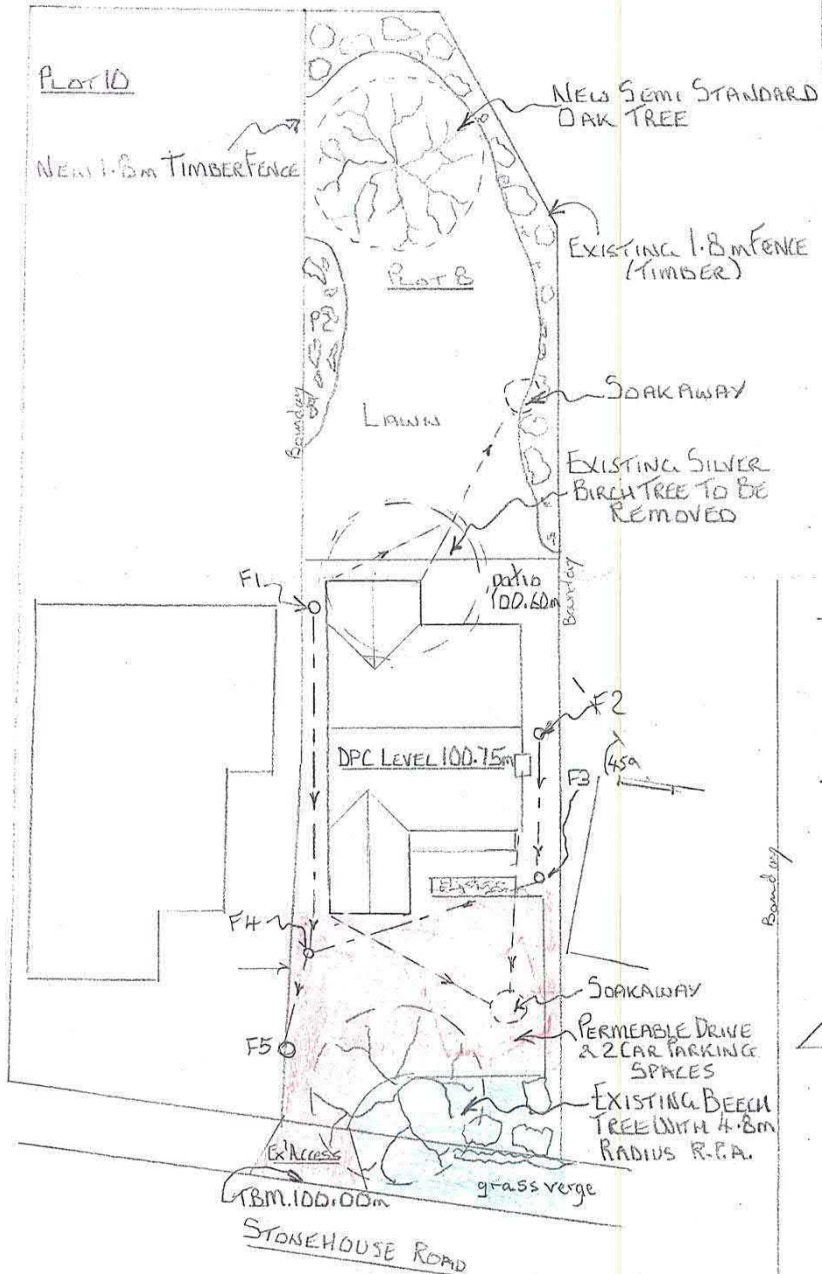
ITEM NO. 6.1



Location Plan



Site Plan



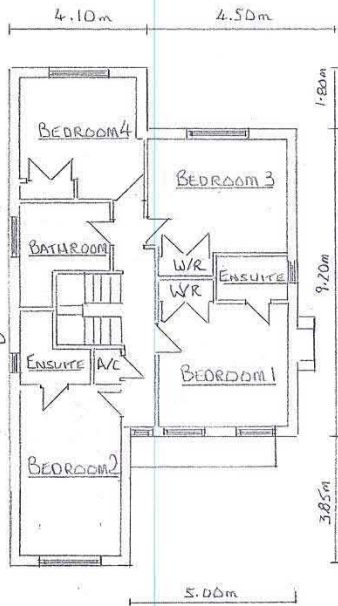
PROPOSED SITE PLAN SCALE 1:200

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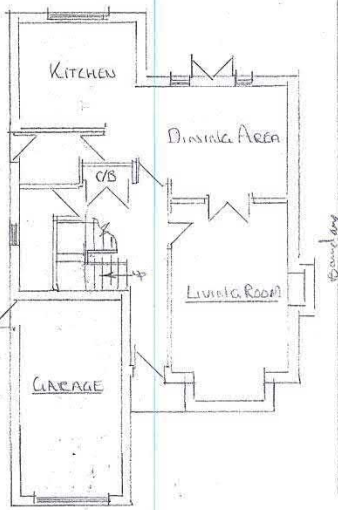
Plans and Elevations

MATERIALS

- PLAIN ROOF TILES - "MARLEY" ANTHRACITE
- FACING BRICKS - 1B STOCK KATHRINA MULTI MIX.
- WINDOWS & DOORS - U.P.V.C. BROWN WOOD STAIN.



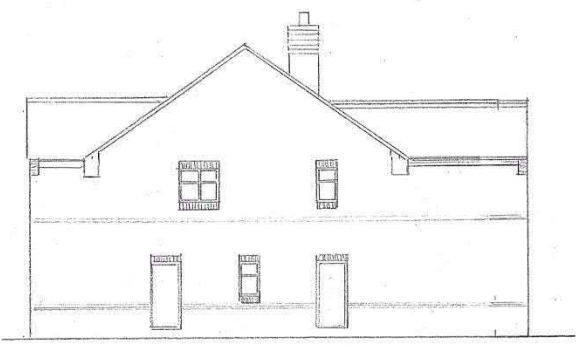
PROPOSED FIRST FLOOR PLAN SCALE 1:100



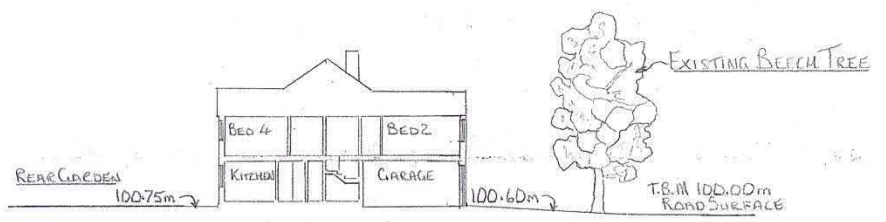
PROPOSED GROUND FLOOR PLAN SCALE 1:100



PROPOSED REAR ELEVATION (N) SCALE 1:100



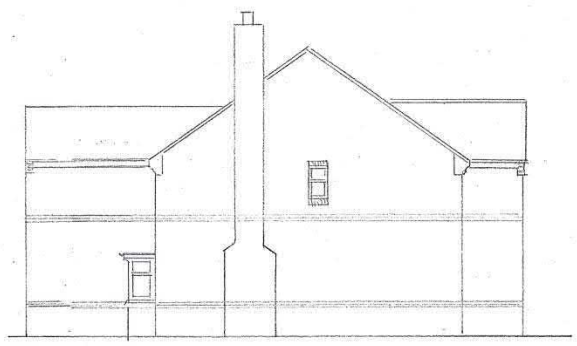
PROPOSED SIDE ELEVATION (W) SCALE 1:100



SECTION (FROM WEST LOOKING EAST) SCALE 1:200



PROPOSED FRONT ELEVATION (S) SCALE 1:100



PROPOSED SIDE ELEVATION (E) SCALE 1:100

Amendment 13/12/18. Length of garage increased from 4.8m to 6.0m

Contact Officer:	Audrey Lewis
Telephone No:	01543 464 528

PLANNING CONTROL COMMITTEE

24 APRIL 2019

Application No:	CH/18/363
Received:	12-Oct-2018
Location:	Land adjacent to 6, Stonehouse Road, Rugeley, WS15 2LL
Parish:	Rugeley
Description:	Erection of two storey house
Application Type:	Full Planning Application

RECOMMENDATION:

Approve Subject to Conditions.

Reason(s) for Recommendation:

Reason for Grant of Permission:

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

Conditions (and Reasons for Conditions):

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

Reason

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

2. No trees or hedges shown as retained on Dwg No.s 23/18 & K1655/01A, shall be cut down, topped, lopped, uprooted or removed without the prior written permission of the Local Planning Authority nor shall they be wilfully damaged or

destroyed.

Any trees or hedges which, within a period of 5 years from completion of the development are cut down, topped, lopped or uprooted without permission of the Local Planning Authority or become seriously damaged or diseased or die shall be replaced in the next planting season with similar size and species unless the Local Planning Authority gives written consent to any variation.

Reason

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

3. The approved landscape works shown on Dwg. No.23/18 shall be carried out in the first planting and seeding season following the occupation of any buildings or the completion of the development whichever is the sooner. (pursuant to Condition 2 above)

Reason

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

4. Prior to the commencement of any construction or site preparation works including any actions likely to interfere with the biological function of the retained trees and hedges, approved protective fencing shall be erected in the positions shown on the approved Tree & Hedge Protection layout drawing K1655/01A.

Within the enclosed area known as the Tree Protection Zone, no work will be permitted without the written consent of the Local Planning Authority. No storage of material, equipment or vehicles will be permitted within this zone. Service routes will not be permitted to cross the Tree Protection Zones unless written consent of the Local Planning Authority is obtained. The Tree Protection Zone will be maintained intact and the vegetation within maintained until the cessation of all construction works or until the Local Planning Authority gives written consent for variation.

Reason

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

5. The Special Surface Construction for the Access Roads, Drive Ways, Footpaths, Cycleways & Car Park Areas shall be implemented in accordance with the approved details including driveway construction method statement received 29 March 2019, unless otherwise agreed in writing by the Local Planning Authority.

Reason

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

6. The development hereby permitted shall not be brought into use until the access and parking areas have been provided in accordance with the site plan and shall thereafter be retained for the lifetime of the development.

Reason:

To comply with the objectives and policies contained within the NPPF. Para 109, in the interests of highway safety.

7. The garage indicated on the approved plan shall be retained for the parking of motor vehicles and cycles. It shall at no time be converted to living accommodation without the prior express permission of the Local Planning Authority.

Reason

To comply with the objectives and policies contained within the NPPF. Para 109, in the interests of highway safety.

8. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and re-enacting that Order with or without modification), no development within Part 1 of Schedule 2 to the Order shall be carried out without an express grant of planning permission, from the Local Planning Authority, namely:

- The enlargement, improvement or other alteration of the dwellinghouse;
- The enlargement of the dwellinghouse consisting of an addition or alteration to its roof;
- Any other alteration to the roof of the dwellinghouse;
- The erection or construction of a porch outside any external door of the dwelling;
- The provision within the curtilage of the dwellinghouse of any building or enclosure, swimming or other pool required for a purpose incidental to the enjoyment of the dwellinghouse as such, or the maintenance, improvement or other alteration of such a building or enclosure;
- The provision within the curtilage of the dwellinghouse of a hard surface for any
- purpose incidental to the enjoyment of the dwellinghouse as such;
- The erection or provision within the curtilage of the dwellinghouse of a container for the storage of oil for domestic heating; or
- The installation, alteration or replacement of a satellite antenna on the dwellinghouse or within the curtilage of the dwellinghouse.

Reason

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

9. The dwelling hereby approved shall not be occupied until the side facing windows of the dwelling have been fitted with obscure glazing for the lifetime of the development. The windows shall be retained with obscure glazing for the lifetime of the development. No other side facing window or door openings shall be formed

on the exterior of the dwelling without an express grant of planning permission from the Local Planning Authority.

Reason

The Local Planning Authority considers that such development would be likely to adversely affect the amenity of neighbouring occupiers and to ensure compliance with Local Plan Policy CP3 - Chase Shaping - Design and the NPPF.

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

Location plan

Design & Access Statement

Arboricultural report including Drg No. K1655/01A

Materials list - received 16 February 2018

Drg No. 23/18

Reason

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

Consultations and Publicity

External Consultations

Cannock Chase AONB Unit

Site and proposed Development.

I note that the site comprises a vacant plot in an otherwise built frontage of detached dwellings in mature gardens on the edge, but forming part of, the built-up area of Etchinghill. It formed part a large side garden, which was the subject of a planning permission in 2008 for two detached dwellings, one of which has now been built. Based on the premise that construction of the overall development has begun, the current application is for reserved matters. The application is based on the use of traditional materials and provision is made for the retention of the TPO Beech tree in the front garden.

AONB Issues.

The site is within the AONB, but forms part of the built-up area of Etchinghill. Stonehouse Road is characterised by larger detached houses in spacious plots, but there are examples of infill development and substantial extensions. It is pertinent that the application site is not visible from any open land or public rights of way in the AONB and that the principle of residential development has already been established. The LPA will wish to consider how the proposed design of the dwelling and the development fits in with the surrounding area and matters of residential amenity. Design and massing can be matters of concern from an AONB perspective in more prominent locations, but in this case, there is no demonstrably adverse impact on the landscape and scenic beauty of the AONB. However, it is important that the protected tree is retained, and that other appropriate landscaping is introduced, and I would request that these matters are covered by appropriate conditions. Materials and

finishes should be similarly controlled, and it may also be desirable to remove permitted development rights, given the size of the new house in relation to the plot.

Rugeley Town Council

No comments received.

County Highways

No objection subject to the imposition of conditions to remove permitted development rights for garage conversion and to provide the driveway and parking areas.

Internal Consultations

Environmental Health

No objection.

Strategic Housing

No comments received.

Policy Officer – (dated 31.10.18)

The site comprises a vacant plot in a built frontage of detached dwellings in mature gardens on the edge of Etchinghill. It formed part of a former side garden with outline planning permission for two dwellings in 2008; the adjacent dwelling has already been built. It is located within the AONB designation and there is a mature tree protected by TPO in the front garden.

The revised NPPF 2018 (para 47) confirms that planning law requires that applications for planning permission be determined in accordance with the development plan unless material considerations indicate otherwise. Cannock Chase Local Plan - Local Plan (Part 1) Policy CP1 reflects the national policy position set out in the NPPF.

The NPPF (para 128) states that 'design quality should be considered through the evolution and assessment of individual proposals' and that (para 124) 'the creation of high quality buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development.' Para 172 states that 'great weight should be given to conserving and enhancing landscape and scenic beauty in national parks, the Broads and Areas of Outstanding Natural Beauty which have the highest status of protection in relation to these issues.

The scale and extent of development within these designated areas should be limited.' Local Plan Policy CP14 indicates that landscape character will be considered in all proposals to protect and conserve rural openness and locally distinctive qualities and maximise opportunities for strengthening landscape features. Development proposals must be sensitive to distinctive landscape character and ensure they do not have an adverse impact on their setting through design, layout or intensity. Local Plan policy CP13 seeks to protect Cannock Chase SAC and in order to retain its integrity all development that leads to a net increase in dwellings will be required to mitigate

adverse effects. Policy CP3 in the Local Plan requires high quality design and integration with the existing environment including existing trees and landscape features, employing measures to enhance biodiversity.

The Council's Design SPD 2016 provides local design guidance relating to the western Rugeley suburbs including Etchinghill, recommending safeguarding/enhancing the 'leafy' character particularly with density of development, green views between and over buildings and householder 'pd' rights controlled as appropriate; promote use of hedging to front garden boundaries to reinforce this leafy feel; recognise the scope for the variety of good quality design and materials whilst respecting the scale of existing development. It also offers guidance in respect of Mature Suburbs, including Etchinghill. recommending particular consideration given to existing character and appearance of the area and how best to fit new development into its site; plot size and density to reflect existing character; siting of buildings to respect established building lines; existing landscape features (trees and hedges) retained and protected; access design should reflect existing width. design and surfacing and hard surfacing should not dominate the road frontage; and the importance of 'green' views. No objections, subject to the imposition of a condition to provide the driveway and parking areas.

Conclusion

There is no planning policy objection in principle to the proposal providing it addresses relevant policy considerations as set out above using the local guidance offered by the Design SPD on ways of achieving this in order to conserve and enhance the landscape and scenic beauty of the AONB and safeguard or enhance the character and appearance of this 'mature suburb'.

The TPO tree will have grown since the previous consent ten years ago and the advice of the Council's Tree Officer should be taken to ensure the construction and use of the site does not adversely affect it. nor overhanging trees in adjacent gardens, as they all contribute to the natural beauty of the area. It is suggested that the access should be located in the best position to suit the TPO tree.

The written information supporting the application is also ten years old so all the policies referred to are out of date, although current policies do cover similar matters. The written information supporting the application also includes a proposed landscaping scheme so the advice of the Council's Landscape Officer should be taken to ensure the new development fits well into its landscape setting. In particular hedge planting along the road frontage is suggested to reflect the frontage hedging at adjacent dwellings and maintain the 'leafy' character of Stonehouse Road in accordance with the Design SPD 2016.

As a market housing 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 full exemption from CIL be sought then a Unilateral Undertaking would be required to address impacts upon the Cannock Chase SAC in accordance with the Councils policy/guidance. Any site specific requirements may be addressed via a Section 106/278 if required, in accordance with the Developer

Contributions and Housing Choices SPD (2015) and the Council's most up to CIL Regulation 123 list.

In summary, no planning policy objections are raised in principle subject to the detailed design of the scheme being satisfactory. It is a small scale site within the existing built up area of Etchingill and would help contribute to the Local Plan (Part 1) overall strategy for meeting the District's housing requirements.

Landscaping Officer

Objects to the driveway being right-handed and confirms that the driveway should remain in it's current position, with the crossover being gravel as at present and then graded up to meet a no dig surface.

Objects to the construction method statement for the proposed driveway submitted on 3 January 2019. However, he comments that provided the existing driveway is cleared by hand to the levels during 2009 (see google maps) and topped up by hand with 200mm of gravel hard-surface, that there would be no objection.

Response to Publicity

The application has been advertised by site notice and neighbour letter. Two letters of representation have been received raising the following issues:

- The proposed driveway should be changed to be right hand side, to be in keeping with the rest of the streetscene in Stonehouse Road.
- Upstairs windows should be obscure glazed to ensure no direct overlooking into the neighbouring side facing bedroom window,
- Confirmation of the distance of the proposed dwelling from the boundary line.
- The modern design and materials of the proposed dwelling would be out of keeping with the existing bungalow at No.6 Stonehouse Road.
- The height of the proposed dwelling would appear dominant, exacerbated by the incline in ground levels.
- The proposal would overshadow the existing bungalow, reducing the receipt of light and sunlight to the occupiers.

Relevant Planning History

CH/10/323 Residential development - erection of a two storey 4 bedroom dwelling (Reserved matters including access, appearance, landscaping, layout and scale. Approved subject to conditions 19/10/10.

CH/08/0214 Partial demolition of 6, Stonehouse Road; double garage and construction of 2 detached dwellings. Outline including layout, access and landscaping. Approved 20/08/08.

1 Site and Surroundings

- 1.1 The application site comprises a parcel of land, principally rectangular in shape having a length of 41-47m and a varying width of between 5.8m at the extreme rear of the site and 12m to the front, area of approximately 5280m² situated between No.6 and No 10 Stonehouse Road. The site is generally level but with several changes throughout which require taking into account where development is proposed. There are residential properties either side of the site including a recently completed dwelling which was included in the original outline consent for the land to which this application relates.
- 1.2 Opposite the site is agricultural land which is within the Green Belt, the boundary of which does follow the line of the hedge on the south eastern side of Stonehouse Road. The site is within Cannock Chase AONB.
- 1.3 Within the site is a protected tree covered by TPO 33/1998, a beech tree to the front, immediately adjacent to the shared access with the new dwelling previously referred to.

2 Proposal

- 2.1 The Applicant is seeking consent for erection of a two storey four bedroom house. The design would incorporate a pitched roof with chimney to a maximum height of 8.6m (4.7m to eaves). The materials would comprise red multi brick with brown tiled roof.
- 2.2 The dwelling would have an integral garage (3m x 6m internal dimensions) and two parking spaces on the driveway. The driveway would be in the position of the existing driveway (left handed). The agent has agreed the construction methodology would be carried out as recommended by the Council's tree officer, using digging method by hand and using gravel to top up the drive surfacing.
- 2.3 The TPO tree would be retained with pruning consent, as agreed with the Council's Tree Officer.
- 2.4 A rear garden amenity area would be provided measuring 24m long and measuring approximately 264 sqm.
- 2.5 A gap of at least 1m would remain to either side of the proposed dwelling.
- 2.6 The application is accompanied with a design and access statement, arboricultural report and materials list.

3 Planning Policy

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

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

3.3 Relevant Policies within the Local Plan Include:

- CP1 - Strategy – the Strategic Approach
- CP2 – Developer Contributions for infrastructure
- CP3 - Chase Shaping – Design
- CP6 – Housing Land
- CP7 – Housing Choice
- CP13 - Cannock Chase Special Area of Conservation
- CP14 –Landscape Character and Cannock Chase Are of Outstanding Natural Beauty.

3.4 There are not any relevant policies within the Minerals Plan.

3.5 National Planning Policy Framework

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

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

3.8 Relevant paragraphs within the NPPF include paragraphs: -

- 8: Three dimensions of Sustainable Development
- 11-14: The Presumption in favour of Sustainable Development
- 47-50: Determining Applications
- 124, 127, 128, 130: Achieving Well-Designed Places
- 170 Conserving the Natural Environment
- 212, 213 Implementation

3.9 Other relevant documents include: -

Design Supplementary Planning Document, April 2016.

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

4 Determining Issues

4.1 The determining issues for the proposed development include:-

- i) Principle of development
- ii) Design and impact on the character and form of the area

- iii) Impact on residential amenity.
- iv) Impact on highway safety
- v) Impact upon the Cannock Chase Special Area of Conservation
- vi) Community Infrastructure Levy (CIL)
- vii) Affordable Housing

4.2 Principle of the Development

4.2.1 Both the NPPF and Cannock Chase Local Plan 2014 Policy CP1 advocate a presumption in favour of sustainable development unless material considerations indicate otherwise. The site is a windfall 'greenfield' site located within the urban area of Norton Canes. Although the Local Plan has a housing policy it is silent in respect of its approach to windfall sites on both greenfield and previously developed land. As such in accordance with Policy CP1 of the Local Plan the proposal falls to be considered within the presumption in favour of sustainable development, outlined in paragraph 11 of the NPPF.

4.2.2 However, paragraph 177 of the NPPF makes it clear: -

‘The presumption in favour of sustainable development does not apply where development requiring appropriate assessment (under habitat Regulations) because of its potential impact on a habitats site is being planned or determined’.

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

4.2.4 In respect to the principle of the proposal it is noted that the principle of development has been established with the grant of Outline planning permission CH/08/0214. An appropriate Habitats Assessment has also been undertaken by the Council.

4.2.5 However, although a proposal may be considered to be acceptable in principle it is still required to meet the provisions within the development plan in respect to matters of detail. The next part of this report will go to consider the proposal in this respect.

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

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

- (i) well-related to existing buildings and their surroundings in terms of layout, density, access, scale appearance, landscaping and materials; and
- (ii) successfully integrate with existing trees; hedges and landscape features of amenity value and employ measures to enhance biodiversity and green

the built environment with new planting designed to reinforce local distinctiveness.

4.3.2 Relevant policies within the NPPF in respect to design and achieving well-designed places include paragraphs 124, 127, 128, 130 and 172. Paragraph 124 makes it clear that the creation of high quality buildings and places is fundamental to what the planning and development process should achieve.

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

Planning policies and decisions should ensure that developments:

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

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

4.3.5 In this respect it is noted that Appendix B of the Design SPD sets out clear expectations and guidance in respect to design criteria in relation to new dwellings and is augmented by area character appraisals.

4.3.6 The site is located within the Cannock Chase AONB and hence regard should be had to paragraph 172 of the NPPF which states that 'great weight should be given to conserving and enhancing landscape and scenic beauty in national parks, the Broads and Areas of Outstanding Natural Beauty which have the highest status of protection in relation to these issues.

4.3.7 Having taken all of the above into account it is considered that the main issues in respect to design and the impact on the character and form of the area are: -

- (i) Overall layout
- (ii) Density
- (iii) Materials, scale and external appearance of the dwellings

(iii) Landscaping

- 4.3.8 The streetscene comprises a bespoke mixture of housing type, materials, design and age. The density of the dwellings is varied in terms of the building to plot ratio.
- 4.3.9 The overall layout, density and design of the proposed dwelling would form a building that would sit comfortably within the plot size, comparable with the established pattern and form of development within the immediate locality. The proposed brick and tile materials for the building would be sympathetic to the existing dwellings within the streetscene.
- 4.3.10 The proposal scheme would retain the protected beech tree on the frontage, incorporate landscaping with new tree planting and rear 1.8m high timber fence. The left hand arrangement of the gravel driveway would reinstate the original driveway arrangement in order to help preserve the protected tree roots. It is therefore considered that the proposal would be in keeping with the existing dwellings along Stonehouse Road and would not have significant negative impact on the wider AONB.

4.4. Impact on Residential Amenity

- 4.4.1 Policy CP3 of the Local Plan states that the following key requirements of high quality design will need to be addressed in development proposals and goes on to include [amongst other things] the protection of the "amenity enjoyed by existing properties". This is supported by the guidance as outlined in Appendix B of the Design SPD which sets out guidance in respect to space about dwellings and garden sizes.
- 4.4.2 Paragraph 127(f) of the NPPF states that planning policies and decisions should ensure that developments [amongst other things] create places with a high standard of amenity for existing and future users.
- 4.4.3 In general the Design SPD sets out guidance for space about dwellings, stating that for normal two storey to two storey relationships there should be a minimum distance of 21.3m between principal elevations (front to front and rear to rear) and 12m between principal elevations and side elevations. Furthermore, the Design SPD sets out minimum rear garden areas, recommending 40-44sqm for 1 or 2 bed dwellings, 65sqm for 3 bed dwellings and 80sqm for 4 bed dwellings.
- 4.4.4 The proposed dwelling complies with the distance requirements of the Local Plan. A suitable condition can be applied to restrict the proposed side windows to be fitted with obscure glazing to avoid any direct overlooking into No.10 Stonehouse Road's secondary side facing windows, which serve habitable rooms (bedroom, lounge and dining room) and non-habitable rooms (hall and toilet).
- 4.4.5 The building would conform with the 45/25 standard, measured from the nearest front and rear facing habitable room windows of the neighbouring dwellings.
- 4.4.6 The proposed dwelling would provide a garden area well above the minimum rear amenity requirements of the Design SPD.

4.4.7 As such, it is considered that the proposal would provide a high standard of amenity for the potential occupiers of the new dwelling and would also preserve a high standard of amenity for the surrounding residents of the existing dwellings.

4.5 Impact on Highway Safety

4.5.1 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 adding at paragraph 110: -

Within this context, applications for development should:

- a) give priority first to pedestrian and cycle movements, both within the scheme and with neighbouring areas; and second so far as possible to facilitating access to high quality public transport, with layouts that maximise the catchment area for bus or other public transport services, and appropriate facilities that encourage public transport use;
- b) address the needs of people with disabilities and reduced mobility in relation to all modes of transport;
- c) create places that are safe, secure and attractive – which minimise the scope for conflicts between pedestrians, cyclists and vehicles, avoid unnecessary street clutter, and respond to local character and design standards;
- d) allow for the efficient delivery of goods, and access by service and emergency vehicles; and
- e) be designed to enable charging of plug-in and other ultra-low emission vehicles in safe, accessible and convenient locations.

4.5.2 In order to achieve the above requirements paragraph 111 of the NPPF goes on to state

‘All developments that will generate significant amounts of movement should be required to provide a travel plan, and the application should be supported by a transport statement or transport assessment so that the likely impacts of the proposal can be assessed’.

4.5.3 The application has been amended since submission to provide an integral garage measuring 3m x 6m internally, with an additional 2 No. spaces to be provided on the driveway. The proposal would therefore conform with the Parking Standards SPD, which requires 3 No. parking spaces for a 4 bedroom dwelling. County Highways were re-consulted and have no objection, subject to the imposition of a condition to remove permitted development for garage conversion and to retain the parking spaces.

- 4.5.4 The proposal would therefore comply with the requirements of the Parking Standards SPD, Manual for Streets and the NPPF.

Impacts of Cannock Chase Special Area of Conservation

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

Community Infrastructure Levy (CIL) and S106 requirements

- 4.5.6 The Councils CIL Charging Schedule was approved on 19 February 2015 and came into effect on the 1 June 2015. The proposal is CIL liable as it creates a new dwelling and no exemption has been claimed.

4.6 Affordable Housing

- 4.6.1 Local Plan Policy CP7 requires financial contributions for affordable housing on sites of between 1 and 14 dwellings. However, in light of government guidance the Council is not pursuing S106 Contributions including affordable housing for proposed development of 10 or less dwellings.

