

Please ask for: Mrs. W. Rowe

Extension No: 4584

E-Mail: wendyrowe@cannockchasedc.gov.uk

13 August, 2018

Dear Councillor,

**PLANNING CONTROL COMMITTEE
3:00PM, WEDNESDAY 22 AUGUST, 2018
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/17/348 | Residential development:- Erection of 3 no. houses – <i>Fallow Park, Rugeley Road, Hednesford, WS12 0QZ</i> | 2:00pm |
| CH/18/179 | Residential development:- Erection of 1 no. two storey detached three bed dwelling (outline application with all matters reserved) – <i>12 Gorse Lane, Cannock, WS11 1EY</i> | 2:30pm |

Members wishing to attend the site visits are requested to meet at Fallow Park, Rugeley Road, Hednesford 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 1 August, 2018 (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 Description</u> | <u>Item Number</u> |
|---------------------------|--|--------------------|
| 1. CH/17/348 | Residential development:- Erection of 3 no. houses – Fallow Park, Rugeley Road, Hednesford, WS12 0QZ | 6.1 – 6.24 |
| 2. CH/18/179 | Residential development:- Erection of 1 no. two storey detached three bed dwelling (outline application with all matters reserved) – 12 Gorsey Lane, Cannock, WS11 1EY | 6.25 – 6.38 |

APPEAL DECISION

| | | |
|--------------|---|-------------|
| 3. CH/17/377 | Residential development:- Erection of 1 no. one-bed detached bungalow – 17 Southgate, Cannock, WS11 1PS | 6.39 – 6.41 |
|--------------|---|-------------|

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CANNOCK CHASE COUNCIL
MINUTES OF THE MEETING OF THE
PLANNING CONTROL COMMITTEE
WEDNESDAY 1 AUGUST 2018 AT 3:08 P.M.
IN THE CIVIC CENTRE, BEECROFT ROAD, CANNOCK

PART 1

PRESENT: Cartwright, Mrs. S.M. (Chairman)
Councillors Allen, F.W.C. (Vice-Chairman)

| | |
|-----------------|---|
| Cooper, Miss J. | Sutherland, M. |
| Dudson, A. | Todd, Mrs. D.M. |
| Lea, C.I. | Witton, P.T. (substitute for Cllr. Ms. L. Tait) |
| Pearson, A.R. | Woodhead, P.E. |
| Snape, P.A. | |

(The commencement of the meeting was delayed slightly due to the site visits running over).

29. Apologies

Apologies for absence were received from Councillors C.D. Smith and Mrs. L. Tait.

Notification had been received that Councillor P.T. Witton would be substituting for Councillor Ms. L. Tait.

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

There were no declarations of interests submitted.

31. Disclosure of lobbying of Members

Councillor P.A. Snape declared that he had been lobbied (via a telephone call) in respect of Application CH/18/163, 36 Church Street, Rugeley, WS15 2AH – Proposed demolition of existing bungalow and erection of 3 no. dwellings and associated works

32. Minutes

RESOLVED:

That the Minutes of the meeting held on 11 July, 2018 be approved as a correct record and signed.

33. Members' Requests for Site Visits

Councillor M. Sutherland requested that a site visit be undertaken in respect of Application CH/17/224, 132 Chaseley Road, Rugeley – Residential dwelling, erection of 2 detached dwellings (demolish existing dwelling) which was due to be considered at a future meeting of the Committee. Members had received a letter in respect of the application so considered a site visit would be useful.

RESOLVED:

That a site visit be undertaken in respect of Application CH/17/224, 132 Chaseley Road, Rugeley - Residential dwelling, erection of 2 detached dwellings (demolish existing dwelling)

Reason: In view of the letter that Members had received it was considered that a site visit would be useful.

34. Application CH/18/163, 36 Church Street, Rugeley WS15 2AH – Proposed demolition of existing bungalow and erection of 3 no. dwellings and associated works

Following a site visit consideration was given to the report of the Development Control Manager (Item 6.1 – 6.27 of the Official Minutes of the Council).

The Development Control Manager advised that since the agenda was published the Government had published a revised version of the National Planning Policy Framework (NPPF). This necessitated a reassessment of the application so that Members could have regard to the new policy contained within the revised framework. This update was circulated to Members prior to the meeting and is attached at Appendix A to the minutes.

The Officer then advised that a further update had been published and this was circulated at the meeting. This advised the following:-

In paragraph 4.10 the reference to “Paragraph 22” should read as “Paragraph 122”.

Since the publication of the previous update sheet Officers have received comments in respect to the fact that the Church Street Conservation Appraisal refers to policies that are not referred to in the officer report. In response officer would comments as follows: -

Given that the Appraisal was published in 2006 it referred to the policies in the Local Plan that was in force at the time.

The Conservation Area Appraisal referred to in planning application CH/18/163 is in the process of being updated and is expected to go before Cabinet in the autumn to authorise consultation. Updating of the various Appraisals is a continuous process as policies are always in a state of flux and, whilst some reference is required to be made to policy context within them it should be noted that they are a snapshot in time and this inevitably means that when other policy documents are updated this element is not always up to date within the appraisal. Nevertheless the new Local Plan policies still reflect and in many cases enhance the aspirations of the old.

Local Plan (Part 1) Appendix 1C – Replacement of Saved Policies:-

This list (page 151) identifies the Local Plan Part 1 policies which have replaced Cannock Chase Local Plan 1997 Saved Policies. Policies relevant to the current planning application are as follows:-

| <u>Local Plan Policy 1997</u> | <u>Local Plan Part 1 2014</u> | <u>Other Coverage</u> |
|---|-------------------------------|-----------------------|
| B3: New Development in Conservation Areas | CP15, RTC3 | NPPF |
| B4: New Development Affecting the Setting or views Into and out of Conservation Areas | CP15 | NPPF |
| B8: Design Principles for New Built Development | CP3, RTC3 | NPPF |
| C15: Protecting Trees | CP3, CP12, CP14 | NPPF |

Prior to consideration of the application representations were made by Mr. Horodczuk (neighbour) and Bob Dipple (on behalf of Rugeley Town Council) who were both speaking against the application. Representations were also made by Heather Sutton, speaking in favour of the application on behalf of the applicant.

In response to representations made the Development Control Manager clarified that the application site was not in a Greenbelt area – it was part Greenfield and part Brownfield. The land to the rear of the existing bungalow was Greenfield as it had not previously been developed and the land where the bungalow/drive/garage were sited was Brownfield (previously developed land).

A Member asked for it to be noted there had been reports from residents regarding the volume of traffic along Church Street and therefore he considered that the highways aspect should be taken into account when determining the application.

RESOLVED:

That the application be approved subject to the conditions contained in the report for the reasons stated therein and to the following additional condition:-

1. No dwelling hereby approved shall be occupied until it has been fitted with charging points for electric and low emission vehicles and that verification that such points have been fitted has been received by the Local Planning Authority.

Reason: In the interests of promoting clean air, tackling climate change and the achievement of sustainable development in accordance with paragraph 105 of the National Planning Policy Framework.

(Councillor P. Witton left the meeting at this point and therefore did not take part in the consideration or determination of the following application).

35. Application CH/17/252, Land rear of 53 Gorsey Lane, Cannock, WS11 1EY – Construction of a 3 bed dormer bungalow to the rear of No. 53 Gorsey Lane, Cannock

Following a site visit consideration was given to the report of the Development Control Manager (Item 6.28 – 6.47 of the Official Minutes of the Council).

The Development Control Manager advised that since the agenda was published the Government had published a revised version of the National Planning Policy Framework (NPPF). This necessitated a reassessment of the application so that Members could have regard to the new policy contained within the revised framework. This update was circulated to Members prior to the meeting and is attached as Appendix A to the minutes.

The Officer then advised that a further update had been published and this was circulated at the meeting. This advised the following:-

In paragraph 4.10 the reference to “Paragraph 22” should read as “Paragraph 122”.

The description of the development should read: Construction of a 3 bed dormer bungalow to the rear of No. 53 and not No. 52 as stated in the report.

RESOLVED:

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

The application site is located within an area of mature suburbs which is characterised by large dwellings within extensive, mature gardens with a variety of mature and semi-mature trees and shrubs, with many gardens along Gorsey Lane benefitting from tree planting along their frontages, which forms an important element of street scene.

Given the above the proposal, by virtue that it would:

- (i) constitute an overdevelopment of the site; and
- (ii) result in the significant loss of prominent mature trees along the site frontage and several mature trees along the eastern boundary; and
- (iii) the replacement of soft landscaped areas with an extensive area of hard standing in the form of the drive; and
- (iv) the opening up of the site frontage giving uninterrupted views into the site would
 - (a) fail to successfully integrate with existing trees, hedges and features of amenity value
 - (b) fail to maintain a strong sense of place;
 - (c) not be sympathetic to local character; and

- (d) fail to be visually attractive as a result of its layout and not have appropriate and effective landscaping.

As such the proposal would be contrary to Policy CP3 of the Cannock Chase Local Plan (Part 1) and the provisions of Paragraph 127 (b), (c) and (d) of the National Planning Policy Framework (2018).

(Following the meeting Members received a presentation from the Parks and Open Spaces Manager, the Principal Landscape and Countryside Officer and Staffordshire Police on Multi Use Game Areas with the opportunity of visiting the MUGA at Peregrine Way, Heath Hayes afterwards).

The meeting closed at 4:05 p.m.

CHAIRMAN

Officer Update:

APPLICATION CH/18/163, 36 CHURCH STREET, RUGELEY. WS15 2AH – PROPOSED DEMOLITION OF EXISTING BUNGALOW AND ERECTION OF 3 NO. DWELLINGS AND ASSOCIATED WORKS

RECOMMENDATION: Approve Subject to the Conditions in the original Officer Report And the Following Condition

- 1 No dwelling hereby approved shall be occupied until it has been fitted with charging points for electric and low emission vehicles and that verification that such points have been fitted has been received by the Local Planning Authority.

Reason

In the interests of promoting clean air, tackling climate change and the achievement of sustainable development in accordance with paragraph 105 of the National Planning Policy Framework.

Conservation Officer

No objections.

I confirm that I've read through the new NPPF provisions regarding the historic environment and consider that there is no substantive change to the tests affecting consideration of this proposal.

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 emphasises a "presumption in favour of sustainable development".

3.7 The NPPF (2018) confirms that a plan-led approach to the planning system, decisions must be made in accordance with the Development Plan unless material considerations indicate otherwise and that the Framework should be read as a whole including its footnotes.

3.8 The relevant sections of the revised 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 |
| 59, 63, 68, 76: | Delivering a Sufficient Supply of Homes |
| 117, 118, 122: | Making Effective Use of Land |
| 124, 127, 128, 130: | Achieving Well-Designed Places |
| 175 | Habitats and Biodiversity |

189, 190, 191, 192, 193, 194, 196, Heritage Assets
212, 213 Implementation

3.9 The presumption in favour of sustainable development has been reworded to state:

"For decision taking this means:

- (c) approving development proposal 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 demonstrable outweigh the benefits, when assessed against the policies in this Framework taken as a whole."

