

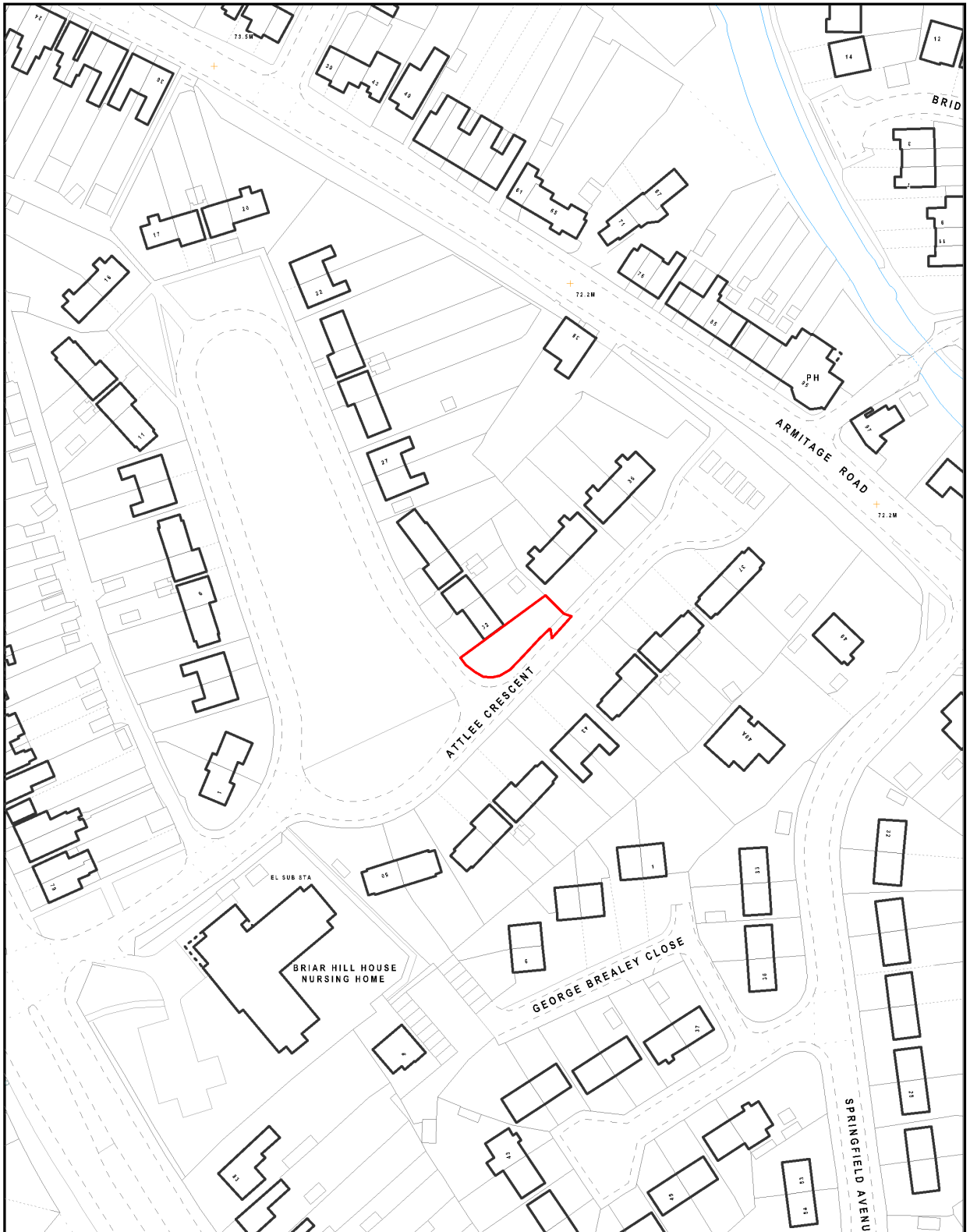


**Application No:** CH/18/288

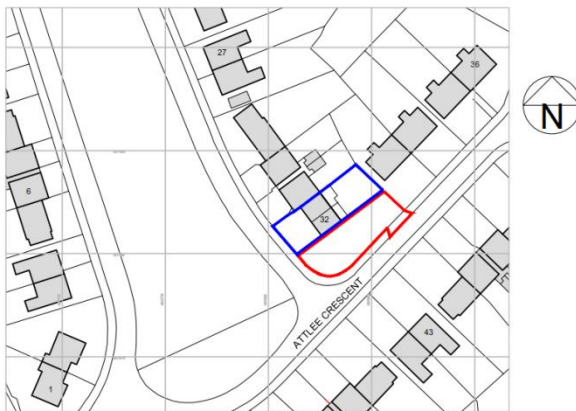
**Location:** 32, Attlee Crescent, Rugeley, WS15 1BP

**Proposal:** New detached dwelling on vacant land at the side of 32 Attlee Crescent

Item 6.1



# Location Plan



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LOCATION PLAN 1:1000

**Elkin — Design**  
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DRG. NO.	18-101-04	revision
title	Location Plan	scale 1:1000 @ A4
project	Proposed New Dwellings at 32 Attlee Crescent Rugeley	date Dec 2017
client	DLSJ Properties Ltd	drawn GSE

# Site Plan



**Elkin — Design**

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DRG. NO.	18-101-05	revision	B
title	Block Plan	scale	1:200 @ A4
project	Proposed New Dwellings at 32 Attlee Crescent Rugeley	date	Oct 2017
		drawn	GSE
client	DLSJ Properties Ltd		

# Proposed Plans and Elevations

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The drawing set includes four elevations and two floor plans. The elevations are: North East (Rear), North West, South East (Side), and South West (Front). The floor plans are the Ground Floor Plan and the First Floor Plan. The ground floor plan shows a Lounge, Kitchen, W.C., and a staircase. The first floor plan shows three bedrooms, a bathroom, and a shower. A legend for Facing Materials is provided, detailing wall, roof, window, and door specifications.

**Facing Materials**

- Walls: Orange facing brick at low level with light colour cement render to upper level
- Roof: Brown concrete plain tiles
- Windows: White upvc frames
- Rainwater Goods: Brown upvc



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DRG. NO.	18-101-06	revision	D
title	Plan & Elevation as Proposed	scale	1:100 @ A3
project	Proposed New Dwellings at 32 Attlee Crescent Rugeley	date	Feb 2018
		drawn	GSE
client	DLSJ Properties Ltd		

**Application No: CH/18/288**

**Received: 10-Aug-2018**

**Location: 32, Attlee Crescent, Rugeley, WS15 1BP**

**Parish: Brereton and Ravenhill**

**Ward: Brereton and Ravenhill Ward**

**Description: New detached dwelling on vacant land at the side of 32 Attlee Crescent**

**Application Type: Full Planning Application**

### **RECOMMENDATION Approve Subject to Conditions**

Reason for Grant of Permission

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

1. B2 Standard Time Limit
2. D3 Materials to match
3. I2 Removal of Permitted Development Rights
4. Access in a bound material
5. Approved Plans
6. Drainage requirements
7. E10 Landscape Details Required
8. E12 Landscape Implementation

### EXTERNAL CONSULTATIONS

#### Brereton & Ravenhill Parish Council

Object. The nature of Attlee Crescent was given careful consideration by a planning inspector who dismissed an appeal in respect of land at 21 Attlee Crescent. Since the appeal decision on the 26<sup>th</sup> August 2010 there has been no material change in the main part of the road and the finding remain true today. Particular attention is drawn to the following paragraphs:

3. Attlee Crescent has a regular and rhythmic pattern of development of two storey housing that alternates between pairs of semi-detached houses with hipped roofs and terraces of 4 houses where the 2 central houses reflect the design of the semi-detached pairs, but with end houses that are set back and have gable ends...
5. I consider that it would not be well related to the strong design themes and pattern of the existing surrounding development and would not enhance or

be in sympathy with the character and appearance of the local area, as sought by saved LP Policy B8.

6. I conclude on the first main issue that it would be an incongruous and intrusive feature in the street scene which would adversely affect the character and appearance of the area, in conflict with LP Policies B8 and H5.

Attlee Crescent is an attractive, well-designed and coherent street that is being proposed for 'Local Character Area' status in the emerging neighbourhood plan. It is a particularly good example of twentieth century road designed to provide quality social housing. Regrettably, the quality of better designed council housing is often undervalued. The proposed new dwelling would harm its regular and rhythmic pattern of development with a different style of house that does not relate well to the strong design themes and pattern of the existing surrounding development. Rather it would be an incongruous and intrusive feature in the street scene that would adversely affect the character and appearance of the area. An attractive environment benefits residents, creates a sense of pride in neighbourhood and reduces crime and anti-social behaviour. Town cramming cause both visual and social harm.

The Brereton & Ravenhill Neighbourhood Development Plan Steering Committee also support the comments of the Parish Council in respect of the planning application. Attlee Crescent is designated as a 'Local Character Area' in the emerging Neighbourhood Development Plan.

Brereton & Ravenhill Heritage Committee also support the representations of the parish council.

#### INTERNAL CONSULTATIONS

##### Environmental Health

The proposal site lies within potential influencing distance of Armitage Road landfill site which has been investigated under the council's contaminated land strategy. The site investigation concluded that no remediation will be necessary in respect of ground gases.

No objections.

##### Estates

No comments received.

#### RESPONSE TO PUBLICITY

The application was advertised by neighbour letters on the 13<sup>th</sup> August and a site notice erected on the 16<sup>th</sup> August. The latest period for consultation responses was the 9<sup>th</sup> September with the application expiring on the 4<sup>th</sup> October. Two letters of representation

have been received from the occupant of a nearby dwelling, who raises the following issues: -

1. The justification expressed by the agent is not correct. The fact that current or future residents of number 32 do not want to look after the large garden to the side is no justification for this development.
2. The development does not reflect the design and materials of the remaining dwellings in Attlee Crescent.
3. Trying to justify developing a medium sized piece of land by making false claims that the gardens are too small is an untruth.
4. There is a lack of planting proposed.
5. In 2010 the government changed their approach to garden grabbing and this application should be refused.

### RELEVANT PLANNING HISTORY

#### The application site:

CH/18/194: - Residential development:- Erection of new detached dwelling. Withdrawn 20<sup>th</sup> June 2018.

#### Other sites on Attlee Crescent:

CH/16/422: - Residential Development:- Erection of 1 No. detached dwelling at 37, Attlee Crescent, Rugeley. Approved with conditions 24<sup>th</sup> February 2017.