5 Human Rights Act 1998 and Equalities Act 2010
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Human Rights Act 1998

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

Equalities Act 2010

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

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

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

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

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

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

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

6 Conclusion

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

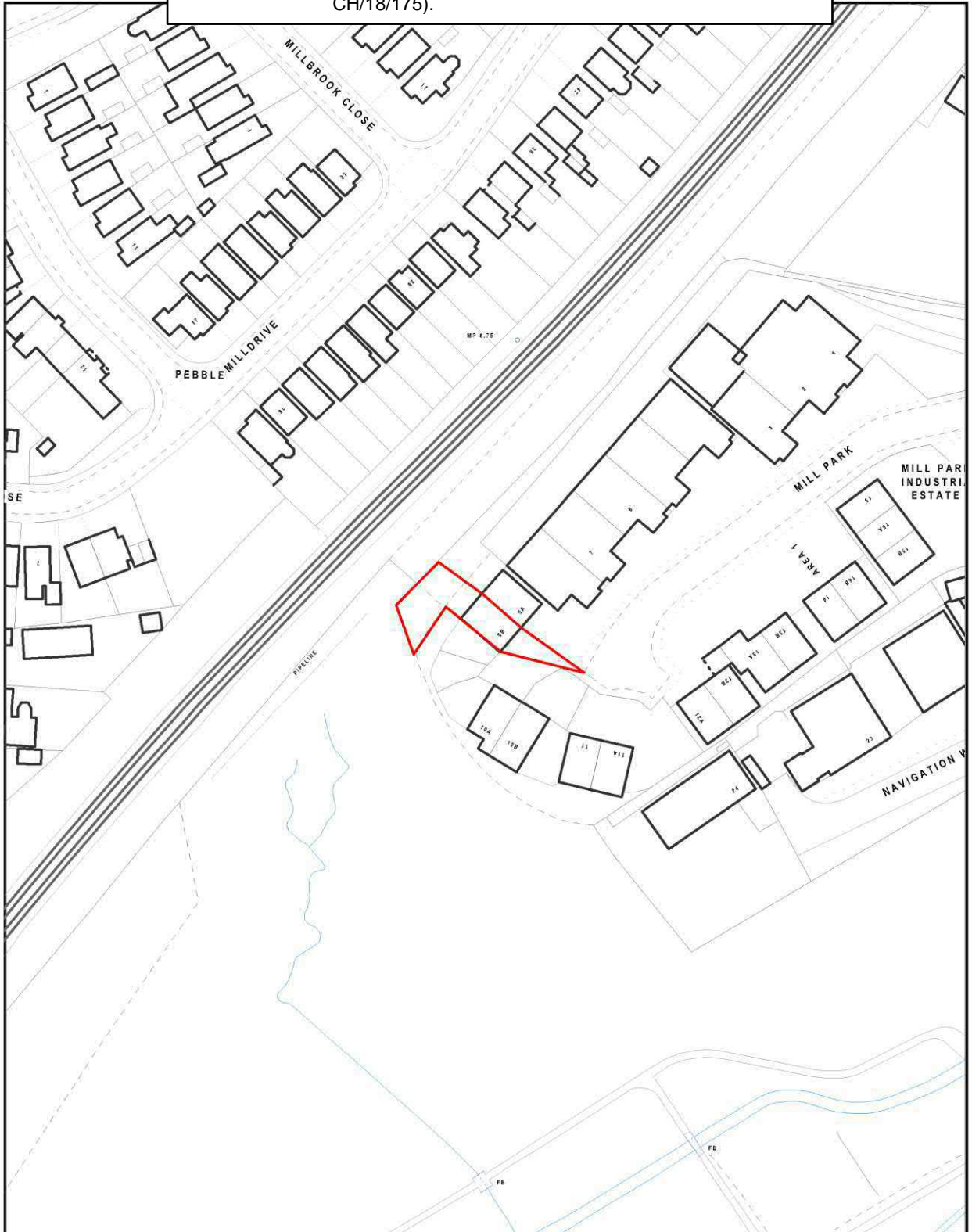


Application No: CH/19/046

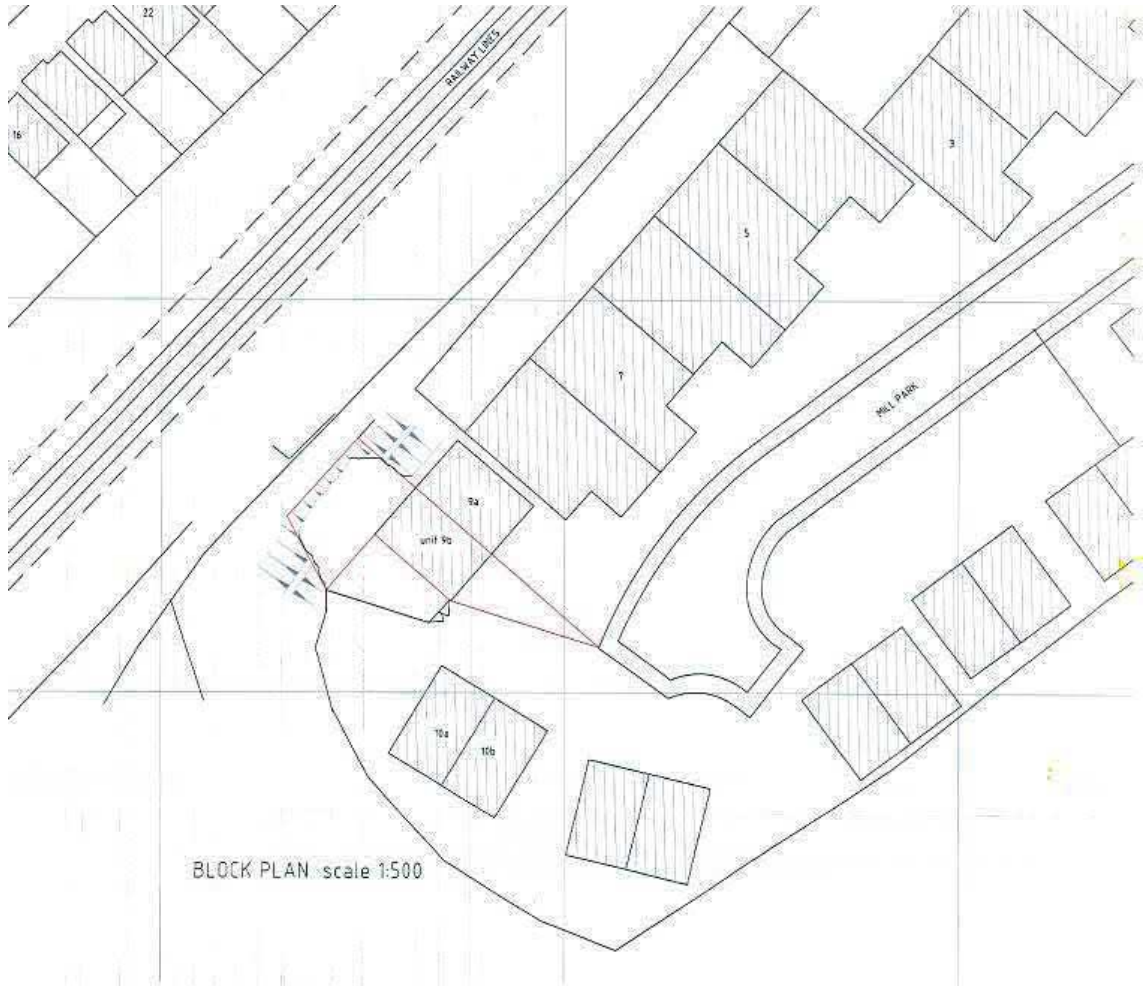
Location: Unit 9b, Millpark Industrial Estate, Mill Park, Cannock, WS11 7XT

Proposal: Removal of embankment to form yard area with retaining wall, followed by reinstatement of embankment and retention of roller shutter to rear. (resubmission - CH/18/175).

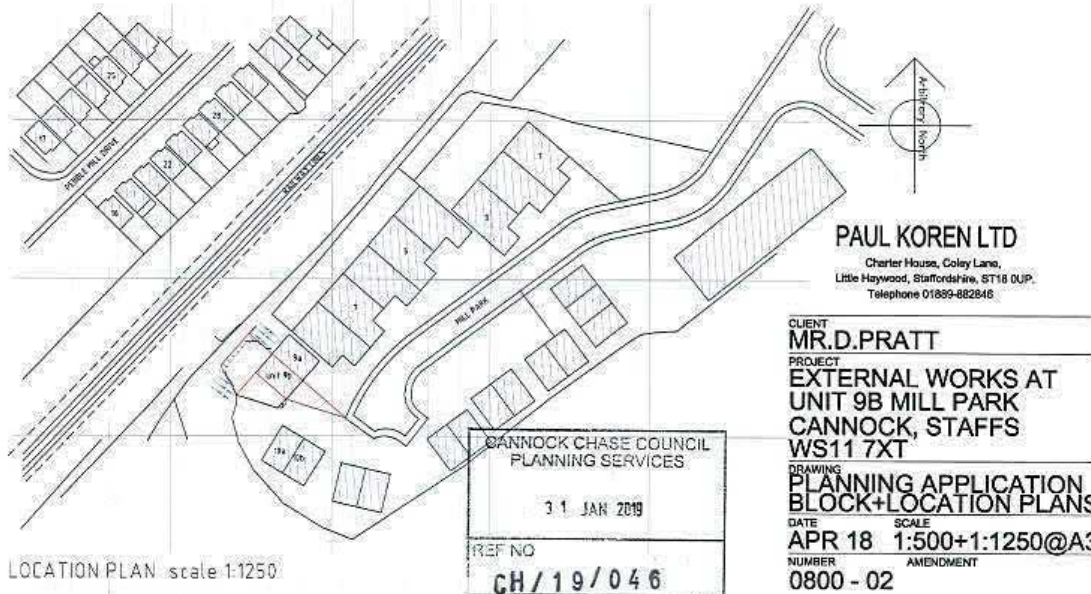
ITEM NO. 6.20



Location & Block Plans



BLOCK PLAN scale 1:500



LOCATION PLAN scale 1:1250

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CLIENT
MR.D.PRATT

PROJECT
**EXTERNAL WORKS AT
UNIT 9B MILL PARK
CANNOCK, STAFFS
WS11 7XT**

DRAWING
**PLANNING APPLICATION
BLOCK+LOCATION PLANS**

DATE SCALE
APR 18 1:500+1:1250@A3

NUMBER AMENDMENT
0800 - 02

CANNOCK CHASE COUNCIL
PLANNING SERVICES

31 JAN 2019

REF NO
CH/19/046

Contact Officer:	Claire Faulkner
Telephone No:	01543 464 337

PLANNING CONTROL COMMITTEE

24 APRIL 2019

Application No:	CH/19/046
Received:	31-Jan-2019
Location:	Unit 9b, Millpark Industrial Estate, Mill Park, Cannock, WS11 7XT
Parish:	Non-Parish area
Description:	Removal of embankment to form yard area with retaining wall, followed by reinstatement of embankment and retention of roller-shutter to rear (resubmission-CH/18/175)
Application Type:	Full Planning Application

RECOMMENDATION:

Approve Subject to Conditions.

Reason(s) for Recommendation:

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

Conditions (and Reasons for Conditions):

1. The approved landscape works shown on Dwg. No.0800-01 B shall be carried out in the period November to December 2019 following completion of the civils works hereby approved.

Reason

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

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

0800-01 Rev B

Reason

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

Notes to the Developer:

Given the nature of the works for removal of the embankment and then its reinstatement with retaining wall the applicant must first undertake the following before any works commence on site:-

- (1) The applicant is to submit a risk assessment and method statement to Network Rail for review and agreement.
- (2) The excavation and earthworks must be agreed with Network Rail to ensure that the proposal both during construction and as a permanent arrangement does not impact the safe operation of the railway and its boundary and support zones.

When designing proposals, you are advised, that any measurements must be taken from the operational railway / Network Rail boundary and not from the railway tracks themselves. From the existing railway tracks to the Network Rail boundary fence, the land will include critical infrastructure (e.g. cables, signals, overhead lines, communication equipment etc) and boundary treatments / support zones which might be adversely impacted by outside party proposals unless the necessary asset protection measures are undertaken. No proposal should increase Network Rail's liability.

- (3) All works must be undertaken wholly within the applicant's land ownership footprint without over sailing or encroaching onto or over the railway boundary including any foundations.
- (4) Surface water drainage must flow in a direction away from the railway boundary.
- (5) Network Rail's existing fencing/boundary treatments must not be altered or removed or damaged in anyway.
- (6) The applicant is to fill in the attached form and submit directly to:
AssetProtectionLNWSouth@networkrail.co.uk

As Network Rail is funded by public remit we are required to recover all costs incurred in facilitating the proposal.

Consultations and Publicity***External Consultations***

Network Rail

Given the nature of the works for removal of the embankment and then its reinstatement with retaining wall the applicant must first undertake the requirements of network rail as described in the Note to Developer paragraph.

Internal Consultations

Landscaping

Objection

The use of a high retaining wall and level filled area to the rear of the retaining wall was advised by Landscape Officers. The planting is appropriate and should ideally be planted in the period Nov-Dec 2019 and the civil works implemented this summer. The details of the fill material are acceptable.

The details are acceptable in terms of providing a screening to the unit. However, the principle of removal of the embankment would not be acceptable overall. Any approval would set a precedent [sic] that would be detrimental to the integrity of the remaining embankment and its screening function.

Waste & Engineering Services

No response to date.

Environmental Health

No comments are offered from Environmental Protection.

I understand that the work has already been done and the yard extended but to a lesser degree than proposed in the original application.

Response to Publicity

The application was advertised by neighbour letter and site notice. Three letters of representation have been received: -

- What is the height of the wall in feet and inches?
- As part of the plan has already been done, how long will the applicant be given to replace the embankment and trees at least the height of the embankment from the 1980s,
- What hours will the unit operate – there should definitely be no night work,
- The noise levels are currently acceptable,
- The exterior light should be removed as this creates a nuisance to residents of Pebble Mill Drive,
- What use is the unit to be used for?
- What time scale will be given for the applicant to complete the works?
- The yard to the rear should not be used for parking as this would increase nuisance,

- If the wall and embankment are not put back then privacy to neighbouring properties would be a major problem.

Relevant Planning History

CH/18/175 Removal of existing earth embankment to form yard area with RC retaining wall followed by reinstatement of embankment to external face of wall and retention of roller shutters to rear. Refused for the following reason:-

‘The removal of the embankment has resulted in a detrimental impact to the occupiers of the adjacent dwellings within Pebble Mill in terms of noise and visual screening. Furthermore, the loss of the embankment and the proposal of the retaining wall would leave insufficient space within the site for an adequate landscape scheme to mitigate against the loss of the buffer. As such, the application is considered contrary to Local Plan Policy CP3 and the NPPF.’

825/80 Industrial Estate. Approved

1 Site and Surroundings

- 1.1 The application site relates to an industrial unit sited within Mill Park, which forms part of the Martin Dale Industrial Estate, Cannock.
- 1.2 The application site is a semi-detached unit located to the corner of the turning head within the Mill Park cul-de-sac. There is hardstanding to the front of the unit. To the rear lies a landscaped strip of land with semi-mature tree planting and shrubbery. This landscaped strip continues along the full length of the industrial estate.
- 1.3 The application site is adjoined by industrial units to the immediate east and south, Mill Green Park is located to the south-west and residential dwellings to the north which are located approx. 60m distant and separated by the railway line.
- 1.4 The application site is unallocated and undesignated within the Local Plan.
- 1.5 The application site is located within a Mineral Safeguarding Area and the Coal Authority consider it to be within a Low Risk Development area. The application site also falls within a landmark contaminated land boundary.

2 Proposal

- 2.1 The application seeks retrospective consent for the removal of part of the rear embankment between the industrial unit and the railway line.

- 2.2 The proposal also requires permission for a retaining wall so the embankment can be reinstated to the railway line. The retaining wall would extend around the rear of the site, around the newly formed yard and would measure 2.2m in height.
- 2.3 The embankment would be reinstated to the northern side of the retaining wall and finished with a combination of Hawthorn, Hazel, Field Maple, Birch, Oak, Rowan and Dog Rose planting to reflect the existing landscaping. The trees and shrubbery to the lower part of the embankment have not been removed.
- 2.4 Two roller shutters have also been added to the rear openings of the building. The openings are original and not been recently constructed. The roller shutters are of a typical design and style used on industrial units to increase security.

3 Planning Policy

- 3.1 Section 38 of the Planning and Compulsory Purchase Act 2004 requires planning applications to be determined in accordance with the provisions of the Development Plan, unless material considerations indicate otherwise.
- 3.2 The Development Plan currently comprises the Cannock Chase Local Plan (2014) and the Minerals Local Plan for Staffordshire (2015-2030).
- 3.3 Relevant Policies within the Local Plan Include:
- CP1 - Strategy – the Strategic Approach
 - CP2 - Developer contributions for Infrastructure
 - CP3 - Chase Shaping – Design
 - CP8 - Employment Land
- 3.4 The relevant policies within the Minerals Local Plan are:-
- Policy 3.2: Mineral Safeguarding
- 3.5 National Planning Policy Framework
- 3.6 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 “presumption in favour of sustainable development” and sets out what this means for decision taking.
- 3.7 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.
- 3.8 The relevant sections of the NPPF in relation to this planning application are as follows;

8:	Three dimensions of Sustainable Development
11-14:	The Presumption in favour of Sustainable Development
47-50:	Determining Applications
178- 180	Ground Conditions & Pollution
212, 213	Implementation

3.9 Other relevant documents include: -

Design Supplementary Planning Document, April 2016.

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

4 Determining Issues

4.1 The determining issues for the proposed development include:-

- i) Principle of development
- ii) Impact on character and form of the area
- iii) Impact on residential amenity.
- iv) Contamination
- v) Mineral safeguarding
- vi) Impact on the adjacent railway

4.2 Principle of the Development

4.2.1 The proposal is for the retention of the removal of land within the curtilage of 9b Mill Park Industrial Estate to provide an increased yard area. The site lies wholly within the ownership of the applicant. The site is not allocated or designated. As such, it is considered that the principle of development is acceptable.

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

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

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

4.3.2 The applicant sought to create more useable yard space within the curtilage of 9b Mill Park by removing the landscaped embankment and installing a retaining wall. Previously there was no yard space to the rear of the unit, only to the side (not within the applicants ownership) and front. The removal of the bank has created an area of hardstanding measuring approx. 72m². The proposed retaining wall would be 2.3m high and would have the landscape embankment

reconstructed on the adjacent side (between the railway line). The erection of the roller shutters to existing openings in the rear elevation is for security and typically found on industrial and commercial units. The addition of the hardstanding to the immediate rear of the unit and the roller shutter doors would not appear at odds with the industrial character and form of this location.

4.3.3 However, in removing the embankment, the applicant also removed several mature trees that acted as a buffer between the Industrial Estate and the residential dwellings within Pebble Mill Drive. The trees were not protected by Tree Preservation Orders and were within the ownership of the applicant. However, they did form part of planning permission 825/80 to provide screening both visually and acoustically to the properties on the adjacent side of the railway. Notwithstanding this, part of the proposals propose the reinstatement of part of the embankment utilising a reinforced concrete retaining wall set to the rear of the crown of the embankment and the planting of new landscaping. The Council's Landscape Officer has raised no objection to the height of the retaining wall or the level filled area to the rear for the accommodation of the planting. The planting proposed was advised by the Landscape Officer who has advised that the planting should be undertaken in the period Nov-Dec 2019 with the civil works completed this summer.

4.3.4 The Landscape Officer did however raise concern that if the current proposal is it would set a precedent for potential applications to removal of other sections which would, over time erode the effectiveness of the landscape buffer. Officers would advise that the concept of 'setting a precedent ' does not apply to the planning system as each case should be determined on its own merits. In this instance it has been demonstrated, and the Landscape Officer has accepted that an appropriate retaining wall and planting scheme can be provided which would be provide an acceptable level of screening. Any subsequent application would be determined on its own specific merits.

4.3.5 Therefore, having had regard to Policy CP3 of the Local Plan and the appropriate sections of the NPPF it is considered that the unauthorised works has resulted in a detrimental impact on the existing screening functions of the landscape buffer. However, the proposed landscaping scheme is considered to be appropriate by Officers and would provide a similar degree of screening as the previous landscaping that was removed prior to the application. As such the current scheme has overcome the previous reason for refusal. Overall, the proposed retaining wall and planting together with the as built development would be well-related to existing buildings; leaving sufficient room for a replacement planting scheme to mitigate against the loss of the vegetation in accordance with Local Plan Policy CP3.

4.4 Impact on Residential Amenity

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

- 4.4.2 Paragraph 127(f) of the NPPF states that planning policies and decisions should ensure that developments [amongst other things] create places with a high standard of amenity for existing and future users.
- 4.4.3 In terms of the neighbouring properties the nearest dwellings back onto the application site from within Pebblemill Drive. A railway line separates the application site from the neighbouring dwellings retaining a distance of 36m. The removal of the trees has opened up the landscaping buffer that was originally planted to screen the industrial units from the houses and introduced new industrial curtilage / workspace to the rear.
- 4.4.4 The Environmental Health Officers have no objections to the proposal. therefore your Officers consider the proposed replacement scheme would be appropriate to mitigate the loss of the previous vegetation and would protect the amenity of the residents in terms of noise and visual impact. Landscape Officers recommend the proposed planting scheme be provided in the period of Nov - Dec. This has been recommended as a condition.
- 4.4.5 With regard to the roller shutter doors; these were introduced to existing openings within the industrial unit. The unit remains over 60m from the nearest residential dwelling and the roller shutter doors would make little difference in terms of over looking than the existing situation as the openings already existed.
- 4.4.6 It is considered that the development subject to the attached conditions would not to be contrary to the requirements of Policy CP3 of the Cannock Chase Local Plan and the requirements of the Council's Design SPD.

4.5 Contamination and Ground Stability

- 4.5.1 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.
- 4.5.2 The Environmental Health Officer has raised no objections in respect to ground conditions and the proposal is therefore considered acceptable in this respect.

4.6 Mineral Safeguarding

- 4.6.1 The site falls within a Mineral Safeguarding Area (MSAs) for Coal and Fireclay. Paragraph 206, of the National Planning Policy Framework (NPPF) and Policy 3 of the Minerals Local Plan for Staffordshire (2015 – 2030), both aim to protect mineral resources from sterilisation by other forms of development.
- 4.6.2 Policy 3.2 of the new Minerals Local Plan states that:

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

- a) the existence, the quantity, the quality and the value of the underlying or adjacent mineral resource; and

- b) that proposals for non-mineral development in the vicinity of permitted mineral sites or mineral site allocations would not unduly restrict the mineral operations.
- 4.6.3 The application site is located within a Mineral Safeguarding Area. Notwithstanding this, the advice from Staffordshire County Council as the Mineral Planning Authority does not require consultation on the application as the site falls within the development boundary of an urban area and is not classified as a major application.
- 4.6.4 As such, the proposal would not prejudice the aims of the Minerals Local Plan
- 4.7 Impact on the Adjacent Railway
- 4.7.1 The site is adjacent to a railway and hence the development has the potential to impact on the safe running of the railway. The comments of Network rail are noted. However they have not stated that their requirements should be controlled by condition and the comments are addressed to the developer. As such it is concluded that the most appropriate course of action would be to attach the requirements of Network Rail as an informative to any permission granted.
- 4.8 Objections raised not already covered above
- 4.8.1 An objector has referred to the original permission for the wider industrial estate which was granted permission is 1980. A condition was imposed for the designated parking areas to be used for parking only and no other additions for parking to be made under permitted development rights. Condition (12 b) reads:
-
"Thereafter all such areas shall be used for or be available for their designated use at all times when the development is in use and no development whether permitted by the Town & Country Planning (General Development) Order 1977, or not, shall be carried out in those areas of land or in such a position to preclude vehicular access to the parking and servicing areas or obstruct visibility."
- In this instance, the condition refers to legislation dated 1977 that has since been superseded. The condition makes no reference to potential future amendments to the legislation and therefore is not enforceable.
- 4.8.2 Objectors refer to a bright security light shining into the residential properties opposite which is causing a nuisance to occupiers of these dwellings. Whilst not a planning consideration as the issue is covered by over legislation under Environmental Health your Officers can confirm that Environmental Health Officers have assessed the security light and confirmed that the light does not shine directly into the residential premises. The light is located to the side of the unit. The owner of the site has recently fitted the light with a filter/ screen over the light which reduces the brightness. Your Officers concluded that as the light is not shining onto the residential homes it is not considered to be a statutory light nuisance.

- 4.8.3 Objectors raised concern regarding the use of the unit. Your Officers confirm that the application seeks consent for the removal of the landscape buffer and replacement landscaping and not the use of the building. Notwithstanding this, your Officers confirm that the applicant is involved in the manufacture of engines and storage which is appropriate for the use of the building.

5 Human Rights Act 1998 and Equalities Act 2010

Human Rights Act 1998

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

Equalities Act 2010

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

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

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

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

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

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

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

6 Conclusion

- 6.1 In respect to all matters of acknowledged interest and policy tests it is considered that the works carried out to date have resulted in a detrimental impact to acknowledged interests however, the proposed landscape scheme and planting buffer would mitigate the harm already generated and therefore would not result in significant harm to acknowledged interests and is therefore considered to be in accordance with the Development Plan.

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



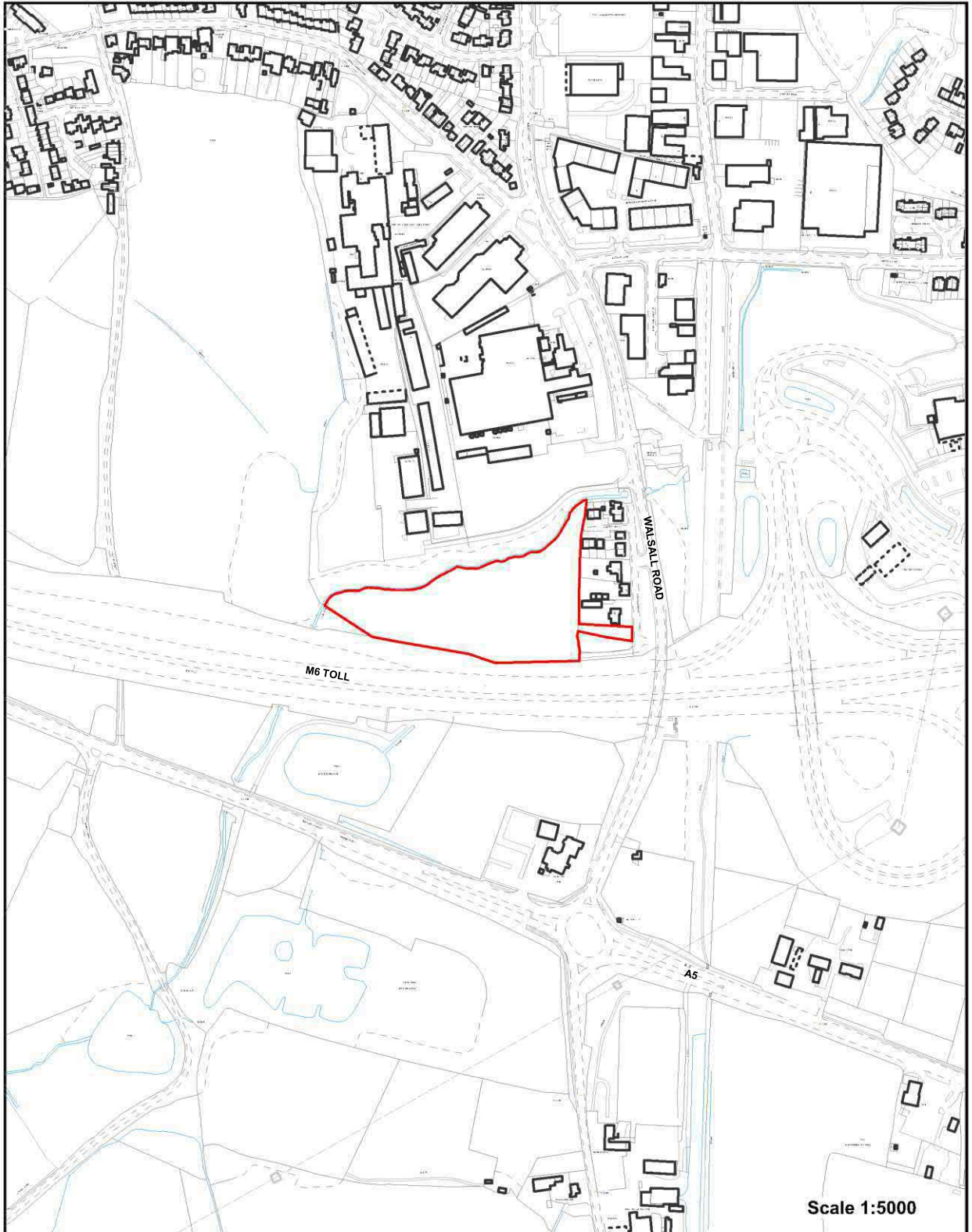
Application No: CH/18/176

ITEM NO. 6.34

Location: Land at Walsall Road, Norton Canes, Cannock, WS11 9PX



Proposal: Full planning application for residential development on land comprising 67 dwellings with car parking, new estate roads, public open space, and associated infrastructure



Scale 1:5000

Location Plan



Ordnance Survey (c) Crown Copyright 2017. All rights reserved. Licence number 100022432

Site Plan

Plot No.	Type	Tenure	Plot No.	Type	Tenure
01	3E	Affordable Rent	34	4E	Shared Ownership
02	2E	Affordable Rent	35	3E	Shared Ownership
03	2A	Affordable Rent	36	3E	Shared Ownership
04	2A	Affordable Rent	37	3E	Shared Ownership
05	2A	Affordable Rent	38	3E	Shared Ownership
06	2A	Affordable Rent	39	3E	Shared Ownership
07	2A	Affordable Rent	40	3E	Shared Ownership
08	2A	Affordable Rent	41	2A	Shared Ownership
09	3E	Affordable Rent	42	3E	Shared Ownership
10	3E	Affordable Rent	43	2A	Shared Ownership
11	3E	Affordable Rent	44	2A	Shared Ownership
12	3E	Affordable Rent	45	3E	Shared Ownership
13	2A	Affordable Rent	46	3E	Shared Ownership
14	2A	Affordable Rent	47	4E	Shared Ownership
15	2A	Affordable Rent	48	2A	Affordable Rent
16	2A	Affordable Rent	49	2A	Affordable Rent
17	3E	Affordable Rent	50	APT3A	Affordable Rent
18	3E	Affordable Rent	51	APT3A	Affordable Rent
19	3E	Affordable Rent	52	APT3A	Affordable Rent
20	2A	Affordable Rent	53	APT3A	Affordable Rent capped of LHA
21	2A	Affordable Rent	54	APT3A	Affordable Rent capped of LHA
22	2A	Affordable Rent	55	APT3A	Affordable Rent capped of LHA
23	2A	Affordable Rent	56	APT3B	Affordable Rent capped of LHA
24	2A	Affordable Rent	57	APT3B	Affordable Rent
25	2A	Affordable Rent	58	APT3B	Affordable Rent
26	2E	Affordable Rent	59	APT3B	Affordable Rent capped of LHA
27	2E	Affordable Rent	60	APT3B	Affordable Rent capped of LHA
28	2E	Affordable Rent	61	APT3B	Affordable Rent capped of LHA
29	3E	Affordable Rent capped of LHA	62	APT3A	Affordable Rent
30	2A	Affordable Rent capped of LHA	63	APT3A	Affordable Rent
31	2A	Affordable Rent capped of LHA	64	APT3A	Affordable Rent
32	2A	Affordable Rent	65	APT3A	Affordable Rent
33	2A	Affordable Rent	66	APT3A	Affordable Rent
			67	APT3A	Affordable Rent

Tenure	Total
Affordable Rent	43
Affordable Rent capped of LHA	10
Shared Ownership	14



SCHEDULE OF ACCOMMODATION

Apartment Type	APT15A	18/2P	53m ²	5A(4)
Apartment Type	APT15B	18/2P	63m ²	5B(4)
Apartment Type	APT20A	28/4P	63m ²	5A(4)
House Type(2)	2A	28/4P	77m ²	5B(4)
House Type(2)	2B	28/4P	83m ²	5B(4)
House Type(2)	2C	28/4P	92m ²	5B(4)
House Type(2)	3C	38/5P	91.4m ²	5B(4)
House Type(2)	3E	38/5P	91.4m ²	5B(4)
House Type(2)	4E	48/5P	112.4m ²	5B(4)

Total Dwellings: 476
 Car Parking: 136 Spaces
 Cycle Parking: 24 Spaces

Gross Area: 2,211m²
 Amenity Area: 1,070m²
 Net Developable Area: 1,610m²

- Shared Ownership
- Affordable Rent capped of LHA
- Affordable Rent

- KEY**
- Red line boundary
 - Sub station
 - Gas generator
 - Rivule drive
 - Shared surface road
 - Amenity Area
 - Land owned by Highways England

Notes	Scale	By	Date
1. All works to be carried out in accordance with the contract documents and the contract.	1:100	MM	15/11/19
2. All works to be carried out in accordance with the contract documents and the contract.	1:100	MM	15/11/19
3. All works to be carried out in accordance with the contract documents and the contract.	1:100	MM	15/11/19
4. All works to be carried out in accordance with the contract documents and the contract.	1:100	MM	15/11/19
5. All works to be carried out in accordance with the contract documents and the contract.	1:100	MM	15/11/19
6. All works to be carried out in accordance with the contract documents and the contract.	1:100	MM	15/11/19
7. All works to be carried out in accordance with the contract documents and the contract.	1:100	MM	15/11/19
8. All works to be carried out in accordance with the contract documents and the contract.	1:100	MM	15/11/19
9. All works to be carried out in accordance with the contract documents and the contract.	1:100	MM	15/11/19
10. All works to be carried out in accordance with the contract documents and the contract.	1:100	MM	15/11/19

Project: WALSALL ROAD HORTON CAGES		Scheme: SITE PLAN		Client: BM3	
Rev	Date	By	Checked	Checked	Approved
1	15/11/19	MM	MM	MM	MM

BM3 PLANNING

Proposed Plans & Elevations House Type 2Ai

ITEM NO. 6.37



- Materials Schedule**
- 1/ Interlocking Concrete-Roof Tiles - 2 stone: Slate grey and Marquise red (see sheet 6.36.01)
 - 2/ Red Facing Brick - 2 stone: Red HWS & Brewha Red (see sheet 6.36.01)
 - 3/ White PVC External Render (see sheet 6.36.01)
 - 4/ White PVC Windows
 - 5/ Specialist Design External Door
 - 6/ Black PVC Rainwater Goods
 - 7/ Pocket Door Set
 - 8/ Polished Concrete
 - 9/ New Window
 - 10/ Stone (External Head Details)
- See sheet 6.36.01 for render shades.