3.10 Paragraph 213 of the NPPF makes it clear that existing policies should not be considered out-of-date simply because they were adopted or made prior to the publication of the Framework. Due weight should be given to them, according to their degree of consistency with this Framework (the closer the policies in the plan to the policies in the Framework, the greater they weight that may be given).

4 DETERMINING ISSUES

4.1 The determining issues for the application are:-

4.2 Principle of Development

4.2.1 The revised NPPF reiterates that there are three dimensions to sustainable development (para 8) and the presumption in favour of sustainable development. As such it does not materially affect the policy test to assess the principle of the development or the conclusion arrived at as set out in the original officer report.

4.3 Impact on the character and form of the area and the Church Street Conservation Area

4.3.1 The revised NPPF, at paragraphs 189, 190, 191, 192, 193, 194, 196, still requires the applicant to describe the significance of any heritage assets affected, the LPA to identify and assess the particular significance of any heritage asset affected by a proposal, take account desirability of sustaining

and enhancing significance, the positive contribution that conservation of heritage assets can make to sustainable communities and to making a positive contribution to local character and distinctiveness. It also reiterates the tests for assessing proposals on the grounds as to whether they result in substantial or less than substantial harm. In this respect there is no material change to policy.

4.3.2 However, paragraph 193 makes it clear that

"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."

4.3.3 Having had regard to the revised NPPF it is considered that the proposal would preserve the character and appearance of the conservation area and its significance as an historic townscape and that the proposal would be acceptable having had regard to Policy CP15 of the Local Plan and the guidance contained within the revised NPPF.

4.4 Impact on Amenity

4.4.1 Although paragraph 17 "Core Planning Principles" is not replicated in the revised NPPF, paragraph 127(f) reiterates that planning decisions should ensure that developments create places that are safe, inclusive and accessible and which promote health and well being, with a high standard of amenity for existing and future users...." This is not substantially different to the wording of paragraph 17 of the superseded NNPPF which stated a "core planning principle is that planning should always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings".

4.4.2 Officers can confirm that the proposal comfortably complies with the relevant standards within the Design SPD with regard to overbearing, privacy and daylight / outlook and therefore would achieve a high standard of amenity for existing and future occupiers of the existing and proposed dwellings in accordance with Policy CP3 of the Local Plan and para.127 of the NPPF.

4.5 Impact on Highway Safety and Capacity

4.5.1 Paragraph 109 of the NPPF states: -

"Development should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe."

4.5.2 The above is not substantially different from the test in para 32 of the superseded NPPF which stated that "development should only be prevented

or refused on transport grounds where the residual cumulative impacts of development are severe".

4.5.3 However, 110 of the NPPF does introduce a new requirement that

"applications for development should:

- e) be designed to enable charging of plug-in and other ultra-low emission vehicles in safe, accessible and convenient locations"

4.5.4 This could be adequately dealt with by way of a suitably worded condition.

4.5.4 Therefore, subject to the attached condition and the conditions attached to the original officer report it is considered that the proposal would be acceptable in respect to highway safety and capacity.

4.6 Impact on Nature Conservation Interests

4.6.1 Paragraph 175 of the revised NPPF reiterates the policy within paragraph 118 of the superseded NPPF and therefore has no impact on the conclusions arrived at in the original officer report.

4.7 Affordable Housing and other Developer Contributions

4.7.1 Paragraph 63 of the revised NPPF states that "provision of affordable housing should not be sought for residential developments that are not major developments. This effectively reiterates the guidance in the Planning Practice Guidance and does not materially affect the original officer conclusion that the proposal is acceptable without a contribution towards affordable housing.

4.8 Drainage and Flood Risk.

4.8.1 The site is located in Flood Zone 1 which is at least threat from flooding. The revised NPPF effectively reiterates the policy in the superseded NPPF and does not materially affect the original officer conclusion that the proposal is acceptable in respect to drainage and flood risk

4.9 Making Effective Use of Land

4.9.1 The superseded NPPF at paragraph 17 stated that it was a 'core planning principle' that planning should 'encourage the effective use of land by reusing land that has been previously developed (brownfield land) provided that it is not of high environmental value.

4.9.2 The thrust of the above policy is reiterated in paragraph stating "planning policies and decisions should promote an effective use of land in meeting the need for homes and other uses, while safeguarding and improving the environment and ensuring safe and healthy living conditions."

4.93 In addition to the above paragraph 118 of the revised NPPF states

" Planning policies and decisions should:

- a) encourage multiple benefits from both urban and rural land, including through mixed use schemes and taking opportunities to achieve net environmental gains – such as developments that would enable new habitat creation or improve public access to the countryside;
- b) recognise that some undeveloped land can perform many functions, such as for wildlife, recreation, flood risk mitigation, cooling/shading, carbon storage or food production;
- c) give substantial weight to the value of using suitable brownfield land within settlements for homes and other identified needs, and support appropriate opportunities to remediate despoiled, degraded, derelict, contaminated or unstable land;
- d) promote and support the development of under-utilised land and buildings, especially if this would help to meet identified needs for housing where land supply is constrained and available sites could be used more effectively (for example converting space above shops, and building on or above service yards, car parks, lock-ups and railway infrastructure); and
- e) support opportunities to use the airspace above existing residential and commercial premises for new homes. In particular, they should allow upward extensions where the development would be consistent with the prevailing height and form of neighbouring properties and the overall street scene, is well-designed (including complying with any local design policies and standards), and can maintain safe access and egress for occupiers.

4.9.4 Officers consider that the content of paragraph 118 has little bearing on this particular proposal.

4.9.5 It is considered that having had regard to the above the proposal would promote an effective use of land in meeting the objectively assessed housing need for the District, whilst safeguarding the environment and ensuring safe and healthy living conditions."

4.10 Achieving Appropriate Densities

4.10.1 Unlike the superseded NPPF the revised NPPF has an emphasis on achieving appropriate densities. To this effect paragraph 22 of the revised NPPF states

"Planning policies and decisions should support development that makes efficient use of land, taking into account:

- a) the identified need for different types of housing and other forms of development, and the availability of land suitable for accommodating it;
- b) local market conditions and viability;
- c) the availability and capacity of infrastructure and services – both existing and proposed – as well as their potential for further improvement and the scope to promote sustainable travel modes that limit future car use;
- d) the desirability of maintaining an area's prevailing character and setting (including residential gardens), or of promoting regeneration and change; and
- e) the importance of securing well-designed, attractive and healthy places."

4.10.2 Paragraph 123 of the NPPF refers to instances where "there is an existing or anticipated shortage of land for meeting identified housing needs". This is not the case within Cannock Chase District which has more than a 5 year supply of land to meet the objectively set housing needs of the District.

4.1.0.3 It is considered that the proposal does maintain the area's prevailing character and setting and would secure a well-designed, attractive and healthy places in a sustainable location whilst making efficient use of the land.

5.0 CONCLUSION

5.1 Having had regard to the revised NPPF it is considered that proposal is acceptable that the conclusions and recommendations of the original officer report still stand with the exception of a further condition to ensure the dwellings are designed to enable charging of plug-in and other ultra-low emission vehicles.

5.2 As such, approval is recommended subject to condition attached to this update and the conditions as set out in the original officer report.

Officer Update

APPLICATION CH/17/252, LAND REAR OF 53 GORSEY LANE, CANNOCK, WS11 1EY – CONSTRUCTION OF A 3 BED DORMER BUNGALOW TO THE REAR OF NO. 53 GORSEY LANE, CANNOCK

RECOMMENDATION: Approve Subject to the Conditions in the original Officer Report And the Following Condition

1. No dwelling hereby approved shall be occupied until it has be fitted with charging points for electric and low emission vehicles and that verification that such points have been fitted has been received by the Local Planning Authority.

Reason

In the interests of promoting clean air, tackling climate change and the achievement of sustainable development in accordance with paragraph 105 of the National Planning Policy Framework.

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 emphasises a “presumption in favour of sustainable development”.

- 3.7 The NPPF (2018) confirms that a plan-led approach to the planning system, decisions must be made in accordance with the Development Plan unless material considerations indicate otherwise and that the Framework should be read as a whole including its footnotes.

- 3.8 The relevant sections of the revised 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 |
| 59, 63, 68, 76: | Delivering a Sufficient Supply of Homes |
| 117, 118, 122: | Making Effective Use of Land |
| 124, 127, 128, 130: | Achieving Well-Designed Places |
| 175 | Habitats and Biodiversity |
| 212, 213 | Implementation |

- 3.9 The presumption in favour of sustainable development has been reworded to state:

"For decision taking this means:

- (c) approving development proposal 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 demonstrable outweigh the benefits, when assessed against the policies in this Framework taken as a whole."

3.10 Paragraph 213 of the NPPF makes it clear that existing policies should not be considered out-of-date simply because they were adopted or made prior to the publication of this Framework. Due weight should be given to them, according to their degree of consistency with this Framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given).

4.2 Principle of Development

4.2.1 The revised NPPF reiterates that there are three dimensions to sustainable development (para 8) and the presumption in favour of sustainable development. As such it does not materially affect the policy test to assess the principle of the development or the conclusion arrived at as set out in the original officer report.

4.4 Impact on the character and form of the area

4.4.1 The revised NPPF, at paragraph 127 states

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;

- e) optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public space) and support local facilities and transport networks; and
- f) create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.

4.4.2 In addition paragraph 130 of the revised NPPF states

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-maker as a valid reason to object to development."

4.4.3 Having had regard to the revised NPPF it is considered that the proposal would constitute good design and be acceptable having had regard to Policy CP3 of the Local Plan and the guidance contained within paragraphs 127 and 130 of the revised NPPF.

4.4 Impact on Amenity

4.4.1 Although paragraph 17 "Core Planning Principles" is not replicated in the revised NPPF, paragraph 127(f) reiterates that planning decisions should ensure that developments create places that are safe, inclusive and accessible and which promote health and well being, with a high standard of amenity for existing and future users...." This is not substantially different to the wording of paragraph 17 of the superseded NNPPF which stated a "core planning principle is that planning should always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings".

4.4.3 Officers can confirm that the proposal comfortably complies with the relevant standards within the Design SPD with regard to overbearing, privacy and daylight / outlook and therefore would achieve a high standard of amenity for existing and future occupiers of the existing and proposed dwellings in accordance with Policy CP3 of the Local Plan and para.127 of the NPPF.

4.5 Impact on Highway Safety and Capacity

4.5.1 Paragraph 109 of the NPPF states: -

APPENDIX A

"Development should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe."

4.5.2 The above is not substantially different from the test in para 32 of the superseded NPPF which stated that "development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe".