CH/13/0032: - Renewal of planning permission CH/09/0323 :Residential development – single storey detached dwelling (outline, access and layout) at 37, Attlee Crescent, Rugeley. Approved with conditions 28<sup>th</sup> March 2013.

CH/09/0323: - Residential development - single storey detached dwelling (outline, access & layout) at 37, Attlee Crescent, Rugeley. Approved with conditions 9<sup>th</sup> February 2010.

CH/09/0174: - Erection of 1 detached dwelling at Land adj 21, Attlee Crescent, Rugeley. Refused 9<sup>th</sup> September 2009 for the following reasons:

1. The proposed dwelling would comprise a cramped form of development out of character with the established pattern of development in Attlee Crescent and thereby contrary to Policy B8 (i) (ii) (iii) of the Cannock Chase Local Plan 1997.

2.The siting of the dwelling close to the boundary of no. 20 Attlee Crescent would be over dominant in relation to the private amenity space of that property and thereby contrary to Policy B8 (v) of the Cannock Chase Local Plan 1997.

CH/04/0690: - Conversion into 2 flats at 32 Attlee Crescent, Rugeley. Approved with conditions 3<sup>rd</sup> November 2004.

CH/04/0433: - Conversion into 2 flats at 32 Attlee Crescent, Rugeley. Refused on the 8<sup>th</sup> September 2004 for the following reasons:

1.The proposed development fails to make adequate provision for the parking of vehicles within the site curtilage in accordance with the requirements of Policy DCP5 of the Cannock Chase Local Plan 1997 which will be likely to result in vehicles being parked on the public highway to the detriment of highway safety.  
[Dismissed at appeal 26/10/10]

## 1. SITE AND SURROUNDINGS

1.1 Attlee Crescent is a cul-de-sac situated off the northeast side of Brereton Road. The access passes Briar Hall Nursing Home on the south side of the crescent and after passing number 1 on the corner the road loops around and comes back. The centre of the loop has a grassed public area with hardstanding for parking on the southern end. Opposite the parking area at the bottom end of the central parking area the road has a spur which runs up to garages at the end. On the northern edge of the junction with this spur is a corner plot adjacent to the number 32, on which is an open garden area laid to lawn which is the application site.

1.2 Number 32 Attlee Crescent is a semi-detached house, with paved front garden with parking for two vehicles and a wide, open side garden, surrounded by a low brick wall.

1.3 Attlee Crescent has a regular and rhythmic pattern of development of two storey dwellings that alternate between pairs of semi-detached house with hipped roofs and terraces of four houses where the two central houses reflect the design of the semi-detached pairs, but with end house that are set back and have gable ends.

1.4 The application site is unallocated and undesignated within the Local Plan.

## 2. PROPOSAL



2.1 Permission is sought to erect a detached two storey, three bedroom dwelling on the garden area to the side of number 32. The proposed development would comprise of the following:

1. It would be set forward of the front elevation of number 32 by 0.70m and set back from the rear elevation by 1.50m.
2. It would have a footprint of 8.20m x 6.50m and would be set 0.85m away from number 32 to allow for side access.
3. It would have a height to eaves of 4.30m - 300mm higher than number 32 - and a height to ridge of 6.80m - approximately 50mm higher than number 32.
4. It would have a front garden of approximately 48m<sup>2</sup> and rear garden of approximately 82m<sup>2</sup> - excluding the parking area.
5. The existing parking area would be extended to provide two side by side parking spaces. Two parking spaces would remain for the existing dwelling at No.32 Atlee Road.

### 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
- CP11 - Centres Hierarchy
- CP12 - Biodiversity and Geodiversity

### 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 a "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: 212, 213	Achieving Well-Designed Places 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.

4.0 Determining Issues

4.1 The determining issues for the proposed development include:-

- (i) Principle of the development
- (ii) Design and the impact on the character and form of the area
- (iii) Impact on residential amenity
- (iv) Impact on highway safety and capacity
- (v) Impact on wildlife and nature conservation objectives
- (vi) Waste & recycling facilities
- (vii) Drainage and flood risk
- (viii) Affordable housing provision
- (ix) Whether any Adverse Impacts of Approving the Development would Significantly and Demonstrably Outweigh the Benefits.

4.2 Principle of the Development

4.2.1 The proposal is for the erection a detached two storey, three bedroom dwelling on the garden area to the side of number 32. Both the NPPF and Cannock Chase Local Plan Policy CP1 advocate a presumption in favour of sustainable development unless material considerations indicate otherwise. Further, Local Plan Policy CP6 seeks to support the creation of new homes within existing urban areas.

4.2.2 The site is located within the urban area of Brereton, Rugeley. 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 proposals would normally fall to be considered within the presumption in favour of sustainable development, outlined in paragraph 11 of the NPPF. However, paragraph 177 of the NPPF makes it clear

"the presumption in favour of sustainable development does not apply where development requiring appropriate assessment [under the Habitat Regulations] because of its potential impact on a habitats site is being planned or determined"

- 4.2.3 Policy CP13 of the Local Plan recognises that any project involving net new dwellings will have an impact on the SAC and as such should be subject to an appropriate assessment under the Habitat Regulations. This appropriate assessment has been carried out at the plan making stage which underpinned the formulation of policy CP13. This being the case it can only be concluded that the presumption in favour of sustainable development does not apply to the current application and the proposal should be considered having regard to the development plan and other material considerations.
- 4.2.4 In respect to the principle of the proposal it is noted that the site is located within the main urban area of Rugeley and hence broadly conforms to the requirements of Policy CP1.
- 4.2.5 In addition to the above the site is located within a sustainable location with good access by cycle or walking to the town centre where there is a wide range of goods and services to meet the day to day needs of people.
- 4.2.6 As such the proposal would meet the thrust of Policy CP1 to focus investment and regeneration on existing settlements which are expected to accommodate most of the District's housing and it is therefore concluded that the proposal is acceptable in principle.
- 4.2.7 However, proposals that are acceptable in principle are still subject to all other policy tests. The next sections of this report will consider the proposal in the light of those policy tests and determine what harms or benefits arise from the proposal.

#### 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 In respect to design and the impact on the character of areas, Paragraph 127 of the NPPF 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 In addition Paragraph 130 of the 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."

4.3.5 The comments from the nearby residents and the parish council are noted but there is no evidence of previous planning applications for dwellings on this particular site that have been refused. At the opposite end of Attlee Crescent, at number 21, an application for a detached dwelling was dismissed at appeal; however the design of that proposal was very different and contrived. Further, just to the north of the site, number 37 has a large side extension and permission for a detached bungalow on land to the north. The layout and design of the existing properties on this crescent are noted but it is also considered that

developments have been approved nearby that are of a very different style. This proposal has a different orientation to that which was originally submitted - and withdrawn - in June 2018. The proposal reflects the simple form of number 32 - lower ridge height and windows partly incorporated in the roof space. With matching materials the proposal is considered to have an acceptable design in this location.

4.3.6 With regard to the issue raised regarding Attlee Crescent being recognised as a 'Local Character Area', this area has been identified by the parish council as an area they aspire to protect in the Neighbourhood Plan for the area. However, the Neighbourhood Plan is in the very early stages of preparation and has such very little weight can be attached to it.

4.3.7 Therefore, having had regard to Policy CP3 of the Local Plan and the appropriate sections of the NPPF it is considered that the proposal would, on balance, be acceptable in respect to its impact on the character and form of the area.

#### 4.4 Impact on Amenity

4.4.1 Paragraph 127 (f) of the NPPF seeks to achieve well designed places "...with a high standard of amenity for existing and future users" This correlates with the aims and objectives contained within Policy CP3 of the Local Plan and supported by the guidance as outlined in the Design SPD.

4.4.2 There are no specific design requirements for this estate development in the character appraisals contained in the Design SPD but Appendix B is worthy of further debate.

4.4.3 Appendix B of the Design SPD relates to standards for residential dwellings and has the key requirements as follows:

- i. Minimum distance of 21.3m between front and rear facing principal windows (kitchens, living rooms, dining rooms and bedrooms).
  - o Facing windows at ground floor can be more closely spaced if there is an intervening permanent screen e.g. wall or fence. Variations to this recommended minimum distance will be considered dependant upon the particular characteristics
- ii. Obscure glazing or windows with a cill height of 1.70m or above can potentially be used as an alternative to the above separation distances.
- iii. Side facing first floor windows should not overlook neighbouring private amenity space at a distance of less than 10m.
- iv. No obstruction of light above a vertical angle of 25° measure from the centre of the windowsill within the horizontal sweep of 45°.
- v. Where the side elevation of one dwelling (blank elevation) faces the rear of a neighbouring property the minimum distance should be 13.7m.
  - o This distance should be greater if the proposed development is on higher ground and can be reduced if on lower ground.

- In all cases for two storeys the minimum distance of 12.20m should be achieved.
- The minimum distance for a single storey development is 10.7m.
- vi. Minimum garden sizes:
  - 1 or 2 bed = 40-44m<sup>2</sup>.
  - 3 bed dwelling = 65m<sup>2</sup>.
  - 4+ bed dwelling = 80m<sup>2</sup>.
  - Flat with communal space = 30m<sup>2</sup> per flat.

4.4.4 The comments from the nearby residents are noted, however it is also noted that the proposal would conform with the requirements of the Design SPD, as set out above. The distance to the rear boundary would be between 11m and 12m, with the closest property - number 33 - being approximately 13m in a direct line from the rear of the proposed development to the side of number 33. These distances do not contravene the Design SPD and with the proposal set to the side and away from number 33 it is considered that the proposal would be acceptable in this respect. As such the development would accord with the requirements of Appendix B of the Design SPD.

4.4.6 The proposed extension is considered to accord with the requirements of Policy CP3 of the Cannock Chase Local Plan and they meet the requirements of the Council's Design SPD.

#### 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 proposal would retain two parking spaces for the existing dwelling at No.32 Attlee Road and would provide 2 parking spaces for the proposed dwelling. The proposal would therefore accord with the Parking SPD. As such, there are no highway safety implications as a consequence of the proposed development in accordance with the Parking SPD and it is considered acceptable in respect of paragraph 109 of the NPPF.