Note: House type designed to Nationally Described Space Standards (NDSS)



Walsall Road, Norton Canes - House Type 2Ai. 1:50@A1

Notes	Revisions	Date	By	Check	Drawn
<ul style="list-style-type: none"> 1. All work to be done in accordance with the Building Regulations. 2. All work to be done in accordance with the relevant British Standards. 3. All work to be done in accordance with the relevant Building Regulations. 4. All work to be done in accordance with the relevant Building Regulations. 5. All work to be done in accordance with the relevant Building Regulations. 6. All work to be done in accordance with the relevant Building Regulations. 7. All work to be done in accordance with the relevant Building Regulations. 8. All work to be done in accordance with the relevant Building Regulations. 9. All work to be done in accordance with the relevant Building Regulations. 10. All work to be done in accordance with the relevant Building Regulations. 					

Project: WALSALL ROAD, NORTON CANES	Client: HOUSE TYPE 2Ai PLANS & ELEVATIONS	Drawn: 13/08/21	Checked: 13/08/21	Scale: 1:50@A1	Date: 13/08/21
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Proposed Plans & Elevations House Type 2B

ITEM NO. 6.38



GROUND FLOOR - 39.5m²



FIRST FLOOR - 29.5m²

House Type 2B
2 Bed 4 Person
Area: 79.0m²

Note: House type designed to Nationally Described Space Standards (NDSS)

Materials Schedule

- 1/ Interlocking Concrete Roof Tiles, 2 styles: Slate grey and Terracotta Red Clay Effect Coloured.
- 2/ Red Facing Brick, 2 styles: Red Multi & Smooth Red (See direct joins).
- 3/ White Irons (Optional Header).
- 4/ White PVC Windows.
- 5/ Standard Design Coloured Door.
- 6/ Black PVC Polymer Soods.
- 7/ Standard Gutter Detail.
- 8/ Pitched Canopy.
- 9/ Ray Window.
- 10/ Stone 2B and Head Details.



SIDE ELEVATION - D



SIDE ELEVATION - C



FRONT ELEVATION - A



REAR ELEVATION - B

Walsall Road, Norton Canes - House Type 2B. 1:50@A1

Rev	Date	No.	By	Check	Appr	Notes
1	22.02.19	01	MB	MB		A: Correct scope from the design and window to plot 42 and #1 added
2	10.02.19	02	MB	MB		B: Review on drawing completed
3	11.12.18	03	MB	MB		C: Notes on drawing received
4	04.12.18	04	MB	MB		D: Notable error and reworked call windows from between kitchen and back door

Project	Client	Drawn	Checked	Approved	Scale
WALSALL ROAD NORTON CANES	HOUSE TYPE 2B PLANS & ELEVATIONS	MB	MB	MB	1:50@A1
Date: 08.03.18	Job No: 70355	Drawn By: MB	Checked: MB	Approved: MB	Scale: PLAN/60%



PLANNING



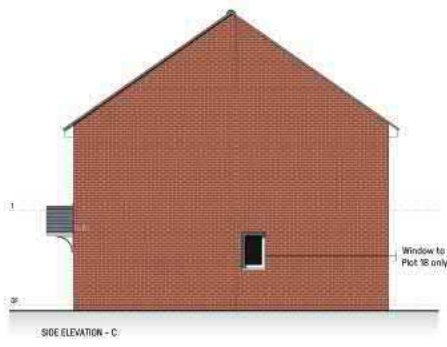
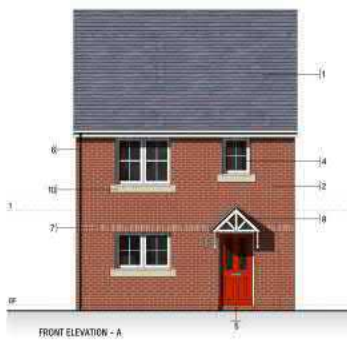
Proposed Plans & Elevations House Type 3B

ITEM NO. 6.39



Note: House type designed to Nationally Described Space Standards (NDSS)

- Materials Schedule**
- 1/ Interlocking Concrete Roof Tiles, 2 styles (stone grey and terracotta red) (see street scenes)
 - 2/ Red Facing Bricks, 2 styles (Red Bricks & Smooth Red) (see street scenes)
 - 3/ White Thin Coloured Render
 - 4/ White uPVC Windows
 - 5/ Specialist Design Internal Door
 - 6/ Black uPVC Removable Scoop
 - 7/ Surface Coarse Detail
 - 8/ Flatbed Canopy
 - 9/ Bay Window
 - 10/ Spire Gable and Head Details



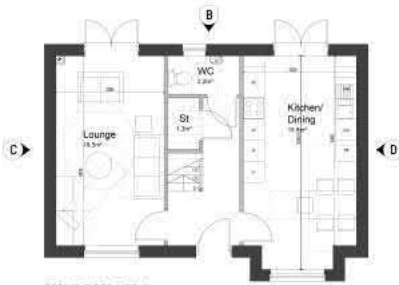
Walsall Road, Norton Canes - House Type 3B. 1:50@A1

<p>Notes</p> <p>1. The drawings are intended to be used in conjunction with the relevant planning application. The drawings are not to be used for any other purpose without the prior written consent of the architect.</p> <p>2. The drawings are not to be used for any other purpose without the prior written consent of the architect.</p>	<p>Revision</p> <p>A. Door delivered in situ with double glazed French doors added</p> <p>B. Change to drawing as indicated</p> <p>C. RC window now added</p>	<p>Date</p> <p>22.03.18</p>	<p>By</p> <p>CS</p>	<p>Check</p> <p>MR</p>	<p>Project</p> <p>WALSALL ROAD, NORTON CANES</p>	<p>Drawing</p> <p>HOUSE TYPE 3B PLANS - ELEVATIONS</p>	<p>Client</p>			
		<p>Date</p> <p>15.11.18</p>	<p>By</p> <p>CS</p>	<p>Check</p> <p>MR</p>				<p>Scale</p> <p>1:50@A1</p>	<p>Date</p> <p>18.03.18</p>	<p>Job No.</p> <p>7020</p>



Proposed Plans & Elevations House Type 3C

ITEM NO. 6.40



GROUND FLOOR - 47.7m²
House Type 3C
3 Bed 5 Person
Area: 95.4m²



FIRST FLOOR - 47.7m²



SIDE ELEVATION - D

- Materials Schedule**
- 1/ Interlocking Concrete Roof Tiles, 2/ Tiles: Slate grey and Terracotta red (see external schedule).
 - 2/ Red Facing Brick, 2/ Tiles: Red/Brown & Smooth Red (see external schedule).
 - 3/ White Thin Coloured Render.
 - 4/ White uPVC Windows.
 - 5/ Coloured Finish External Door.
 - 6/ Black uPVC Rainwater Goods.
 - 7/ Natural Stone Sill.
 - 8/ Pitched Canopy.
 - 9/ Bay Window.
 - 10/ Stone Clr and Head Details.

Note: House type designed to Nationally Described Space Standards (NDSS)



SIDE ELEVATION - C



FRONT ELEVATION - A



REAR ELEVATION - B

Walsall Road, Norton Canes - House Type 3C, 1:50@A1



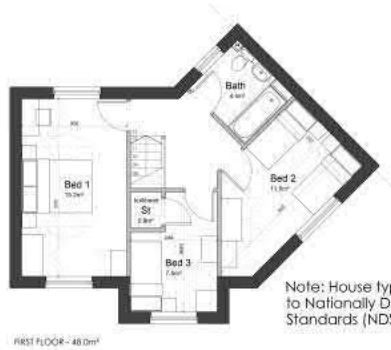
PLANNING

BM3

<p>1. To be used for the design of the proposed development only. It is not to be used for any other purpose. It is not to be used for any other purpose. It is not to be used for any other purpose. It is not to be used for any other purpose.</p>	<p>Notes:</p> <p>A. Layout and Material being submitted.</p> <p>B. Land to be developed/ reserved.</p> <p>C. Submission details.</p>		<p>Date:</p> <p>20.03.18 CB 188</p> <p>02.05.18 CB 188</p> <p>10.05.18 CB 188</p>		<p>Client/Name:</p>		<p>Project:</p> <p>WALSALL ROAD, NORTON CANES</p>		<p>Planning:</p> <p>HOUSE TYPE 3C PLANS + ELEVATIONS</p>		<p>Date:</p>	
	<p>Scale:</p> <p>1:50@A1 08.03.17 75000</p>		<p>Drawn by:</p> <p>01-02 188</p>		<p>Checked by:</p> <p>CB 188</p>		<p>CDM Number:</p> <p>PLANNING</p>		<p>Version:</p> <p>C</p>		<p>Revision:</p>	

Proposed Plans & Elevations House Type 3E

ITEM NO. 6.41



Note: House type designed to Nationally Described Space Standards (NDSS)

- Materials Schedule**
- 1 Interlocking Concrete Block Tiles, 2 Colours: Slate Grey and Terracotta red (see street corner)
 - 2 Red facing brick, 2 shades: Red Hubs & Sincere Red (see street corner)
 - 3 White Three Coloured Render
 - 4 White UPVC Windows
 - 5 Redwood (or Design External Door)
 - 6 Black UPVC Rainwater Goods
 - 7 Redwood (or Design) Downspout
 - 8 Porcelain Sanitary
 - 9 Bay Windows
 - 10 Stone Clit and Head Details



Walsall Road, Norton Canes - House Type 3E. 1:50@A1



PLANNING

BM3

Issue	Revised	Date	By	Check	Client Name	Project	Drawn	Checked	Scale	Drawn	Checked	Scale	Drawn	Checked	Scale
1	2	23.05.18	CB	RB	BM3	WALSALL ROAD, NORTON CANES	CB	RB	1:50	CB	RB	1:50	CB	RB	1:50

Proposed Plans & Elevations House Type 4Bi

ITEM NO. 6.42



Materials Schedule

- 1/ Interlocking Concrete Road Tiles, 2 step(s) Stone grey and
- Non-slip (and) Green street corner(s).
- 2/ Red Facing Brick, 3/ Glazed Red Multi & Smooth Red
- (See street corner(s)).
- 3/ White Thin Coloured Plaster.
- 4/ White UPVC Windows.
- 5/ Black UPVC Rearward Doors.
- 6/ Obscured by Design External Door.
- 7/ Solid Core Doors.
- 8/ Pitched Canopy.
- 9/ Bay Window.
- 10/ Stone Vase and/or Details.

Walsall Road, Norton Canes - House Type 4Bi, 1:50@A1



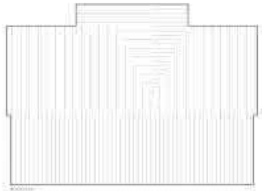
PLANNING

BM3

<p>Notes</p> <p>1. This plan is a preliminary drawing and is not to be used for construction purposes without the approval of the architect.</p> <p>2. All dimensions are in millimeters unless otherwise stated.</p> <p>3. All areas are in square meters unless otherwise stated.</p> <p>4. All areas are rounded to the nearest millimeter.</p> <p>5. All areas are rounded to the nearest square meter.</p> <p>6. All areas are rounded to the nearest square meter.</p> <p>7. All areas are rounded to the nearest square meter.</p> <p>8. All areas are rounded to the nearest square meter.</p> <p>9. All areas are rounded to the nearest square meter.</p> <p>10. All areas are rounded to the nearest square meter.</p>	<p>Revisions</p> <p>1. Initial revision to layout.</p>	<p>Date: 12.08.18</p> <p>By: CB</p> <p>Check: CB</p>	<p>Project: WALSALL ROAD, NORTON CANES</p> <p>Client: HOUSE TYPE 4Bi PLANS & ELEVATIONS</p> <p>Scale: 1:50@A1</p> <p>Issue: 12.08.18</p> <p>Job No: 70381</p> <p>Drawing No: 01/01</p> <p>Drawn by: CB</p> <p>Checked: CB</p> <p>Discipline: PLANNING</p> <p>Author: A</p>
		<p>Project: WALSALL ROAD, NORTON CANES</p> <p>Client: HOUSE TYPE 4Bi PLANS & ELEVATIONS</p> <p>Scale: 1:50@A1</p> <p>Issue: 12.08.18</p> <p>Job No: 70381</p> <p>Drawing No: 01/01</p> <p>Drawn by: CB</p> <p>Checked: CB</p> <p>Discipline: PLANNING</p> <p>Author: A</p>	

Proposed Plans & Elevations Apartments

ITEM NO. 6.43



APARTMENT PLANS 1/50

FLOOR PLANS 1/200

ELEVATIONS 1/100



PLANNING

BM

NO.	DATE	BY	CHKD	DESCRIPTION
1	01.18.19	JTB	JTB	ISSUED FOR PERMIT
2	02.02.19	JTB	JTB	REVISED PER CITY COMMENTS
3	11.14.18	JTB	JTB	REVISED PER CITY COMMENTS

NO.	DATE	BY	CHKD	DESCRIPTION
1	01.18.19	JTB	JTB	ISSUED FOR PERMIT
2	02.02.19	JTB	JTB	REVISED PER CITY COMMENTS
3	11.14.18	JTB	JTB	REVISED PER CITY COMMENTS

NO.	DATE	BY	CHKD	DESCRIPTION
1	01.18.19	JTB	JTB	ISSUED FOR PERMIT
2	02.02.19	JTB	JTB	REVISED PER CITY COMMENTS
3	11.14.18	JTB	JTB	REVISED PER CITY COMMENTS

Proposed Street Scene Elevations



Note:
 1. Elevations are based on existing ground level.
 2. All elevations are based on the same datum.
 3. All elevations are based on the same datum.
 4. All elevations are based on the same datum.
 5. All elevations are based on the same datum.

Date	By	Checked
18.02.18	CS	MS
14.06.18	CS	MS
08.11.18	CS	MS
15.11.18	CS	MS
18.11.18	CS	MS

PROJECT 100 DALL ROAD NOTTON DAMS		CLIENT BROADBENT & CO	DATE 18/02/18	SCALE 1:500	STATUS PRELIMINARY	DESIGNER BM3	PLANNER BM3
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PLANNING



Proposed Street Scene Elevations



Name	Revision	Date	By	Check	CRD Notes
Original design submitted by architect	A. Policy not directly amended	20-05-18	CB	NAW	
Architectural changes to building elevations	B. Public domain for landscape with Access Point 4th	24-08-18	CB	NAW	
Revised elevations and landscaping	C. Revised Site Layout (Rev 01)	02-11-18	CB	NAW	
Final design submitted for planning	D. Final Site Plan (Rev 01)	05-11-18	CB	NAW	
Final design submitted for planning	E. Final Site Plan (Rev 01)	05-11-18	CB	NAW	

Project	Client	Date
WALDALL ROAD NORTON GRAVE	STREET SCENES ELEV	

Scale	Drawn	App No.	Planning No.	Date to	Checked	CRD Issues	Notes
1:200(Alt)	12/03/18	12000	20001	08/10/18	NAW	PLANNING	



Contact Officer:	Richard Sunter
Telephone No:	01543 464 337

PLANNING CONTROL COMMITTEE

24 APRIL 2019

Application No:	CH/18/176
Location:	Land at Walsall Road, Norton Canes, Cannock, WS11 9PX
Parish:	Norton Canes
Ward:	Norton Canes
Description:	Full planning application for residential development on land comprising 67 dwellings with car parking, new estate roads, public open space and associated infrastructure.
Application Type:	Full Planning Application

RECOMMENDATION:

That the resolution of Planning Control Committee in Minute 106 be amended to remove subsection A(v) 'to agree a lettings plan with the Council'.

Reason(s) for Recommendation:

As previously stated under Minute 106.

Conditions (and Reasons for Conditions):

As previously approved under Minute 106.

Consultations and Publicity

External Consultations

As per previous report.

Internal Consultations

As per previous report.

Response to Publicity

As per previous report.

Relevant Planning History

1. Background

1.1 This application was presented to Planning Control Committee on 16th January 2019 when Minute 106 recorded that Planning Control Committee resolved: -

(A) That, subject to the Development Control Manager obtaining confirmation from the Highway Authority that all the cul-de-sacs would be suitable for adoption, the applicant be requested to enter into an Agreement under Section 106 of the Town and Country Planning Act, 1990 to secure:

- (i) Education contribution of £110,310 towards primary school places to be payable on the completion of the first residential unit;
- (ii) Not to sell or part with any of the approved units other than to a registered provider approved by the Council or via the Chargee, following the normal process;
- (iii) To hold the approved units and to offer them on an affordable rent and shared ownership basis and not to allow any of the units to be sold on the open market;
- (iv) Not to allow or permit occupation of all or any of the approved units other than to a person in Need of Housing with a local connection together with his/ her dependants;
- (v) To liaise with the Council and agree a lettings plan;
- (vi) SAC contribution of £11,845.60.

(B) That on completion of the agreement the application be approved subject to the conditions contained in the report for the reasons stated therein and the additional conditions (and reasons) from the Highway Authority and Local Lead Flood Authority contained in the update at Appendix A to these minutes.

1.2 Of particular relevance to this report is minute A(v) which states that officers are 'to liaise with the Council and agree a lettings plan' for the above site.

2 Determining Issues

- 2.1 The Lettings Plan was initially proposed only for the flatted accommodation on the development and in particular the 2 bedroom flats. Two bedroom flats can be difficult to let due to the implications of welfare reform and affordability issues. However, following discussions with Walsall Housing Group it was decided that the Council's allocations policy is sufficient to ensure the flats will be let.
- 2.2 The Council's allocations scheme sets out the framework for the allocation of accommodation but the primary consideration at all times is the relevant legislation contained in the Housing Acts. Priorities are based on the reasonable preference categories which are:
- (i) People who are homeless (within the meaning of Part 7 of the 1996 Act);
 - (ii) People who are owed a duty by any housing authority under section 190(2), 193(2) or 195(2) of the 1996 Act (or under section 65(2) or 68(2) of the Housing Act 1985 or who are occupying accommodation secured by an housing authority under s.192(3);
 - (iii) People occupying insanitary or overcrowding housing or otherwise living in unsatisfactory housing conditions;
 - (iv) People who need to move on medical or welfare grounds, including grounds relating to a disability; and
 - (v) People who need to move to a particular locality in the district of the housing authority, where failure to meet that need would cause hardship (to themselves or others). S166A(3)).
- 2.4 Applicants are then placed in Bands 1 to 4 (band 1 is the highest priority). There is also provision for Out of Area applicants. This is defined as:
- 'Applicants who meet the reasonable preference criteria but who have not lived in the District continuously for the last 12 months will be placed in Band 4. Applicants must meet at least one of the "Local Connection" criteria to be considered for allocation of a property. They:
1. Previously lived in the district for 3 out of the past 5 years, or
 2. Have permanent*¹ employment within the District or
 3. Have close family members*² who have lived in the district for at least the last 5 years, and where there has been frequent contact,

¹ Permanent employment is defined as a minimum of 24 hours on a contract of paid employment which is intended to last for at least 12 months

² Close family members are defined as parents, children, siblings, grandparents or grandchildren including step relatives, where there is evidence of frequent contact, commitment or dependency

commitment or dependency immediately prior to the date of application.
Or

4. Have a high or medium social need ^{*3} to live in the area
- 2.5 It is therefore deemed that the Council's Allocations Policy is 'open' enough to secure tenants for the flatted properties without the need for a specific Local Lettings Plan which could potentially delay the development as this would be subject to Cabinet approval.
- 2.6 It is therefore recommended that that the resolution of Planning Committee in Minute 106 be amended to remove subsection A(v) 'to agree a lettings plan with the Council'.

3 Human Rights Act 1998 and Equalities Act 2010

Human Rights Act 1998

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

Equalities Act 2010

- 3.2 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

³ Social need is defined as social, welfare and hardship grounds will be assessed by a panel of housing officers and support group representatives. They will assess the non-medical, welfare and hardship circumstances of the application and will determine the effect that re-housing will have on the applicant.

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

4 Conclusion

- 4.1 It is therefore deemed that the Council's Allocations Policy is 'open' enough to secure tenants for the flatted properties without the need for a specific Local Lettings Plan which could potentially delay the development as this would be subject to Cabinet approval.
- 4.2 It is therefore recommended that that the resolution of Planning Committee in Minute 106 be amended to remove subsection A(v) 'to agree a lettings plan with the Council'.

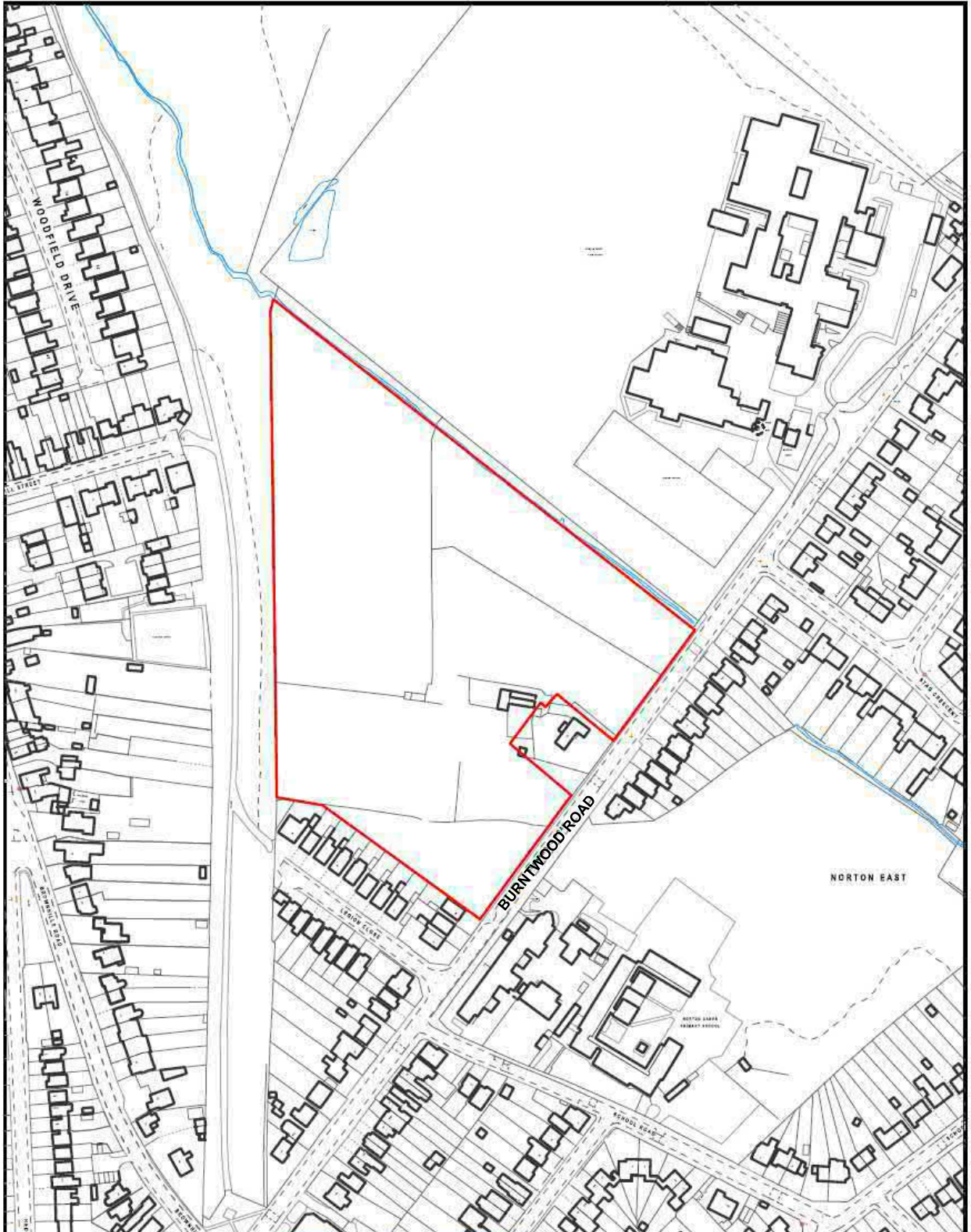


Application No: CH/18/392

Location: Land rear of 71 Burntwood Road, Norton Canes

Proposal: Erection of 70 dwellings, access, open space, landscaping, drainage and associated works

ITEM NO. 6.51



Location Plan



Existing Site Plan



LAND AT BURNTWOOD ROAD, NORTON CANES **Pegasus Group**
EXISTING SITE LAYOUT

Proposed Site Plan

Legend

- Proposed building and house type code
 - Detailed building code
 - 100mm high concrete wall
 - 100mm high stone finished lower fence
 - 100mm high stone fence
 - 100mm high brick fence
 - 100mm high post and rail fencing
 - 100mm high post and rail fence with 100mm high level wall
 - 100mm high subgrade below
 - 100mm high fence gate
 - Concrete road surface with vertical areas
 - Concrete area of back parking
 - Proposed bulk paving
 - Soft landscaping within primary street front
 - Soft landscaping areas within PGD
 - Proposed trees shown indicatively
 - Existing vegetation retained
- For further information relating to household proposals please refer to individual the location plans & elevations.
 For further information relating to proposed boundary treatment details please refer to the proposed boundary treatments layout and individual boundary treatment details.
 For further information relating to proposed surface please refer to the proposed surface treatment layout.
 For further details relating to soft landscaping proposals please refer to the proposed landscape layout.
 Existing features retained where indicated and otherwise subject to survey.