4.5.3 However, 110 of the NPPF does introduce a new requirement that

"applications for development should:

- e) be designed to enable charging of plug-in and other ultra-low emission vehicles in safe, accessible and convenient locations"

4.5.4 This could be adequately dealt with by way of a suitably worded condition.

4.5.4 Therefore, subject to the attached condition and the conditions attached to the original officer report it is considered that the proposal would be acceptable in respect to highway safety and capacity.

4.6 Impact on Nature Conservation Interests

4.6.1 Paragraph 175 of the revised NPPF reiterates the policy within paragraph 118 of the superseded NPPF and therefore has no impact on the conclusions arrived at in the original officer report.

4.7 Affordable Housing and other Developer Contributions

4.7.1 Paragraph 63 of the revised NPPF states that "provision of affordable housing should not be sought for residential developments that are not major developments. This effectively reiterates the guidance in the Planning Practice Guidance and does not materially affect the original officer conclusion that the proposal is acceptable without a contribution towards affordable housing.

4.8 Drainage and Flood Risk.

4.8.1 The site is located in Flood Zone 1 which is at least threat from flooding. The revised NPPF effectively reiterates the policy in the superseded NPPF and does not materially affect the original officer conclusion that the proposal is acceptable in respect to drainage and flood risk

4.9 Making Effective Use of Land

4.9.1 The superseded NPPF at paragraph 17 stated that it was a 'core planning principle' that planning should 'encourage the effective use of land by reusing land that has been previously developed (brownfield land) provided that it is

not of high environmental value.

4.92 The thrust of the above policy is reiterated in paragraph stating "planning policies and decisions should promote an effective use of land in meeting the need for homes and other uses, while safeguarding and improving the environment and ensuring safe and healthy living conditions."

4.93 In addition to the above paragraph 118 of the revised NPPF states

" Planning policies and decisions should:

- a) encourage multiple benefits from both urban and rural land, including through mixed use schemes and taking opportunities to achieve net environmental gains – such as developments that would enable new habitat creation or improve public access to the countryside;
- b) recognise that some undeveloped land can perform many functions, such as for wildlife, recreation, flood risk mitigation, cooling/shading, carbon storage or food production;
- c) give substantial weight to the value of using suitable brownfield land within settlements for homes and other identified needs, and support appropriate opportunities to remediate despoiled, degraded, derelict, contaminated or unstable land;
- d) promote and support the development of under-utilised land and buildings, especially if this would help to meet identified needs for housing where land supply is constrained and available sites could be used more effectively (for example converting space above shops, and building on or above service yards, car parks, lock-ups and railway infrastructure); and
- e) support opportunities to use the airspace above existing residential and commercial premises for new homes. In particular, they should allow upward extensions where the development would be consistent with the prevailing height and form of neighbouring properties and the overall street scene, is well-designed (including complying with any local design policies and standards), and can maintain safe access and egress for occupiers.

4.9.4 Officers consider that the content of paragraph 118 has little bearing on this particular proposal.

4.9.5 It is considered that having had regard to the above the proposal would promote an effective use of land in meeting the objectively assessed housing need for the District, whilst safeguarding the environment and ensuring safe and healthy living conditions."

4.10 Achieving Appropriate Densities

4.10.1 Unlike the superseded NPPF the revised NPPF has an emphasis on achieving appropriate densities. To this effect paragraph 22 of the revised NPPF states

"Planning policies and decisions should support development that makes efficient use of land, taking into account:

- a) the identified need for different types of housing and other forms of development, and the availability of land suitable for accommodating it;
- b) local market conditions and viability;
- c) the availability and capacity of infrastructure and services – both existing and proposed – as well as their potential for further improvement and the scope to promote sustainable travel modes that limit future car use;
- d) the desirability of maintaining an area's prevailing character and setting (including residential gardens), or of promoting regeneration and change; and
- e) the importance of securing well-designed, attractive and healthy places."

4.10.2 Paragraph 123 of the NPPF refers to instances where "there is an existing or anticipated shortage of land for meeting identified housing needs". This is not the case within Cannock Chase District which has more than a 5 year supply of land to meet the objectively set housing needs of the District.

4.10.3 It is considered that the proposal does maintain the area's prevailing character and setting and would secure a well-designed, attractive and healthy places in a sustainable location whilst making efficient use of the land.

5.0 CONCLUSION

5.1 Having had regard to the revised NPPF it is considered that proposal is acceptable that the conclusions and recommendations of the original officer report still stand with the exception of a further condition to ensure the dwellings are designed to enable charging of plug-in and other ultra-low emission vehicles.

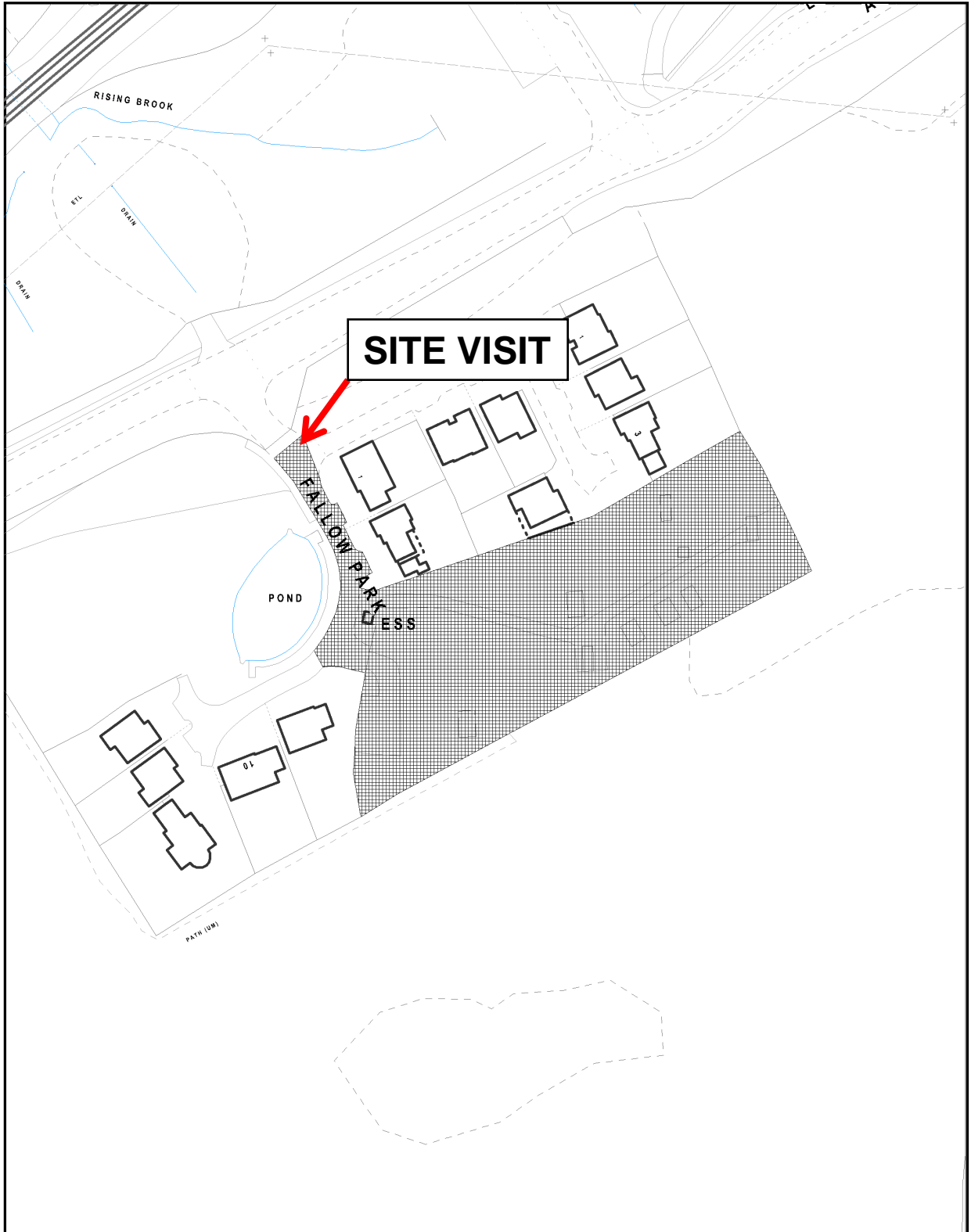
5.2 As such, approval is recommended subject to condition attached to this update and the conditions as set out in the original officer report.



Application No: CH/17/348

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

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





Application No: CH/18/179

Location: 12, Gorsey Lane, Cannock, WS11 1EY

Proposal: Residential development:- Erection of 1No. two storey detached three bed dwelling (outline application with all matters reserved)



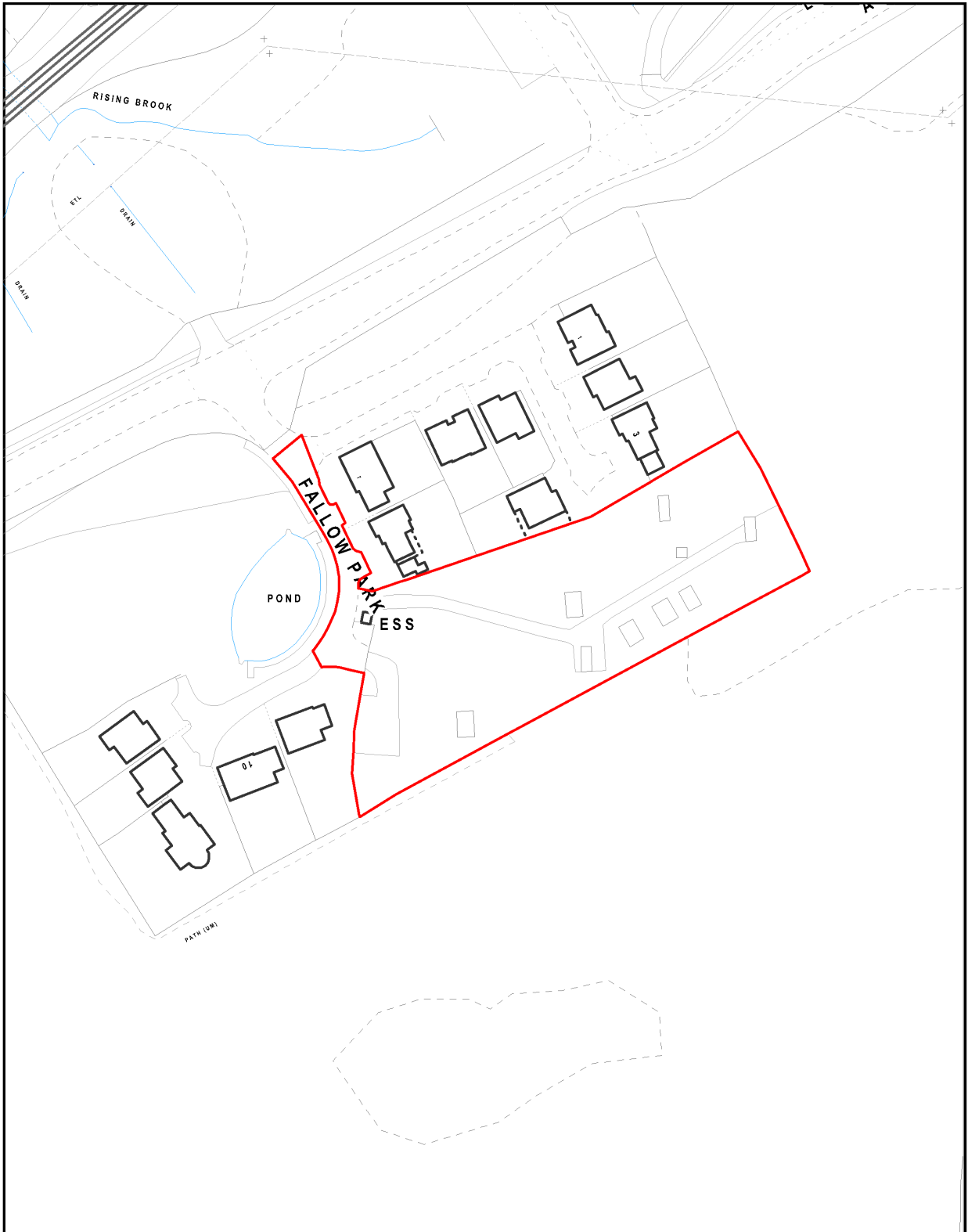
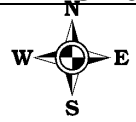