#### 4.6 Impact on wildlife and nature conservation objectives

4.6.1 Policy CP12 of the Local Plan states that the District's biodiversity and geodiversity assets will be protected, conserved and enhanced via the safeguarding from damaging development of ecological and geological sites, priority habitats and species and areas of importance for enhancing biodiversity, including appropriate buffer zones, according to their international, national and local status.

4.6.2 Furthermore, Paragraph 175 of the NPPF states: When determining planning applications, local planning authorities should apply the following principles:

- a) if significant harm resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused;
- b) development on land within or outside a Site of Special Scientific Interest, and which is likely to have an adverse effect on it (either individually or in combination with other developments), should not normally be permitted. The only exception is where the benefits of the development in the location proposed clearly outweigh both its likely impact on the features of the site that make it of special scientific interest, and any broader impacts on the national network of Sites of Special Scientific Interest;
- c) development resulting in the loss or deterioration of irreplaceable habitats (such as ancient woodland and ancient or veteran trees) should be refused, unless there are wholly exceptional reasons and a suitable compensation strategy exists; and
- d) development whose primary objective is to conserve or enhance biodiversity should be supported; while opportunities to incorporate biodiversity improvements in and around developments should be encouraged, especially where this can secure measurable net gains for biodiversity.

4.6.3 In this respect it is noted that the application site is a residential garden laid to lawn with an open aspect devoid of any features or habitats.

4.6.4 However, under Policy CP13, development within Cannock Chase district that leads to a net increase in dwellings is required to mitigate adverse impacts on the Cannock Chase SAC. The proposal would lead to a net increase in dwellings and therefore is required to mitigate its adverse impact on the SAC. Such mitigation would be in the form of a contribution towards the cost of works on the SAC and this is provided through CIL.

4.6.5 Subject to the CIL payment to cover the SAC mitigation payment the proposal is considered acceptable in respect of its impact on nature conservation interests and therefore would be in compliance with Policies CP3, CP12 and CP13 of the Cannock Chase Local Plan and paragraph 175 of the NPPF.

#### 4.7 Waste & Recycling Facilities

4.7.1 It is clear from the layout that there is sufficient space in the site to accommodate waste and recycling facilities and a collection point. As such the proposal would contribute to national and local waste reduction and recycling targets in accordance with the requirements of Policy CP16 (1) (e) of the Local Plan.

#### 4.8 Drainage and Flood Risk

- 4.8.1 The site is located within Flood Zone 1 in the Environment Agency's Flood Risk maps and hence is at the lowest risk of flooding. Paragraph 163 of the NPPF states that when "determining planning applications, local planning authorities should ensure flood risk is not increased elsewhere".
- 4.8.2 The site is located within a suburban area and is therefore well served by drainage infrastructure. It is noted that there is sufficient space within the site to accommodate a soakaway. However, a percolation test has not been submitted at this stage to demonstrate that soakaways will work. Notwithstanding this it is noted that there is sufficient space within the site to accommodate and balance any additional run-off generated by the proposal to enable it to be discharged to the public sewer network. This could be satisfactorily dealt with by means of a condition attached to any approval granted.
- 4.8.3 It is therefore concluded that subject to a condition for a drainage scheme the proposal is acceptable in respect to drainage and flood risk.

#### 4.9 Affordable Housing Provision

- 4.9.1 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.

#### 5.0 HUMAN RIGHTS ACT

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

#### 5.2 EQUALITIES ACT

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

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

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



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

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

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

## 6.0 CONCLUSION

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

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

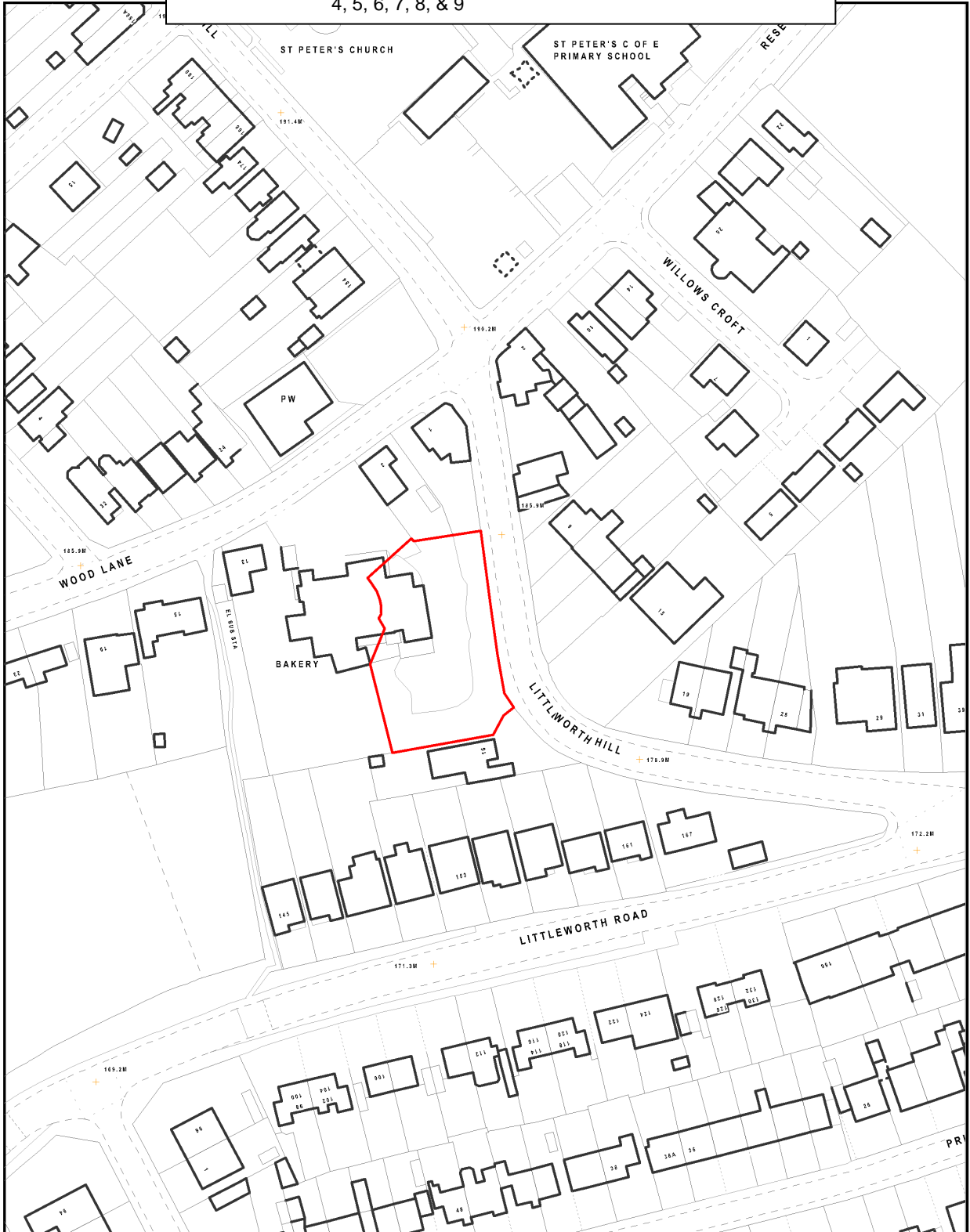


**Application No:** CH/18/243

**Location:** Land at former Tennants Craft Bakery, 13a, Wood Lane, Hednesford, Cannock, WS121BW

**Proposal:** Application to vary condition 15 (approved plans) to change house type of plots 4, 5, 8 & 9 and to revise finished ground levels and elevational treatments on plots 4, 5, 6, 7, 8, & 9

Item 6.18



# Location Plan

PROPOSED DEVELOPMENT FORMER TENNANTS BAKERY, WOOD LANE, HEDNESFORD.



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CH/18/243

LOCATION PLAN - 1:1250

PRINT TO FIT  
**A4**

Rev	Amendment	Date
001	RIDGEWOOD HOMES	
PROPOSAL		
Proposed Development		
SITE ADDRESS		
Former Tenants Bakery Wood Lane, Hednesford,		
<b>SITE PLANS</b>		
SCALE:	1:1250, 1:500	
DATE:	May 2018	
		307/LP/

Town & Country | Hednesford

# Site Plan

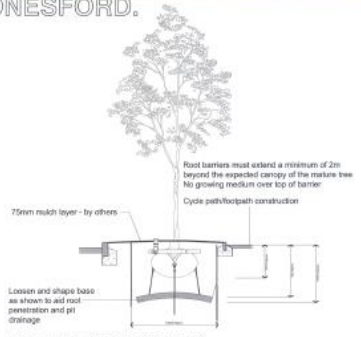
## PROPOSED DEVELOPMENT FORMER TENNANTS BAKERY, WOOD LANE, HEDNESFORD.



Plant	Code	Symbol	Block Number
Tree	1	(Symbol)	1
Shrub	2	(Symbol)	2
Plant	3	(Symbol)	3
Plant	4	(Symbol)	4
Plant	5	(Symbol)	5
Plant	6	(Symbol)	6
Plant	7	(Symbol)	7
Plant	8	(Symbol)	8
Plant	9	(Symbol)	9

### GENERAL NOTES

- The contractor shall ensure that all excavated areas are backfilled and compacted in accordance with BS 3882. All rubble, concrete, metal, glass, decayed vegetation, contaminated soil (soil containing asbestos, radon, fuel, lubricants or other substances damaging to plants) and stones with largest dimension exceeding 25mm, shall be removed. Topsoil minimum depths to be 300mm for areas of turf or grass planting and 150mm for areas of turf or grass seeding.
- Any imported topsoil is to comply with BS 3882 and be free from all rubble, concrete, metal, glass, decayed vegetation, contaminants (as described in 1.) and stones with largest dimension exceeding 20mm.
- All planting and turfing shall conform to BS 3936 & 4426 and shall be carried out in strict accordance with the specification. All quantities are the minimum acceptable. All plants to be supplied by nurseries listed by The Horticultural Trades Association Nursery Certification Scheme. No substitutions shall be acceptable without the prior written approval of the Landscape Architect. All native planting shall be of local provenance.
- All planting beds to be mulched using an approved no-fines bark mulch, to a depth of 50mm, ensuring top of the mulch layer is 15mm below adjacent pavements or other surfaces, to prevent soilpog.
- All trees to be planted centrally within a 1m<sup>2</sup> planting bed, with 50mm depth no-fines, dark-coloured bark mulch. Tree pits to be faciliated with topsoil incorporating tree fertilizer, and firmed in after planting. All trees to have irrigation system units fitted to fully surround the rootball.
- Container grown shrubs to be planted in a pit big enough to accommodate the plant the plant without root damage, and shall in any case be a minimum of 300mm x 300mm x 300mm.
- Bare-root shrubs to be planted between mid-November and mid-March.
- Areas to be turfed shall be cultivated and leveled as required, removing any debris or stone as described in 1. Add a pre-seeding fertiliser to manufacturers instructions. Use cultivated, weed-free amenity turf, laid with broken joints, well butted up. Work from planks to prevent damage and water sufficiently to prevent shrinkage.