Burntwood Road, Norton Canes						
House Type	Medium	Heavy	Average	No. of	Combined sqft	Ratio
Proposed Units: 100%						
Type A	28/10	1	154	2	3,080	~ 3.0%
Type B	28/10	1	151	4	6,040	~ 6.0%
Type C	28/10	1	150	8	12,000	~ 12.0%
Type D	28/10	1	120	8	9,600	~ 9.6%
Type E	28/10	1	120	4	4,800	~ 4.8%
Type F	28/10	1	120	4	4,800	~ 4.8%
Type G	28/10	1	120	4	4,800	~ 4.8%
Type H	28/10	1	120	4	4,800	~ 4.8%
Type I	28/10	1	120	4	4,800	~ 4.8%
Type J	28/10	1	120	4	4,800	~ 4.8%
Type K	28/10	1	120	4	4,800	~ 4.8%
Type L	28/10	1	120	4	4,800	~ 4.8%
Type M	28/10	1	120	4	4,800	~ 4.8%
Type N	28/10	1	120	4	4,800	~ 4.8%
Type O	28/10	1	120	4	4,800	~ 4.8%
Total				52	69,520	
Available: 100%						
Other Residences:						
400-11 (Mortgages)	18/10	1	157	2	314	~ 1.3%
400-12	28/10	1	151	6	9,060	~ 14.2%
400-13	28/10	1	151	7	10,570	~ 14.2%
400-14	28/10	1	150	1	1,500	~ 2.1%
Grand Total (2023)				78	91,974	
Total				130	161,494	
Grand Total				130	161,494	
Green and Sustainable:						
Net developable area				1.34	0.40	
Green roof				16.85	1.74	
Green wall (per sqm of roof)				11.808	1.24	
Green wall (per sqm of floor)				11.808	1.24	



LAND AT BURNTWOOD ROAD, NORTON CANES **Pegasus Group**
PROPOSED SITE LAYOUT

Land Use Plan

Legend

	Acres	Hectares
 Gross site Area	8.44	3.42
 Gross Development Area	5.09	2.06
 Highways	1.05	0.42
 Public Open Space	1.16	0.47
 Proposed Attenuation Pond	0.40	0.16
 Reptile Protection Area	0.76	0.307



Rev	Description	Date	Drawn	Chk'd
01	Issue for planning (Planning Application No. 19/0111)	19/01/19	RL	SLW
02	Issue for planning (Planning Application No. 19/0111)	19/01/19	RL	SLW
03	Issue for planning (Planning Application No. 19/0111)	19/01/19	RL	SLW
04	Issue for planning (Planning Application No. 19/0111)	19/01/19	RL	SLW
05	Issue for planning (Planning Application No. 19/0111)	19/01/19	RL	SLW
06	Issue for planning (Planning Application No. 19/0111)	19/01/19	RL	SLW
07	Issue for planning (Planning Application No. 19/0111)	19/01/19	RL	SLW
08	Issue for planning (Planning Application No. 19/0111)	19/01/19	RL	SLW
09	Issue for planning (Planning Application No. 19/0111)	19/01/19	RL	SLW
10	Issue for planning (Planning Application No. 19/0111)	19/01/19	RL	SLW

Housing Tenure Plan

Legend

- 56no. dwellings for Private Sale
- 11no. dwellings Affordable Rent
- 3no. dwellings Shared Ownership



Tenure Counts

Code	Description	Count	Percentage
P	Private Sale	56	80.0%
A	Affordable Rent	11	15.7%
S	Shared Ownership	3	4.3%
Total	Total Dwellings	70	100.0%

House Type AH01 - 497



AH01 - DEVELOPMENT CORE
DWELLING SIZE : 497 M ²
DWELLING TYPE : 1 BED / 2 STOREY
PLOTS : 12, 13

LAND AT BURNTWOOD ROAD, NORTON CANES - AH01 -497

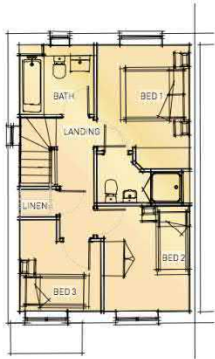


0M 1M 2M 5M

PLANNING | DESIGN | ENVIRONMENT | ECONOMICS

www.pegasusgroup.co.uk | TEAM/DRAWN BY: SJW/KBM | APPROVED BY: SJW/RL | DATE: 10.10.2018 | SCALE: 1:100 @ A3 | DRWG: P18_1459-005-14A | CLIENT: CAMERON HOMES |

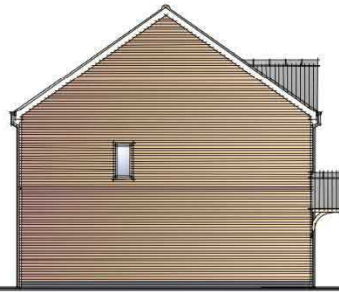
House Type B 832



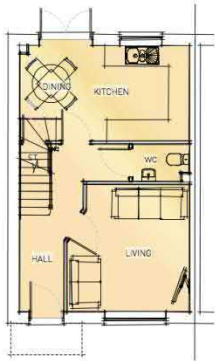
FIRST FLOOR PLAN



FRONT ELEVATION



SIDE ELEVATION



GROUND FLOOR PLAN



REAR ELEVATION



TYPE B - DEVELOPMENT CORE
DWELLING SIZE : 832 M ²
DWELLING TYPE : 3 BED / 2 STOREY
PLOTS : 9, 10, 55, 56

House Type H 1305



FIRST FLOOR PLAN



FRONT ELEVATION

SIDE ELEVATION



GROUND FLOOR PLAN



REAR ELEVATION

SIDE ELEVATION

TYPE H - DEVELOPMENT CORE
DWELLING SIZE : 1305 sq.
DWELLING TYPE : 4 BED / 2 STOREY
PLOTS : 27

LAND AT BURNTWOOD ROAD, NORTON CANES - TYPE H - 1305



0M 1M 2M 5M

PLANNING | DESIGN | ENVIRONMENT | ECONOMICS

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Pegasus Group is a registered provider of RICS regulated services. RICS registration number: 669243. Pegasus Group is a registered provider of RICS regulated services. RICS registration number: 669243. Pegasus Group is a registered provider of RICS regulated services. RICS registration number: 669243.

House Type G 1238

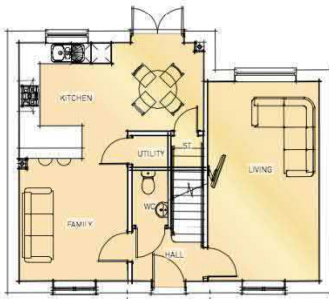


FIRST FLOOR PLAN



FRONT ELEVATION

SIDE ELEVATION



GROUND FLOOR PLAN



REAR ELEVATION

SIDE ELEVATION

0M 1M 2M 5M

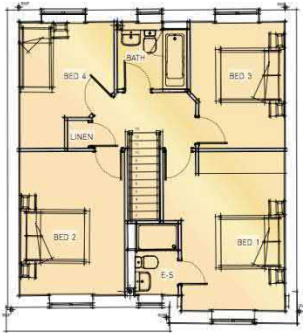
PLANNING | DESIGN | ENVIRONMENT | ECONOMICS

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TYPE G - DEVELOPMENT CORE	
DWELLING SIZE :	1238 M ²
DWELLING TYPE :	4 BED / 2 STOREY
PLOTS :	28, 45, 64, 68, 69, 70



House Type F 1156



FIRST FLOOR PLAN



FRONT ELEVATION



SIDE ELEVATION



GROUND FLOOR PLAN



REAR ELEVATION



SIDE ELEVATION



PLANNING | DESIGN | ENVIRONMENT | ECONOMICS

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TYPE F - GREENWAY
DWELLING SIZE : 1156 sq'
DWELLING TYPE : 4 BED / 2 STOREY
PLOTS : 15.43

LAND AT BURNTWOOD ROAD, NORTON CANES - TYPE F - 1156



House Type K 1438



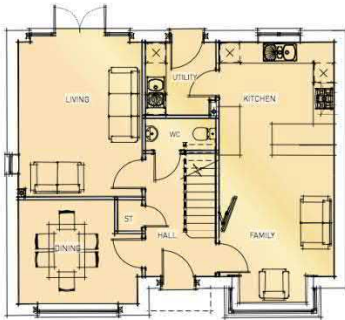
FIRST FLOOR PLAN



FRONT ELEVATION



SIDE ELEVATION



GROUND FLOOR PLAN



REAR ELEVATION



SIDE ELEVATION

TYPE K - GREENWAY
DWELLING SIZE : 1438 sq'
DWELLING TYPE : 4 BED / 2 STOREY
PLOTS : 48, 52

LAND AT BURNTWOOD ROAD, NORTON CANES - TYPE K - 1438



0M 1M 2M 5M

PLANNING | DESIGN | ENVIRONMENT | ECONOMICS

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Proposed Street Scenes



STREET SCENE AA



STREET SCENE BB



STREET SCENE CC



STREET SCENE DD



SCALE 1:1250



BURNTWOOD ROAD, NORTON CANES - STREET SCENES



Previously Approved Application CH/13/0020 Site Layout



Neil Reddison Associates Ltd

Architects • Planners • Land

100, High Street, London, E15 2ET

020 7461 1000

www.neilreddison.co.uk

The Studio, 100 High Street, London, E15 2ET

Client:
Estate of Robert Munnich (Deceased)
Development of Land at 71 Burnwood Road, Milton Keynes

Proposed Site Layout

Scale: 1:500 @ A0 Date: 23/05/2012

Client: SLB Location:

Project No: 30300 05 1

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Contact Officer:	Richard Sunter
Telephone No:	01543 464 481

PLANNING CONTROL COMMITTEE

24 APRIL 2019

Application No:	CH/18/392
Received:	12-Nov-2018
Location:	Land at 71 Burntwood Road, Norton Canes, WS11 9RG
Parish:	Norton Canes
Ward:	Norton Canes
Description:	Erection of 70 dwellings, access and open space, landscaping, drainage and associated works
Application Type:	Full Planning Application

RECOMMENDATION:

Approve subject to the attached conditions and the completion of a Section 106 agreement to secure:

- i. Provision and transfer to a registered Provider of 20% on-site affordable housing.
- ii. Provision for the adoption and management of
 - (a) public open space
 - (b) SuDS
 - (c) Footpath/ Access Corridor/ Stream
 by a management company and
 - (d) the transfer of the Reptile Protection Area to the Council along with a contribution of £16,448.22.
- iii. An education contribution of £154,434.00
- iv. Contribution for footpath link of £4400.00

Reason(s) for Recommendations:

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

Conditions (and Reasons for Conditions):

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

Reason

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

Drainage

2. No development shall begin until a detailed surface water drainage design has been submitted to and approved by the Local Planning Authority in consultation with the Lead Local Flood Authority.

The design must be in accordance with the overall strategy and key design parameters set out in the Flood Risk Assessment (RAB Reference: RAB272, Version 4.0, May 2012), FRA Addendum (RAB Reference: RAB2135L, Version 1.0, Jan 2019) and Drainage Strategy (Patrick Parsons Reference: B18323, October 2018).

The design must demonstrate:

Surface water drainage system(s) designed in accordance with national and local standards, including the non-statutory technical standards for sustainable drainage systems (DEFRA, March 2015).

SuDS design to provide adequate water quality treatment, in accordance with the CIRIA SuDS Manual Simple Index Approach and SuDS treatment design criteria.

Limiting the discharge rate generated by all rainfall events up to the 100 year plus climate change critical rain storm to 6.6l/s.

Detailed design (plans, network details and calculations) in support of any surface water drainage scheme, including details on any attenuation system, and the outfall arrangements. Calculations should demonstrate the performance of the designed system for a range of return periods and storm durations inclusive of the 1 in 1 year, 1 in 30 year, 1 in 100 year and 1 in 100 year plus climate change return periods.

Plans illustrating flooded areas and flow paths in the event of exceedance of the drainage system. Site layout and levels should provide safe exceedance

routes and adequate access for maintenance.

Provision of an acceptable management and maintenance plan for surface water drainage and watercourse to ensure continued performance of the system for the lifetime of the development. This should include a schedule of required maintenance activities and frequencies, and contact details for the organisation responsible for carrying out these duties.

Reason

To reduce the risk of surface water flooding to the development and properties downstream for the lifetime of the development.

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

The scheme shall be implemented in accordance with the approved details before the development is first brought into use. This is to ensure that the development is provided with a satisfactory means of drainage as well as to prevent or to avoid exacerbating any flooding issues and to minimise the risk of pollution.

Reason

In the interests of ensuring the proper drainage of the area.

Control of Construction Activities

4. No development hereby approved shall take place, until a Construction and Environmental Method Statement has been submitted to, and approved in writing by, the Local Planning Authority. The Statement shall:

- i. specify the type and number of vehicles;
- ii. provide for the parking of vehicles of site operatives and
- iii. visitors;
- iv. provide for the loading and unloading of plant and materials;
- v. provide for the storage of plant and materials used in
- vi. constructing the development;
- vii. provide for wheel washing facilities;
- viii. recorded daily inspections of the highway adjacent to the site
- ix. access
- x. specify the intended hours of construction operations and
- xi. deliveries to the site;
- xii. measures to control the emission of dust and dirt during
- xiii. construction
- xiv. specify method of piling, should piling be undertaken

The Construction and Environmental Method Statement shall be adhered to for the duration of the construction phase.

Reason

In order to comply with Paragraphs 109 and 127(f) of the National Planning Policy Framework.

Air Quality

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

Reason

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

6. No dwelling shall be occupied until a scheme for the specification of the tarmac footpath/cycle path shown running along the north eastern side of the site on Layout Drawing P18-1659-08H has been submitted to, and approved in writing by, the Local Planning Authority and the works comprising the approved scheme have been implemented in full.

Reason

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

7. The boundary treatment to the site shall be carried out in accordance with the details shown in Drawing No P18-1659-14H unless otherwise approved in writing by the Local Planning Authority, with the exception that before the development is commenced a 2m high close boarded wooded fence is erected along that part of the boundary of the site between the south western corner of Plot 18 and the junction of the site with the disused mineral line.

Reason

In the interests of preventing crime and the fear of crime in accordance with paragraph 127(f) of the National Planning Policy Framework.

Ecology

8. No means of external illumination shall be brought into use until a scheme for that means of external illumination has been submitted to and approved in writing by the Local Planning Authority. That means of external illumination shall only be carried out in accordance with the approved scheme.

Reason

In the interest of ensuring that the means of external illumination will not negatively impact on the foraging behaviour of bats in accordance with Policy CP12 of the Local Plan and paragraph 175 of the National Planning Policy Framework.

9. The development shall be carried out in strict accordance with the Reptile Mitigation Strategy, Report No RT-MME-129635, dated December 2018 and prepared by Middlemarch Environmental, unless otherwise approved in writing by the Local Planning Authority.

Reason

In the interest of protecting the population of Common Lizard that is known to occupy the site in accordance with Policy CP12 of the Local Plan and paragraph 175 of the National Planning Policy Framework.

10. The development shall be carried out in strict accordance with the recommendations outlined in Section 6 of the Badger Survey, Report No RT-MME-129154, dated October 20189, produced by Middlemarch Environmental unless otherwise approved in writing by the Local Planning Authority. In particular: -
- (a) A walkover survey shall be completed by a suitably experienced ecologist in advance of any site works to establish whether there are any active badger setts on site, or within 30m of the site boundary and which are likely to be impacted on by construction activities.
 - (b) If any setts are found that are likely to be impacted on a Natural England license shall be sought.
 - (c) Any excavations which are necessary on site shall be covered at night or fitted with suitable mammal ramps.
 - (d) Any open pipework with an outside diameter of greater than 150mm must be covered at the end of each work day to prevent badgers entering or being trapped.
 - (e) Should no work be commenced within 12 months a full badger survey shall be undertaken to inform whether any further mitigation is necessary. If any setts are found that are likely to be impacted on a Natural England license shall be sought.

Reason

In the interest of protecting badgers in accordance with Policy CP12 of the Local Plan and paragraph 175 of the National Planning Policy Framework.

11. No dwelling hereby permitted shall be completed above ground floor level until a scheme for the provision of bird boxes has been submitted to and approved in writing by the Local Planning Authority. The submitted scheme shall indicate the plots to be provided with bird boxes, which shall be either integral or attached to the house in question, and their height and location. Any dwelling shown to be host to such a bird box shall be completed in accordance with the approved scheme'.

Reason

In the interests of compensating for the loss of bird breeding habitat as a result of the development in accordance with Policy CP12 of the Local Plan and paragraphs 175 of the NPPF.

12. The external materials to be used in the dwellings hereby approved shall be as shown in Drawing P18-1659-_04H 'Facing Materials Layout' received on 17 January 2019 unless otherwise approved in writing by the Local Planning Authority

Reason

In the interests of visual amenity and to ensure compliance with Policy CP3 of the Cannock Chase Local Plan and the National Planning Policy Framework.

Landscape and Trees

- 13 The approved landscape works shown on Dwg. No. XXX [Officers will input and update members] 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.

14. No excavations in respect to the provision of services, including water, gas and electricity to serve the development shall be undertaken until a plan showing the routes of those services has been submitted to and approved in writing by the Local Planning Authority. The services shall thereafter be provided in accordance with the approved scheme unless otherwise approved in writing by the Local Planning Authority.

Reason

In the interests of ensuring that any services provided do not conflict with the details of the approved landscaping plans in accordance with policy CP3 of the Cannock Chase Local Plan.

15. No development shall commence until a drawing showing the proposed ground levels has been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved scheme.

Reason

In the interests of ensuring that the approved ground levels do not conflict with the details of the approved landscaping plans and the retention of trees in accordance with Policy CP3 of the Cannock Chase Local Plan.

16. Before the development hereby approved, including any demolition and/or site clearance works, is commenced or any equipment, machinery or material is brought onto site, full details of protective fencing and/ or other protective measures to safeguard existing trees and hedgerows on and adjacent to the site, shall be submitted to and approved in writing by the Local Planning Authority. The agreed tree and hedge protection measures shall thereafter be provided prior to any site clearance works and before any equipment, machinery or materials is brought onto site, or development commences, in accordance with the British Standard 5837: 2012 and shall be retained for the duration of construction (including any demolition and/or site clearance works), unless otherwise agreed in writing by the Local Planning Authority. No fires, excavation, change in levels, storage of materials, vehicles or plant, cement or cement mixing, discharge of liquids, site facilities or passage of vehicles, plant or pedestrians, shall be allowed to take place within the protected areas. The approved scheme shall be kept in place until all parts of the development have been completed, and all equipment, machinery and surplus materials have been removed from the site.

Reason

To ensure the retention and protection of the existing vegetation which makes

an important contribution to the visual amenity of the area. In accordance with Local Plan Policies CP3, CP12, CP14 and the National Planning Policy Framework.

17. 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.

18. Prior to the occupation/use of any dwelling or building, a Landscape Management Plan shall be submitted to and approved by the Local Planning Authority. The plan shall stipulate the future management and maintenance of the proposed and existing landscape features including all trees and hedges within and overhanging the site.

Reason

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

19. The site landscape, following completion of establishment, shall be managed in accordance with the approved Management Plan 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.

20. All close boarded wooden fencing delineating the rear gardens of all plots shall be installed/ erected at each plot before that plot is brought unto use.

Reason

In the interests of crime preventing crime and the fear of crime in accordance with Paragraph 127 (f) of the National Planning Policy Framework.

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

5084 Planning Statement.

Drainage Assessment Prepared by Patrick Parsons October 2018.

Preliminary Bat Roost Assessment Prepared by Middlemarch Environmental September 2018.

Letter by Middlemarch Environmental Proposed Reptile Mitigation.

Geoenvironmental Assessment Including Mining Risk Assessment Prepared by Georisk Management Prepared October 2018.

Great Crested Newt Habitat Suitability Index Assessment Prepared by Middlemarch Environmental September 2018.

Reptile Survey Prepared by Middlemarch Environmental September 2018.

Reptile Mitigation Strategy RT-MME-129635.

Badger Survey Prepared by Middlemarch Environmental October 2018.
P18-1659_025B Design Statement Prepared by Pegasus Group Parts 1-3.
RAB272 71 Burntwood Rd FRA v4.0.

RAB2135L_71_BurntwoodRd_Fluvial_Model_Addendum.

A111919 Norton Canes Burntwood AQ Technical Report 10jan19.

Appendix A Tree Schedule.

Updated Transport Assessment Prepared by David Tucker Associates.
Road Safety Audit.

Drawing 20558-06A Site Access.

Drawing P18 1659 11 Site Location Plan.

Drawing P18 1659 08J Proposed Site Layout.

Drawing P18 1659 12 Existing Site Layout.

Drawing P18 1659 12 Existing Site Layout.

Drawing P18 1659 04H Facing Materials Layout.

Drawing P18 1659 13H Surface Materials Layout.

Drawing P18 1659 14H Boundary Treatments Layout.

Drawing P18 1659 16H Parking Plan.

Drawing P18 1659 18H Housing Tenure Plan.

Drawing P18 1659 19H Land Use Plan.

Drawing P18 1659 20 01B Street Scenes.

Drawing P18 1659 21 01C Site Sections.

Drawing P18 1659 005 2A Type A Greenway

Drawing P18 1659 005 3A Type C Greenway.

Drawing P18 1659 005 4A Type D Greenway.

Drawing P18 1659 005 5A Type E Greenway.

Drawing P18 1659 005 6A Type F Greenway.

Drawing P18 1659 005 7B Type H Greenway (plot no. amended).

Drawing P18 1659 005 8A Type J Greenway.

Drawing P18 1659 005 9A Type K Greenway.

Drawing P18 1659 005 10A Type L Greenway.

Drawing P18 1659 005 11A Type M Greenway.

Drawing P18 1659 005 13A Type N Elevations Greenway.

Drawing P18 1659 005 12A Type N Plans Greenway.

Drawing P18 1659 005 17A Type B Development Core.

Drawing P18 1659 005 18A Type C Development Core.

Drawing P18 1659 005 19A Type D Development Core.

Drawing P18 1659 005 20A Type E Development Core.

Drawing P18 1659 005 21A Type F Development Core.

Drawing P18 1659 005 22A Type G Development Core.

Drawing P18 1659 005 23A Type H Development Core.

Drawing P18 1659 005 24A Type L Development Core.

Drawing P18 1659 005 14A AH01 Development Core.

Drawing P18 1659 005 15A AH02 Development Core.

Drawing P18 1659 005 16A AH03 Development Core.

Drawing P18 1659 005-01A AH04 Greenway.

Drawing P18 1659 005 25A Garage Type Single and Double.

Drawing P18 1659 005 26A Garage Type Twin and Triple.

Drawing P18 1659 21B Soft Landscape Proposals 1 of 4.

Drawing P18 1659 22A Soft Landscape Proposals 2 of 4.

Drawing P18 1659 23A Soft Landscape Proposals 3 of 4.

Drawing P18 1659 24A Soft Landscape Proposals 4 of 4.

Drawing 8587 T 01 Tree Survey Plan.
 Drawing B18323 SK02 Rev 2 Finish Floor Levels
 Drawing 11 012 01a Property Detail and Level Survey.
 Drawing 11 012 01b Property Detail and Level Survey.
 Drawing B18323-117 P2 Pond Cross Sections.

22. Before construction works of any kind are commenced on site a Construction Vehicle Management Plan (CVMP) shall be submitted to and approved in writing by the local planning authority. The CVMP shall include the following details:
- The timing of HGV movements to avoid traffic congestion;
 - Parking facilities for vehicles of site staff, operatives and visitors;
 - Arrangements for the loading and unloading of plant and materials;
 - Areas of storage for plant and materials used during the construction of the proposed development;
 - Measures including designated wheel cleaning areas, to prevent the deposition of deleterious material on the public highway during the construction of the proposed development.

The CVMP shall be adhered to for the duration of the construction phase.

Reason

To comply with paragraphs 108 and 109 of the National Planning Policy Framework 2018.

- 23 The garages (integrated and detached) indicated on the approved plans shall be retained for the parking of motor vehicles and cycles. At no time shall these be converted to living accommodation without the prior express permission of the Local planning Authority.

Reason

To comply with parking standards set out in Cannock Chase District Council's July 2005 Parking Standards, Travel Plans & Developer Contributions for Sustainable Transport Supplementary Planning Document.

24. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015, or any amendments thereto, garage accommodation on the site shall be provided with minimum internal dimensions measuring 6 metres x 3 metres.

Reason

To comply with paragraphs 108 and 109 of the National Planning Policy Framework 2018.

25. Prior to first occupation of the proposed dwellings the existing footway on the north west side of Burntwood Road (where adjacent to the site frontage) shall be restored to its original 1.8 metre width with all debris and vegetation, including overhanging hedgerow removed.

Reason

To comply with paragraphs 108 and 109 of the National Planning Policy

Framework 2018.

- 26 Prior to first use of the new site access road a 2.4 x 35 metre visibility splay shall be provided and maintained in accordance with details first to be submitted to and approved in writing by the Local Planning Authority with nothing placed or retained forward of the splay and the public highway exceeding 600mm in height above the level of the adjacent carriageway.

Reason

To comply with paragraphs 108 and 109 of the National Planning Policy Framework 2018.

- 27 Prior to first use of the new private drive serving plot numbers 59 and 60 a 2.4 x 35 metre visibility splay shall be provided and maintained in accordance with details first to be submitted to and approved in writing by the local planning authority with nothing placed or retained forward of the splay and the public highway exceeding 600mm in height above the level of the adjacent carriageway.

Reason

To comply with paragraphs 108 and 109 of the National Planning Policy Framework 2018.

28. Notwithstanding the forward visibility splays shown outside plot 64, prior to the commencement of development details shall be submitted to and approved in writing by the local planning authority indicating appropriate forward visibility splays adjacent to plots 33 and 34. The forward visibility splays shall thereafter be provided and retained clear of any obstruction exceeding 600mm in height above the adjacent carriageway prior to first occupation of the development.

Reason

To comply with paragraphs 108 and 109 of the National Planning Policy Framework 2018.

- 29 No development shall take place until details of a 1.8-metre wide footway on both sides of the development access road have been submitted to and approved in writing by the Local Planning Authority. The footways shall thereafter be implemented in accordance with the approved details.

Reason

To comply with paragraphs 108 and 109 of the National Planning Policy Framework 2018.

- 30 Prior to any above ground construction works commencing at the proposed development details of a 2-metre wide footpath from the north-western corner of the site linking directly to the existing former mineral railway line have been submitted to and approved in writing by the Local Planning Authority. The footpath link shall thereafter be implemented in accordance with the approved details.

Reason

To comply with paragraphs 108 and 109 of the National Planning Policy

Framework 2018.

31. Notwithstanding the details of the Soft Landscape Proposal Drawings P18-1659_21-C, P18-1659_22-B, P18-1659_23-B, P18-1659_24-B, Boundary Treatment Drawings P18-1659-14J, Proposed Site Layout Drawing P18-1659_08J or any other approved plan showing layout details,
- (i) Any *Prunus cerasifera* tree shall be planted at 350/425cm in size,
 - (ii) Any *Sorbus aria* tree shall be planted at 350/425cm in size,
 - (iii) Any plant shown on the approved plans at 30/40 size shall be planted at 5/6 plants/m²,
 - (iv) Any plant shown on the approved plans at a size of 40/50cm shall be planted at 4/5 plants/ m², and
 - (v) The 1800mm high brick wall shown at Plot 59 shall be replaced by a 1800mm close boarded wooden fence,
 - (vi) The middle tree in the group shown as T1 on the Landscape Drawing shall be a Copper Beech *Fagus sylvatic purpurea*
 - (vii) The tree to be lost in the north east corner of the site to make way for the line of the new footpath shall be replaced by a Copper Beech *Fagus sylvatic purpurea*, at a site to be agreed before the existing tree is lost

unless otherwise approved in writing by the Local Planning Authority.

Reason

In the interests of protecting the character and form of the area in accordance with Policy CP3 of the Cannock Chase Local Plan.

32. Notwithstanding the details of the Soft Landscape Proposal Drawings P18-1659_21-C, P18-1659_22-B, P18-1659_23-B, P18-1659_24-B, Boundary Treatment Drawings P18-1659-14J, Proposed Site Layout Drawing P18-1659_08J or any other approved plan showing layout details,
- (i) The garage at Plot 64; and
 - (ii) Any part of the private driveway serving Plots 48-49 within a root protection zone; and
 - (iii) Any part of the footpath along the northern part of the site within a root protection zone; and shall not be commenced until a scheme including a method statement and construction details, including materials and levels has been submitted to and approved in writing by the Local Planning Authority. The above elements shall thereafter only be implemented in strict accordance with the approved scheme.

Reason

In the interests of protecting the character and form of the area in accordance with Policy CP3 of the Cannock Chase Local Plan.

33. Notwithstanding the details of the Soft Landscape Proposal Drawings P18-1659_21-C, P18-1659_22-B, P18-1659_23-B, P18-1659_24-B, Boundary Treatment Drawings P18-1659-14J, Proposed Site Layout Drawing P18-1659_08J or any other approved plan showing layout details, the visitor parking space to the front of Plot 66 shall not be constructed and the area shall be laid out and retained as amenity grassland.

Reason

In the interests of protecting the character and form of the area in accordance with Policy CP3 of the Cannock Chase Local Plan.

34. No part of the development shall commence until details of all arboricultural work have been submitted to and approved by the Local Planning Authority. Details shall include a method statement and schedule of works.

Reason

The existing vegetation makes an important contribution to the visual amenity of the area and in accordance with Local Plan Policies CP3, CP12, CP14 and the NPPF.

35. The approved arboricultural work shall be carried out fully in accordance with the submitted details including timetable and to BS 3998 Tree Work & BS 5837 Trees in Relation to Construction, unless otherwise approved in writing by the Local Planning Authority.

Reason

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

36. Prior to the occupation/use of any dwelling or building, a Landscape Management Plan shall be submitted to and approved by the Local Planning Authority. The plan shall stipulate the future management and maintenance of the proposed and existing landscape features including all trees and hedges within and overhanging the site.

Reason

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

37. The site landscape, following completion of establishment, shall be managed in accordance with the approved Management Plan 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.

38. The development hereby permitted shall not be commenced until a scheme for the relocation of the bus stops on Burntwood Road and associated road markings have been submitted to and approved in writing by the Local Planning Authority. The works comprising the approved scheme shall thereafter be constructed in accordance with the approved details prior to the commencement of development.

Reason

To comply with paragraphs 108 and 109 of the National Planning Policy Framework 2018.

Notes to the Developer:**INFORMATIVE NOTES TO BE INCLUDED IN THE DECISION NOTICE:**

1. This consent will require approval under Section 7 of the Staffordshire Act 1983 and Section 38 of the Highways Act 1980. Please contact Staffordshire County Council to ensure that all approvals and agreements are secured before commencement of works.
2. Any off-site works within the adopted highway will require a Highway Works Agreement with Staffordshire County Council and the applicant is therefore requested to contact the Council in respect of securing the agreement. Follow the link: www.staffordshire.gov.uk/developers for highway agreements, a flowchart to identify the relevant agreement, information packs and application forms for the highway works.
3. Any soakaway should be located a minimum of 4.5 metres rear of the highway boundary.