Application No: CH/17/348

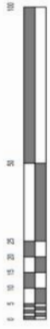
Location: Fallow Park, Rugeley Road, Hednesford, Cannock,
WS120QZ

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

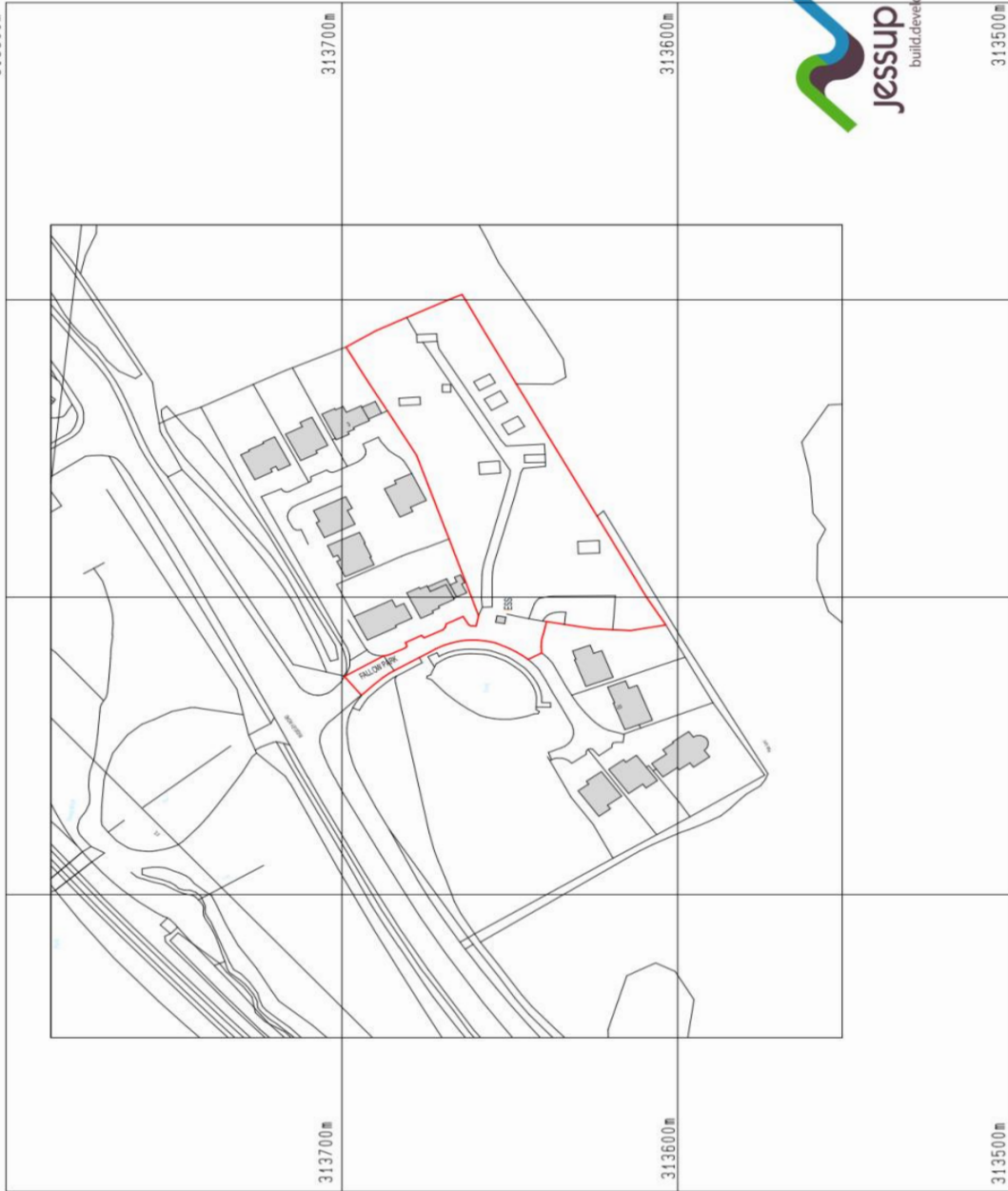
ITEM NO. 6.1



Location Plan



Scale 1:1250



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



| | |
|---------------------|---------|
| JESSUP | |
| FOLLOW PARK PHASE 2 | |
| BRINDLEY HEATH | |
| LOCATION PLAN | |
| scale/DWG | 1:1250 |
| date | AUG 17 |
| SPF | 17010/1 |
| drawing | |

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Site Plan



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|---------------------|--------|-------|---------|
| JESSUP | | | |
| FALLOW PARK PHASE 2 | | | |
| BRINDLEY HEATH | | | |
| SITE PLAN | | | |
| number | date | sheet | of |
| 1500 | AUG 17 | 001 | 17010/2 |

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

S. P. Faizley
Chartered Architect



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

Scale 1:500

Plot 14 Plans

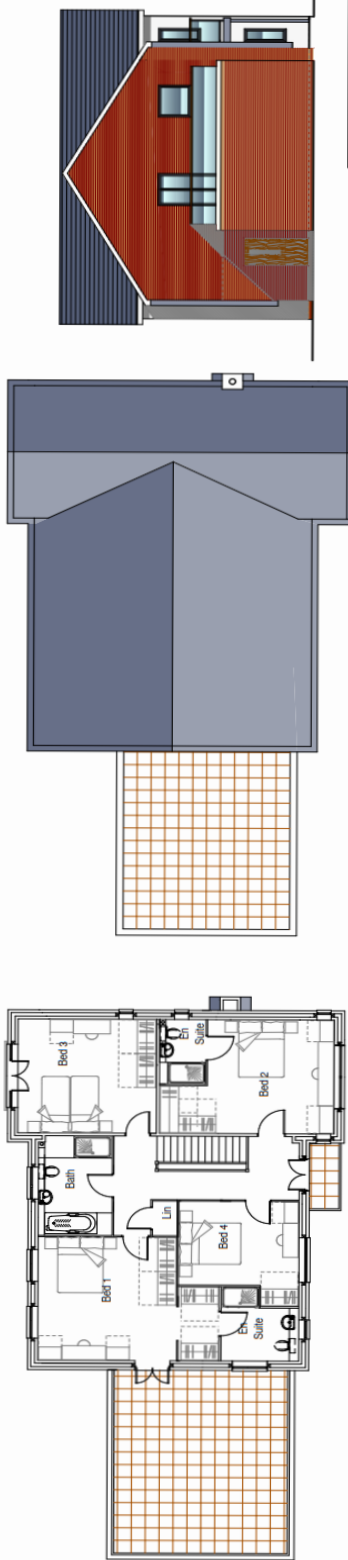
Fallow Park



Side Elevation

Rear Elevation

Front Elevation



First Floor Plan

Roof Plan

Ground Floor Plan

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

Side Elevation

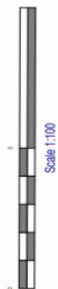
Station Court
 Cambridge
 Cambridgeshire
 CB2 3RQ
 Tel: 01223 366447
 e: arch@spfalzay.co.uk
 www.spfalzay.co.uk

Jessup
 build.develop

S. P. Falzay
 Chartered Architect
 www.spfalzay.co.uk

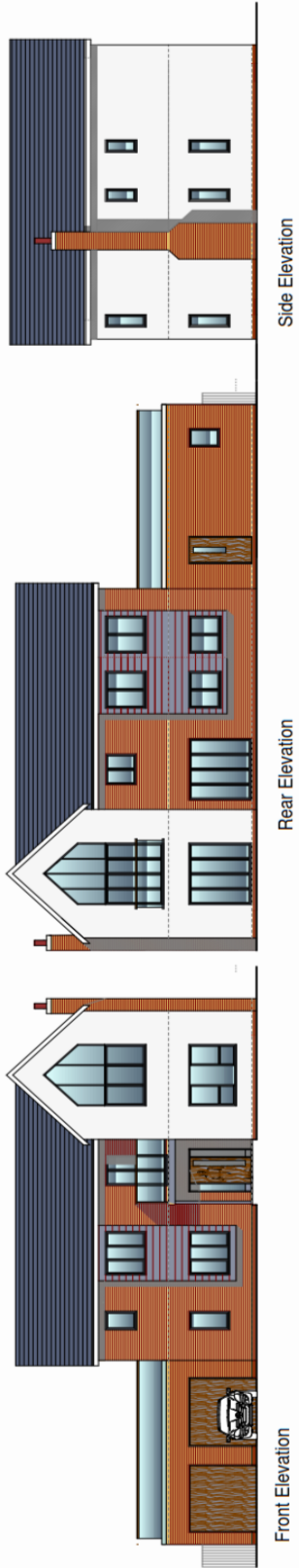
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| JESSUP | |
| FALLOW PARK PHASE 2 | |
| BRINDLEY HEATH | |
| PLANS & ELEVATIONS: PLOT 14 | |
| Issue | Rev |
| 1:100 | AUG 17 |
| Drawn | 17010/5 |
| Checked | BP |