Tree pit sizes should be increased where necessary to ensure pits are at least 300mm wider and 75mm deeper than the tree root system when fully spread. Fork over the bottom of backfilled tree pits to a depth of 150mm and other tree pits to a depth of 225mm and leave slightly domed to assist drainage.

**LEGEND**

- Area's of new shared Drive/Tarmac
- Area's of new soft landscaping
- Area's of new Paving Slabbed Paths
- Block paving to parking bays & Drive
- Access gate to private gardens
- New Tree Planting
- New Shrub / hedge planting
- New 1.8M High close board fence
- New 1.8M High Concrete Post & Panel Fence inbetween plots
- Existing Trees retained
- Proposed Slab Level
- Bin collection point
- Outline position of previously approved dwelling
- Position of building to be demolished

SINGLE PARKING BAYS TO PLOTS TO BE A MIN OF 5.0M LONG x 2.5M WIDE

CH / 18 / 243

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Ridgewood, Hednesford,  
Staffordshire, ST16 2JX  
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Architectural Designs Limited  
Architects & Landscape Consultants

RIDGEWOOD HOMES  
Proposed Development at  
Former Tenants Bakery  
Wood Lane,  
Hednesford,  
PROPOSED  
SITE PLAN

Scale: 1:200 Date: April 2020  
Drawn: 307/SP/01  
Checked: [Signature]  
Approved: [Signature]

Dove

# Levels Layout Plan



NOTES

A	SCALE	UNITS	UNITED KINGDOM METRES AND FEET	DATE
REV	DATE	BY	DESCRIPTION	BY
DRAWN BY: [Name]				
CHECKED BY: [Name]				
PROJECT: <b>Ridgewood Homes Ltd</b>				
SUBJECT: <b>Former Tenants Bakery Wood Lane, Hednesford</b>				
DRAWING TITLE: <b>Proposed Levels Layout</b>				
<b>PRELIMINARY</b>				
 Consulting Civil & Structural Engineers				
Unit 4 Agricultural Business Park Churchfields, Hednesford Staffordshire, ST14 6SQ				
Tel: 01827 850000 Fax: 01827 850001 email: info@abaconsulting.co.uk				
DRAWN BY:	DATE:	21.05.16		
CHECKED BY:	SCALE:	1:100		
PROJECT NO:	DRAWING NO:	900	REVISION:	A

# Sections

PROPOSED DEVELOPMENT FORMER TENNANTS BAKERY, WOOD LANE, HEDNESFORD.



CH/18/243

CH/18/243 12 The Grange 100 WOOD STATION HEDNESFORD Email: douglas@architecturaldesign.co.uk Tel: 01827 31231 Mobile: 07523 31231	
RIDGEWOOD HOMES Proposed Development at Former Tenants Bakery Wood Lane, Hednesford.	
PROPOSED SITE SECTIONS	
Issue: 1/2009 Date: APR 2010	Project No: 307/SS/01

PRINT TO FIT  
A1

Dove  
 Architectural Design Limited  
 12 The Grange, Wood Station, Hednesford

# House Type A & C

PROPOSED DEVELOPMENT FORMER TENNANTS BAKERY, WOOD LANE, HEDNESFORD.



PLOT 8.  
SIDE ELEVATION



PLOT 8.  
REAR ELEVATION

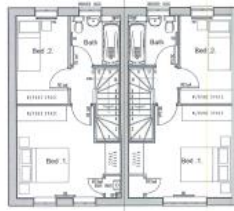


PLOT 9.  
PLOT 8.

FRONT ELEVATION



GROUND FLOOR PLAN  
Type "A"  
Plot 9.



FIRST FLOOR PLAN  
Type "A"  
Plot 9.  
Type "C"  
Plot 8.



SIDE ELEVATION  
PLOT 9.

CH / 18 / 243

<p><b>Dove</b> Architectural Design Limited Architectural &amp; Building Design Consultants</p>	<p>12 The Green, Salford, Greater Manchester M6 7 2JH Tel: 0161 275 2222 www.dovead.co.uk</p>	<p>PROJECT Proposed Development to rear of:- Former Tennants Bakery Wood Lane, Hednesford,</p>	<p>PRINT TO FIT A2</p>	<p>1:100, DATE May, 2018</p>	<p>307/AC/01</p>
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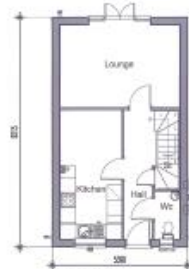
# House Type B

PROPOSED DEVELOPMENT FORMER TENNANTS BAKERY, WOOD LANE, HEDNESFORD.

CANNOCK CHASE COUNCIL  
PLANNING SERVICES  
10 JUL 2018  
REF NO



FRONT ELEVATION (As)



Type B (As)  
GROUND FLOOR PLAN



Type B (As)  
FIRST FLOOR PLAN



L.H. SIDE ELEVATION (As)



REAR ELEVATION (As)



R.H. SIDE ELEVATION (As)

**Dove** Architectural Design Limited  
Architectural & Building Design Consultants

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Mobile: 07607 218003

PROJECT Proposed Development to rear of:-  
Former Tennants Bakery,  
Wood Lane,  
Hednesford,

PRINT TO FIT  
A2

HOUSE TYPE B

1:100,  
DATE  
May, 2018

307/B/01



# House Type D

PROPOSED DEVELOPMENT FORMER TENNANTS BAKERY, WOOD LANE, HEDNESFORD.



Type D  
FRONT ELEVATION



Plot 3, Type D (As)  
FLOOR PLAN



Type D  
L.H. SIDE ELEVATION



Type D  
REAR ELEVATION



Type D  
R.H. SIDE ELEVATION

CH/18/243

**Dove** Architectural Design Limited  
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19 The Green,  
Milton  
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DY10 2JG  
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PROJECT Proposed Development to rear of:-  
Former Tennants Bakery  
Wood Lane,  
Hednesford,

PRINT TO FIT  
A2

HOUSE TYPE D

1:100, 1:50  
DATE  
May, 2018

307/D/01

**Application No: CH/18/243**

**Received: 06-Jul-2018**

**Location: Land at former Tennants Craft Bakery, 13a, Wood Lane, Hednesford, Cannock, WS121BW**

**Parish: Hednesford**

**Ward: Hednesford South Ward**

**Description: Application to vary condition 15 (approved plans) to change house type of plots 4, 5, 8 & 9 and to revise finished ground levels and elevational treatments on plots 4, 5, 6, 7, 8, & 9 of Planning Permission CH/17/249**

**Application Type: Full Planning Application**

**RECOMMENDATION Approve Subject to Conditions**

Reason for Grant of Permission

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

1. The development to which this permission relates must be begun not later than the expiration of three years beginning with the date on which planning permission CH/17/249 was granted (that is 18 October 2017).

Reason

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

2. The development hereby approved shall take place, in accordance with the Construction Method Statement approved by CH/17/249/A . The approved Statement shall be adhered to throughout the construction period.

Reason

In order to comply with the National Planning Policy Framework.

3. Prior to the dwellings hereby approved are first occupied a scheme for the disposal of surface and foul water (including the results of a percolation test for soakaway design solutions) shall be submitted to and approved in writing by the Local Planning Authority. Any scheme submitted shall include the relationship of any part of the disposal system in respect to the root protection areas of retained trees. The dwellings shall not be occupied until the works comprising the approved scheme have been implemented in full.

Reason

To ensure that foul and surface water are adequately disposed of in the interests of flood prevention and the protection of the aquatic environment.

4. No dwelling shall be occupied until the parking areas serving that dwelling, as indicated in drawing number 307/SP/01 Rev A has been completed and surfaced in a porous bound material, which shall thereafter be retained for resident parking for the life of the development.

Reason

In order to comply with paragraphs 108-109 of the National Planning Policy Framework.

5. Prior to first occupation of the proposed dwellings the site access from Wood Lane indicated on drawing number 307/SP/01 Rev A , shall be completed within the limits of the public highway.

Reason

In order to comply with paragraphs 108-109 of the National Planning Policy Framework.

6. Prior to occupation of the dwellings hereby approved, the bin collection points shall be provided in accordance with Drg No. 307/SP/01 Rev A . The scheme shall be implemented in accordance with the approved details and retained as such for the lifetime of the development.

Reason

To provide a necessary facility, in accordance with Local Plan Policy CP3.

7. The construction of the dwellings hereby approved shall be carried out using the external materials as detailed within Drawing No.307/MAT/01 and approved by CH/17/249/A . No external materials other than those approved shall be used.

Reason

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

8. The landscaping scheme shown on Drawing Number 307/SP/01 Rev A shall be implemented within the first planting season, or within 12 months following the completion of the development, which ever is the sooner.

Reason

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

9. No dwelling hereby approved shall be occupied until the remedial measures for ground contamination and gas, as outlined in investigation report S1563, dated January 2018, have been completed and verification for that work in addition to certification that any imported soils are free from contamination has been received by the Local Planning Authority.

Reason

To ensure that any contamination on the site is remediated to ensure that the site is fit for its intended purpose in accordance with the NPPF.

10. The development hereby approved shall be carried out in accordance with the mitigation detailed in Section 5 of the Activity Survey for bats, dated May 2017 and prepared by Absolute Ecology.

Reason

To compensate against the loss of bat roosting habitat as a result of the development in accordance with Policy CP12 of the Cannock Chase Local Plan.

11. The dwellings at Plots No.8-9, hereby approved, shall not be occupied until the scheme for the provision of a bat roost, as shown in drawing 307/SP/01 Rev A, has been implemented in full. The roost shall thereafter be retained for the lifetime of the development unless otherwise approved in writing by the Local Planning Authority.

Reason

To compensate against the loss of bat roosting habitat as a result of the development in accordance with Policy CP12 of the Cannock Chase Local Plan.