Consultations and Publicity

As per the previous report presented to Planning Committee on 27 February 2019.

Relevant Planning History**1. Background**

1.1 This application was presented to Planning Control Committee on 27 February 2019, when Minute 125 recorded that Planning Control Committee resolved:-

(A) That the applicant be requested to enter into a Section 106 Agreement to secure:-

- (i) Provision and transfer to a registered Provider of 20% on-site affordable housing;
- (ii) Provision for the adoption and management of:
 - (a) Public open space;
 - (b) SuDS;
 - (c) Reptile Protection Area;
 - (d) Footpath / Access Corridor / Stream.

by a management company;

(iii) An education contribution of £154,434.00;

(iv) A contribution for footpath link of £4,400.00

and delegated authority to be granted to officers to attach appropriate landscape conditions to any permission granted.

(B) On completion of the Agreement, the application be approved subject to the conditions contained in the report for the reasons stated therein.

1.2 Subsequent to the resolution to grant two issues have arisen namely;

- i. It is noted that highway in their response had requested certain highway related aspects to be secured through a section 106 agreement;
- ii. The Landscape Officer has requested that the Reptile Protection Area is transferred to the Council rather than be managed by a management company.

2 Determining Issues

2.1 The Highway Authority has requested that a Section 106 agreement should be entered into to secure

- (i) provision of travel information packs to be supplied to all residents on occupation of dwellings,
- (ii) funding for the footway link; and
- (iii) improvements to the relocated bus stops including road markings, shelters and provision of real time information displays

2.2 In this respect it should be noted that paragraph 56 of the NPPF states that planning obligations must only be sought where they meet all of the following tests: -

- a) necessary to make the development acceptable in planning terms;
- b) directly related to the development; and
- c) fairly and reasonably related in scale and kind to the development.

2.3 In order to be necessary (rather than just desirable) one should ask the question should this application be refused if this obligation could not be secured.

2.4 In respect to the provision of travel information packs for residents it is noted that there is a bus stop immediately outside of the site and the site is located within a sustainable location 5 to 10 minutes walk to the village centre and immediately adjacent to two schools. As such there is excellent access to a wide range of goods and services to serve day to day needs. Although, a travel information pack may be desirable it is certainly not necessary to make the development acceptable in planning terms. As such it fails the above tests and it is recommended that this is not required either through a Section 106 or planning condition.

2.5 In respect to the funding for the footway link provision for this has already been included in the previous resolution and therefore no further consideration of this issue is necessary.

- 2.6 In respect to the improvements to the relocated bus stops including road markings, shelters and provision of real time information displays although it is considered that the relocation of the bus stop and associated road markings is reasonable and necessary to make the development acceptable in planning terms the suggested improvements including provision of a shelter and the provision of real-time information displays would fail all of the three tests for planning obligations. As such it is recommended that they are not made an obligation as part of any permission granted.
- 2.7 The provision of relocated bus stops and associated road markings could be readily secured through a condition. It is therefore recommended that the following condition be added to the schedule approved on 27th February 2019: -
- “The development hereby permitted shall not be commenced until a scheme for the relocation of the bus stop on Burntwood Road and associated road markings have been submitted to and approved in writing by the Local Planning Authority. The works comprising the approved scheme shall thereafter be constructed in accordance with the approved details prior to the commencement of development.”
- 2.8 In respect to the transfer of the reptile protection area to the council to manage it is considered that this is equally acceptable to the management of the site by a management company. As such it is recommended that the resolution is amended accordingly.

3 Human Rights Act 1998 and Equalities Act 2010

Human Rights Act 1998

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

Equalities Act 2010

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

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

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

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

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

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

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

6 Conclusion

- 6.1 Having considered the two issues it is considered that subject to the amendments to the schedule of conditions and obligations indicated above the proposal is acceptable in respect to all relevant policies and guidance.
- 6.2 The schedule of conditions has been updated to include the landscape conditions.

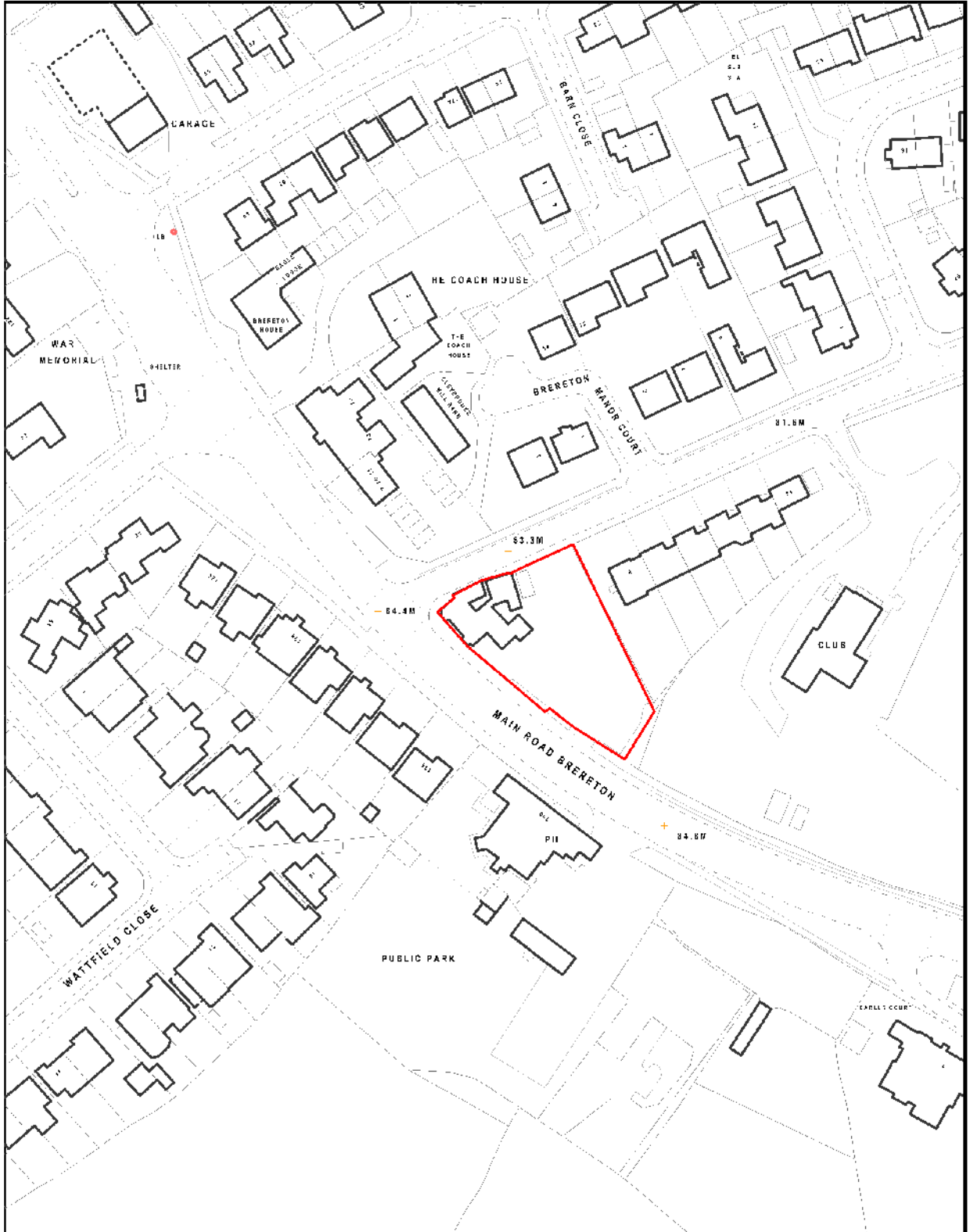


Application No: CH/19/035

Location: The Academy Early Years Childcare, Main Road, Brereton, RUGELEY, WS15 1EE

Proposal: Variation of Condition 24 (Approved plans-CH/18/261) to extend the existing basement.

ITEM NO. 6.81



Location Plan

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



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REV A	DETAILED REVISION NOTE	00/00/00	000
Rev	Amendment	Date	Dm Chk

Revisions:



white ridge
architecture
 hilton hall hilton lane easington staffordshire WV11 2SQ
 telephone : 01902 728866
 w : whiteridgearchitecture.co.uk
 e : info@whiteridgearchitecture.co.uk

Client:



MIDLANDS PSYCHOLOGY CIC

Site:
Proposed development at former Talbot Public House, Main road, Breerton

Title:
Location Plan

Scale:
1:1250@A4

Eng No:
2126/01

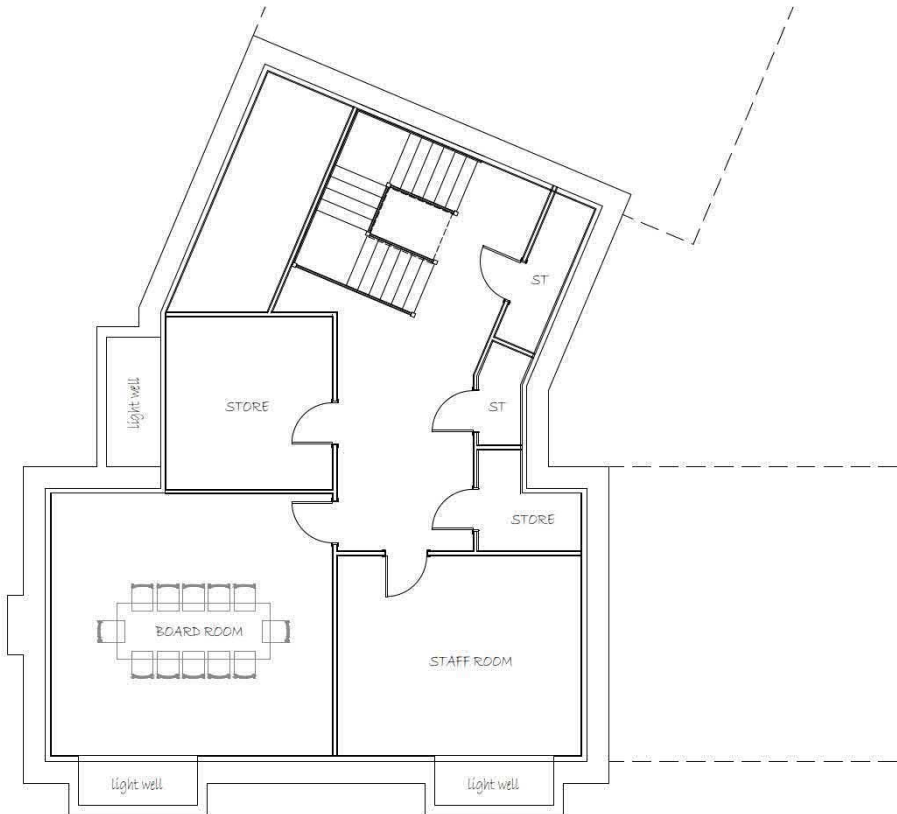
DWG File Ref:
 DRAWN: JCB

Date:
12/09/16

Rev:
 -

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

Basement Plans



BASEMENT PLAN

Former Talbot Public House, Main Road, Brereton

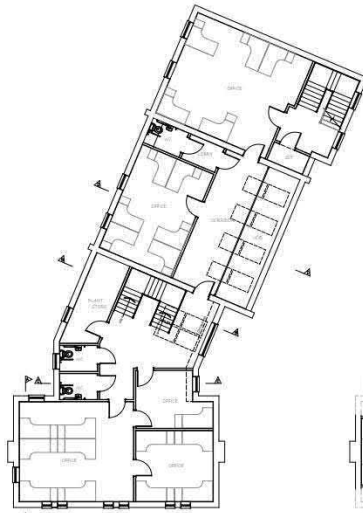
 white ridge architecture 01202 758808 info@whiteridgearchitects.co.uk	
 MIDLANDS PSYCHOLOGY CIC	
Site: Proposed development at former Talbot Public House, Main Road, Brereton.	
Title: Proposed Basement Plan.	
Scale: 1:100@A1 2126-BASEMENT-01 DWG/Rev 01 01/01/18	Date: 14/01/18
Please note: this is a preliminary drawing.	

Floor Plans

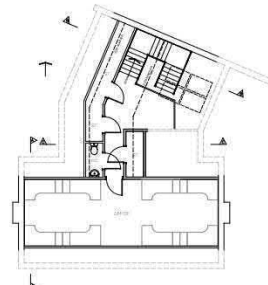
Proposed Floor Plans



GROUND FLOOR LAYOUT
799
Total EA 624sq. m.



FIRST FLOOR LAYOUT
598



SECOND FLOOR LAYOUT
74



SITE PLAN - 1:500



ridge architecture
RIDGE ARCHITECTURE
15/1009/A1
21/05/2017

MEXANIS PSYCHOLOGY CIC

Proposed development at former Talbot Public House, Main Road, Brereton

Proposed Floor Plans

15/05/18

Former Talbot Public House, Main Road, Brereton

Elevations

Proposed Elevations



FRONT ELEVATION



REAR ELEVATION



SITE PLAN - 1:500



SIDE ELEVATION



SIDE ELEVATION



white ridge
architecture

HILLIER PARTNERSHIP LTD

Proposed development at former Talbot
Public House, Main Road, Breerton.

The
Proposed Elevations

REF: 11009A1
DATE: 01/05/2018
SCALE: 1:500

DATE: 15/05/18

Former Talbot Public House, Main Road, Breerton

Contact Officer:	Audrey Lewis
Telephone No:	01543 464 528

PLANNING CONTROL COMMITTEE

24 APRIL 2019

Application No:	CH/19/035
Received:	22-Jan-2019
Location:	The Academy Early Years Childcare, Main Road, Brereton, Rugeley, WS15 1EE
Parish:	Brereton and Ravenhill
Description:	Variation of Condition 24 (approved plans-CH/18/261) to extend the existing basement
Application Type:	Full Planning Application

RECOMMENDATION:

Approve Subject to Conditions.

Reason(s) for Recommendations:

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

Conditions (and Reasons for Conditions):

1. The development to which this permission relates must be begun not later than 14th November 2021

Reason

To comply with the requirements of Section 73(A) of the Town & Country Planning Act 1990.

2. The external materials to be used in the construction of the development hereby approved, shall be as set out within Drg No. 2126 - Materials Layout, unless otherwise approved in writing by the Local Planning Authority.

Reason

In the interests of visual amenity and to ensure compliance with Cannock Chase Local Plan Policy CP3 and the National Planning Policy Framework and in order to safeguard the setting of the nearby Listed Building and the appearance of the Brereton Conservation Area.

3. The existing hedgerow between the development site and the neighbouring property of No 8 Armitage Lane shall be retained at its current height. Should the hedgerow be removed it shall be replaced in the following planting season to a specification that shall be submitted in writing to and approved by the Local Planning Authority.

Reason

To protect the amenity of the neighbouring property of No.8 Armitage Lane.

4. Before the development is operational the existing post fence forming the common boundary between the development site and No 8 Armitage Lane shall be replaced with a 1.8 metre high close board fence along the boundary.

Reason

To protect the residential amenity of the neighbouring property of No.8 Armitage Lane in accordance with the NPPF.

5. The existing street tree planting located between Main Road and adjacent to the development's car parking space no P25 shall be retained.

Reason

To protect the design of the street scene and the residential amenity of Main Road, Brereton.

6. A proposed bin and recycle store of 2.5m x 4.629 shall be provided to accommodate two portable waste and recycling bins and shall be located adjacent to the development's car parking space P5 as detailed in Drawing No 2126 – Bin Store received on the 16/07/18.

Reason

Provide sufficient bin and recycling storage to serve the development and to be accessible by the waste and recycling collection organisations.

7. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 or any order that supersedes that order no windows shall be inserted in the north east elevation of the development that faces the side elevation of neighbouring dwelling of No 8 Armitage Lane and the rear gardens of properties along Armitage Lane.

Reason

In order to protect the adjacent residential amenity and to ensure compliance with Local Plan Policy CP3 and the National Planning Policy Framework.

8. The use hereby permitted shall not operate outside of the hours of 08:30 to 17:30hrs on Monday to Friday and 08:30 to 17:30hrs on Saturdays and at no time on Sundays, Public and Bank Holidays.

Reason

In order to protect the adjacent residential amenity and to ensure compliance with Local Plan Policy CP3 and the National Planning Policy Framework.

9. The development shall not be brought into use until the works comprising the approved surface water drainage scheme has been implemented in full.

Reason

To ensure the development has an appropriate drainage strategy.

10. The approved hard and soft landscaping scheme (Drg No. 16-107-03C) shall be implemented prior to occupation, or, the first planting season following commencement of the use, whichever is the sooner.

Reason

In the interests of visual amenity of the area, in accordance with the Local Plan Policies CP3, CP12, CP14, CP15 and the NPPF.

11. Prior to first occupation of the development the existing western access and part of the eastern access from Main Road Brereton (A460), made redundant as a consequence of the proposed development, shall be permanently closed with the access/part of access crossing reinstated as footway with a full-height kerb.

Reason

To comply with the NPPF and in the interests of Highway Safety.

12. Prior to first occupation of the development, a workplace travel plan shall be submitted to and approved in writing by the local planning authority. As a minimum this shall include:-

- a) A named travel plan co-ordinator
- b) A baseline travel survey for existing pupils and staff i.e. prior to expansion
- c) Details of monitoring arrangements including timeframe
- d) Mode share targets
- e) Infrastructure (hard) measures to contribute towards travel plan targets

Reason

To comply with the NPPF and in the interests of Highway Safety.

13. Prior to first occupation of the development the parking area indicated on drawing number 16-107-03 Rev C, shall be provided and surfaced in a porous bound material with the individual parking bays clearly delineated, and thereafter retained for those purposes only for the life of the development.

Reason

To comply with the NPPF and in the interests of Highway Safety.

14. Prior to the development being brought into use, the approved cycle parking storage scheme shall be implemented. The cycle parking facilities shall thereafter be retained for those purposes only, for the life of the development.

Reason

To comply with the NPPF and in the interests of Highway Safety.

15. The development hereby approved shall adhere with the approved Demolition & Construction Method Statement (received on 14 December 2018). throughout the construction period.
- i. specify the type and number of vehicles;
 - ii. provide for the parking of vehicles of site operatives and visitors;
 - iii. provide for the loading and unloading of plant and materials;
 - iv. provide for the storage of plant and materials used in constructing the development;
 - v. provide for wheel washing facilities;
 - vi. specify the intended hours of construction operations;
 - vii. measures to control the emission of dust and dirt during construction
 - viii. specify method of piling should piling be undertaken;
 - ix. specify method of bat protection;
 - x. specifically state that there will be no burning whatsoever carried out on site;
 - xi. specify that all construction waste shall be removed off site;

Reason

In order to comply with the NPPF.

16. The development, including demolition, shall take place in accordance with the Method of Working specification outlined in pages 42, 43 and 44 of the Bat and Bird survey for Midlands Psychology CIC Buildings, produced by S. Christopher and dated 31st May 2017, unless otherwise approved in writing by the Local Planning Authority.

Reason

To ensure that any roosting bats are protected and that the species are conserved at a favourable conservation status within their natural range in accordance with Policy CP12 of the Cannock Chase Local Plan and the NPPF and the provisions of the Habitats Regulations 2010.

17. The development shall not be brought into use until a roof space roost for brown long eared bats, bat access slate and brick built bat box have been provided in accordance with the specifications shown in pages 38, 39 and 40 of the Bat and Bird survey for Midlands Psychology CIC Buildings, produced by S. Christopher and dated 31st May 2017.

Reason

To ensure that the species of bats present in the building are conserved at a favourable conservation status within their natural range in accordance with Policy CP12 of the Cannock Chase Local Plan and the NPPF and the provisions of the Habitats Regulations 2010.

18. No works shall be carried out in the bird breeding season (March- August) unless a survey of the building has confirmed that there are no breeding birds on the site and the results of the survey have been forwarded to the Local Planning Authority.

Reason

To ensure that breeding birds are not disturbed as a result of the works hereby approved in accordance with Policy CP12 of the Cannock Chase Local Plan and the NPPF and the provisions of the Habitats Regulations 2010.

19. No part of the development hereby approved shall commence until details of the Special Surface Construction for the Access Roads, Drive Ways, Footpaths, Cycleways & Car Park Areas including method statement & timetable for construction of each element is to be submitted to and approved by the Local Planning Authority.

Reason

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

20. The Special Surface Construction for the Access Roads, Drive Ways, Footpaths, Cycleways & Car Park Areas (pursuant to Condition 22 above) shall be implemented in accordance with the approved details including method statement & timetable, unless otherwise agreed in writing by the Local Planning Authority.

Reason

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

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

Drg No.s:

Costing Assessment dated 5th July 2018
Background Information
Heritage Statement received 16 July 2018
Planning Statement
Arboricultural Method Statement
Structural Survey/Assessment
Collation of Structural Reports
Bat & bird survey dated 31 May 2017
Draft 2 - Planning Submission
Tree Survey dated 4 October 2016

Drg Nos:

16-107-01
16-107-02
16-107-03 Rev C
16-107-04 Rev A
2126-Bin Store
2126 - Talbot materials
2126/01

2126-02
2126-02-01
2126-02-02
2126-02-03
2126-03-01
2126-09-01
2126-Basement-01

Reason

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

Consultations and Publicity

External Consultations

Brereton & Ravenhill Parish Council

No comments received.

Staffordshire County Highways

No objections to the proposal.

Internal Comments

Conservation Officer

Conservation comments on CH/19/035 variation of condition 24 to extend the existing basement at The Academy, Main Road. Brereton.

The application seeks consent to construct a basement as part of the new building approved under application CH/18/261. It will be entirely within the ground and will not affect the appearance of the approved building.

Relevant statutory duties and planning policy context:

The Planning (Listed Buildings and Conservation Areas) Act 1990 sets out the local planning authority's duties including:

- S.72 the local planning authority has a duty to pay special attention to the desirability of preserving or enhancing the character or appearance of a conservation area. While the duty may only require that no harm should be caused, it nonetheless creates a special presumption and considerable weight and attention should be given to any harm found to arise regarding the character or appearance of the Conservation Area.
- The NPPF 2018 advises on consideration of proposals affecting the historic environment, and Local Plan policy CP15 supports its approach. The adopted Conservation Area Appraisal and Management Plan add local detail.

Conclusion:

As the applicant states that the external appearance of the approved building will not be affected than no comments from a conservation viewpoint. However one query is about the proposed basement light wells at the front of the building which are located below the proposed ground floor bay windows — it's not clear how this would work practically.

Response to Publicity

The application was consulted by site notice and neighbour letter. No letters of representation have been received.

Relevant Planning History

- CH/18/261 -Demolition of existing public house and associated buildings and the erection of a replacement office building with mixed D1/B1 use (re-submission of planning application: CH/17/237) approved subject to conditions on 14 November 2018.
- CH/17/237 - Demolition of existing public house and associated buildings and the erection of a replacement office building with mixed D1/B1 use refused on 14 February 2018.
- CH/16/413 - Demolition of existing public house and associated buildings and the erection of a replacement building for mixed D1/B1 use - withdrawn to enable a Phase 2 Bat Survey being required which could only be carried out between May & September.
- CH/14/0450 Change of Use from a nursery (D1) to office B1(a) - approved 04/02/15.
- CH/12/0391 Change of use from public house (A4) to day-care nursery (D1) with landscaping alterations. Approved 03/01/13.
- CH/11/0030 Retrospective change of use of the ground floor from B1 and B8 to a training facility (D1). Approved 30/03/11.
- CH/09/0070 Single storey extensions to side and rear to extend dining area and food preparation area including single storey entrance lobby - approved 05/05/2009.
- CH/93/0518 2 x no existing fascia signs illuminated by 6 no. brass swan neck down lighters approved 09/11/93.
- CH/93/0517 Proposed entrance porch - approved on 17/11/93.
- CH/89/0666 2 x illuminated fascia signs and one illuminated post - approved 04/10/89.

1 Site and Surroundings

- 1.1 The application relates to the former locally listed Talbot PH, which has now been demolished as part of the recent permission CH/18/261. It is located at the junction of Main Road and Armitage Lane and has a vehicular access off Main Road.
- 1.2 The application site has a large car park which is located to the south side of where the building originally stood and this is accessed off Main Road which is bordered by security fencing.
- 1.3 The site is located within the Brereton Conservation Area and is near to several listed buildings.
- 1.4 The site is located in Brereton and is positioned at the southern tip of the built up area of Rugeley in a predominantly residential area adjacent to a sports field and open countryside on its south side. On the opposite side of Main Road there are residential bungalows and the Red Lion Public House, it is bordered by a sports field to the right and No 8 Armitage Lane to the rear/ side.
- 1.5 The site is privately owned by Midlands Psychology.

2 Proposal

- 2.1 The application seeks planning permission for variation of Condition 24 (approved plans) of planning permission CH/18/261 which was for the demolition of existing building and associated buildings and the erection of a replacement office building with mixed D1/B1 use.
- 2.2 The proposal essentially seeks a material minor amendment of the internal layout to extend the existing basement of the building to form a board room, staff room & stores together with the insertion of 3 No. lightwells.

3 Planning Policy

- 3.1 Section 38 of the Planning and Compulsory Purchase Act 2004 requires planning applications to be determined in accordance with the provisions of the Development Plan, unless material considerations indicate otherwise.
- 3.2 The Development Plan currently comprises the Cannock Chase Local Plan (2014).
- 3.3 Other material considerations relevant to assessing current planning applications include the National Planning Policy Framework (NPPF) Planning Practice Guidance (PPG) and Supplementary Planning Guidance/Documents.

Cannock Chase Local Plan (2014)

- 3.4 The relevant local planning policy in relation to this proposal is

- Policy CP1 - Strategy - The Strategic Approach
- Policy CP3 - Chase Shaping – Design
- Policy CP5 - Social Inclusion and Healthy Communities
- Policy CP8 - Employment Land
- Policy CP9 – A Balanced Economy
- Policy CP15 – Historic Environment
- Policy CP16- Climate Change and Sustainable Resource Use

3.5 National Planning Policy Framework (2018)

3.6 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.

3.7 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.

3.8 Relevant paragraphs within the NPPF include paragraphs: -

8:	Three dimensions of Sustainable Development
11-14:	The Presumption in favour of Sustainable Development
47-50:	Determining Applications
80:	Economic Growth
86-90:	Ensuring the vitality of Town Centres
91-92:	Promoting Healthy and Safe Communities
108-111:	Promoting Sustainable Transport
124, 127, 128, 130:	Achieving Well-Designed Places
174:	Habitats and Biodiversity
189-195:	Proposals affecting Heritage Assets
212-213:	Implementation

3.9 Other Relevant Documents

- The Council's Parking Standards, Travel Plans & Developer Contributions for Sustainable Transport SPD.
- The Council's Design SPD.
- The adopted Main Road, Brereton Conservation Area Appraisal 2009 and Management Plan 2014.
- The Brereton and Ravenhill Parish Plan 2006.

4 Determining Issues

4.1 When planning permission is granted, development must take place in accordance with the permission and conditions attached to it, and with any associated legal agreements. However, new issues may arise after planning permission has been granted, which require modification of the approved

proposals. Where these modifications are not fundamental or substantial, but still material in nature, a developer may seek to obtain approval for the changes through the provision of Section 73 of the 1990 Town and Country Planning Act.

4.2 An application can be made under section 73 of the Town and Country Planning Act 1990 to vary or remove conditions associated with a planning permission. One of the uses of a Section 73 application is to seek a minor material amendment, where there is a relevant condition that can be varied (Paragraph: 013 Reference ID: 17a-013-20140306 of the Planning Practice Guidance).

4.3 Section 73(2) of the 1990 Act states: -

On such an application the local planning authority shall consider only the question of the conditions subject to which planning permission should be granted, and—

(a) if they decide that planning permission should be granted subject to conditions differing from those subject to which the previous permission was granted, or that it should be granted unconditionally, they shall grant planning permission accordingly, and

(b) if they decide that planning permission should be granted subject to the same conditions as those subject to which the previous permission was granted, they shall refuse the application.

4.4 The determining issues for the proposal are whether the proposed variations to conditions would be acceptable in respect of their impact on: -

(i) The Impact of the proposal on the character and appearance of the conservation area and the setting of nearby listed buildings

(ii) The impact on the standard of amenity in the locality

(iii) The impact on highway safety and capacity

4.5 For ease of reference the original planning officer report is appended at Appendix 1 of this report. This contains all relevant legislation, policy and guidance which for the sake of brevity are not reiterated in full here.

4.6 Principle of the Development

4.6.1 The principle, for the demolition of the building and associated buildings and the erection of a replacement office building with mixed D1/B1 use has been firmly established under planning permission CH/18/261.

4.7 Impact on Designated Heritage Assets

4.7.1 The site lies within the Brereton Conservation Area and within the setting of Brereton Hall, a Grade II* Listed Building and the setting of Brereton House, a Grade II Listed Building.

4.7.2 Given that the proposal affects a conservation area and the setting of a listed building it engages the statutory duties set out in paragraphs S66(1) and S72 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990.

4.7.3 In addition to the above the proposal is subject to Policy CP15 and the relevant paragraphs of Section 16 of the NPPF.

4.7.4 In this respect it is noted that the Conservation Officer has stated that the proposed amendments: -

' will be entirely within the ground and will not affect the appearance of the approved building.'

4.7.5 As such the proposal would not lead to any greater impact on the above designated heritage assets over and above that of the consented scheme and therefore does not alter the overall planning balance and conclusion arrived at in the determination of the previous application that the proposal is acceptable.

4.7.6 It is therefore considered that having taken policies CP3 and CP15 of the Cannock Chase Local Plan, Section 12 of the NPPF, the provisions of sections 66 and 72 of the 1990 Planning (Listed buildings and Conservation Areas) Act, local representations, comments of the conservation officer and all other material considerations into account the proposal is acceptable in respect to impacts on heritage assets.