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Plot 15 Plans

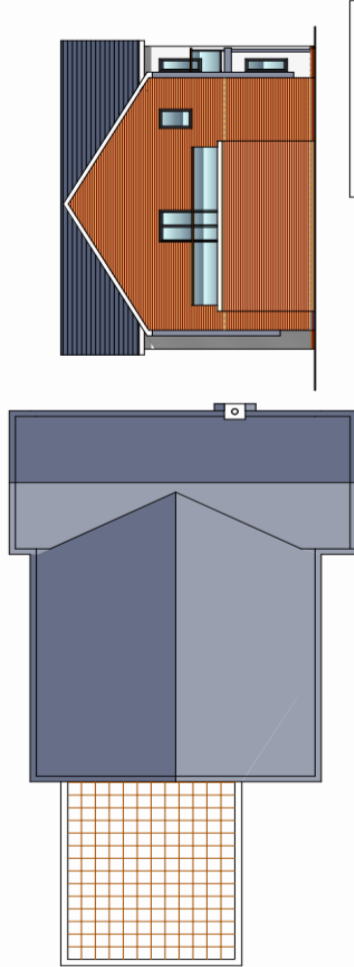
Fallow Park



Side Elevation

Rear Elevation

Front Elevation



Side Side Elevation

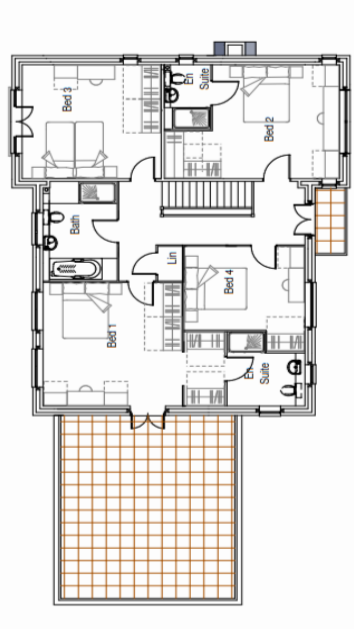
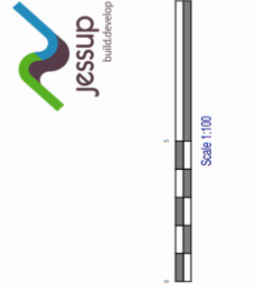
Roof Plan

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

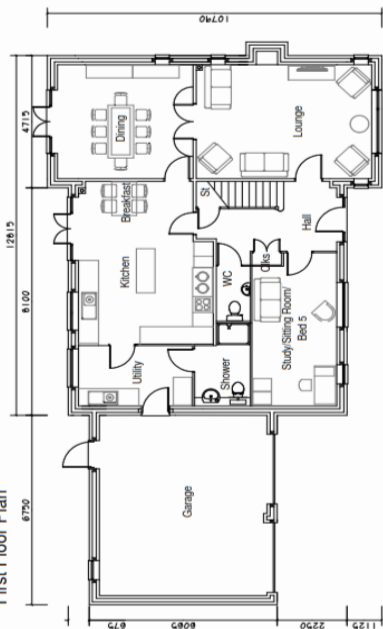
1 Station Court
 Orion Road
 Solihull
 West Midlands
 B37 7YU
 S. P. Fitzey
 Chartered Architects
 e: spfitzey@spfitzey.co.uk
 w: www.spfitzey.co.uk

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

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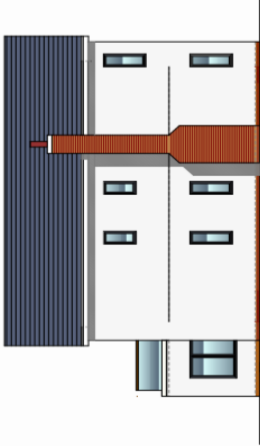
First Floor Plan



Ground Floor Plan

Plot 16 Plans

Fallow Park



Side Elevation



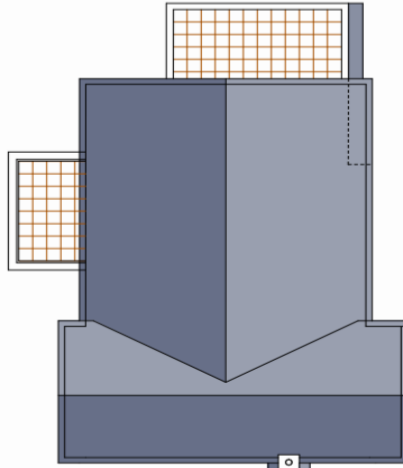
Rear Elevation



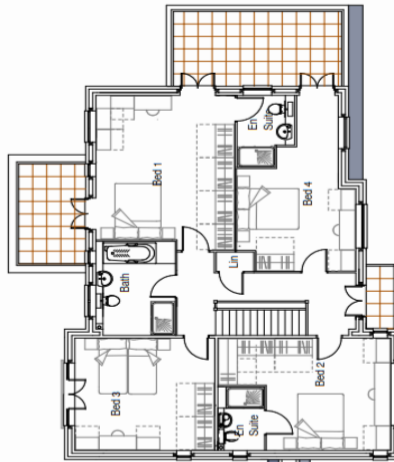
Front Elevation



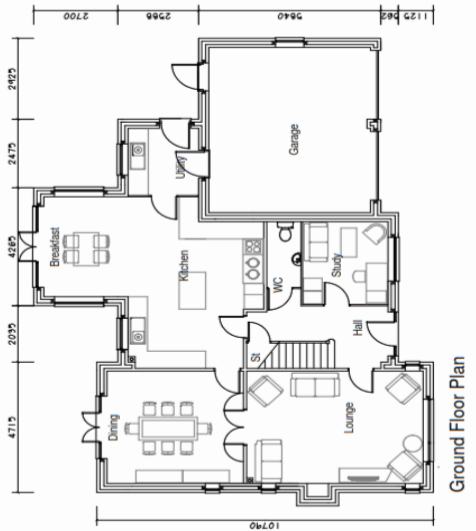
Side Elevation



Roof Plan



First Floor Plan



Ground Floor Plan

Floor Area - 246 Sq M
 (213 Sq M + 33 Sq M Garage)
 Footprint - 157.00 Sq M

JESSUP
 builddevelop

1 Station Court
 Giron Road
 Southwood
 Stroud
 Gloucestershire
 GL11 0EJ
 T: 01535 666447
 E: jessup@jessup.co.uk
 W: www.jessup.co.uk

S. P. Falzry
 Chartered Architect

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

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CGI



FALLOW PARK, BRINDLEY HEATH - PHASE 2
CGI



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Application No: CH/17/348

Received: 18-Aug-2017

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

Parish: Brindley Heath

Ward: Hednesford North Ward

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

Application Type: Full Planning Application

RECOMMENDATION Refuse for the following reason: -

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

EXTERNAL CONSULTATION

Brindley Heath Parish Council

No objection.

Ramblers Association

No comment.

Staffordshire County Highways

No objection subject to condition.

National Grid

No response to date.

Crime Prevention Staffordshire Police HQ

No response to date.

County Council Footpath Officer

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

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

Staffordshire County Historic Environment Advisor

No objection subject to condition.

INTERNAL COMMENTS

Environmental Health

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

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

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

Planning Policy

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

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

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

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

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

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

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

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

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

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

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

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

Council Ecologist

No response to date.

Housing Strategy

No contribution required.

Landscape Officers

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

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

RESPONSE TO PUBLICITY

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

1. **RELEVANT PLANNING HISTORY**

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

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

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

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

2. **SITE AND SURROUNDINGS**

- 2.1 The application relates to a 0.5 hectare site situated on Rugeley Road, Hednesford. The site comprises part of the former Ultra Electronics site with associated outbuildings and hard surfacing. The company has relocated from this site and premises in Main Road Brereton to a new, purpose built development at Towers Business Park. The front of the site which previously accommodated the main Ultra Electronics office building has since been redeveloped for 13 bespoke residential buildings. This part of the wider site which is referred to by the applicant as 'Phase 1' of the Fallow Park development.
- 2.2 The site is situated within the Green Belt and the Cannock Chase Area of Outstanding Natural Beauty (AONB).
- 2.3 The site is within 250m of a former landfill site which ceased use in 2005. The landfill was used for inert waste and since the use was ceased the former pits have been covered. The land to the south and east remains open and unused.
- 2.4 The application site itself comprises primarily of 9 single storey testing stations associated with the former use of the site with associated hard standing for parking and access. The cumulative footprint of testing stations equates to approximately 163m² and give a total volume of 430m³. The existing hardstanding also covers an area of 1046m² (20% of the total site area of 0.53ha), however there is no volume associated with this.
- 2.5 The nearest residential properties are sited to the immediate north and west of the site and formed Phase 1 of the overall development of the site; this current application being referred to by the applicant as Phase 2. Phase 1 is comprised of 13 individually designed detached dwellings and landscaping

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

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

3. **PROPOSAL**

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

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

- 3.3 The proposed footprints of the dwellings vary between 246m² and 255m² with the volumes equating to a total of approx. 2849m³.

- 3.4 Each of the proposed dwellings would be sited with a frontage onto a shared access drive off the existing access within the wider site. Parking would be provided for 4 vehicles per dwelling and amenity space to the rear varying between 315m² and 1330m².

4. **PLANNING POLICY**

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

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

- 4.3 Cannock Chase Local Plan (2014):

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

- 4.4 National Planning Policy Framework

4.5 The NPPF (2018) sets out the Government's position on the role of the planning system in both plan-making and decision-taking. It states that the purpose of the planning system is to contribute to the achievement of sustainable development, in economic, social and environmental terms, and it states that there should be a "presumption in favour of sustainable development" and sets out what this means for decision taking.

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

4.7 Relevant paragraphs within the NPPF include paragraphs: -

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

4.8 Other Relevant Documents

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

5. DETERMINING ISSUES

5.1 The determining issues for the application are;

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

6. PRINCIPLE OF THE DEVELOPMENT

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

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

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

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

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

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

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

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

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

6.1.7 In this instance, the proposed total footprint of buildings would be 756m² compared to the existing 163m² (approximating to a net increase of 593m² or 363%) and a proposed volume of 2849m³ compared to existing 430m³

(approximating to a net increase of 2419m³ or 562%). As such it is abundantly clear that the proposal would result in a substantial increase in the size and mass of the buildings on the site.

- 6.1.8 The existing testing units are spread over the site and there is already a large extent of hardstanding. However, the existing testing units are relatively small and single storey and therefore their impact on the openness of the Green Belt is limited. The proposal would provide three large 4x bedroom dwellings each covering an area of approx. 255m² (one dwelling alone covering more than the existing testing units combined).
- 6.1.9 Whilst there is a significant area of hardstanding currently servicing the testing units this has no significant impact on the openness of the Green Belt. Although the proposal would lead to a decrease the overall effect would be limited.
- 6.1.10 In support of the application the applicant has put forward a case purporting to argue that the proposal would not have a material impact on the openness of the Green Belt or the purposes of including land within it. This states: -

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

Adding the floorspace of the test buildings (163m²) to the existing hardstanding in phase 2 (1046m²) gives a figure of 1209m². As the lawful use of this part of the site is still for light industrial purposes the buildings could be extended by 10% under PD rights and the whole area could be laid as hardstanding in connection with the lawful use (Classes H and J of Schedule to the GDPO 2015). Setting aside the potential considerable increase in hardstanding for a moment, the floorspace of the buildings if extended under PD rights could be 179m² which, when added to the existing hardstanding, gives a hard surfaced total of 1225m². The current proposed scheme as amended following updated tree survey information has a total hard surfaced area of 1197 m² including the footprints of the dwellings which comprises 487 m². It can be seen, therefore, that the hard surfaced area would be reduced as a consequence of this development.