12. No trees or hedges shown as retained on Dwg No.307/SP/01 Rev A and the Report on Trees at 3 Wood Lane, dated 15th July and prepared by Tree Health Consulting, shall be cut down, topped, lopped, uprooted or removed without the prior written permission of the Local Planning Authority nor shall they be wilfully damaged or destroyed.

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

Reason

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

13. No part of the development hereby approved shall commence or any actions likely to interfere with the biological function of the retained trees and hedges shall take place, until details for tree and hedge protection have been submitted to and approved by the

Local Planning Authority. Details shall include the position and construction of all fencing and the care & maintenance of the trees & hedges within.

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

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

#### Reason

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

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

Absolute Ecology (May 2017) Activity survey for Bats, Tennants Craft Bakery.  
Tree health Consulting (July 2016) Report on Trees on land at 3 Wood Lane, Hednesford.

Bat Loft to House Type A & C Drg. No. 307/AC/01

House Type B Drg. No. 307/B/01

House Type D Drg. No. 307/D/01

House Type E Drg. No. 307/E/01

Site Location Plan No. 307/LP/01 Rev A

Proposed levels Drg. No. 900 Rev A

Proposed site plan Drg No. 307/SP/01 Rev A

Proposed site sections Drg No. 307/SS/01

#### Reason

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

1. The developer attention is brought to the comments made by Staffordshire Police in respect to designing out crime.
2. The site has the potential to support breeding birds. The developer should note that it is an offence under the Wildlife and Countryside Act 1981 (as amended) to disturb any

bird while it is breeding, or to take damage or destroy the egg or nest of any wild bird. In order to avoid disturbance to birds while they are nesting the developer is advised not to take any activities likely to disturb birds while they are nesting during the breeding season (March-September) without first surveying the area to be disturbed.

3. This consent will require approval under Section 278 of the Highways Act 1980. The developer is advised to contact Staffordshire County Council to ensure that approvals and agreements are secured before commencement of works, by following the link: [www.staffordshire.gov.uk/deveiopers](http://www.staffordshire.gov.uk/deveiopers) for highway agreements, a flowchart to identify the relevant agreement, information packs and application forms for the highway works.

4. Staffordshire County Council as highway authority would not formally adopt the proposed development carriageway and footways, however approval under Section 7 of the Staffordshire Act 1983 will be required. This Form X does not constitute a detailed design check of the proposed road construction, drainage and any street lighting. The applicant is requested to complete the necessary Section 7 application forms and submit all drawings to Staffordshire County Council for formal checking prior to the commencement of development.

5. It will be necessary for maintenance/management arrangements for the access road and internal layout to be submitted to the highway authority with a view to securing an exemption under Section 219 of the Highways Act 1980. Although the road layout will not be to adaptable standard, the roadways within the site will still need to be constructed to be fit for purpose.

6. This approval relates to the documents submitted for CH/17/249:  
Absolute Ecology (May 2017) Activity survey for Bats, Tennants Craft Bakery.  
Tree health Consulting (July 2016) Report on Trees on land at 3 Wood Lane, Hednesford.

#### EXTERNAL CONSULTATIONS

##### Hednesford Town Council

No response received.

##### Staffordshire County Council Highways

No objections subject to conditions.

##### Staffordshire Police

No comment.

##### School Organisation

The development lies within the catchment of St Peters CE) Primary School and Kingsmead Technology College. The development is scheduled to provide 9 dwellings. Including accounting for any demolitions, the threshold for calculating education contributions on residential developments is 11 or more dwellings, or a site greater than 0.2 hectares. Therefore, no education contribution is requested for the application.

Severn Trent Water

No comments.

INTERNAL CONSULTATIONSEcological Officer

No comments received.

Trees & Landscaping Officer

No objection, subject to condition for replacement tree planting.

Waste Officer

The development of 9 No. properties on the site will mean up to an additional 18 No bins on the kerbside (Wood Lane). Consideration should be given to the creation of a bin collection point adjacent to Plot 1 and/or No.2, the highway (Wood Lane) and the private access road.

Environmental Health Officer (EH0)

No comments.

Strategic Housing

No comments.

Development Policy

No comments received for the current application, however, previous comments would be applicable from approved application No. CH/17/249 as follows:

The site lies within the urban area of Hednesford- it is not designated/protected for any use on the Policies Map (Local Plan Part 1 2014). The site has previously been identified as appropriate for residential redevelopment (in principle) via the Council's SHLAA- however it has most recently been identified as 'restricted' as there was uncertainty as to the landowner's intentions for redevelopment.

Local Plan (Part 1) Policy's CP1, CP6 and CP16 support the development of new houses on urban, brownfield sites in line with the spatial strategy for development- redevelopment is supported in principle subject to no adverse impacts e.g. upon ecological designations or loss of valuable employment land. Policy CP8 identifies a number of criteria for determining the loss of employment land to residential development. In relation to these criteria, it is recognised that given the site size and location within a predominately residential area the residential redevelopment proposed is likely to offer more benefits in terms of residential and environmental amenity than a redevelopment/reuse for employment. The existing site/premises also represent a relatively less attractive offer for continued employment use when compared with other employment site opportunities in the District, primarily due to it being an isolated employment site within a residential area (and the apparent condition of the unit).

The proposal is CIL liable but no affordable housing contributions are required as it is below the 10 dwelling threshold. Contributions towards mitigating recreational impacts on the Cannock Chase SAC will be addressed via the CIL charge. If any deductions from the CIL liability are applied for based upon the demolition of the existing building, satisfactory evidence should be provided to satisfy the 'in lawful use test'. If the proposal is fully CIL exempt as a result of the in lawful use test being applied then contributions towards the Cannock Chase SAC mitigation measures should be sought via a Unilateral Undertaking instead.

The site lies within the designated Hednesford Neighbourhood Area- the Town Council is currently preparing a Neighbourhood Plan.

The design of the scheme should have regard to (Local Plan Part 1) Policy CP3 in particular, alongside the supporting Design SPD (2016) and Parking Standards SPD (2005).

### RESPONSE TO PUBLICITY

The application was advertised by neighbour letter and site notice. Three letters of representation/ objection have been received stating that the following grounds: -

- Loss of view
- Increase in size of the single dwelling to be replaced with a pair of larger semis.
- Foundations of buildings will encroach into the roots of existing trees in Littleworth Hill.
- A portaloos has been positioned close to habitable room windows of neighbouring property.
- Construction work noise, dust and disturbance often occurs before 7am in the morning.
- Increase in off-street parking required by the additional dwelling, there is not enough space within the site to accommodate it – where will visitors park?
- What is the difference between the new ground levels and the old levels approved, to consider the impact on neighbouring properties.
- Resident of No.13 Wood Lane is pleased to see a suitable retaining wall to protect the foundation of the stable block.
- Resident of No.13 Wood Lane is also pleased that the previous condition No.8 from the original application CH/17/243 have partially been discharged with the construction of a new boundary wall between the development site and existing property. The remaining part of condition No.8 is the establishment of a 1.8m high fence from the Wood Lane side of the development to meet up with the boundary wall. Can a condition be imposed to ensure that the fence is constructed under this planning permission?

### RELEVANT PLANNING HISTORY



CH/17/249 - Residential development:- Erection of 8 No. dwellings to replace former bakery approved subject to conditions on 18 October 2017.

1. SITE AND SURROUNDINGS

- 1.1 The application site comprises the former Tennant's Bakery site, new dwellings under construction, associated areas of hard standing and a thin belt of mixed conifers and deciduous trees along the boundary shared with Littleworth Hill.
- 1.2 The site slopes from north to south and east to west, with a steeper slope towards the southern boundary shared with 16 Littleworth Hill.
- 1.3 The frontage of the site is formed by a 1.0m high brick wall beyond which is an area of hard standing and new dwellings constructed under planning permission CH/17/249. To the north east is No 3 Wood Lane detached dwelling with outrigger to rear presenting a long side elevation with one window towards the application site. To the south west of the frontage is No 13 Wood Lane, which is a detached house, the curtilage of which runs the entire length of the western boundary of the application site, part of which is made up from the walls of the bakery building hence offering a high degree of privacy.
- 1.4 The boundary along the eastern side of the site is comprised of a 1.2m high wall, with the ground level within the site being near the top of the wall and therefore nearly 1.0m higher than the level of the adjacent highway.
- 1.5 To the south of the site lies a bungalow at 16 Littleworth Hill. This is approximately 1.6m lower than the application, and the difference of ground levels is further exacerbated by the continued rise in the level as one moves north away from the common boundary. No16 presents a side elevation towards the application site which contains several windows serving a toilet, bedroom and a secondary window to a living room.
- 1.6 The site is unallocated in the Cannock Chase Local Plan (Part 1) and lies within the main built up area of Cannock-Hednesford. It therefore has good public transport links by bus to Cannock where there are a variety of goods and services and is in walking distance to local shops and schools.
- 1.7 The site is located within Flood Zone 1 on the Environment Agency's flood risk maps and is free from any designation or policy constraint.

2. PROPOSAL

- 2.1 The applicant is seeking planning permission to vary condition 15 (approved plans) to change house type of plots 4, 5, 8 & 9 and to revise finished ground levels and elevational treatments on plots 4, 5, 6, 7, 8, & 9 to : -

- (i) two detached houses;
- (ii) three pairs of semi-detached houses;
- (iii) one detached bungalow;

all arranged around a cul-de-sac, with its vehicular access taken from Wood Lane. The main difference from the previous approval is that the detached dwelling would be replaced by a pair of semis, but in the same location (along the eastern side of the site) and to roughly the same footprint, height and scale. In addition, there would be an increase of 0.4m in ground levels, however, the finished floor levels of the dwellings would not be increased more than 0.2m to that of the previous approval.

- 2.2 The boundary along Littleworth Hill retains the existing brick wall on top of which there is a new 1.8m high close boarded wooden fence. A 1.8m high close boarded wooden fence would also be erected along rear and side gardens of the new dwellings and to fully enclose the site along the boundary with No.13 Wood Lane, when construction vehicles complete the works. A retaining wall has been constructed along the western side boundary with No.13 Wood Lane. The southern boundary between the application site and No.16 Littleworth Hill comprises a 1.8m high close boarded wooden fence.