4.8 Impact on Highway Safety

4.8.1 Paragraphs 108-109 of the NPPF provide the overall policy in respect to highway capacity and safety.

4.8.2 The proposal would not affect the access or parking provision within the site.

4.8.3 Furthermore, Staffordshire County Council Highways Department have no objections to the revised scheme.

4.8.4 In conclusion it is considered that, subject to the attached conditions, the proposal would not have a detrimental impact on the safety and capacity of the local highway network and therefore the residual cumulative impacts of the development would not be severe. As such it is considered that the proposals meet the requirements of the NPPF and Policy CP3 of the Cannock Chase Local Plan (Part 1).

4.9 Impact on Residential Amenity

4.9.1 Given that the proposed amendments would be essentially internal and underground they would have no material impact on the standard of residential amenity of the occupiers of surrounding dwellings.

5 Human Rights Act 1998 and Equalities Act 2010
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Human Rights Act 1998

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

accords with the adopted policies in the Development Plan which aims to secure the proper planning of the area in the public interest.

Equalities Act 2010

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

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

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

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

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

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

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

6 Conclusion

6.1 The application seeks planning permission for variation of Condition 24 (approved plans) of planning permission CH/18/261 which was for the Demolition of existing public house and associated buildings and the erection of a replacement office building with mixed D1/B1 use.

6.2 The proposal essentially seeks a minor material amendment of the internal layout to extend the existing basement of the building to form a board room, staff room & stores together with the insertion of 3 No. lightwells.

6.3 The proposal would have no significant impact on heritage assets, highway safety and capacity or residential amenity or on the planning balance reached at in the determination of the previous application.

6.4 Therefore the proposal, subject to the attached conditions, would comply with local policy requirements of the NPPF and the Cannock Chase Local Plan Part 1 Policies CP3, CP12, CP15 and CP16, the Council's Design Supplementary Planning Document and the Council's Parking Standards, Travel Plans & Developer Contributions for Sustainable Transport SPD.

6.5 The schedule of conditions has been updated to reflect the current situation.

ITEM NO. 6.

APPENDIX 1:

Report Presented to Planning Committee on November 2018

Application No: CH/18/261

Received: 16-Jul-2018

Location: The Academy Early Years Childcare, Main Road, Brereton, RUGELEY, WS15 1EE

Parish: Brereton and Ravenhill

Ward: Brereton and Ravenhill Ward

Description: Demolition of existing public house and associated buildings and the erection of a replacement office building with mixed D1/B1 use (re-submission of planning application: CH/17/237)

Application Type: Full Planning Application

RECOMMENDATION Approve Subject to Conditions

Reason for Grant of Permission

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

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 external materials to be used in the construction of the development hereby approved, shall be as set out within Drg No. 2126 - Materials Layout, unless otherwise approved in writing by the Local Planning Authority.

Reason

In the interests of visual amenity and to ensure compliance with Cannock Chase Local Plan Policy CP3 and the National Planning Policy Framework and in order to safeguard the setting of the nearby Listed Building and the appearance of the Brereton Conservation Area.

3. The existing hedgerow between the development site and the neighbouring property of No 8 Armitage Lane shall be retained at its current height. Should the hedgerow be removed it shall be replaced in the following planting season to a specification that shall be submitted in writing to and approved by the Local Planning Authority.

Reason

To protect the amenity of the neighbouring property of No 8 Armitage Lane.

4. Before the development is operational the existing post fence forming the common boundary between the development site and No 8 Armitage Lane shall be replaced with a 1.8 metre high close board fence along the boundary.

Reason

To protect the residential amenity of the neighbouring property of No 8 Armitage Lane in accordance with the NPPF.

5. The existing street tree planting located between Main Road and adjacent to the development's car parking space no P25 shall be retained.

Reason

To protect the design of the street scene and the residential amenity of Main Road, Brereton

6. A proposed bin and recycle store of 2.5m x 4.629 shall be provided to accommodate two portable waste and recycling bins and shall be located adjacent to the development's car parking space P5 as detailed in Drawing No 2126 – Bin Store received on the 16/07/18.

Reason

Provide sufficient bin and recycling storage to serve the development and to be accessible by the waste and recycling collection organisations.

7. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 or any order that supersedes that order no windows shall be inserted in the north east elevation of the development that faces the side elevation of neighbouring dwelling of No 8 Armitage Lane and the rear gardens of properties along Armitage Lane.

Reason

In order to protect the adjacent residential amenity and to ensure compliance with Local Plan Policy CP3 and the National Planning Policy Framework.

8. The use hereby permitted shall not operate outside of the hours of 08:30 to 17:30hrs on Monday to Friday and 08:30 to 17:30hrs on Saturdays and at no time on Sundays, Public and Bank Holidays.

Reason

In order to protect the adjacent residential amenity and to ensure compliance with Local Plan Policy CP3 and the National Planning Policy Framework.

9. The development shall not commence until a scheme for the disposal of surface water has been submitted to and approved in writing by the Local Planning Authority. The development shall not be brought into use until the works comprising the approved scheme have been implemented in full.

Reason

To ensure the development has an appropriate drainage strategy.

10. The approved hard and soft landscaping scheme (Drg No. 16-107-03) shall be implemented prior to occupation, or, the first planting season following commencement of the use, whichever is the sooner.

Reason

In the interests of visual amenity of the area, in accordance with the Local Plan Policies CP3, CP12, CP14, CP15 and the NPPF.

11. Prior to first occupation of the development the existing western access and part of the eastern access from Main Road Brereton (A460), made redundant as a consequence of the proposed development, shall be permanently closed with the access/part of access crossing reinstated as footway with a full-height kerb.

Reason

To comply with the NPPF and in the interests of Highway Safety.

12. Prior to the commencement of the development (including demolition) hereby permitted, a written scheme of archaeological investigation ('the Scheme') shall be submitted for the written approval of the Local Planning Authority. The scheme shall provide details of the programme of archaeological works to be carried out within the site, including post-excavation reporting and appropriate publication. The scheme shall thereafter be implemented in full accordance with the approved details.

Reason

In order to meet the requirements of the NPPF.

13. Prior to the commencement of the development (including demolition) hereby permitted, a written specification of the methodology for a Level 2 building recording survey shall be submitted for the approval of the of the Local Planning Authority. The proposed methodology must meet the requirements of the English Heritage (now Historic England) volume entitled 'Understanding historic buildings: a guide to good recording practice' (2006) and should provide evidence of the original construction, layout and phasing along with any details of any surviving historic fixtures and fittings. The scheme shall thereafter be implemented in full accordance with the approved details.

Reason

In order to meet the requirements of the NPPF.

14. The demolition hereby permitted shall not be undertaken before a contract for the carrying out of the works of redevelopment of the site in accordance with the planning permission has been made and written confirmation of this has been received by the Local Planning Authority.

Reason:

To safeguard the character and appearance of the Main Road, Brereton Conservation Area and the setting of the Listed Buildings.

15. Prior to first occupation of the development, a workplace travel plan shall be submitted to and approved in writing by the Local Planning Authority. As a minimum this shall include: -

- a) A named travel plan co-ordinator
- b) A baseline travel survey for existing pupils and staff i.e. prior to expansion
- c) Details of monitoring arrangements including timeframe
- d) Mode share targets
- e) Infrastructure (hard) measures to contribute towards travel plan targets

Reasons

To comply with the NPPF and in the interests of Highway Safety.

16. Prior to first occupation of the development the parking area indicated on drawing number 16-107-03 Rev C, shall be provided and surfaced in a porous bound material with the individual parking bays clearly delineated, and thereafter retained for those purposes only for the life of the development.

Reason

To comply with the NPPF and in the interests of Highway Safety.

17. Prior to the development being brought into use, the approved cycle parking storage scheme shall be implemented. The cycle parking facilities shall thereafter be retained for those purposes only, for the life of the development.

Reason

To comply with the NPPF and in the interests of Highway Safety.

18. No development hereby approved shall take place, until a Demolition & Construction Method Statement has been submitted to, and approved in writing by, the Local Planning Authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall:

- i. specify the type and number of vehicles;
- ii. provide for the parking of vehicles of site operatives and visitors;
- iii. provide for the loading and unloading of plant and materials;
- iv. provide for the storage of plant and materials used in constructing the development;
- v. provide for wheel washing facilities;
- vi. specify the intended hours of construction operations;
- vii. measures to control the emission of dust and dirt during construction
- viii specify method of piling should piling be undertaken;
- ix specify method of bat protection;
- x specifically state that there will be no burning whatsoever carried out on site;
- xi specify that all construction waste shall be removed off site;

Reason

In order to comply with the NPPF.

19. The development, including demolition, shall take place in accordance with the Method of Working specification outlined in pages 42, 43 and 44 of the Bat and Bird survey for Midlands Psychology CIC Buildings, produced by S. Christopher and dated 31st May 2017, unless otherwise approved in writing by the Local Planning Authority

Reason

To ensure that any roosting bats are protected and that the species are conserved at a favourable conservation status within their natural range in accordance with Policy CP12 of the Cannock Chase Local Plan and the NPPF and the provisions of the Habitats Regulations 2010.

20. The development shall not be brought into use until a roof space roost for brown long eared bats, bat access slate and brick built bat box have been provided in accordance with the specifications shown in pages 38, 39 and 40 of the Bat and Bird survey for Midlands Psychology CIC Buildings, produced by S. Christopher and dated 31st May

2017.

Reason

To ensure that the species of bats present in the building are conserved at a favourable conservation status within their natural range in accordance with Policy CP12 of the Cannock Chase Local Plan and the NPPF and the provisions of the Habitats Regulations 2010.

21. No works shall be carried out in the bird breeding season (March- August) unless a survey of the building has confirmed that there are no breeding birds on the site and the results of the survey have been forwarded to the Local Planning Authority.

Reason

To ensure that breeding birds are not disturbed as a result of the works hereby approved in accordance with Policy CP12 of the Cannock Chase Local Plan and the NPPF and the provisions of the Habitats Regulations 2010.

22. No part of the development hereby approved shall commence until details of the Special Surface Construction for the Access Roads, Drive Ways, Footpaths, Cycleways & Car Park Areas including method statement & timetable for construction of each element is to be submitted to and approved by the Local Planning Authority.

Reason

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

23. The Special Surface Construction for the Access Roads, Drive Ways, Footpaths, Cycleways & Car Park Areas (pursuant to Condition No.24 above) shall be implemented in accordance with the approved details including method statement & timetable, unless otherwise agreed in writing by the Local Planning Authority.

Reason

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

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

Costing Assessment dated 5th July 2018

Background Information

Heritage Statement received 16 July 2018

Design and Access Statement

Arboricultural Method Statement
Structural Survey/Assessment
Collation of Structural Reports
Bat & bird survey dated 31 May 2017
Draft 2 - Planning Submission
Tree Survey dated 4 October 2016

Drg Nos:

16-107-01
16-107-02
16-107-03 Rev C
16-107-04 Rev A
2126-Bin Store
2126 - Talbot materials
2126/01
2126-02
2126-02-01
2126-02-02
2126-02-03
2126-03-01
2126-09-01

Reason

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

NOTE

1-The 2007 Guidelines on Transport Assessment (Department for Transport, Communities and Local Government) state that 'Any development that is likely to increase accidents or conflicts among motorised users and non-motorised users, particularly vulnerable road users such as children, disabled and elderly people' requires a travel plan to be produced. As Staffordshire County Council Highways believe that additional demand for car parking on nearby streets (including Armitage Lane and Main Road Brereton where there are on-road cycle routes) would be generated by this development, a travel plan would be required to increase travel by more sustainable modes of transport (requested condition number 15). There is potential for this with nearby bus and cycle routes. It is our understanding that the applicant will enter into a unilateral undertaking to produce and implement a workplace travel plan. In order to be effective travel plans need to be monitored by the local planning authority for which a source of funding will also be required.

2-In order to create the 1.8 metre wide footway indicated on drawing number 2126/02-01 'Proposed Floor Plans' (dated 15 June 2018), the applicant would need to contact the local highway authority to draw up a legal agreement for dedication of land as public highway.

3-A site visit to the above location was undertaken on 5 July 2017.

EXTERNAL CONSULTATIONS

Brereton & Ravenhill Parish Council

Thank you for consulting Brereton and Ravenhill Parish Council (“BRPC”) in respect of the above proposal to demolish the former Talbot Inn and to erect an office building in its place. BRPC strongly objects to it.

The historic nature of the principal building: -

The Talbot Inn is a longstanding and valued historic building. As your Council’s Conservation Area Appraisal (“CAA”) rightly states it is pre-1840, not as the Applicant’s previous Heritage and its Design and Access Statements wrongly claimed in the late 19th century. Indeed Mr Philip Heath’s Heritage Statement shows that it is mid 18th-century, c 1750. As such, it is the third oldest building in the whole of the parish of Brereton and Ravenhill with only Brereton Hall and the converted barn to the rear of Brereton Hall being older. The Talbot is known to have been an Inn since at least 1834 as Wm. White’s Directory of 1834 (Armitage parish) shows it occupied by Mary Wallace, victualler, and a Directory of 1851 shows Robert Lock was then the victualler.

The smaller rectangular detached building on Armitage Lane that was probably a stable and hayloft is also of historic value.

Assessment of the Hall in Planning Documents

BRPC endorses the CAA’s assessment of the existing building as making a positive contribution to the Conservation Area and draws attention to and agrees with the following comments in the appraisal:

“At the southern end of the Conservation Area the car parks of the Red Lion and Talbot Inn form a gentle transition from urban to rural land use, and the juxtaposition of village and countryside contributes to the character positively.” [Page 7]

“The Talbot is almost certainly named after the Earls Talbot family, whose family crest includes a ‘Talbot’, a white hound. Although subject to 20th century alterations the symmetrical two-storey frontage of the Inn retains its sturdy traditional appearance, with the remains of an old painted sign on the Armitage Lane façade, the lettering carefully emphasised with shadowing.” [Page 8]

The Talbot is locally listed in the Parish Plan, and also in the emerging NDP, as a building of importance.

The great harm that demolition would cause to the Brereton Conservation Area is confirmed by a Heritage Statement produced by the applicant paragraph 47: “Local Authorities are required to review conservation area boundaries from time to time, and it is likely that the present proposal would undermine the justification for keeping the boundary as it is at present.” In other words the impact of demolition would be so severe that the Conservation Area would have to be reduced in size if the Talbot were to be demolished. A possible threat would be to the removal from the Conservation Area of the historic Red Lion Inn, since the distance between this and other historic buildings would be increased if the Talbot were demolished.

A Heritage Statement produced by the Applicant paragraph 45 rightly stated: “It may be considered to contribute positively to the settings of the grade II* listed Brereton Hall and Grade

II Brereton House, and to add to their own significance by preserving some idea of their historic contexts.” Its earlier (White Ridge) Heritage Statement acknowledged that this historic public house was “a welcoming presence at the entrance of Rugeley today”.

It follows for the applicant’s own evidence that a part of a Conservation Area that lies within the setting of two Listed Buildings (one grade II*) would be so badly affected that it would be removed from the Conservation Area.

Statutory Duties

Although clearly applicable on the applicant’s own case, well-known and judicially enforced duties in the Planning (Listed Buildings and Conservation Areas) Act 1990 have not been properly addressed by the applicant. The Court of Appeal judgment in *East Northamptonshire District Council v Secretary of State for Communities and Local Government* ([2014] EWCA Civ 137, [2015] 1 WLR 45) provides considerable assistance.

S66(1) of this Act states (omitting immaterial words), “In considering whether to grant planning permission... for development which affects a listed building or its setting, the local planning authority or, as the case may be, the Secretary of State shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.”

The applicant has rightly accepted that the setting of two listed buildings (the nearer grade II*) will be affected and, given its comments on reducing the extent of the Conservation Area, necessarily accepted that the effect will be adverse. It follows that there is a statutory duty on the LPA to have special regard to the desirability of preserving setting of each listed building.

S72(1) of the Act states, “(1) In the exercise, with respect to any buildings or other land in a conservation area, of any functions under or by virtue of any of the provisions mentioned in subsection (2), special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area.” The provisions to which section (2) refers, include the Planning Acts.

The Development Plan

The relevant part of the Development Plan is the Cannock Chase Local Plan - Local Plan (Part 1) 2014. The principal policy dealing with heritage is policy CP15, which provides:

“The District’s Historic Environment will be protected and enhanced via:

- the safeguarding of all historic... buildings, areas, ... their settings and their historic ... townscape context according to their national or local status from developments harmful to their significance in order to sustain character, local distinctiveness and sense of place...”

Policy CP3 is also relevant. Among other things this states:

“The following key requirements of high quality design will need to be addressed in development proposals: ... Conserve and enhance the local historic environment including reuse of buildings and sympathetic repair, using the historic environment as a stimulus to high quality design and enhancing local character and distinctiveness (see also Policy CP15) ...”

Figure 4.7 identifies Brereton as a “Focus for historic townscape conservation and enhancements”.

National Policy

National policy is clear. The National Planning Policy Framework (24th July 2018) states, among other things: Heritage assets ... are an irreplaceable resource, and should be conserved in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of existing and future generations.

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

Where there is evidence of deliberate neglect of, or damage to, a heritage asset, the deteriorated state of the heritage asset should not be taken into account in any decision.

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

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

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

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

- a) grade II listed buildings... should be exceptional;
- b) assets of the highest significance, notably ... grade ... II* listed buildings... should be wholly exceptional.

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

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

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

The effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.

Local planning authorities should not permit the loss of the whole or part of a heritage asset without taking all reasonable steps to ensure the new development will proceed after the loss has occurred.

The PPG provides further advice:

“Protecting and enhancing the historic environment is an important component of the National Planning Policy Framework’s drive to achieve sustainable development ... The appropriate conservation of heritage assets forms one of the ‘Core Planning Principles’ ... that underpin the planning system. ... [Reference ID: 18a-001-20140306].

“...Any decisions relating to listed buildings and their settings and conservation areas must address the statutory considerations of the Planning (Listed Buildings and Conservation Areas) Act 1990 (see in particular sections 16, 66 and 72) as well as satisfying the relevant policies within the National Planning Policy Framework and the Local Plan.” [Reference ID: 18a-002-20140306]

“The conservation of heritage assets in a manner appropriate to their significance is a core planning principle. Heritage assets are an irreplaceable resource and effective conservation delivers wider social, cultural, economic and environmental benefits.

Conservation is an active process of maintenance and managing change. It requires a flexible and thoughtful approach to get the best out of assets as diverse as listed buildings in every day use to as yet undiscovered, undesignated buried remains of archaeological interest.

In the case of buildings, generally the risks of neglect and decay of heritage assets are best addressed through ensuring that they remain in active use that is consistent with their conservation. Ensuring such heritage assets remain used and valued is likely to require sympathetic changes to be made from time to time...

Where changes are proposed, the National Planning Policy Framework sets out a clear framework for... decision-taking to ensure that heritage assets are conserved, and where appropriate enhanced, in a manner that is consistent with their significance and thereby achieving sustainable development...” [Reference ID: 18a-003-20140306]

“A thorough assessment of the impact on setting needs to take into account, and be proportionate to, the significance of the heritage asset under consideration and the degree to which proposed changes enhance or detract from that significance and the ability to appreciate it.

Setting is the surroundings in which an asset is experienced, and may therefore be more extensive than its curtilage. All heritage assets have a setting, irrespective of the form in which they survive and whether they are designated or not.

The extent and importance of setting is often expressed by reference to visual considerations. Although views of or from an asset will play an important part, the way in which we experience

an asset in its setting is also influenced... by our understanding of the historic relationship between places. For example, buildings that are in close proximity but are not visible from each other may have a historic or aesthetic connection that amplifies the experience of the significance of each.

The contribution that setting makes to the significance of the heritage asset does not depend on there being public rights or an ability to access or experience that setting. This will vary over time and according to circumstance.

When assessing any application for development which may affect the setting of a heritage asset, local planning authorities may need to consider the implications of cumulative change. They may also need to consider the fact that developments which materially detract from the asset's significance may also damage its economic viability now, or in the future, thereby threatening its ongoing conservation." [Reference ID: 18a-013-20140306]

"Disrepair and damage and their impact on viability can be a material consideration in deciding an application. However, where there is evidence of deliberate damage to or neglect of a heritage asset in the hope of making consent or permission easier to gain the local planning authority should disregard the deteriorated state of the asset ... Local planning authorities may need to consider exercising their repair and compulsory purchase powers to remedy deliberate neglect or damage." [Reference ID: 18a-014-20140306]

"Appropriate marketing is required to demonstrate the redundancy of a heritage asset in the circumstances set out in ... the National Planning Policy Framework. The aim of such marketing is to reach all potential buyers who may be willing to find a use for the site that still provides for its conservation to some degree. If such a purchaser comes forward, there is no obligation to sell to them, but redundancy will not have been demonstrated. [Reference ID: 18a-016-20140306]

The Effect of Policy on this Application

There is clear development policy in favour of protecting, conserving and enhancing historic buildings and areas. Demolition of the Talbot, an historic building, with its adverse effect on the Brereton Conservation Area and the settings of both a Grade II* and a Grade II Listed Building would be contrary to Local Plan policies CP15 and CP3.

The LPA must identify the significance of the heritage assets affected by the proposal, namely the Talbot itself, the Brereton Conservation Area, the setting of Brereton Hall, a Grade II* Listed Building and the setting of Brereton House, a Grade II Listed Building. [NPPF §190]

This is a case where it is necessary to consider whether there is "evidence of deliberate neglect of or damage to a heritage asset". No developer ever admits this and, whether it is or is not the case, all developers confidently assert that it has not occurred. Deliberate neglect or damage must therefore be assessed from the known facts and such an assessment should be made on the balance of probabilities (not the criminal burden of proof). In other words a decision-maker must ask what is the proper inference, on the balance of probabilities, from the facts. In this case:

The applicant (unlike another prospective purchaser) purchased the proposed with no more detailed survey than that required by their mortgagee [stated by their representatives at BRPC's meeting of 5th December 2017].

In purchasing the property they paid a price that substantially outbid another prospective buyer (by about £70,000) and which reflective the site's value for development, not for retaining the building – demolition must have been premeditated.

The applicant's representatives have claimed that, on visiting for a visual survey the property after purchase but before any structural survey "their worst fears were justified" [stated at BRPC's meeting of 5th December 2017]. It follows from this statement that these fears must have predated this visual inspection and that, at the very least their purchase was reckless, placing at risk an historic building that another prospective purchaser had wished to buy and use without demolition.

The applicant removed render that played a role in stabilising the building contrary to the express advice of your council and so placed the structure at risk and then left the unprotected exterior (including brickwork damaged by the removal of render) open to the elements. The Baynham Meikle report recognises that render enhances stability (paragraphs 3.3.2 and 3.3.3.). One of the representatives of the applicant at the Parish Council meeting of 5th December 2017, Ben, confirmed that the render was applied to add structural strength to the building. This would have been known when the render was removed.

The applicant damaged the brickwork when they removed the render [Mr Heath's Heritage Statement page 2, paragraph 2].

The applicant left the water supply connected, contrary to normal and sensible practice, with the result that a flood occurred causing substantial damage to the basement. The explanation that this was to prevent damage by cold is not tenable. As confirmed at BRPC's meeting of 5th December 2017 the flood occurred in September 2017, a month that was not cold and during which not a single frost occurred. This fairly recent event has prevented a full assessment of the building.

Harm has been caused by delay resulting from the failure to take, at the appropriate time, the elementary step of having a bat survey in a building know to contain a bat roost.

The proper inference from the totality of the above facts is that there was deliberate neglect of or damage to a heritage asset. Hence NPPF paragraph 191 and PPG 18a-014-20140306 apply to consideration of the current application.

Paragraph 132 applies in considering the impact on the significance of a designated heritage asset. As the Heritage Statement made clear, the impact on the Brereton Conservation Area would be so great that its reduction would follow. In other words a designated heritage asset would not be conserved, but would be partly destroyed, clearly substantial harm. Such a reduction in the Conservation Area would leave the Red Lion detached from its main part and hence at risk of being removed from the CA. Development within the setting of two listed buildings of sufficient harm to cause the reduction in extent of a Conservation Area is clearly a substantial harm to those settings. In the case of substantial harm to Brereton Hall's setting that is something that the NPPF states, "should be wholly exceptional".

With regard to the substantial harm to the designated heritage assets, there is no question of public benefits outweighing the harm. Indeed the applicant has expressly accepted that substantial harm will be caused to the Brereton Conservation Area and that paragraph 195 applies. There is no need for the proposed office building to be in this location and there are

plenty of office buildings available in the districts of Cannock Chase, Lichfield and Stafford. The word “all” in NPPF paragraph 133 is clearly deliberate. There was another bidder for the land when it was sold who wished to use the building, not to demolish it, yet there has not been appropriate marketing of the building.

As far as significance is concerned, the Talbot itself is clearly significant as the third oldest building in the parish and indeed one of the oldest buildings in the district as a whole, a key element in the gateway to Brereton (and the Rugeley/Brereton built-up area), a part of the historic village of Brereton that makes a positive contribution to the Conservation Area and a local historic building that, for good and proper reasons, is widely appreciated.

Previous Use

The Talbot was used as a pub, then and a pub and restaurant and finally as a nursery. All would have had to meet certain standards. In each case both the downstairs and the upstairs were used. Appropriate hygiene certificates were issued for the kitchen. BRPC members used the Talbot pub and the restaurant that came after it without there being any indication of problems. Staff who worked there have been full of praise for the building.

When the nursery was selling the building, a previous purchaser had a Building Appraisal carried out by a chartered surveyor, Jim Hough MRICS. Ultimately the previous purchaser was outbid because the applicant bid at a price that reflected redevelopment while he was prepared to pay a price that reflected maintaining the building including underpinning. A copy of that appraisal is attached. It helpfully includes photographs showing the state of the Talbot in January 2014. Although these photographs were taken to show defects, when compared with recent photographs, they make clear how much the Talbot has deteriorated in four and a half years. This appraisal included the following:

“The premises inspected are considered to be in reasonable condition and consistent with their type and age of construction.” [Paragraph 4.1]

“In the event that underpinning and additional structural repairs are necessary, a budget cost of approx. £15,000 - £20,000.00 should be allocated for negotiation with the vendor.” [Paragraph 4.5].

Delay

The applicant has complained of delay. This arose from the need for a bat survey. The need for such surveys is very well known and the presence of a bat roost should have been obvious. The delay during which further deterioration has taken place were the foreseeable consequence of the applicant not having a survey that it should have known would be needed. The consequences of that delay to the building were also foreseeable, not least to a professionally advised applicant.

The Proposal

The proposed development would involve the total demolition of the historic part of the Talbot. As one of the applicant’s architects has pointed out, this would involve an acceptance of the loss of the historic building. Such an acceptance could form the basis a new application that did not involve constructing a building similar to the Talbot. Given the manner in which the applicant has conducted itself, there cannot be confidence that such an application would not be

submitted. In the event of the current application being approved, BRPC can see no way in which CCDC could prevent the submission of a new application that relied upon what would have become the acceptance of the loss of the historic building

Precedent

If the Talbot is lost because of neglect, it will provide a model that other developers can follow to destroy historic buildings of value to local communities. Cannock Chase district would be seen as a location where historic buildings can be cleared and replaced with modern buildings that harm the appearance of our area.

Errors in the Documentation Submitted by the Applicant

The documentation submitted by the Applicant has contained numerous errors. These show a sloppy and unprofessional approach to the site and throw doubt on the accuracy of other parts of their documentation, which BRPC is unable to check. With regard to the original Design and Access Statement, neither Brereton, nor Rugeley have public transport to and from Shrewsbury. Its final photograph in the DAS wrongly describes the neighbouring Grade II* Brereton Hall, Main Road as “Mews” at Brereton Manor Court. It wrongly claimed that the Talbot was late 19th century, something that taking the elementary step of checking either the Conservation Area Appraisal or the Parish Plan would have shown to be false. This error was repeated in the White Ridge Heritage Statement. Errors of this magnitude go to the credibility of the Applicant.

Alternative Uses and Marketing

Another prospective purchaser had been prepared to buy the property in 2014, but was outbid by the applicant’s willingness to pay a price that reflected, not meeting the cost of restoration, but demolition and redevelopment of the site. The site should be properly marketed. Such marketing should reflect the fact that the District Council (with the support of BRPC) has been prepared to allow changes of use that preserve historic buildings. Examples include conversion of the ‘Hope and Anchor’ in Redbrook Lane to housing without objection (once the proposal to demolish was removed) from BRPC; the conversion of the ‘Britannia’ to the A1 Vets veterinary practice; School Mews; the former Methodist School; and the former Antiques Centre. There has been no appropriate marketing at a value that fairly reflects the state of the buildings.

Protection of the Building

In the short term, BRPC asks your council to issue a notice under the Town and Country Planning Act 1990 s215. In specifying the requirements in such a notice, BRPC draw attention to the High Court judgment in *Berg v Salford City Council* [2013] EWHC 2599, Supperstone J. The facts of that case were weaker than those in the case of the Talbot: the property concerned was not in a conservation area and did not affect listed buildings. The judgment makes it clear that the requirements may be based on “long-term maintenance” and designed to prevent susceptibility “to weathering” and that the visual element of amenity includes very short-distance views (paragraph 16, 21, 25 and 27).

In the medium term, BRPC asks your council to acquire the building, if necessarily compulsorily under the Town and Country Planning Act 1990 s226. The market value of the building will of course have been greater reduced as a result of its neglect.

BRPC asks the district council to consider placing a tree preservation order on the attractive mature sycamore.

Conclusions

BRPC strongly opposes demolition of the 18th-century parts of the Talbot, namely the approximately rectangular main building facing Main Road with its side to Armitage Lane; and the smaller rectangular detached building on Armitage Lane that was probably a stable and hayloft. BRPC considers that there is scope for compromise in respect of the Victorian and twentieth century additions. The objection is to the loss of eighteenth-century buildings of importance to both the local community and the district as a whole,

The proposed development would not be appropriate in the Conservation Area, in the settings of two listed buildings, or in one of the most important gateways both to Brereton and to the Rugeley/Brereton built-up area. The historic part of the Talbot should be fully refurbished to conservation standards.

BRPC would be grateful for copies of the correspondence between your council and the applicant in early 2016 about the removal of the render in winter.