Clearly volume would be greater with the three dwellings having a volume of 2849m³ compared with 430m³ for the existing test buildings + 10% but we do not consider that this should be the primary consideration.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Planning policies and decisions should ensure that developments:

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

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

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

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

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

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

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

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

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

6.3 Impact upon Residential Amenity

- 6.3.1 Policy CP3 of the Local Plan states that the following key requirements of high quality design will need to be addressed in development proposals and goes on to include [amongst other things] the protection of the "amenity enjoyed by existing properties". This is supported by the guidance as outlined in Appendix B of the Design SPD which sets out guidance in respect to space about dwellings and garden sizes.
- 6.3.2 Paragraph 127(f) of the NPPF states that planning policies and decisions should ensure that developments [amongst other things] create places with a high standard of amenity for existing and future users.
- 6.3.3 The adjacent dwellings side onto the application site; proposed plot 14 would be sited with a side elevation adjacent the side of existing plot 9 at a distance of 8m. Proposed plot 15 would face the side of existing plots 4 & 8 however this would be at a distance of 25m and separated by the existing trees and access road. The final proposed plot (16) would side onto the side of existing plots 3 and 4 however this would be separated by a distance of 13m to the boundary of the application site.

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

6.4 Impact on Highway Safety

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

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

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

6.5 Impact on Nature Conservation Interests

6.5.1 The application site is not subject to any formal or informal nature conservation designation and is not known to support any species that is given special protection or which is of particular conservation interest.

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

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

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

6.6 Affordable Housing and other Developer Contributions

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

6.7 Ground Contamination

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

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

6.8 Drainage and Flood Risk

6.8.1 The site is located in Flood Zone 1 which is at least threat from flooding. Although the applicant has not indicated the means of drainage it is noted that the site immediately abuts a main road, there is an existing dwelling on the site with existing drainage and it is located within a built up area. As such it is in close proximity to drainage infrastructure that serves the surrounding area. Therefore, it is considered that options for draining the site are availability and that this can be adequately controlled by condition.

6.9 Other Considerations

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

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

6.10 Weighing Exercise to Determine Whether Very Special Circumstances exist.

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

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

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

7. HUMAN RIGHTS ACT

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

8. EQUALITIES ACT

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

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

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

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

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

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

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

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

9. **CONCLUSION**

- 9.1 In respect to all matters of acknowledged interest and policy tests it is considered that the proposal constitutes inappropriate development within the Green Belt and therefore should be refused unless very special circumstances exist.
- 9.2 As such it has not been demonstrated that the harm to the Green Belt and the AONB has been clearly outweighed by other considerations such that very special circumstances exist that would justify approval. On this basis it is recommended that the application be refused.

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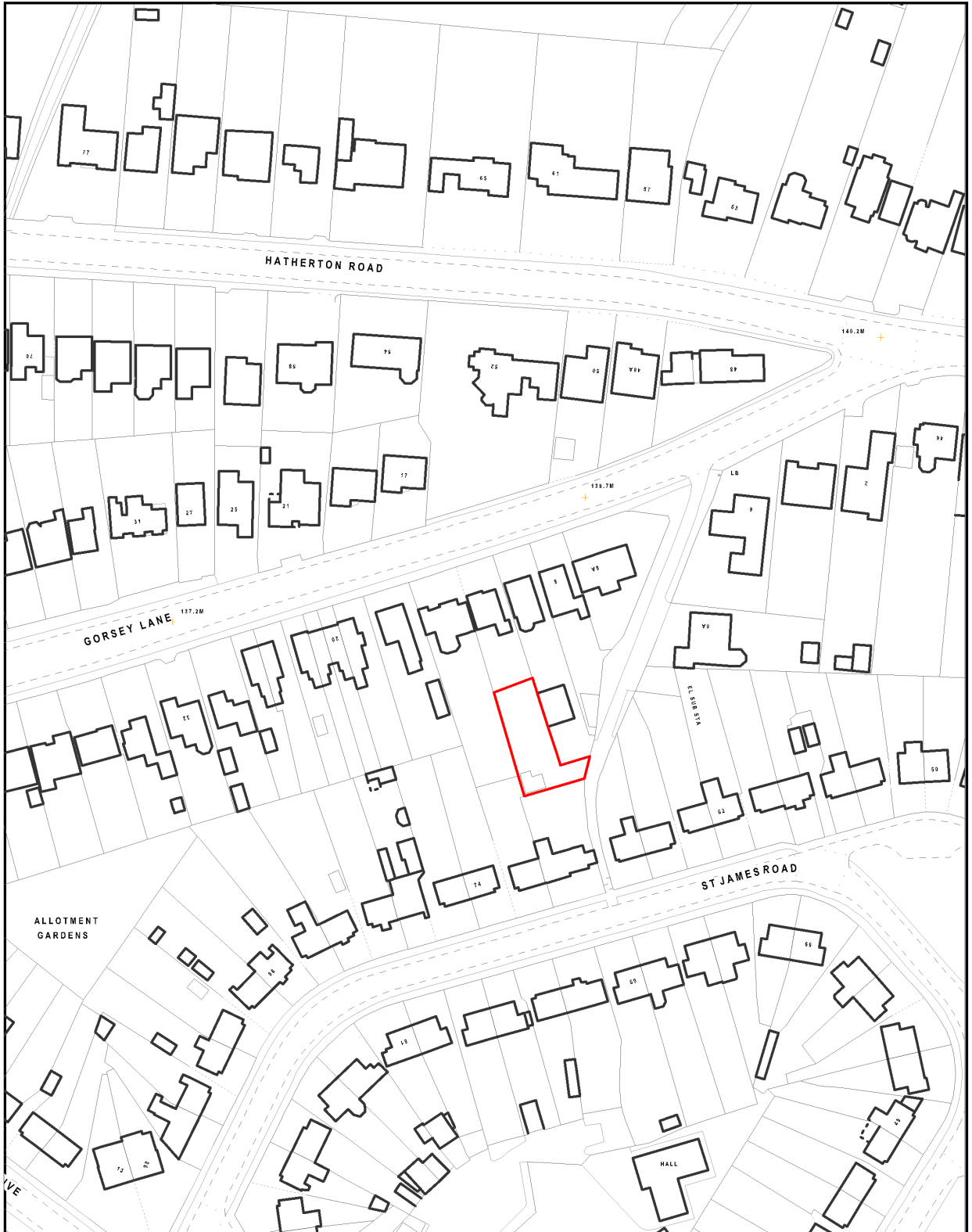


Application No: CH/18/179

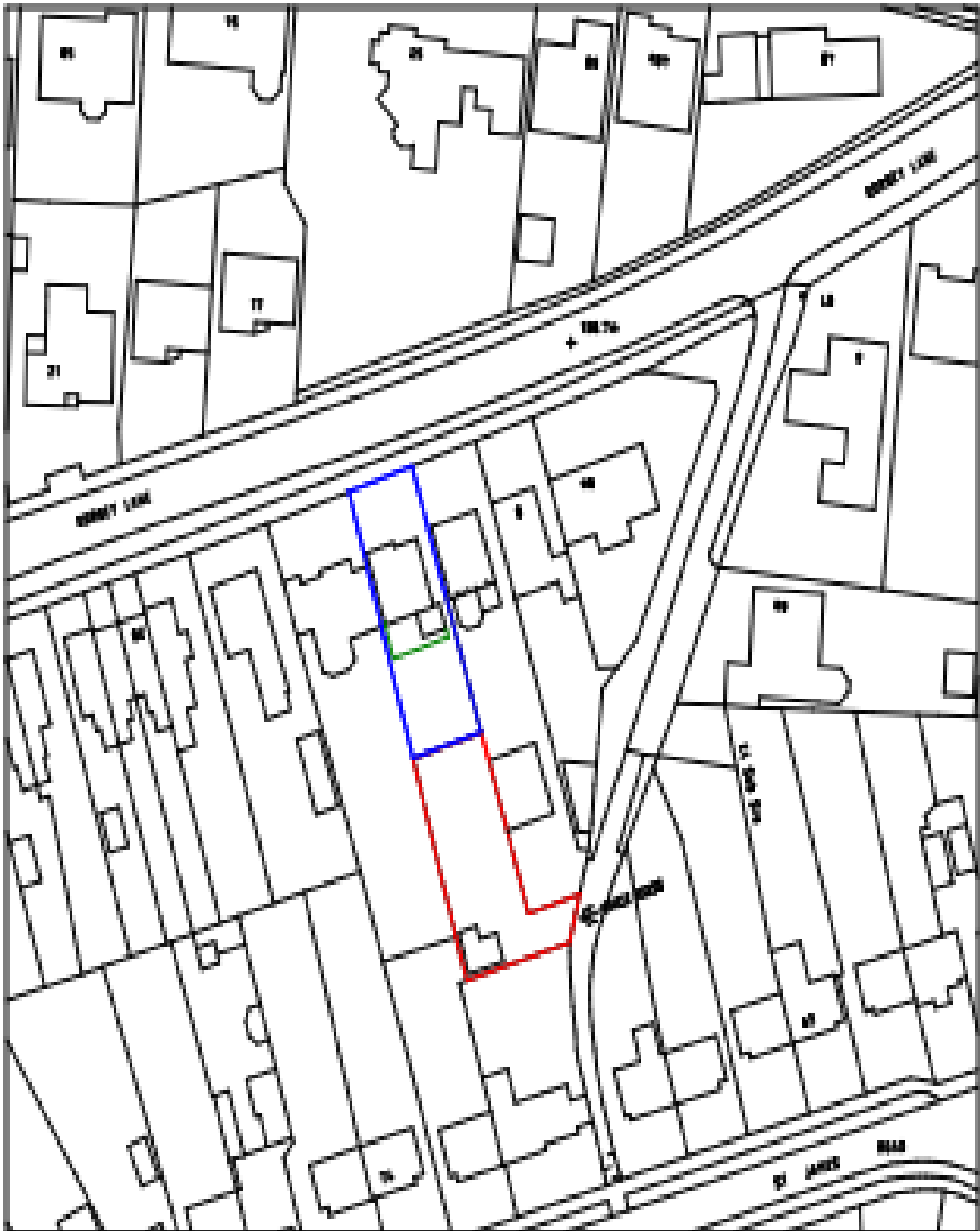
Location: 12, Gorsey Lane, Cannock, WS11 1EY

Proposal: Residential development:- Erection of 1No. two storey detached three bed dwelling (outline application with all matters reserved)