### 3. PLANNING POLICY

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

#### Cannock Chase Local Plan Part 1 (2014)

- 3.4 The relevant policies within the Local Plan area; -
- CP1- Strategy
  - CP2 - Developer Contributions for Infrastructure
  - CP3 - Chase Shaping – Design
  - CP6 – Housing Land
  - CP7 – Housing Choice
  - CP12 –Biodiversity and Geodiversity
  - CP16- Climate Change and Sustainable Resource Use

National Planning Policy Framework

3.5 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 'presumption in favour of sustainable development' and sets out what this means for decision taking.

3.6 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.

3.7 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
109	Highway Safety
124, 127, 128, 130:	Achieving Well-Designed Places
212, 213	Implementation

3.8 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.  
 Hednesford Neighbourhood Plan (Referendum due October 2018)

#### 4. DETERMINING ISSUES

4.1 The determining issues for the proposal are

- (i) Principle of the development
- (ii) Design and the impact on the character and form of the area
- (iii) Impact on residential amenity
- (iv) Impact on highway safety and capacity
- (v) Impact on nature conservation interests
- (vi) Drainage and flood risk
- (vii) Ground contamination
- (viii) Waste and recycling

- (ix) Sustainable resource use
- (x) 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.

#### 4.2 Principle of the Development

4.3 The principle of the development for residential development has been established with the approval of CH/17/249.

4.1 When planning permission is granted, development must take place in accordance with the permission and conditions attached to it, and with any associated legal agreements. However, new issues may arise after planning permission has been granted, which require modification of the approved proposals. Where these modifications are not fundamental or substantial, but still material in nature, a developer may seek to obtain approval for the changes through the provision of Section 73 of the 1990 Town and Country Planning Act.

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

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

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

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

4.4 The determining issues for the proposal are whether the proposed variations to conditions 2 and 4 would be acceptable in respect to the above local and national policies and guidance.

- 4.5 The application proposes an increase in the number of dwellings to nine. This is considered to remain in accordance with the main policy objectives that comprise re-use of a previously developed site, which is located within a predominantly residential locality and in the main urban area of Cannock-Hednesford - a sustainable location that has good access to a range of goods, services and employment centres by a range of transport options to serve day to day needs.
- 4.6 The proposal variation in plots retains a bungalow in the scheme, which allows it to conform with the Hednesford Neighbourhood Plan relevant policy H2 'Bungalows' and which requires these to be prioritised on small housing sites. As such the proposal would not conflict with the Neighbourhood Plan, (due to go to referendum next month).
- 4.7 As such the proposal meets the thrust of Policy CP1 to focus investment and regeneration on existing settlements which are expected to accommodate most of the District's housing. In addition the proposed residential use would be compatible with the existing surrounding uses. It is therefore concluded that the proposal is acceptable in principle.
- 4.8 Design and the Impact on the Character and Form of the Area
- 4.8.1 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.
- 4.8.2 Given the above it is noted that the relatively minor changes to the plots and increase to 9 dwellings would fit comfortably within the urban grain of the surrounding area in terms of size, scale and plot density reflecting the layout and form of the surrounding area.
- 4.8.3 In respect to the impact on the trees within the site, these matters have been addressed by the previous submission CH/17/249, whereby the applicant commissioned an arboricultural report from Tree Health Consulting. The revised scheme would not introduce any major changes in the positioning, or footprints of the dwellings, therefore any loss of trees identified within the report would still be adequately compensated for by new planting which uses species more appropriate to a residential context.

4.8.4 The proposed dwellings remain a traditional design and reflect designs typical of the late C20<sup>th</sup> early C21<sup>st</sup>, with feature headers and sills being constructed from brick (with the exception of House type B which would be rendered) with a pitched tile roof. The proposed materials have been specified within Drawing No. 307/MAT/01 and discharged under CH/17/249/A.

4.8.5 Therefore it is concluded that the proposal in respect to its layout, scale and design would not have a significant impact on the character and form of the area and therefore would not be contrary to Policy CP3 of the Cannock Chase Local Plan, the Design SPD and the Good Design section of the NPPF.

#### 4.9 Impact on Residential Amenity

4.9.1 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 and this has been accommodated within Policy CP3 of the Local Plan and supported by the guidance as outlined in the Design SPD.

4.9.2 In this respect it is noted that the additional dwelling would meet the guidance for space about dwellings as set out in the Design SPD with garden sizes complying with those stipulated in the guide.

4.9.3 In respect to the particular concerns raised by neighbours, the officer would comment as follows: The difference in levels would not exceed more than 0.4m higher than that approved by CH/17/249. Given the orientation, location, footprint and scale of the additional unit, the existing properties would not be adversely affected. In particular, with regard to No16, the nature of the windows along the northern elevation of No16 and the relative levels and 1.8m high fencing to the boundary, it is considered that the relatively minor increase in ground level would not have a significant impact in terms of loss of light, or outlook and that a good standard of residential amenity would be retained.

4.9.4 In respect to the issues raised by the occupiers of No 13 Wood Lane it is considered that the issues in relation to boundary treatment have been largely overcome by the current submitted drawings, with the boundary wall already constructed at the time of the site visit (12 September 2018) and on completion of the scheme, the remaining 1.8m close boarded fence would be erected. To ensure this, the scheme can be controlled by the use of appropriate conditions.

4.9.5 Having had regard to the above it is considered that a good standard of residential amenity would be maintained for both future occupiers and existing residents of the surrounding dwellings in accordance with Policy CP3 of the Cannock Chase Local Plan and the NPPF.

#### 4.10 Impact on Highway Safety and Capacity

- 4.10.1 Paragraph 109 of the NPPF makes it clear that development should only be prevented or refused on transport grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.
- 4.10.2 The proposal provides the amount of parking to meet the guidance for maximum provision set out in the Parking Standards.
- 4.10.3 Furthermore, it is noted that Staffordshire County Council Highway Authority has considered the submitted plans and have stated that it has no objections subject to conditions. However, condition No.3 to make the existing site access to No.13 Wood Lane redundant should not be imposed by the planning officer on the permission, as it would close access to the driveway of No.13, which would force parking to occur on the highway to the detrimental of highway safety.
- 4.10.4 It is therefore concluded that subject to the attached conditions, the cumulative residual impact of the proposal would not be severe and that the proposal, subject to the attached conditions is in accordance with Policy CP16 (a) and (c) of the Local Plan and paragraph 109 of the NPPF.
- 4.11 Impact on Nature Conservation Interests
- 4.11.1 The previous application was submitted with a bat report. The report confirms that three species of bat have been found using the site for foraging (Noctule, Brown long eared, and Pipistrelle bats). Furthermore, two brown long eared bats were recorded emerging from the building indicating that a summer roost is present for a small number of bats.
- 4.11.2 A bat loft is to be incorporated into the design of Plots No.8-9, in accordance with the recommendations of the bat report, which would help compensate for loss of the summer roost within the demolished building.
- 4.11.3 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. The proposal is CIL liable and as such the mitigation payment towards the SAC can be provided by top slicing the SAC mitigation from the CIL arising from the application.

4.11.4 Subject to the above the proposal is considered acceptable in respect of its impact on nature conservation interests and therefore would be in compliance with Policy CP3 and CP13 of the Cannock Chase Local Plan and the NPPF.

#### 4.12 Drainage and Flood Risk

4.12.1 The site is located within Flood Zone 1 in the Environment Agency's Flood Risk maps and hence is at the lowest risk of flooding. Furthermore, the site was virtually entirely occupied by buildings and hard standing and as such surface water run-off would not increase as a result of the proposal. The built form of the submitted scheme would not increase the footprint of buildings and would only increase the hard-surfaced parking areas by 2 No. car parking spaces. This is would not affect the flood risk significantly and can be controlled through condition.

4.12.2 The applicant has indicated that surface water would be discharged to soakaway and that foul would be discharged to mains (as per CH/17/249). Severn Trent has no comment to make on this application and await discharge of condition on drainage.

4.12.3 It is therefore considered that, subject to the attached condition, the proposal would not be subject to unacceptable flood risk or result in a significant increase in flood risk elsewhere and therefore the proposal would be resilient to climate change in accordance with Policy CP16 (1) (g) and (2) (e) of the Local Plan and the NPPF.

#### 4.13 Ground Contamination

4.13.1 Paragraph of the NPPF states that planning policies and decisions should ensure that the site is suitable for its new use taking into account of ground conditions and land instability, including from natural hazards or former activities such as mining, pollution arising from previous uses and any proposals for mitigation, including land remediation or impacts on the natural environment arising from that remediation.

4.13.2 In respect to the potential for ground contamination it is noted that the Environmental Health Officer has no objections subject to a conditions requiring site investigation and remediation. Therefore, subject to the attached condition the proposal would be acceptable in respect to the NPPF.

#### 4.14 Waste and Recycling Facilities

4.14.1 These are specifically shown on the submitted plans and it is clear that there would be adequate space in the rear gardens and provision for bringing bins to the highway on collection days. As such the proposal would contribute to national



and local waste reduction and recycling targets in accordance with the requirements of Policy CP16(1) (e) of the Local Plan.

#### 4.15 Crime and the Fear of Crime

4.15.1 There is nothing within the nature or location of the site which would suggest that its development would give rise to significant issues in respect of crime and the fear of crime. Indeed the proposal would bring into positive use a site that could be a focus for abuse and anti-social behaviour and which would close a potential escape route for burglars. In this respect the comments of the Police are noted. However, given the detailed nature of the comments it is considered that the proportionate response would be to attached a note to any permission granted bringing them to the attention of the developer.

4.15.2 Therefore it is considered that the proposal, subject to the attached informative would be acceptable in respect to designing out crime.

#### 4.16 Sustainable Resource Use

4.16.1 The requirements of Policy CP16(3)(a) of the Local Plan in respect of the above have now been incorporated into the building regulations. As such, on balance, it is considered that the fact that the proposal would need to meet building control regulations means that the proposal would be in accordance with Policy CP16 without needing to submit a sustainability appraisal at this stage. Furthermore, issues such as sustainable transport have been addressed above where it was found that the site has good access to public transport and is conveniently placed to be accessible by foot and cycle to a wide range of facilities to serve day to day needs.

#### 4.17 Affordable Housing

4.17.1 Under Policy CP2 the housing proposals 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.

### 5.0 HUMAN RIGHTS ACT

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

### 5.2 EQUALITIES ACT

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

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

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

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

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

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

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

## 6.0 CONCLUSION

6.1 The application site is located in a sustainable location with good access to goods, services and areas of employment by modes of transport other than the private car.