Brereton and Ravenhill Neighbourhood Development Plan Committee

Support the representations made by Brereton and Ravenhill Parish Council in respect of the planning application. The Talbot is a locally listed building in both the Parish Plan and the emerging Neighbourhood Development Plan.

Staffordshire County Highways

No objections subject to the provision of 4 planning conditions including a travel plan, Construction Vehicle Management Plan, provision for four secure cycle spaces and closure of western access/part of the western access.

Council Ecologist

No response at the time of writing this report.

Staffordshire Police

No objections and for the developers to consider the provisions of the Crime & Disorder Act 1998.

INTERNAL COMMENTS

Economic Development

From an Economic Development perspective the proposed development plans to create 15 full time jobs for which we would encourage the end user to recruit locally.

The property has been in decline and vacant for a number of years, and the proposal will make reuse of a brownfield site in an urban area, added to which the District has demand for this type of office accommodation and much needed floor space.

We would add that Cannock Chase District Council has undertaken an independent structural survey on the existing property, the current property has been found to be unsafe, beyond repair and financially unviable to maintain and repair. We therefore would welcome the redevelopment and regeneration of this brownfield site and this new investment into the area and therefore support this application.

Planning Policy

No response at time of writing report.

Environmental Protection

No objections

Conservation Officer

The Planning (Listed Buildings and Conservation Areas) Act 1990 sets out the local planning authority's duties:

- S.66 in considering whether to grant planning permission for development which affects a Listed Building or its setting the local planning authority shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.
- S.69 the local planning authority shall from time to time determine which parts of their area are areas of special architectural or historic interest the character or appearance of which it is desirable to preserve or enhance, and shall designate these areas as Conservation Areas.
- S.72 the local planning authority has a duty to pay special attention to the desirability of preserving or enhancing the character or appearance of a conservation area. While the duty may only require that no harm should be caused, it nonetheless creates a special presumption and considerable weight and attention should be given to any harm found to arise regarding the character or appearance of the Conservation Area.

The NPPF 2018 advises on consideration of proposals affecting the historic environment, relevant extracts as follows:

para 192: in determining planning applications, local planning authorities should take account of the desirability of sustaining and enhancing the significance of Heritage Assets and putting them to viable uses consistent with their conservation; the positive contribution that conservation of Heritage Assets can make to sustainable communities including their economic viability; and the desirability of new development making a positive contribution to local character and distinctiveness.

para 193: when considering the impact of a proposed development on the significance of a Designated Heritage Asset, great weight should be given to the assets conservation.

para 194: any harm to, or loss of, the significance of a Designated Heritage Asset (from its alteration or destruction, or from development within its setting) should require clear and convincing justification.

para 195: where a proposed development will lead to substantial harm to(or total loss of significance of) a Designated Heritage Asset, local planning authorities should refuse consent unless it can be demonstrated that the substantial harm or total loss is necessary to achieve substantial public benefits that outweigh the harm or loss, or all of the following apply:

- the nature of the heritage asset prevents all reasonable uses of the site and
- no viable use of the heritage asset itself can be found in the medium term through appropriate marketing that will enable its conservation and
- conservation by grant funding or some form of charitable or public ownership is demonstrably not possible and
- the harm or loss is outweighed by the benefit of bringing the site back into use.

para 196: where a development proposal will lead to less than substantial harm to the significance of a Designated Heritage Asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use.

para 197: the effect of an application on the significance of a non-Designated Heritage Asset should be taken into account in determining the application. In weighing applications that directly or indirectly affect non-Designated Heritage Assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the Heritage Asset.

para 198: local planning authorities should not permit loss of the whole or part of a Heritage Asset without taking all reasonable steps to ensure the new development will proceed after the loss has occurred.

para 199: local planning authorities should require developers to record and advance understanding of the significance of any Heritage Assets to be lost (in whole or in part) in a manner proportionate to their importance and the impact, and to make this evidence (and any archive generated) publicly accessible. However the ability to record evidence of our past should not be a factor in deciding whether such loss should be permitted.

para 200: local planning authorities should look for opportunities for new development within Conservation Areas ...and within the setting of Heritage Assets to enhance or better reveal their significance. Proposals that preserve those elements of the setting that make a positive contribution to the asset (or better reveal their significance) should be treated favourably.

para 201: loss of a building... which makes a positive contribution to the significance of the C less than substantial harm under para 196, as appropriate, taking into account the relative significance of the element affected and its contribution to the significance of the Conservation Area... as a whole.

Local Plan Policy CP15 supports this approach by seeking to protect and enhance the District's historic environment via safeguarding...buildings, areas...their settings and their historic landscape and townscape context according to their national and local status from developments harmful to their significance in order to sustain character, local distinctiveness and sense of place. At the same time supporting...development proposals that are sensitive to and inspired by their context and add value to the existing historic environment, landscape and townscape character by virtue of their use, layout, scale, appearance, landscaping and materials to ensure that the historic environment acts as stimulus to high quality design, based upon guidance set out in the Design SPD; planning standards may be applied in a flexible manner to maintain continuity within historic townscapes. Opportunities for new development in Conservation Areas and within the setting of Heritage Assets to enhance or better reveal their significance will be considered. Also maintaining an appropriate balance between conservation, reuse,

sympathetic adaptation and new development...in order to promote the sustainable management of the historic environment...and promote the historic environment as a catalyst for the regeneration of the District. The conservation and enhancement of Heritage Assets will be supported through Conservation Appraisals and Management Plans...and through the development management process. The local decision making process will be based on an assessment of significance of Heritage Assets including their setting in relation to development proposals. New development making a positive contribution to the character and local distinctiveness of the historic environment will generally be supported, having regard to the Design SPD.

The adopted Main Road, Brereton Conservation Area Appraisal 2009 and Management Plan 2014 provide more local detail about the significance of the Area and the building and relevant policy guidance:

- Main Road, Brereton Conservation Area was designated in 2002 and comprises the core of the old village along Main Road, an interesting mix of grand houses, workers cottages and community buildings, standing against the green backdrop of Cannock Chase. Its history as a thriving village is still evident and its Listed Buildings are amongst the most distinctive in the District.
- The Talbot Inn is marked in the Conservation Area Appraisal 2009 as ‘an unlisted building of particular interest’. Its significance to the Conservation Area derives from its history (demonstrating how the community of Brereton grew and developed over time) and its architecture (though subject to 20thC alterations, the symmetrical two storey frontage of the former inn retains its sturdy traditional appearance), enclosing the streetscene and forming a gentle transition from countryside to town. It has played an important role in Brereton’s village life and still forms an attractive viewpoint at the end of a street frontage composed of two substantial Listed Buildings and their curtilages – the 17thC Grade II* Brereton Hall and the 18thC Grade II Brereton House.
- There is variety in the roofscape throughout the area with varied rooflines, gables and hips, and an assortment of chimneys. The main unifying feature of the Conservation Area is the local warm orange-red and dark red brick. Boundary treatment to frontages is important in providing a sense of enclosure with remnant brick and stone walls, piers and railings. Tree cover makes an important contribution to the appearance of the Conservation Area, giving a maturity and softness to the street scene with both visual and environmental value.
- There will be a general presumption in favour of preserving buildings and features identified as making a positive contribution to the special character and appearance of the Conservation Area.
- Future development should take account of the special interest of the area as set out in the Appraisal. New development will need to acknowledge the relationship of buildings to spaces and reflect existing architectural detailing including colour, texture and range of materials. It should also respect trees and hedging. Any opportunities allowing environmental improvements to the Main Road frontages would be welcomed. The inclusion of appropriate trees within new development will be required, especially larger, long lived and suitably sited species, eventually to replace the older trees.

- The Council will require proposals for new development and redevelopment to adhere to well established good urban design principle for scale, form, materials, layout, density, landscaping and boundary treatment with the use of contemporary design and materials or more traditional options as appropriate, to reinforce the existing strong frontage and layout of individually distinctive buildings onto Main Road in a well landscaped setting, reflect existing variety and enhance views through the Conservation Area, particularly landmark buildings.
- The existing mix of uses...will be maintained with any compatible additional uses considered
- The Council will seek developer contributions in conjunction with planning permissions in accordance with the Developer Contributions SPD 2015 and will consider using a proportion of them for public realm enhancements along Main Road.

Brereton and Ravenhill Parish Plan 2006 includes the former Talbot Inn on its 'Local List of buildings of particular value to the local community' (NB: this plan has no statutory weight however this List is intended to form the basis of the Council's forthcoming District-wide Local List).

Note about Heritage Assets: this term is defined in the NPPF and includes buildings and areas identified as having a degree of significance meriting consideration in planning decisions because of its heritage interest. Heritage Assets include Designated Heritage Assets (eg Listed Buildings and Conservation Areas) and Non-Designated Assets (eg those identified by the local planning authority including through Local Listing). In this case, the relevant Designated Assets are the Main Road, Brereton Conservation Area and the Listed Buildings close to the site of the former Talbot Inn which forms part of their setting. The former Talbot Inn itself is a Non-Designated Heritage Asset but is not yet formally defined as such via the District Local List (procedure for this was adopted via Design SPD in 2016 but set up of the Local List is still pending).

Main conservation considerations:

1. Whether the loss of the existing building would preserve or enhance the character and appearance of the Main Road, Brereton Conservation Area and the setting of the nearby Listed Buildings
 - The former Inn is highlighted as an unlisted building of particular interest in the Conservation Area Appraisal, having historic value in the streetscene, demonstrating the development of the village over time, and visual value through its traditional appearance and contribution to enclosure of the streetscene at a gateway location. There is a general presumption in favour of preserving such buildings. It makes a positive contribution to the special character and appearance of the Conservation Area being integral to the character and appearance of the Conservation Area as a whole and therefore its loss would fail to preserve or enhance this character and appearance.
 - The former Inn is considered to contribute positively to the settings of both Listed Buildings by preserving some of their historic context and therefore its loss would adversely affect their setting.
2. Whether the loss of the building would result in harm to the significance of the Conservation Area and nearby Listed Buildings and whether this loss would be substantial or less than substantial

- In support of the application the applicant submitted a structural report about the existing building, concluding that it was not financially viable to renovate. In order to properly assess its findings the Council commissioned its own structural report. This reached the same conclusion, noting the following points:
 - The structure of the building, due to its age and lack of adequate maintenance over the years as well as inadequate structural repairs is very tired and is becoming unstable in parts and will require major replacements/ repairs before it can be brought back to a stable condition and be given a long life to justify costs. The following more than likely will need to be reconstructed: roof structure and finishes, front and rear masonry walls internal and external at second floor level, front and internal walls at first floor, ground floor masonry internally and externally in parts especially around windows, side walls would require reinforced render to enhance stability, major repair and refurbishment of ground floor slab and basement.
 - The engineer considered that at present there is continuing movement of walls and floors due to lack of floor diaphragm action and no lateral stability as a result. He was concerned about the continuing movement of the internal brick walls at first floor level which according to the owner have deteriorated since last seen. He recommended the Project Structural Engineer recommends propping of the walls to arrest further movement as it will very soon become structurally unstable.
 - In the Engineers view, none of the defects can be attributed to the current owners neglect over a relatively short period.
 - As a result of this report a ‘propping plan’ was drawn up and has been implemented with the top of each wall tied together with timber bracing to secure the building whilst a decision is reached.
 - It is acknowledged that significant changes can be made inside buildings outside planning control (unless inside a Listed Building) but the alterations here over many years which have weakened the structure and caused the demise of this building demonstrate the long term risk to valued historic buildings of poorly considered changes.
 - The loss of the building is considered to amount to substantial harm to the significance of the Conservation Area, taking account of its contribution to the significance of the Conservation Area as a whole through its history, historic fabric (useful in understanding the building and a finite resource), character and appearance in this gateway location. Therefore the tests in NPPF para 195 need to be applied.
 - The loss of the building is considered to amount to less than substantial harm to the setting of the Listed Buildings, by virtue of loss of some of their historic context, but not substantial harm because a varied streetscene such as this is felt to be sufficiently flexible to permit changes with additions of suitably designed new development or redevelopment which preserve the setting of the Listed Buildings. Therefore the tests in NPPF para 196 need to be applied.
3. Whether the proposed new building would preserve or enhance the character, appearance and significance of the Conservation Area and the setting of the nearby Listed Buildings.

- Conservation philosophy says that Conservation Areas are not intended to prevent change but to ensure that it takes place in an appropriate way. Modern development is 'of its time' and reflects the fashion of its day but conversely copying historic architecture may not be the best solution; through careful design new buildings can respect the architectural character of an historic area and fine buildings of any type, style and age can enhance the visual environment and contribute to a sense of community. Size, scale, design, materials, boundary treatment and planting details are all important in creating an addition which complements and preferably enhances the Conservation Area.
- Since the original submission, and without prejudice to any decision on the demolition, the applicant has worked hard with the community via several public meetings in an effort to produce a more acceptable design and to better reflect the role played by the former Talbot Inn in the appearance of the streetscene. The current proposal still involves demolition of the existing building, however the new build now comprises a rebuilding of the former inn on the frontage, with a smaller scale extension to the rear. The height is reduced from the previous scheme and the previous glazed atrium, which had attracted some adverse comment, is replaced with rooflights. The siting is similar. Proposed materials are traditional brick, stone window cills and heads, small format roof tiles, white painted timber sash windows to the front elevation, bay windows and brick detailing to the eaves. The proposal would have a varied roofline reflecting the former Talbot Inn with chimneys. Existing trees would be retained and supplemented with new planting along the road frontage to soften the appearance of the development and provide a long term visual and environmental benefit. All these details would produce a building suitable for this location.
- Without prejudice to the decision it is suggested that the boundary treatment, at least around the road junction enclosing the 'Talbot rebuild', would need to reflect the walls and railings bounding the adjacent listed building on the corner of Armitage Lane in order to retain the strong visual enclosure of the streetscene currently created by the existing building. The proposed railings with paving inside the site currently shown is a rather weak aspect of the proposal and needs enhancement to maximise the positive aspects in the overall balance of decision making. (This point was made in respect of the previous application).
- Whilst the merits of creating a 'replica' building are debateable in conservation terms for reasons of authenticity, the new proposal does form a more sympathetic contribution to the streetscene in size and mass than the previous proposal and makes use of traditional materials and detailing to create a development more fitting with its surroundings.
- Brereton's buildings, diverse in design and materials, form an attractive grouping creating a distinctive piece of local townscape but are perhaps sufficiently varied to permit additions of suitably designed new development or redevelopment.
- The proposal is considered generally compatible with its surroundings in terms of its overall size, scale and siting, and with careful choice of building materials and boundary treatment detailing to enhance the scheme could preserve or enhance the nearby listed buildings.

Conclusion:

It is accepted that a great deal of support and passion exists in the community for retention of the former Talbot Inn as a result of its contribution to the Conservation Area as a familiar

feature of the streetscene. Loss of such a feature sets an undesirable precedent in this District but nevertheless requires proper consideration of relevant pro's and con's.

Conservation Area designation seeks to conserve features which contribute to the character of the area and at the same time does not prevent change, but seeks to ensure that changes are beneficial and positive and that the Area continues to evolve. The harm caused to the Conservation Area by loss of the former Inn, albeit harm to one part of the Conservation Area, still amounts to harm for the purposes of Sec 72. Any replacement building would therefore need to be of at least equal benefit to the character and appearance of the Conservation Area, and preferably a greater benefit, producing an enhancement.

Loss of the existing building would in my opinion be classed as 'substantial harm' to the significance of the Conservation Area. In such circumstances consent should be refused unless the stated criteria are achieved - either substantial public benefits from the proposal which outweigh the loss, or all of the other criteria must be met. Loss of the existing building would in my opinion amount to 'less than substantial harm' to the setting of the Listed Buildings. This harm needs to be weighed against the public benefits of the proposal.

Notwithstanding all the planning policy designed to protect it, the hard fact is that if the building is not economically viable to repair then it could only be saved by either a charitable body/philanthropist investing in the site or public funding being secured, with reconstruction the most likely result in any case, and after many months of debate over the Talbot Inn's future I am not aware that either of these options is available. Deteriorating historic buildings are a current issue nationwide and every significant loss negatively impacts on our heritage and is an unfortunate outcome, but each decision will involve a balance of these relevant matters.

Without prejudice to the decision, should the relevant tests be met and the application be recommended for approval, the following conditions are applied:

- Prior to the commencement of (and during) the stripping out of the existing building a written scheme of investigation and recording equating to a Level 2 Survey (as defined in the English Heritage publication (now Historic England) 'Understanding Historic Buildings: a Guide to Good Recording Practice' 2006) shall be submitted for the written approval of the Local Planning Authority and thereafter be implemented in full in accordance with the approved details. The Scheme shall provide details of the programme of archaeological recording works to be carried out within the site, including reporting and appropriate publication.

Reason:

In the interests of advancing understanding of the significance of the heritage asset in a manner proportionate to its importance and to make this evidence publicly accessible in accordance with the NPPF para 199.

- The demolition hereby permitted shall not be undertaken before a contract for the carrying out of the works of redevelopment of the site in accordance with the planning permission has been made and written confirmation of this has been received by the Local Planning Authority.

Reason:

To safeguard the character and appearance of the Main Road, Brereton Conservation Area and the setting of the Listed Buildings.

- No part of the development shall be commenced until details, including samples, of all external materials, including landscape materials, have been submitted to and approved in writing by the Local Planning Authority. No materials shall be used other than those approved.

Reason:

To safeguard the character and appearance of the Main Road, Brereton Conservation Area and the setting of the Listed Buildings.

- Notwithstanding the landscaping information shown on the plans the site boundary treatment shall reflect the brick wall and railings existing on the opposite corner of Armitage Lane, including a pedestrian gate opposite the front door on the Main Road frontage (with repositioning of the proposed tree planting).

Reason:

To create an active frontage with substantial enclosure to safeguard the character and appearance of the Main Road, Brereton Conservation Area and the setting of the Listed Buildings.

Countryside, Landscaping and Trees

The application is lacking Levels plans showing existing and proposed levels

Soft landscape proposals acceptable, however soft works proposals are for the previous planning application and are not specific to this one. Ideally a separate scheme should be submitted even if there are only minor changes.

No details of services have been provided. however these could be run in a similar line to the drainage which would then be acceptable.

The proposed drainage scheme could work depending on confirmation on levels and details from the drainage engineers. However the area of no dig as shown on the submitted plans must be sacrosanct.

There is no clear indication of where are the material storage and mixing areas are to be located.

Tree protection fencing is being installed in two phase which is acceptable.

Summary

- No objection to the proposed scheme, however:
- Conditions should be placed on any approval to make sure no excavations

take place within the no dig areas.

RESPONSE TO PUBLICITY

There were several stages of public consultation due to the submission of revised plans and additional information.

Site notice posted and adjacent occupiers notified with 4 letters of objection and 15 letters of support. These letters of objection, comment and support are summarised below:

The representations are summarised as follows:

Letters of Support:

There have been 15 letters of support and the comments in these letters are summarised below

- The Talbot is a derelict eyesore and blot on the landscape, which presents a poor first image when visitors enter the village.
- The Talbot cannot viably be saved and is having a detrimental impact on the village.
- The new Talbot would be a resource for the local community, which would be a positive outcome for the village.
- The amended plans are far more in keeping with the other buildings in the village.
- The proposal provides the best possible solution in view of all the different elements of a difficult site.
- The frontage would represent the original Talbot Inn and together with the high quality of the building materials to be used, means the overall development would be a considerable improvement and can only be an asset to the area.
- The sensitivity of a conservation area and the views of the local community have been taken into account and the developers have tried very hard to resolve the residents' concerns.
- This is a very much needed facility for Brereton and the surrounding area.
- The developers - Midlands Psychology (MP) have held several meetings locally involving residents from the area and during which, they have listened and considered the feeling of the local people. The plans were altered after these consultations and at the last meeting MP displayed the amended plans, which were widely received well by the majority of people attending the meeting.
- Residents would like MP to be able to move forward and create a building that is a corner stone for Brereton and ask that the council look favourably on this application.
- The work that MP does with families is a desperately needed resource in this area, this should help to reduce long waiting lists from referrals off schools and doctors. This building gives an opportunity to complete a building that takes into account the needs of the children and parents.
- MP have been a great support to a resident's family over the years and they've always had to travel a distance to a local office, it would be beneficial to their family and many others.
- The proposed landscaping would mostly screen the rear premises and the car park and enhance the conservation area.
- The resubmitted plans take into account the main concerns in respect to application CH/17/237.
- The new building with cavity walls would prevent the penetration of rain and interior dampness.

- It would be appreciated if the iron door of the bread oven in the present building is displayed in the proposed new building.

Letters of Objection:

There have been 4 letters of objection received on the following grounds:

- The Talbot Inn is a longstanding and valued historic building, pre-1840, which makes a positive contribution to the Conservation Area. It is the third oldest building in the parish.
- The Talbot is locally listed in the Brereton and Ravenhill Parish Plan and also the emerging Brereton and Ravenhill Neighbourhood Development Plan.
- Demolition of the Talbot would cause great harm to the Conservation Area, which would have to be reduced in size as a consequence of the demolition.
- There is clear development policy in favour of protecting, conserving and enhancing historic buildings and areas. Demolition of the Talbot, a historic building and its adverse impact upon the Brereton Conservation Area AND the settings of both a Grade II* and a Grade II Listed Building would be contrary to Local Plan Policies CP3 & CP15.
- Removal of the render from the building has left the building unprotected, which has led to the unprotected exterior of the building being put at risk. The water supply was left connected that lead to a flood and water damage to the property. Harm has also been caused by delay resulting from the failure to take at the appropriate time, the elementary step of undertaking a bat survey in a building known to contain a bat roost. Therefore, there has been deliberate neglect of, or damage to a heritage asset.
- If the Talbot is lost because of neglect, it would provide a model that other developers could follow to destroy historic buildings of value to local communities in Cannock Chase District.
- There is no need for the proposed office to be in this location and there are plenty of office buildings available in the district of Cannock Chase, Lichfield and Stafford.
- The documentation submitted by the Applicant has contained numerous errors, which shows in doubt the accuracy of other parts of their documentation. With regard to the original Design and Access Statement, neither Brereton nor Rugeley have public transport to and from Shrewsbury. Its final photograph in the DAS wrongly describes the neighbouring Grade II Brereton Hall as 'Mews' at Brereton Manor Court. It wrongly claimed that the Talbot was late 19th Century.
- Another prospective purchaser had been prepared to buy the property in 2014, but was outbid by the applicant's willingness to pay a price that reflected, not meeting the cost of restoration, but demolition and redevelopment of the site.
- High Court judgment in 'Berg v Salford City Council [2013] EWHC 2599, Supperstone J,' was a weaker case than that of the Talbot, the property was not in a conservation area and did not affect listed buildings. The judgment makes it clear that the requirements may be based on 'long term maintenance' and designed to prevent susceptibility to 'weathering'.
- The council should acquire the building under Compulsory Purchase and the building should be fully refurbished to conservation standards.

PLANNING HISTORY

CH/17/237 - Demolition of existing public house and associated buildings and the erection of a replacement office building with mixed D1/B1 use refused on 14 February 2018 for the following reasons:

- The proposal would result in the loss of a building of special local architectural and historic interest, which is the third oldest building in the parish of Brereton and Ravenhill, is listed as being a building of importance in the Brereton and Ravenhill Parish Plan, and which makes a positive contribution to the character and appearance of the Brereton Conservation Area and the setting of the adjacent listed buildings. As such the proposed demolition would result in harm to the visual amenity of the area and substantial harm to significance of these designated heritage assets contrary to Policy CP15 of the Cannock Chase Local Plan (Part 1). In accordance with Paragraph 133 of the National Planning Policy Framework any proposal leading to substantial harm to the significance of a designated heritage asset should not be granted consent unless it can be demonstrated that that the substantial harm is necessary to achieve substantial public benefits that outweigh the harm or all of the other tests set out in paragraph 133 have been met. In this instance it is considered that the socio-economic and environmental benefits of the proposals do not outweigh the harm to the designated heritage assets. In addition it is considered that although extensive works would need to be undertaken the applicant has not demonstrated that the nature of the heritage asset prevents all reasonable uses of the site, that no viable use of the heritage asset can be found through appropriate marketing or through grant funding. As such the proposal is contrary to Paragraph 133 of the National Planning Policy Framework.
- The proposed replacement building by virtue of the use of extensive glazing in the rear part of the building does not come close to being in context with the surrounding historic buildings. Any new build should be sympathetic in design and material so as to enhance rather than overshadow the history around it. This site is at the very gateway to Brereton and Ravenhill and to Rugeley. The whole gateway would be ruined by the proposed new build and would have far reaching impact on the conservation area and adjacent historical buildings and therefore fail to preserve the character and appearance of the conservation area and the setting of the nearby listed buildings contrary to Policies CP3 and CP15 of the Cannock Chase Local Plan (Part 1) and paragraph 133 of the NPPF.

CH/16/413 - Demolition of existing public house and associated buildings and the erection of a replacement building for mixed D1/B1 use - withdrawn to enable a Phase 2 Bat Survey being required which could only be carried out between May & September.

CH/14/0450 Change of Use from a nursery (D1) to office B1(a) - approved 04/02/15.

CH/12/0391 Change of use from public house (A4) to day-care nursery (D1) with landscaping alterations. Approved 03/01/13.

- CH/11/0030 Retrospective change of use of the ground floor from B1 and B8 to a training facility (D1). Approved 30/03/11.
- CH/09/0070 Single storey extensions to side and rear to extend dining area and food preparation area including single storey entrance lobby - approved 05/05/2009.
- CH/93/0518 2 x no existing fascia signs illuminated by 6 no. brass swan neck down lighters approved 09/11/93.
- CH/93/0517 Proposed entrance porch - approved on 17/11/93.
- CH/89/0666 2 x illuminated fascia signs and one illuminated post - approved 04/10/89.

1. SITE AND SURROUNDINGS

- 1.1 The application relates to a currently vacant building, which has been vacant for the last three years. The property from 2013 was previously a former D1/D2 Children's Nursery which moved due to its requirement for larger premises. Previous to 2013, the property was a public house known as the 'Talbot Inn'.
- 1.2 The building's current use is defined as a B1(a) Office use which was granted as a change of use from the previous D1 Nursery use which was approved in 2015 (Application Ref CH/14/0450).
- 1.3 The building had a variety of modern single storey extensions on the rear and side. There has also been the addition of some modern brick work and UPVC windows on the side and front elevations. It was observed on the site visits that large elements of the rendering have been removed on the front elevation around the front entrance door and bay window.
- 1.4 The existing building comprises of a one and two storey traditional design and it is located at the junction of Main Road and Armitage Lane and has a vehicular access off Main Road.
- 1.5 The property has a large car park which is located to the south side of the building and this is accessed off Main Road which is bordered by a variety of fencing of different styles.
- 1.6 The main building is identified as being of local significance and is included on a list of locally important buildings and structures for the Brereton and Ravenhill area. The Staffordshire County Council Historic Environment Record (HER) identifies the building '...as a prominently situated two-storey inn of local brick, with pleasing symmetrical frontage which was probably extant by at least the late 18th or early 19th century. The rear extensions are attractive, with old painted inn sign on wall facing Armitage Lane.'
- 1.7 The 2006 Brereton and Ravenhill Parish Plan included the former Talbot Inn on its 'Local List of buildings of particular value to the local community.'

- 1.8 The building is noted in the Council's Conservation Area Appraisal as being an unlisted building of particular interest.
- 1.9 The application site stands within the Main Road, Brereton Conservation Area and its main vehicular access is off Main Road. The adopted Main Road, Brereton Conservation Area Appraisal 2009 and Management Plan 2014 provide further detail about the Conservation Area, the building and the relevant policy guidance. The Talbot Inn is marked in the Conservation Area Appraisal 2009 as 'an unlisted building of particular interest'
- 1.10 The site is located in Brereton and is positioned at the southern tip of the built up area of Rugeley in a predominantly residential area adjacent to a sports field and open countryside on its south side. On the opposite side of Main Road there are residential bungalows and the Red Lion Public House, it is bordered by a sports field to the right and No 8 Armitage Lane to the rear/ side.
- 1.11 The site including the vacant property is privately owned by Midlands Psychology, who it is understood purchased it in 2015.

2.0 PROPOSAL

- 2.1 The proposal is for the demolition of existing building and associated buildings and the erection of a replacement office building with mixed D1/B1 use (re-submission of planning application: CH/17/237).
- 2.2 Midlands Psychology offers mental health and support services to local people. They are currently based in Stafford. One of the primary services that the company offer is assistance to adults with autism and support for their families. The aim of the proposal is to use it to provide a training facility for families as well as a chance to integrate people with disability back into society.
- 2.3 The proposals include the following:
- a) Reduction in floor space area B1 element 543 sqm (previously 564 sqm) and D1 element = 76 sqm (previously 136 sqm), total floor space area = 619 sqm (previously 700 sqm).
 - b) Provision of 25 defined off street car parking spaces, including 3 No. disabled spaces (same number as existing parking spaces).
 - c) Provision for four No secure cycle storage spaces
 - d) Provision for on site for a 4.6 x 2.5 bin/ recycling storage including border fencing.
 - e) Provision of black cast iron railings.
 - f) Landscaping proposals.
 - g) Removal of the existing post fence to the common boundary of No 8 Armitage Road proposed to be replaced with a 1.8 metre high close board fence.
 - h) Retention of the existing hedgerow between the proposal and No 8 Armitage Road.
 - i) Provision of 15 full time staff.

- j) Proposed operating hours Monday to Saturday 8.30 am to 5.30pm and closed on Sundays.

3.0 PLANNING POLICY

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

3.2 The Development Plan currently comprises the Cannock Chase Local Plan (2014).

3.3 Other material considerations relevant to assessing current planning applications include the National Planning Policy Framework (NPPF) Planning Practice Guidance (PPG) and Supplementary Planning Guidance/Documents.