ITEM NO. 6.25



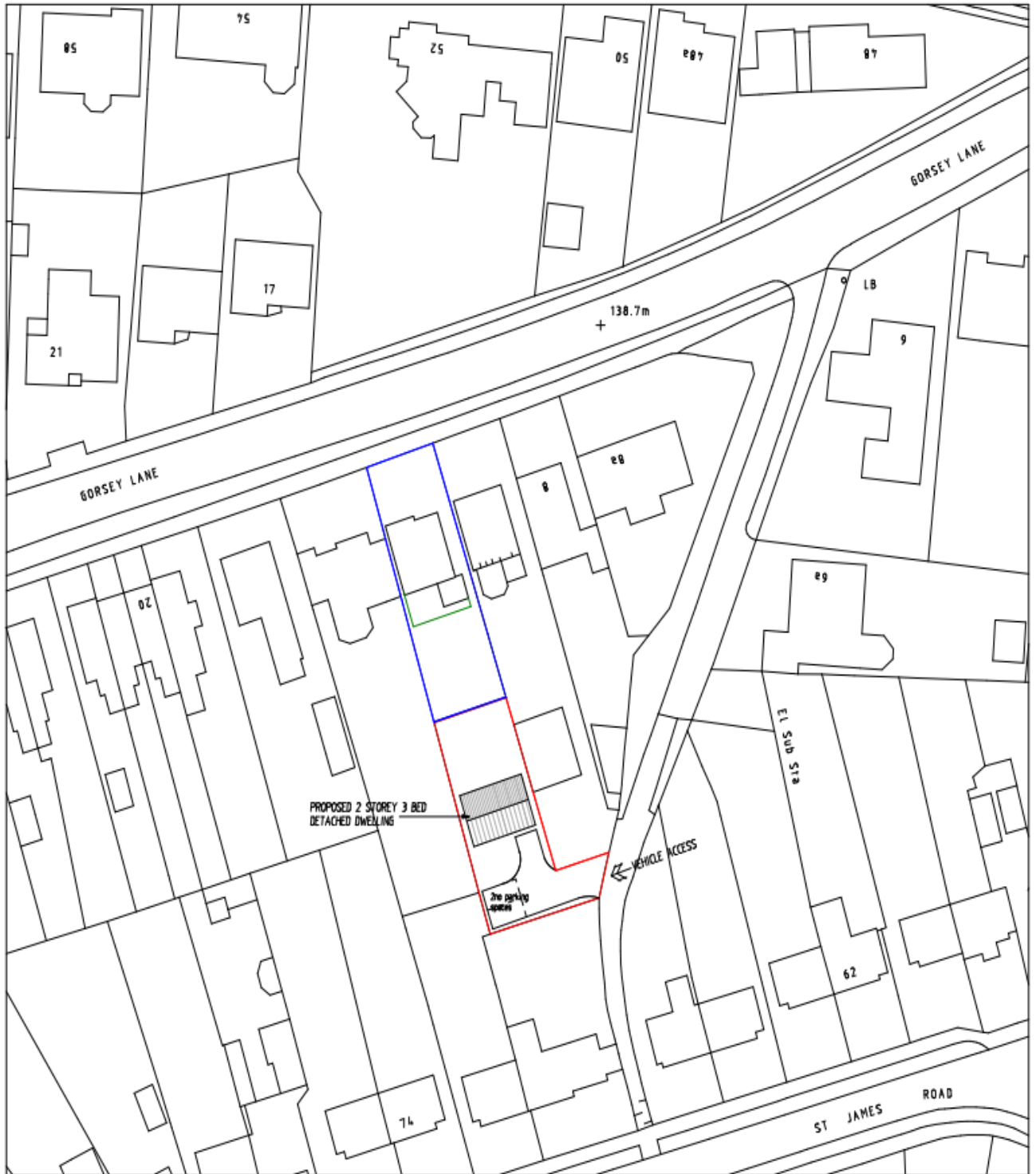
Location Plan



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LOCATION PLAN 1:1250

Block Plan



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PROPOSED BLOCK PLAN 1:500

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Application No: CH/18/179

Received: 09-May-2018

Location: 12, Gorse Lane, Cannock, WS11 1EY

Parish: Non Parish Area

Ward: Cannock West Ward

Description: Residential development:- Erection of 1No. two storey detached three bed dwelling (outline application with all matters reserved)

Application Type: Outline Planning Application

RECOMMENDATION: Approve Subject to Conditions

1. A1 Time Limit - Outline Permission
2. A11 Illustrative Layout
3. A2 General Outline Condition
4. A7 Single Storey Dwelling
5. CVMP
6. Drainage
7. Approved Plans

EXTERNAL CONSULTATIONS

Staffordshire County Highways

No objection subject to conditions.

INTERNAL CONSULTATIONS

Planning Policy

No objection.

The site is within the Cannock urban area in a residential estate and is not protected for a specific use on the Local Plan (Part 1) Policies Map.

The National Planning Policy Framework (NPPF)(p4, March 2012) states that development proposals should be approved where they accord with the development plan and there are no policy restrictions. The Cannock Chase Local Plan (part 1) policy CP1 also supports sustainable development, while policy CP6 permits new housing on urban sites within Cannock Chase District.

Policy CP3 advocates appropriate design and cohesion with adjacent uses in new development, including the protection of amenity. The Design SPD provides additional guidance and as the development is being built on garden land at the rear of existing properties Appendix B (p91) should be consulted to ensure that the minimum garden sizes and distances from neighbouring dwellings are taken into account when considering the application.

If it is a market housing residential development scheme the proposal may be 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 Council's policy/guidance. Any site specific requirements may be addressed via a Section 106/278 if required, in accordance with the Developer Contributions and Housing Choices SPD (2015) and the Council's most up to CIL Regulation 123 list.

Environmental Health

No adverse comments offered.

Property Services

No response to date.

RESPONSE TO PUBLICITY

The application was advertised by neighbour letter and site notice. 7 letters of representation have been received. The objections raised have been summarised below:-

- Road safety may be problematic with the access to the property being such a narrow entrance on a very hazardous and often fast paced junction.
- Access to the dwelling for emergency service vehicles,
- The plans are not clear in showing which way the dwelling would be facing or where windows would be positioned,
- The proposed dwelling would stop sunlight and light to adjacent properties,
- No other houses have a dwelling so close to their back garden,
- The proposed dwelling would overlook all adjacent properties,
- If granted then would contractors be parking in the access road blocking existing accesses to neighbouring properties,
- The access road converts to a pedestrian walk which is used by young children going to St Lukes Primary School,
- The proposal if approved would set a precedent for other people to sell off their garden for development,
- The access to the dwelling is very tight,
- More details should be included in the application to assess impact on the adjacent neighbours,
- The proposed site does not have water or sewage. To have these put in the whole gully would need to be dug up. The gully provides access to a number of neighbouring properties.
- The proposal would devalue existing properties.

RELEVANT PLANNING HISTORY

There is no relevant history to the site.

1. **SITE AND SURROUNDINGS**

- 1.1 The application seeks consent for residential development on land to the rear of 12 Gorsey Lane, Cannock. The site measures approximately 313m².
- 1.2 The site is of a regular 'rectangular' shape and comprises of garden land to No.12 Gorsey Lane.
- 1.3 The application site is bound by close-board fencing and landscaping. A separate vehicle access off a private road located between Nos. 6 and 8a Gorsey Lane gives No. 12 a secondary vehicle access to the main dwelling. This private road currently gives vehicle access to Nos. 6a, 8a, 8, 10 and 12 Gorsey Lane and 66 St James Road. Nos. 6a benefits from a frontage onto the private access with other access points to neighbouring dwellings being secondary. The path narrows after the access to the application site and allows a pedestrian route through to St. James Road.
- 1.4 The site relates to part of the rear garden for 12 Gorsey Lane and is currently occupied by an outbuilding.
- 1.5 The street scene is varied and comprises of modern infill development (notably No.6a). The adjacent dwelling No.10 benefits from a large double garage. There is a variety of materials within this locale including facing brickwork and render.
- 1.6 The site is in part unallocated and undesignated in the Cannock Chase Local Plan (Part 1).

2. **PROPOSAL**

- 2.1 The proposal is seeking outline consent with all matters reserved for residential development of the site. However, indicative layout and access have been submitted and the application will be considered in light of these to determine whether a dwelling could be accommodated on this site given the constraints of the site.
- 2.2 The indicative plan shows new dwelling to be sited in the rear garden of No. 12 adjacent the detached double garage at No. 10. The indicative dwelling is shown to be orientated with front and rear elevations facing to the north and south over the proposed rear garden and frontage.
- 2.3 The proposed dwelling would be positioned to the centre of the site and would provide an area of amenity to the rear comprising of approx. 100m² and a frontage for parking and turning comprising of approx.140m². There would be adequate room to the front for landscaping to be incorporated (approx. 35m²).
- 2.4 The existing access to No.12 (secondary access) would be used for the proposed dwelling with the main access drive at the front of No.12 being used by the existing dwelling. This rear access already exists.

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). Relevant policies within the Local Plan include

- CP1 - Strategy – the Strategic Approach
- CP3 - Chase Shaping – Design
- CP6 – Housing Land
- CP7 – Housing Choice

3.3 **National Planning Policy Framework**

3.4 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.

3.5 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.

3.6 Relevant paragraphs within the NPPF include paragraphs: -

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

3.7 Other relevant documents include: -

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

4. **DETERMINING ISSUES**

4.1 The determining issues for the proposed development include: -

- i) Principle of development
- ii) Design and impact on the character and form of the area
- iii) Impact on residential amenity.
- iv) Impact on highway safety.

4.2 Principle of the Development

4.2.1 The application seeks outline consent for the residential development of one detached dwelling with all matters reserved.

4.2.2 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 appears to be a Greenfield site located within the urban area of Cannock. It is a 'windfall site' having not been previously identified within the Strategic Housing Land Availability Assessment (SHLAA) as a potential housing site. 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. This means approving development proposals that accord with an up-to-date development plan without delay; or 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:

- 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
- Any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this framework, taken as whole.

4.2.3 The specific policies referred to in Paragraph 11 are identified in footnote 6 and include, for example, those policies relating to sites protected under the Birds and Habitats Directives and/or designated as Sites of Special Scientific Interest; land designated as Green Belt, Local Green Space, an Area of Outstanding Natural Beauty, Heritage Coast or within a National Park (or the Broads Authority); designated heritage assets; and locations at risk of flooding or coastal erosion.

4.2.4 Local Plan (Part 1) Policy CP1 identifies that the urban areas of the District, will be the focus for the majority of new residential development. It also identifies that a 'positive approach that reflects the presumption in favour of sustainable development' will be taken when considering development proposals. The site does not appear to be located within either Flood Zone 2 or 3. The site and is not designated as a statutory or non- statutory site for nature conservation nor is it located within a Conservation Area (CA). As such there are no specific policies that would indicate that the development should be restricted and as such the application should be determined in respect of the first test.