6.2 In respect to all matters of acknowledged interest the proposed variations of conditions are considered to be acceptable.

6.3 Given the proposal is for less than 10 dwellings there is no need for the proposal to make a contribution towards the provision of affordable housing elsewhere.

6.4 Impacts on the Cannock Chase SAC would be mitigated through the CIL.

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

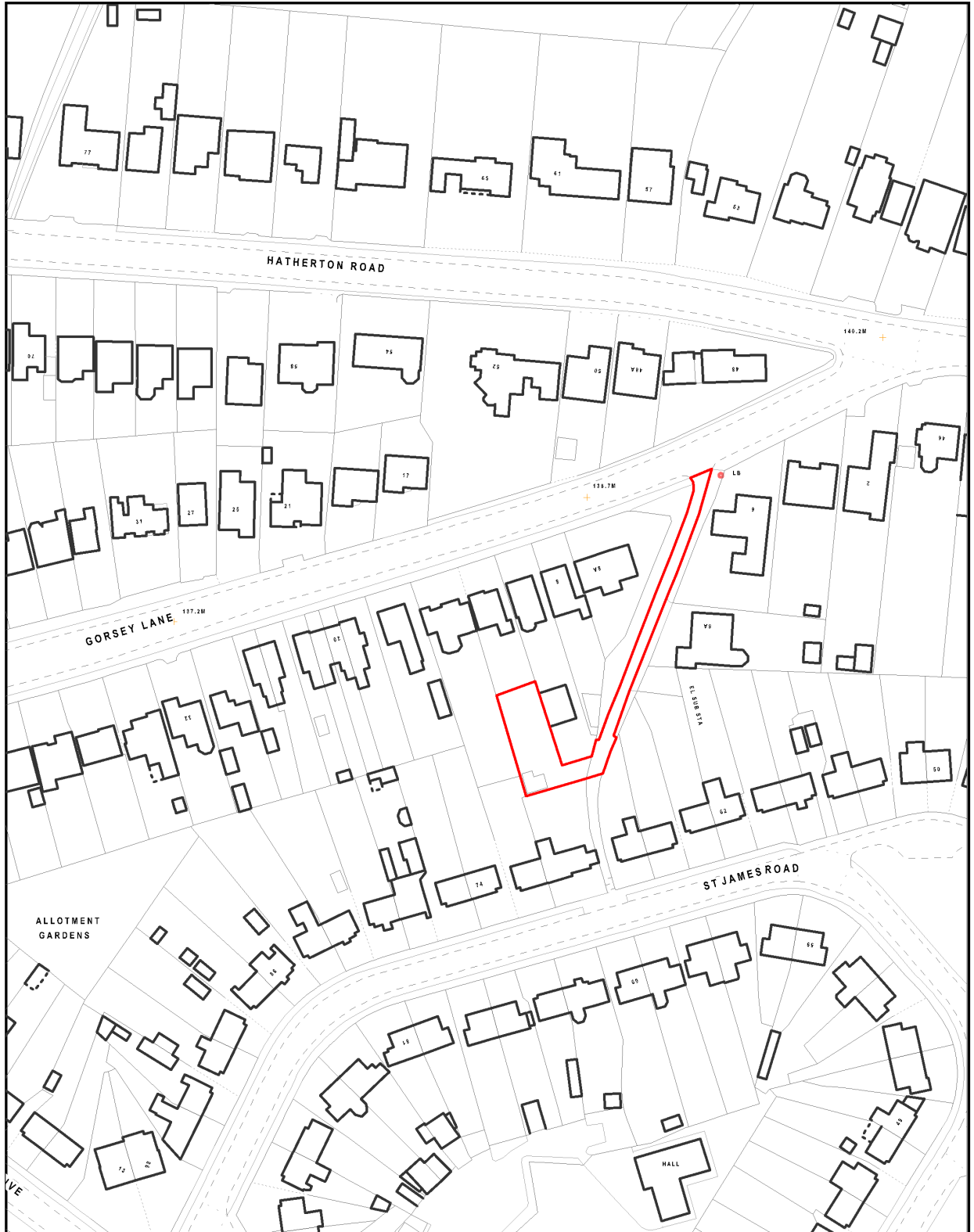


**Application No:** CH/18/302

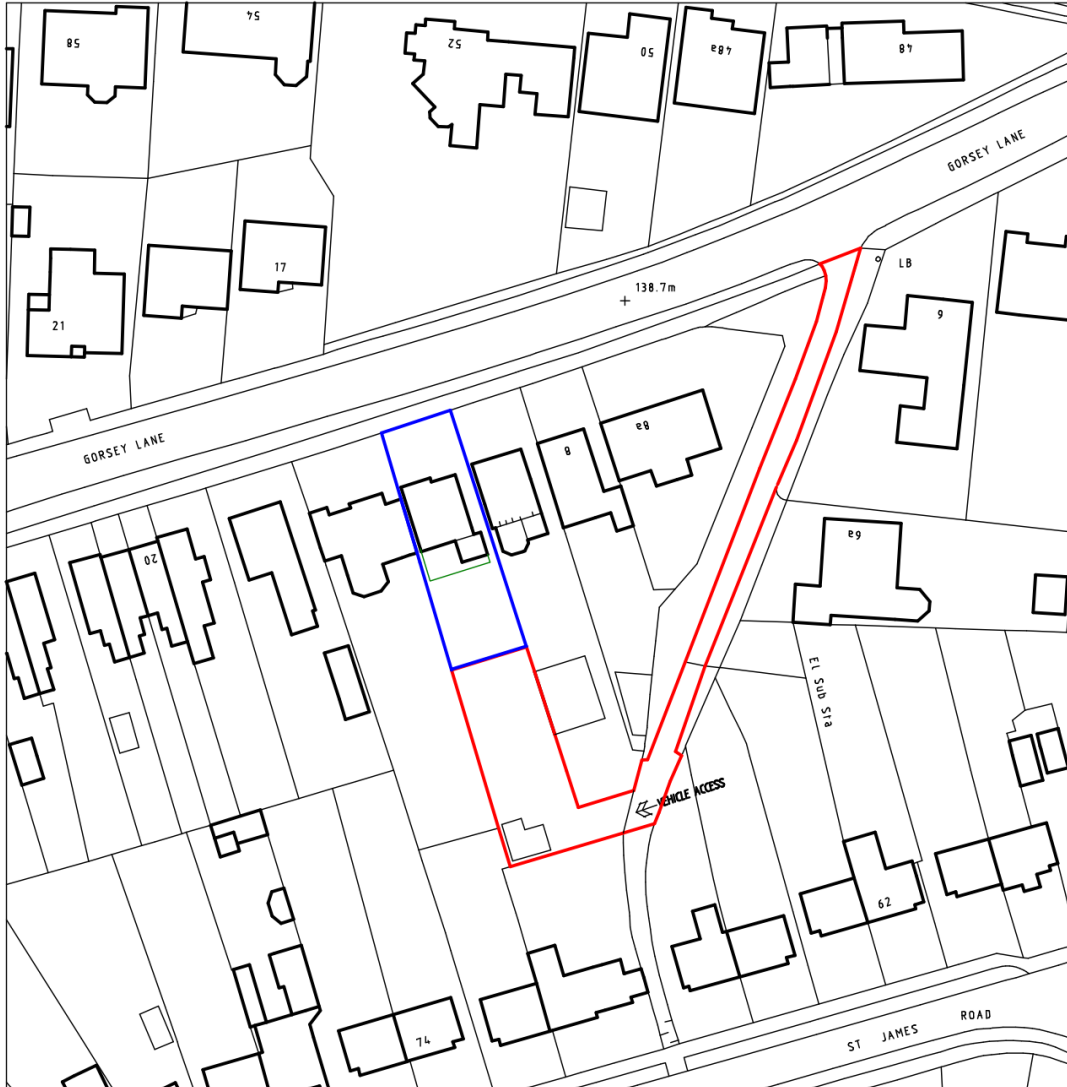
**Location:** 12, Gorsey Lane, Cannock, WS11 1EY

**Proposal:** Erection of 1 No. detached 3 bedroom, single storey dwelling (re-submission of application CH/18/179) (outline application with all matters reserved)