Cannock Chase Local Plan (2014)

3.4 The relevant local planning policy in relation to this proposal is

- Policy CP1 - Strategy - The Strategic Approach
- Policy CP3 - Chase Shaping – Design
- Policy CP5 - Social Inclusion and Healthy Communities
- Policy CP8 - Employment Land
- Policy CP9 – A Balanced Economy
- Policy CP15 – Historic Environment
- Policy CP16- Climate Change and Sustainable Resource Use

3.5 National Planning Policy Framework (2018)

3.6 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.

3.7 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.

3.8 Relevant paragraphs within the NPPF include paragraphs: -

8:	Three dimensions of Sustainable Development
11-14:	The Presumption in favour of Sustainable Development
47-50:	Determining Applications
80:	Economic Growth
86-90:	Ensuring the vitality of Town Centres
91-92:	Promoting Healthy and Safe Communities
108-111:	Promoting Sustainable Transport
124, 127, 128, 130:	Achieving Well-Designed Places

174:	Habitats and Biodiversity
189-195:	Proposals affecting Heritage Assets
212-213:	Implementation

3.9 Other Relevant Documents

- The Council's Parking Standards, Travel Plans & Developer Contributions for Sustainable Transport SPD.
- The Council's Design SPD.
- The adopted Main Road, Brereton Conservation Area Appraisal 2009 and Management Plan 2014.
- The Brereton and Ravenhill Parish Plan 2006.

4.0 DETERMINING ISSUES

4.1 The determining issues for this proposed development include: -

- i) Principle of development
- ii) Design and impact on heritage assets
- iii) Impact on neighbouring amenity
- iv) Impact on highway safety
- v) Impact on nature conservation interests
- vi) Provision of waste & recycling facilities
- vii) Public Benefits of the Proposal
- viii) Crime and the fear of crime
- ix) Other Material Considerations

4.2 Principle of Development

4.2.1 Policy CP1 of the Cannock Chase Local Plan states "When considering development proposals the Council will take a positive approach that reflects the presumption in favour of sustainable development contained in the National Planning Policy Framework. Paragraph 11 of the NPPF outlines how decisions should apply the presumption and states for decision taking this means

- c) approving development proposals that accord with an up-to-date development plan without delay; or
- 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. the application of policies in this Framework that protect areas or assets of particular importance provides 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 this Framework taken as a whole.

- 4.2.2 In this respect it is noted that the Local Plan (Part 1) was adopted in 2014, its policies in respect to building and nature conservation, impacts on highway safety, and residential amenity and employment accord with the provisions of the NPPF and therefore are not out of date.
- 4.2.3 This application relates to the demolition of an existing building, formerly a Public House, and associated buildings and the erection of a replacement office building with mixed D1/ B1 use within a designated Conservation Area and affecting the setting of listed Buildings.
- 4.2.4 Policy CP1 of the Cannock Chase Local Plan states that "the focus of investment and regeneration will be in existing settlements" and "the urban areas will accommodate most of the District's...employment development". In addition to this and in respect to offices Policy CP8 states "The council will seek to retain and promote diversified 'B class' uses in existing and developing employment areas of the highest quality and to assist the overall diversification of the local economy (having had regard to Policy CP11 and the need for a sequential approach in relation to offices).
- 4.2.5 Brereton is considered in the Local Plan to constitute a 'Local Centre' and wherein it is the aim to protect and enhance the centre to provide small scale shops, services and community facilities for local residents. The policy goes on to state that 'new development within local centres should be designed to meet the needs of the local catchment and encourage sustainable travel behaviour.
- 4.2.6 In regard to national policy offices are considered in the NPPF to constitute main town centre uses and therefore are subject to a sequential test in favour of existing town centres. The requirements of the sequential tests are set out in paragraphs 86- 88 of the NPPF which states:
- 'Local planning authorities should apply a sequential test to planning applications for main town centre uses that are neither in an existing centre nor in accordance with an up to date plan. Main town centre uses should be located in town centres, then then in edge of centre locations; and only if suitable sites are not available (or expected to become available within a reasonable period) should out of centre site sites be considered. When considering edge of centre and out of centre proposals, preference should be given to accessible sites that are well connected to the town centre. Applicants and local authorities should demonstrate flexibility on issues such as format and scale, so that opportunities to utilise suitable town centre or edge of centre sites are fully explored.'
- 4.2.7 In response to the above it is noted that planning permission was granted for the change of use of the building from a nursery (Class D1) to offices (B1a) in February 2015. As such although the permission was never implemented the principle of B1 office use has been established and it is not considered therefore that a sequential test would be necessary under paragraphs 86-88 of the National Planning Policy Framework. In relation to the Class D1 element of the proposals both the proposed clinic use and the former nursery fall within the same use class so again the principle of a D1 use in this location is already established although it appears the nursery has been vacant since 2014.
- 4.2.8 In addition to the above it is also noted that the proposal is somewhat small scale and although serving a wider catchment would also serve the needs of the local community of Brereton.

4.2.9 It is also noted that by virtue of its location on the main road through Brereton the proposal would constitute an accessible site that is well connected to the town centre of Rugeley. Furthermore as D1/ B1 uses have already been accepted at this site it is considered that it is also acceptable in respect of its principle on the amenities of the surrounding land uses.

4.2.10 Given the above it is considered that the proposal, on balance, is acceptable at this location. However, proposals that are acceptable in principle are subject to other policy requirements and normal planning considerations. This report will now go on to consider those points of detail.

4.3 Impact on Designated and Undesignated Heritage Assets

4.3.1 The site lies within the Brereton Conservation Area and within the setting of Brereton Hall, a Grade II* Listed Building and the setting of Brereton House, a Grade II Listed Building. In addition the building in its own rights has some architectural and historic interest.

4.3.2 Given that the proposal affects a conservation area and the setting of a listed building it engages the statutory duties set out in paragraphs S66(1) and S72 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990.

4.3.3 S66(1) of the Act states “In considering whether to grant planning permission... for development which affects a listed building or its setting, the local planning authority or, as the case may be, the Secretary of State shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.”

4.3.4 S72(1) of the Act states, “(1) In the exercise, with respect to any buildings or other land in a conservation area, of any functions under or by virtue of any of the provisions mentioned in subsection (2), special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area.”

4.3.5 In addition to the above the proposal is subject to Policy CP15 and the relevant paragraphs of Section 16 of the NPPF which are set out in the Conservation Officers comments (see above).

4.3.6 Having had regard to the above, to the representations received and the response of the Conservation Officer it is considered that the main conservation issues in respect to the determination of the application are as follows:

- 1) The impact on the former Talbot Public House as a non-designated heritage asset.
- 2) The impact on the character, appearance and significance of the Brereton Conservation Area
- 3) The impact on the setting of the nearby Listed buildings

The Impact on the Former Talbot Public House as a non-designated Heritage Asset.

4.3.7 According to the Conservation Area Appraisal the former Talbot Inn dates (at least in part) from pre 1840 and is regarded to be the third oldest building within the parish of Brereton and Ravenhill. It is identified in the appraisal as an unlisted building of particular interest' and its significance to the Conservation Area derives from its history, its architecture and layout both in enclosing the streetscene and that it forms a gentle transition from countryside to town. It is locally listed in the Parish Plan. As such the building is considered to constitute an un-designated heritage asset in its own right.

4.3.8 Paragraph 197 of the NPPF states that "the effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.

4.3.9 In this respect the proposal would lead to the demolition and complete loss of the undesignated heritage asset, the historic materials embodied in its structure and its historical relationship to the wider village and hence represent substantial harm to the undesignated heritage asset.

Impact on the Character and Appearance of the Conservation Area and the Setting of the Nearby Listed Buildings

4.3.10 It is noted that the former Talbot Inn is highlighted as an unlisted building of particular interest in the Conservation Area Appraisal, having historic value in the streetscene, demonstrating the development of the village over time, and visual value through its traditional appearance and its contribution to enclosure of the streetscene at a gateway location.

4.3.11 It is therefore clear that the demolition of the former Talbot would result in some measure of harm to the character, appearance and significance of the Conservation Area. As such the decision taker is required to determine whether that harm would be 'substantial' or 'less than substantial'. In this respect note should be had to paragraph 017 (Reference ID: 18a-017-20140306) of the Planning Practice Guidance which states:

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"Whether a proposal causes substantial harm will be a judgment for the decision taker, having regard to the circumstances of the case and the policy in the National Planning Policy Framework. In general terms, substantial harm is a high test, so it may not arise in many cases.It is the degree of harm to the asset's significance rather than the scale of the development that is to be assessed. The harm may arise from works to the asset or from development within its setting."

4.3.12 Further guidance is provided at paragraph Paragraph: 018 (Reference ID: 18a-018-20140306) of the PPG, which goes on to state: -

"An unlisted building that makes a positive contribution to a conservation area is individually of lesser importance than a listed building (paragraph 132 of the National Planning Policy Framework). If the building is important or integral to the character or appearance of the conservation area then its demolition is more likely to amount to substantial harm to the conservation area, engaging the tests in paragraph 133 [now

paragraph 195] of the National Planning Policy Framework. However, the justification for its demolition will still be proportionate to the relative significance of the building and its contribution to the significance of the conservation area as a whole."

4.3.13 In looking at the harm to the conservation area one must take into account the impact on the area as whole. In this respect although the age of the building and its contribution is noted the impact of the demolition would be localised even within the context of the conservation area itself.

4.3.14 In addition to the above in the judgement handed down in the case of *Dorothy Bohm v SSCLG* [2017] EWHC 3217 it was held that S72 Planning (Listed Buildings and Conservation Areas) Act 1990 required that special attention had to be paid to the desirability of preserving or enhancing a conservation area (CA). However when considering the impact of a proposal on a CA under S72 it was the impact of the entire proposal which was in issue. The decision maker has to consider not only the removal of the building which makes the positive contribution but also the impact on the CA of the building which replaces it and make a judgment of the overall impact on the CA of the entire proposal. Therefore the demolition of a non-designated heritage asset (even if it makes a positive contribution) in a Conservation Area cannot be treated as harm to a designated heritage asset in isolation, but that a scheme as a whole (including any replacement building) needs to be considered, with the demolition being just one factor in this. As such the court found the demolition of a non-designated heritage asset in a Conservation Area should not be regarded in the same way as if it were the designated asset itself. Furthermore, the court held that even though the existing building in this case made a positive contribution to the Conservation Area and would be completely lost, this did not mean that the Conservation Area would inevitably be harmed.

4.3.15 In respect to the application of policy the court ruling would indicate that the demolition of a non-designated heritage asset within a Conservation Area should be assessed in terms of NPPF 197, with the summary assessment of the development taking into account the scheme as a whole (including the replacement building) and any public benefits arising from the proposal in terms of the impact on the designated asset (the Conservation Area), applying the tests of NPPF in paragraphs 193-196.

4.3.16 Looking at the impact of the scheme, as a whole, including the replacement building on the conservation area it is noted that the conservation officer has commented: -

"the new build now comprises a rebuilding of the former inn on the frontage, with a smaller scale extension to the rear. The height is reduced from the previous scheme and the previous glazed atrium, which had attracted some adverse comment, is replaced with rooflights. The siting is similar. Proposed materials are traditional brick, stone window cills and heads, small format roof tiles, white painted timber sash windows to the front elevation, bay windows and brick detailing to the eaves. The proposal would have a varied roofline reflecting the former Talbot Inn with chimneys. Existing trees would be retained and supplemented with new planting along the road frontage to soften the appearance of the development and provide a long term visual and environmental benefit. All these details would produce a building suitable for this location."

adding

"The proposal is considered generally compatible with its surroundings in terms of its overall size, scale and siting, and with careful choice of building materials and boundary treatment detailing to enhance the scheme could preserve or enhance the nearby listed buildings."

4.3.17 The above comments made by the conservation officer are accepted, As such it is considered that the impact of the scheme, taken as a whole, by virtue of its

- (i) localised impact within the conservation area; and
- (ii) the appropriateness of the replacement building;

would result in less than substantial harm to the character, appearance and significance of the conservation area.

4.3.18 For the same reasons it is considered that the proposal would result in less than substantial harm to the setting of the nearby listed buildings.

4.3.18 Given the above the test in paragraph 196 of the NPPF is engaged which states

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

Public Benefits of the Proposal

4.3.19 The main public benefits in respect to this proposal are: -

- (i) Bringing the site back into positive use
- (ii) Provision of new health facilities

Bringing the site back into Positive Use

4.3.20 In support of the application the applicant has submitted a structural report on the existing building, concluding that it was not financially viable to renovate. In order to properly assess its findings the Council commissioned its own structural report. This reached the same conclusion and noted the following points:

- The structure of the building, due to its age and lack of adequate maintenance over the years as well as inadequate structural repairs is very tired and is becoming unstable in parts and will require major replacements /repairs before it can be brought back to a stable condition and be given a long life to justify costs.
- The following more than likely will need to be reconstructed: roof structure and finishes, front and rear masonry walls internal and external at second floor level, front and internal walls at first floor, ground floor masonry internally and externally in parts especially around windows, side walls would require reinforced render to enhance stability, major repair and refurbishment of ground floor slab and basement.

- The engineer considered that at present there is continuing movement of walls and floors due to lack of floor diaphragm action and no lateral stability as a result. He was concerned about the continuing movement of the internal brick walls at first floor level which according to the owner have deteriorated since last seen. He recommended the Project Structural Engineer recommends propping of the walls to arrest further movement as it will very soon become structurally unstable.

- In the Engineers view, none of the defects can be attributed to the current owners neglect over a relatively short period.

4.3.21 The above conclusions are accepted, and it is particularly noted that the Engineer concluded that none of the defects can be attributed to the current owners neglect over a relatively short period. This certainly contradicts the parish council's assertions that the current condition of the building is down to the deliberate neglect of the current site owners, especially in the removal of render and that the water supply was left on resulting in flooding.

4.3.22 In respect to render, the applicant asserts that this was removed to enable an assessment of the structural condition of the external brickwork. Officers note that it is sometimes necessary to undertake some investigative work that causes harm to the fabric of a building when assessing its condition such as removal of render or the lifting of floor boards. As such the removal of the render does not constitute proof of deliberate neglect. In respect to the rupture of the water pipes and subsequent flood damage Officers consider that there is no proof that this was part of a deliberate act. In any case the Engineers report above demonstrates that the current structural defects of the building have little to do with recent events but are rather the result of a series of interventions over a much longer period.

4.3.23 It is clear that any reuse of the building would require substantial reconstruction of the building down to almost the ground floor. Therefore it is considered that such would be the scale of the demolition and reconstruction required to rectify the structural defects that any resulting building would be a new building in its own right. It would in effect be a copy of the original and have little or no historic value in its own right.

4.3.24 It is also clear from the structural report that the building is in such a poor structural state that there is continuing movement in walls such that it requires propping to prevent collapse. As such the condition of the building is such that it would prevent all reasonable uses of even the outside areas due to potential threats to health and safety without more than substantial work to remedy the structural defects.

4.3.25 It must also be noted that the above structural defects are what are currently known about the building. Once partial demolition commences other defects may become apparent and cause the building to react in unpredictable ways which could cause further harm to the historic fabric, (as recently experienced with the footbridge at Hagley during its reconstruction) or further intervention.

4.3.26 It is therefore concluded that the nature, and in particular the structural condition, of the heritage asset prevents all reasonable uses of the site and that there is no

reasonable prospect that the building could be brought back into use without substantial demolition of the existing building.

4.3.27 The proposal would result in little harm over and above that which would be necessary to make the existing building usable, for what ever use that may come forward. This is a material consideration that weighs considerably in favour of the current proposal should be given substantial weight in the determination of this application.

Provision of New Health Facilities

4.3.28 The applicant, Midlands Psychology, is a non-for-profit Social Enterprise and work as a part of the family of NHS providers to improve the psychological health and emotional well-being of those people for whom they work. The company provides a range of specialist services across the fields of autism and child health psychology. The company is registered with the Care Quality Commission as a provider of mental health, autism and learning disability care for children and adults.

4.3.29 The applicant has stated that one of main considerations for the purchase of the Talbot was the accessibility for all transport as a main route for cars and buses. Brereton is a central location for the services they deliver in south Staffordshire, and has the added bonus of the good local public transport links to benefit users.

4.3.30 Given the above it is clear that the proposed facility would provide an important health service to the both the local and wider community. This would complement the NPPF's policy that planning decisions should (a) plan positively for the provision and use of [amongst other things] community facilities; and (b) take into account and support the delivery of local strategies to improve health. Therefore this is a matter which should be given moderate weight in the determination of this application.

Whether the Harm to the Significance of Designated and Undesignated Heritage Assets is outweighed by the Public Benefits of the Proposal

4.3.31 In its current state the former Talbot Inn presents a somewhat dilapidated state which gives a poor impression at a gateway into the conservation area and village. There is no reasonable prospect of a use, viable or otherwise, coming forward that would not require less than substantial demolition and reconstruction of the building to such an extent that it would form a new building. Therefore, the current proposal would not result in any significant harm to heritage interests over and above what would result from any attempt to conserve and reuse the building. Officers consider that this is a matter of substantial weight that weighs in favour of the proposal.

4.3.32 Given that the building is so unstable the longevity of the bats roosts that it supports is limited as it is clear that the building either has to be more than substantially reconstructed or it will continue to decline to the point that it will collapse. The proposed scheme would provide a mechanism in which purpose built bat roosts would be provided thus ensuring the long term support for pipistrelle and brown long-eared bats. This adds significant weight in favour of the proposal.

4.3.33 The redevelopment of the would also bring economic benefits, in the short term in construction jobs and in the longer term by the jobs that the applicant would bring.

However, as a whole the job creation would be limited and likewise only limited weight should be afforded to this matter.

4.3.34 The new building has been designed to ensure that it takes its inspiration from the architectural features of the existing building and the surrounding conservation area such that it would, in the medium to long term at least preserve the character and appearance of the conservation area.

4.3.35 Conversely, the proposal would result in the total loss of an undesignated heritage asset along with its associated historic fabric and authenticity and historical relationships. However, given that the building is undesignated this loss should only be given moderate weight as it is of moderate value in itself.

4.3.36 In addition it is noted that although the demolition of the non-designated asset would result in a measure of harm to the character, appearance and significance of the conservation area that would be mitigated by the quality and appropriateness of design of the replacement building such that long term the character, appearance of the conservation area and the setting of the listed buildings would be preserved. The only long term harm would be the loss of historic fabric and authenticity embodied within the existing structure which would be lost forever. However, this would not be significantly greater than the loss resulting from the reuse of the building (given the extent of demolition that would still be required in any reuse).

4.3.37 Taking all the above into account it is considered that the loss of the non-designated building and the contribution it makes to the setting of the adjacent listed buildings and the character, appearance and significance of the conservation area is clearly outweighed by the public benefits of the proposal.

4.3.38 It is therefore considered that having taken policies CP3 and CP15 of the Cannock Chase Local Plan, Section 12 of the NPPF, the provisions of sections 66 and 72 of the 1990 Planning (Listed buildings and Conservation Areas) Act, local representations, comments of the conservation officer and all other material considerations into account the proposal is, on balance, acceptable.

4.4 Impact on Neighbouring Amenity

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

4.4.2 Paragraph 127(f) of the NPPF states that planning policies and decisions should ensure that developments [amongst other things] create places with a high standard of amenity for existing and future users.

4.4.3 The application site is surrounded by residential uses to the north, east and west. A public house is sited to the south. The public house to the south and the residential dwellings to the north and west are all separated from the application site by highways. As such, it is considered that the change of use from the currently approved B1 office use to a mixed use of B1 and D1 would have no material adverse

impact on the amenity of the local area. It is also noted that the property previous to 2015 had an approved D1 use when it was approved planning permission for a children's nursery.

4.4.4 The proposed opening hours of this health facility would be from Monday to Saturday from 8.30 am to 5.30 pm and it would be closed on a Sunday. The Environmental Health Officer has been consulted and has no objections to the proposal. Therefore the proposed opening hours are deemed to be acceptable and a planning condition has been recommended in order to control these opening hours.

4.4.5 The proposed building would be located over 27 metres away from the bungalows that are located on the opposite side of Main Road. This would exceed the normal minimum distance of 21m for a front to front relationship for two storey properties and hence is considered acceptable.

4.4.6 The nearest adjacent property to the proposed development is the residential property of No. 8 Armitage Lane which fronts onto Armitage Lane and which presents a side elevation towards the application site. The proposal would present a blank side elevation at a distance of 6.3 metres away from No.8 Armitage Lane. Furthermore, although this would project in front of the building line of No 8 it would not intercept a line drawn at 45 degrees from the windows in the front elevation of No 8. As such it is concluded that the proposal would not result in any significant amount of overlooking or overshadowing to No8.

4.4.7 The proposals include the provision of a 1.8 metre high close-boarded boundary fence to replace the existing post fence as well as seeking to retain the existing hedgerow between the development site and the neighbouring property of No 8 Armitage Lane.

4.4.8 It is noted that that the directly adjacent residents of No.8 Armitage Lane have not objected to the proposals and they have written in a letter of comment stating

"Since the above application was first submitted, we have thought long and hard about the impact of such a development next to our property and naturally with some reservations. We have finally come to the conclusion that the proposed redevelopment should be allowed to go ahead. It would secure the long-term future of this site which has been extremely precarious for many years."

4.4.9 The Council's Environmental Protection Team have been consulted on the proposals and have no objections subject to the provision of a planning condition for the provision of a site construction management plan. In the event that the proposal does proceed to demolition work this work must be undertaken in line with the current Building Act requirements and in accordance with the BS 6187:2011 Code of Practice for full and partial demolition.

4.4.10 Having had regard to the above it is considered that, subject to the above condition, a good standard of residential amenity would be maintained for both future occupiers and existing residents of the surrounding dwellings in accordance with Policy CP3 of the Cannock Chase Local Plan and the NPPF.

4.5 Impact on Highway Safety

4.5.1 Paragraphs 108-109 of the NPPF states that Plans and decisions should take account of whether; -

'appropriate opportunities to promote sustainable transport modes can be - or have been taken up, given the type of development and its location;

safe and suitable access to the site can be achieved for all users; and

any significant impacts from the development on the transport network (in terms of capacity and congestion), or in highway safety, can be cost effectively mitigated to an acceptable degree.'

Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

4.5.2 The existing site has a main vehicular access off Main Road. The site is located on the main signalised junction of Main Road and Armitage Lane.

4.5.3 The proposals seek to maintain the existing vehicular access off the existing street known as 'Main Road' and to provide 25 car parking spaces of which 3 would be designated as disabled car parking spaces which would be located close to the rear entrance of the building and 4 secure cycle storage spaces within the site.

4.5.4 It is also noted that the site is located 50 metres away from the nearest bus stop that is located on Coalpit Lane. This bus stop links to local bus services which serve the local area including Rugeley (and hence Rugeley Train Station at a distance of 1.7 miles), Cannock, Lichfield and Stafford.

4.5.5 Staffordshire County Council Highways Department were consulted on the proposals and have no objections subject to the provision of a number of planning conditions including for the provision of 4 bicycle stands, closing the redundant access and providing a travel plan.

4.5.6 In conclusion it is considered that, subject to the attached conditions, the proposal would not have a detrimental impact on the safety and capacity of the local highway network and therefore the residual cumulative impacts of the development would not be severe. As such it is considered that the proposals meet the requirements of the NPPF and Policy CP3 of the Cannock Chase Local Plan (Part 1).

4.6 Impact on Nature Conservation Interest

4.6.1 The proposal entails the demolition of a traditional building that is in a poor state of repair, which has not been occupied for some time and which is located at the interface with the surrounding countryside and the settlement. As such there is the potential for bats to be occupying the building.

4.6.2 Paragraph 175 of the NPPF states:

'if significant harm to biodiversity resulting from a development cannot be avoided or adequately mitigated, or as a last resort, compensated for then planning permission should be refused;'

4.6.4 In order to inform the application the applicant has submitted a Bat and Bird Survey, dated 31 May 2017. This reports that surveys found that the building is being used as a day roost by a single Brown Long-eared Bat and single Common Pipistrelle.

4.6.5 All species of native British bat are protected under the 1981 Wildlife and Countryside Act (as amended) and the Habitats Regulations 2010. The applicant would therefore be required to obtain a license to undertake the development proposed and the local planning authority as a competent authority has duty in the exercise of its powers to have a regard to the provisions of the Habitats Regulations.

4.6.6 The Habitat Regulations 2010 allow for derogation from the provisions of the EU Council Directive 92/43/EEC of 21 May 1992 on the grounds of reasons

"to preserve public health and safety or other imperative reasons of overriding public interest including those of a social or economic nature and beneficial consequences of primary importance for the environment."

provided that

"there is no satisfactory alternative"

and the development

"will not be detrimental to the maintenance of the populations of the species concerned at a favourable conservation status in their natural range."

4.6.7 Given that the proposal is required to bring a building that is beyond reasonable repair without more than substantial demolition back into an economic reuse that would be sympathetic to heritage interests, that the building is currently unsafe and will continue to deteriorate and pose a continued threat to public safety it is concluded that there are imperative reasons of overriding public interest that warrant derogation.

4.6.8 Given the state of the building and the mitigation proposed it is considered that there would be no satisfactory alternative as to do nothing would fail to secure the opportunity to provide bat roosts that would be available in the long term.

4.6.9 In respect to the issue of mitigation it is noted that the Bat Mitigation Guidelines (page 39) states that mitigation and compensation for small numbers of bats of a common species should be

"provision of new roost facilities where possible. Need not be exactly like-for-like, but should be suitable, based on species' requirements. Minimal constraints or monitoring requirements".

4.6.10 It is noted that the application proposes the inclusion for a roof space bat roost in respect of Brown Long-eared Bats and a wall mounted bat box for Pipistrelle Bats. This is considered acceptable and can be secured by condition. Subject to this it is considered that the development would not be detrimental to the maintenance of the populations of the species concerned at a favourable conservation status in their natural range

4.6.11 Therefore subject to the attached conditions in respect of method of demolition, provision of compensatory roosts and mitigation for nesting birds it is considered that the proposal would be acceptable in respect of Policy CP12 of the Local Plan and paragraph 175 of the NPPF.

4.7 Provision of Waste & Recycling Facilities

4.7.1 The site makes adequate provision for waste and recycling facilities on site.

4.8 Crime and the Fear of Crime

4.8.1 All too often vacant buildings can be and are subject to a range of criminal and anti-social behaviour and hence can generate crime and engender a fear of crime.

4.8.2 Staffordshire Police Service has been consulted on the proposals and they have no objections.

4.8.3 It is therefore considered that these proposals would increase the physical and natural protection of the site and therefore it is considered that the proposals, in this respect, meet the requirements of the NPPF and Policy CP3 of the Cannock Chase Local Plan (Part 1).

4.9 Landscaping

4.9.1 The proposals involve the provision of a range of hard and soft landscaping as part of this scheme including the planting of new trees on the frontage, the provision of a hedge bordering the remainder of the frontage which would be set behind the proposed iron railings.

4.9.2 The Council's Landscape Team have been consulted on the proposals and they have no objections to the proposals in principle. It is considered that the remainder of the landscape elements can be dealt via the provision of a planning condition.

4.9.3 Therefore it is considered that the proposals meet the requirements of the NPPF and Policy CP3 of the Cannock Chase Local Plan (Part 1).

4.9.4 Brereton and Ravenhill Neighbourhood Plan

4.9.5 The application site lies within the designated Brereton and Ravenhill Neighbourhood Area and Brereton and Ravenhill Parish Council is preparing a Neighbourhood Plan. Given that this is still an early stage in the process it is considered that its provision carry little in the determination of this application.

4.10 Other issues Raised by Objectors

4.10.1 Objectors have stated that there is case to consider whether there is "evidence of deliberate neglect of or damage to a heritage asset". Officers would comment that the comments put forward are circumstantial in nature and should not be taken as proof that there is evidence of deliberate neglect. Water pipes can fracture in the absence of frost. Evidence from the structural surveys have also concluded that the substantive structural

issues have considerable history and are not attributable to the current owners or any delay resulting from the need of a bat survey.

4.10.2 Objectors have stated that the documentation submitted by the Applicant has contained numerous errors. Officers would comment that any of the errors made are not substantive and have been disregarded in coming to this recommendation.

4.10.3 Objectors have stated that the current application would set a precedent. Officers would comment that all applications should be determined on their own merits as they stand at the point at which the application is determined.

4.10.4 Objectors have stated that another prospective purchaser had been prepared to buy the property in 2014, but was outbid by the applicant's willingness to pay a price that reflected, not meeting the cost of restoration, but demolition and redevelopment of the site. Officers would comment that this is speculation. In addition there is no policy requirement to market the site given that the proposal would only result in less than harm to designated heritage assets. Even setting this point aside officers would point out that any proposal for the use of this building would require the structural problems of the building to be resolved which would result in substantial demolition of the structure.

5.0 HUMAN RIGHTS ACT

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.

6.0 EQUALITIES ACT

6.1 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.

6.2 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

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

6.4 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 not conflict with the aim of the Equalities Act.

7.0 CONCLUSION

- 7.1 The proposals will redevelopment a vacant brownfield site and bring it back into a positive use which will create a local public health facility which will provide a range of specialist services and provide 15 full time jobs within the District.
- 7.2 The proposed B1/ D1 mixed use is considered acceptable in this area and it replicates the previously approved uses on the site with the property currently having an approved B1 office use and previous to that having an approved D1 use.
- 7.3 It is considered that this proposal, subject to the attached conditions, would, on balance, be acceptable in respect of its impacts on designated heritage assets and protected species.
- 7.4 The proposals would provide sufficient off street car parking provision including disabled provision together with provision of secure cycle parking. The proposals are in a sustainable location being in the middle of an established urban and residential area within walking distance of local bus services and with accessibility to the local Rugeley Train Station.
- 7.5 It is considered that the proposals would improve the security of this site and the wider neighbouring amenity by securing this site with a new development and natural surveillance as a result of the development.
- 7.6 Therefore it is considered that having had regard to the national and local policy requirements of the NPPF and the Cannock Chase Local Plan Part 1 Policies CP3, CP12, CP15 and CP16, the Council's Design Supplementary Planning Document and the Council's Parking Standards, Travel Plans & Developer Contributions for Sustainable Transport SPD, the proposal, on balance, is acceptable.