4.2.5 The proposed use would be in the main urban area, in a sustainable location and would be compatible with surrounding land uses. As such it would be acceptable in principle at this location. Although a proposal may be considered to be acceptable in principle it is still required to meet the

provisions within the development plan in respect to matters of detail. The next part of this report will go to consider the proposal in this respect.

4.3 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 and 130. Paragraph 124 makes it clear that the creation of high quality buildings and places is fundamental to what the planning and development process should achieve.

4.3.3 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 extensions to dwellings.
- 4.3.6 The indicative plan has been submitted to demonstrate how the applicant envisages the site to be developed. The siting of the proposed dwelling would be set back behind a short frontage with the private amenity space to the rear. Whilst there are no dwellings that reflect this form of development immediately adjacent the application site, the proposed dwelling would be sited adjacent a large detached double garage on the adjacent site against which the proposed dwelling would be read. Whilst the frontage properties of both Gorsy Lane and St. James Road comprise of two storey buildings, where infill development has been permitted, it has been restricted to single storey with rooms in the roof space to protect the character and form of the area. For these reasons and notwithstanding the submitted plan (referring to a two storey dwelling) a condition has been recommended for the proposed dwelling to remain single storey with rooms in the roof space only in order to retain the character and form of this location.
- 4.3.7 Therefore, having had regard to Policy CP3 of the Local and the above mentioned paragraphs of the NPPF it is considered that the proposal would be well related to existing buildings and their surroundings, successfully integrate with existing features of amenity value, maintain a strong sense of place and visually attractive such that it would be acceptable in respect to its impact on the character and form of the area.

4.4 Impact on Residential Amenity

- 4.4.1 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 From the indicative plan provided the proposed dwelling would be orientated with front and rear elevations facing the north and south. The Council's Design SPD states that:-

"a minimum distance of 21.3m is required between front and rear facing principal windows. Facing windows at ground floor level can be more closely spaced if there is an intervening permanent screen."

The indicative plans indicate a separation distance of 25m & 26m to Nos. 12 Gorse Lane and 70 St James Road respectively. The separation distances to neighbouring properties are appropriate for the proposal and over and above the requirement of those set out within the Council's Design SPD.

4.4.4 The private amenity for the proposed dwelling would measure approx. 100m². The Design SPD requires an area of 65m² per three bedroom dwelling. The garden to No.12 would also retain over 100m² which again is adequate for a dwelling of this size.

4.4.5 Overall, the proposed development would comply with the Council's Design SPD in terms of protecting the amenity of existing occupiers as well as any future occupiers of the site.

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.

4.5.2 The proposed dwelling would provide two parking spaces and a turning area to the frontage which is appropriate for 2 or 3 bedroom dwellings in accordance with the parking SPD.

4.5.3 Comments from neighbour regarding the access are noted however, in this instance, the access already exists. The proposed dwelling would utilise the existing secondary access currently used by the occupiers of the main building at No.12. As such, the proposal would not introduce an additional access off the private road. Staffordshire County Highway Department raised no objections to the proposal in terms of highway safety subject to the attached conditions.

4.6 Impact on Nature Conservation Interests

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

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

4.6.3 Given the above it is considered that the proposal would not have a significant adverse impact on nature conservation interests either on, or off, the site. In

this respect the proposal would not be contrary to Policies CP3, CP12 and CP13 of the Local Plan and the NPPF.

4.7 Affordable Housing and other Developer Contributions

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

4.8 Drainage and Flood Risk.

4.8.1 The site is located in a Flood Zone 1 which is at least threat from flooding. Although the applicant has not indicated the means of drainage it is noted that the site already comprises of building and some hardstanding and is within a predominantly built up area. As such it is in close proximity to drainage infrastructure that serves the surrounding area. Therefore, it is considered that options for draining the site are available and that this can be adequately controlled by condition.

4.9 Objections raised not already covered above

4.9.1 Concern has been raised regarding the access for emergency fire vehicles. Your officers confirm that fire safety is covered by Building Regulations and not a planning consideration. Notwithstanding this, the access within Manual For Streets states an access requires 3.7m for operating space for a fire engine however, it does continue that this distance can be reduced to 2.75m providing a pumping appliance can get to within 45m of dwelling entrance. Building Regulations may require the applicant (subject to permission being granted) to install a pump within the application site.

4.9.2 Concern has been raised that if granted would contractors be parking in the access road blocking existing accesses to neighbouring properties. Your officers have recommended a condition requiring a Construction Vehicle Management Plan to be submitted to and approved for the management and parking of construction and contractors vehicles. It is also noted that the grant of planning permission does not confer any right on a developer to block access to a third party property without that owner's consent.

4.9.3 Concern has been raised that if the proposal if i approved, would set a precedent for other people to sell off their garden for development. Your officers confirm that there is no such thing as precedent in terms of planning. Any future application submitted for development of a similar nature would be assessed on its own individual merits.

4.9.4 Neighbour objections raised concerns with regard to the devaluation of existing properties. Your officers confirm that this is not a material consideration for the determination of a planning application.

4.10 Whether any Adverse Impact of Granting Planning Permission would be Significantly and Demonstrably Outweighed by the Benefits, when Assessed Against the Policies in the Framework, Taken as Whole.

4.10.1 Although the Council has a five year supply of housing land it is noted that such a supply is not a ceiling and it is the Government's firm intention to significantly boost the supply of housing. With this in mind it is noted that the granting of the permission would make a contribution towards the objectively assessed housing needs of the District. In addition it would have economic benefits in respect to the construction of the property and the occupiers who would make some contribution into the local economy. Finally, the proposal would have an environmental benefit of making efficient use of land within a sustainable location and in creating several thermally efficient new dwellings which would be required to meet building standards.

4.10.2 Conversely when looking at potential harm it is considered that, subject to the attached conditions, there would be no significant and demonstrable harm to highway safety, residential amenity, wider nature conservation interests and flood risk.

4.10.3 As such it is considered that any adverse impact of granting planning permission would not significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework, taken as whole. As such the proposal benefits from the presumption favour of sustainable development and should, subject to the attached conditions, be approved.

5. 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. 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 aims of the Equalities Act.

7. **CONCLUSION**

- 7.1 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.
- 7.2 It is therefore recommended that the application be approved subject to the attached conditions.

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Application No: CH/17/377

Received: 26-Sep-2017

Location: 17, Southgate, CANNOCK, WS11 1PS

Parish: Non Parish Area

Ward: Cannock South Ward

Description: Residential development:- Erection of 1no one bed detached bungalow

Application Type: Full

Recommendation: That the report be noted.

In November 2017 Planning Committee resolved to refuse the above application on the following grounds:-

“The proposal, by virtue of the building to plot ratio would appear as a cramped form of development and hence constitute an overdevelopment of the site to the detriment of the character and appearance of the area and the residential amenity of the occupiers of the neighbouring residential properties. As such the proposal would not be well-related to existing buildings and their surroundings to contrary to Policy CP3 of the Cannock Chase Local Plan (Part 1) and constitute poor design which should be refused in accordance with paragraphs 17(4) and 64 of the National Planning Policy Framework.”

The applicant subsequently appealed the decision and the appeal decision has now been received. The appeal has been dismissed and planning permission has been refused.

The appeal decision is attached for information.

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Appeal Decision

Site visit made on 3 July 2018

by R A Exton Dip URP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 19th July 2018

Appeal Ref: APP/X3405/W/18/3198360

17 Southgate, Cannock WS11 1PS

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr Richard Elson against the decision of Cannock Chase District Council.
 - The application Ref CH/17/377, dated 21 September 2017, was refused by notice dated 15 November 2017.
 - The development proposed is described as 1 no 1 bed detached bungalow.
-

Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are the effect of the appeal proposal on: i) the appearance of the area; and, ii) living conditions of nearby residents with particular regard to an overbearing or overshadowing effect.

Reasons

Appearance

3. No 17 Southgate is a semi-detached property situated on the northern side of the road. Although the appeal site forms part of its rear garden area it is more closely related to and visible from Skipton Place. Skipton Place is a residential area comprised of a variety of different types of property. On the southern side are bungalows and on the northern side are 2 blocks of flats and 3 detached properties. A common feature to both sides of the road is the set back position of properties relative to it. This arrangement frames a view towards the appeal site at the head of the road. Other than a boundary wall, the absence of development on the appeal site provides a degree of openness. This provides some visual relief from the enclosing effect of properties lining either side of the road and considerably contributes to the appearance of the area.
4. When viewed from Skipton Place the appeal proposal would be highly visible and substantially fill the appeal site. Although it would be single storey in height and result in a density similar to other development in the area it would nevertheless be dominant due to its position. The resulting appearance would not integrate into the area or re-inforce local distinctiveness but would remove the visual relief currently created by the appeal site. As a result it would have a harmful effect on the appearance of the area.

5. In light of the above I conclude that the appeal proposal would conflict with Policy CP3 of the Local Plan¹. This requires high standards of design of buildings and spaces. It would also conflict with the Framework² insofar as it requires good design.

Living conditions

6. The properties most likely to be affected by the appeal proposal would be Nos 11, 20 and 22 Skipton Place. The side elevation of the proposed dwelling would approximately align with the front elevation of No 22 which would be the closest property. There would be a separation distance of around 10m with an intervening single garage. The Councils SPD³ does not specifically relate to this situation. The 10.7m separation distance referred to by the Council appears to relate to a situation involving a single storey extension where the blank side elevation of a 2 storey dwelling faces the rear of a neighbouring property.
7. Taking account of the height of the proposed bungalow compared to a house and the presence of the intervening single garage I consider that the separation distance is acceptable in this case. The proposed dwelling would therefore not result in an unacceptable overbearing effect on the occupiers of No 22. As Nos 11 and 20 would have a greater separation distance from the proposed bungalow, occupiers would not be subject to an unacceptable overbearing effect either.
8. On the matter of living conditions I conclude that the appeal proposal would accord with Policy CP3 of the Local Plan. This requires development proposals to protect the amenity enjoyed by existing properties. It would also accord with the Framework insofar as it requires a good standard of living conditions for all existing occupiers of buildings.

Other matters

9. I note the generally suitable location of the appeal site for residential development, the adequacy of amenity space, preservation of privacy for nearby residents, absence of technical objections and the submission of a draft planning obligation. However, these matters do not outweigh the harm to the appearance of the area I have identified.
10. The appellant refers to the positive nature of pre-application advice and planning officer's recommendation for approval of the planning application. However, I have considered the appeal proposal on its own merits based on the policies and evidence before me. These matters do not lead me to a different conclusion.
11. I also note interested parties other objections to the appeal proposal. Given my conclusion I do not need to consider these further.

Conclusion

12. For the reasons given above, and taking all other matters raised into account, I conclude that the appeal should be dismissed.

Richard Exton INSPECTOR

¹ The Cannock Chase Local Plan (Part 1) adopted in 2014.

² The National Planning Policy Framework.

³ The Cannock Chase Council Design Supplementary Planning Document adopted in 2016.