Item 6.43



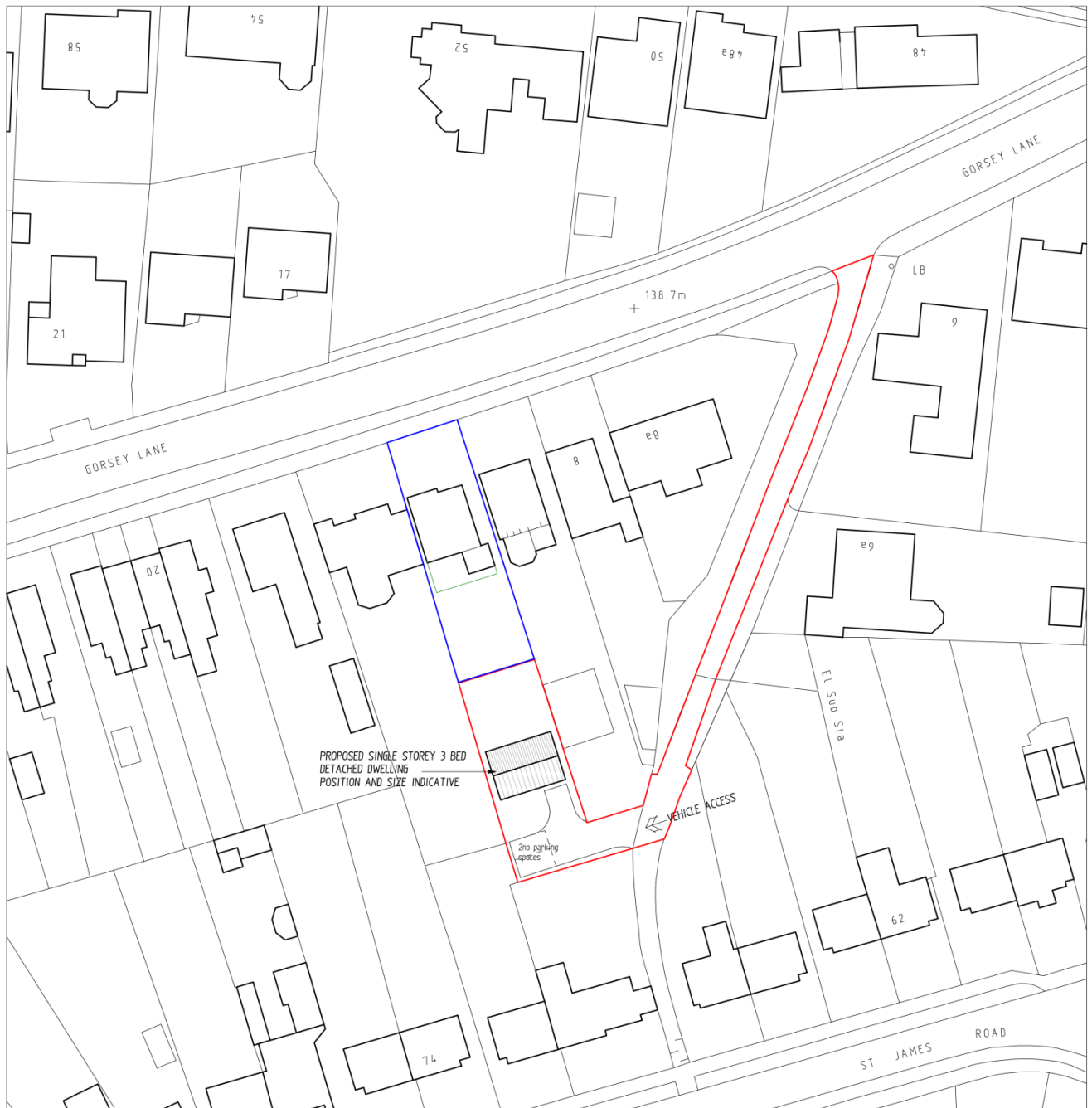
# Location Plan



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LOCATION PLAN 1:1250

# Block Plan



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## PROPOSED BLOCK PLAN 1:500

**Application No: CH/18/302**

**Received: 23-Aug-2018**

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

**Parish: Non Parish Area**

**Ward: Cannock West Ward**

**Description: Erection of 1 No. detached 3 bedroom, single storey dwelling (re-submission of application CH/18/179) (outline application with all matters reserved)**

**Application Type: Full Planning Application**

**RECOMMENDATION Subject to an positive response being received by the Highway Officer to Approve Subject to Conditions**

Reason for Grant of Permission

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

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

#### EXTERNAL CONSULTATIONS

Staffordshire County Highways

No response to date. Members will be updated at the meeting of Planning Committee.

#### 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 onto 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 Councils policy/guidance. Any site specific requirements may be addressed via a Section 106/278 if required, in accordance with the Developer Contributions and Housing Choices SPD (2015) and the Council's most up to CIL Regulation 123 list.

#### 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. 1 letter of representation has 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

CH/18/179: Erection of a detached dwelling (outline all matters reserved). Withdrawn

#### 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 approx. 313m<sup>2</sup>.
- 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 a new dwelling to be sited in the rear garden of No. 12 adjacent the detached double garage at No. 10. The dwelling would be single storey and orientated with front and rear elevations facing to the north and south over the proposed rear garden and frontage.
- 2.3 The indicative dwelling is shown positioned to the centre of the site and would provide an area of amenity to the rear comprising of approx. 100m<sup>2</sup> and a frontage for parking and turning comprising of approx. 110m<sup>2</sup>. In the submitted indicative scheme there would be adequate room to the front for landscaping to be incorporated (approx. 33m<sup>2</sup>).
- 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. The 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 a “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.

#### 4.0 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.

4.2.3 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. However, paragraph 177 of the NPPF makes it clear

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

4.2.4 Policy CP13 of the Local Plan recognises that any project involving net new dwelling will have an impact on the SAC and as such should be subject to an appropriate assessment under the Habitat Regulations. This appropriate assessment has been carried out at the plan making stage which underpinned the formulation of policy CP13. This being the case it can only be concluded that the presumption in favour of sustainable development does not apply to the current application and that the proposal should be considered having regard to the development plan and other material considerations.

4.2.5 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 is not 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 nor does it affect the setting of a designated or undesignated heritage asset.

4.2.6 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 to protect the character and form of the area. For these reasons a condition has been recommended for the proposed

dwelling to remain single storey 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 Plan and the above mentioned paragraphs of the NPPF it is considered that a proposal could come forward at reserved matters stage that 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 & 22.5m to Nos. 12 Gorsey 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 on the indicative layout would measure approx. 100m<sup>2</sup>. The Design SPD requires an area of 65m<sup>2</sup> per three bedroom dwelling. The garden to No.12 would also retain over 100m<sup>2</sup> which again is adequate for a dwelling of this size.
- 4.4.5 Overall, the indicative plans show that a dwelling could be accommodated on the site which 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 Although access has been reserved applicant is required to submit an indicative access. A plan showing an indicative access has been provided and has enabled an assessment as to whether an access in principle could be achieved.
- 4.5.3 Comments from neighbours 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.
- 4.5.4 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.
- 4.5.4 The Highway Officer has been consulted but unfortunately has not responded at the time of the compilation of this report. Members will be updated at the meeting of Planning Committee.
- 4.5.5 Subject to a positive outcome from consultation it is considered that a satisfactory access could come forward at reserved matters stage.

#### 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.

4.7 Drainage and Flood Risk.

4.7.1 The site is located in a Flood Zone 1 which is at least threat from flooding. Although the applicant has not indicated the means of drainage it is noted that the site 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.

4.8 Objections raised not already covered above:-

4.8.1 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.

4.8.2 Concern has been raised that if the application is 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. In addition it is also pointed out that the grant of planning permission does not in itself over ride private covenants or confirm any right to block a private or public access.

4.8.3 Concern has been raised that if the proposal is approved, it 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 individual merits.

- 4.8.4 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.

## 5.0 HUMAN RIGHTS ACT

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

## 5.2 EQUALITIES ACT

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

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

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

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

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

- 5.5 It is therefore acknowledged that the Council needs to have due regard to the effect of its decision on persons with protected characteristics mentioned.
- 5.6 Such consideration has been balanced along with other material planning considerations and it is considered that the proposal is acceptable in respect to the requirements of the Act. Having had regard to the particulars of this case officers consider that the proposal would not conflict with the aim of the Equalities Act.

## 6.0 CONCLUSION

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



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



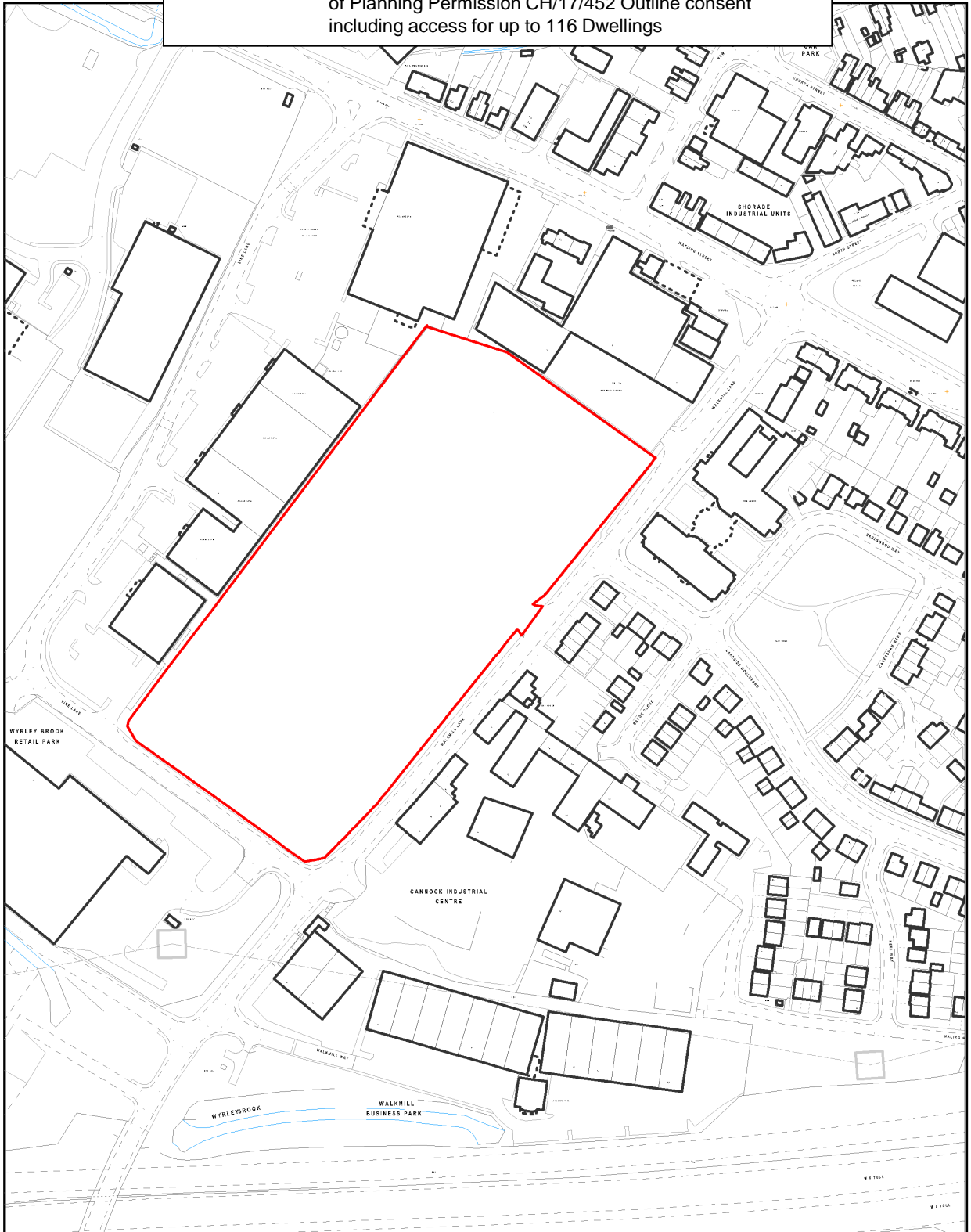


**Application No:** CH/18/269

**Location:** Parker Hannifin Plc, Walkmill Lane, Cannock, WS11 0LR

**Proposal:** Variation of conditions 2 and 4 of planning permission to allow (i) to remove reference to "access" from the list of reserved matters; and (ii) the submission of the masterplan at the same time as the first reserved matters, of Planning Permission CH/17/452 Outline consent including access for up to 116 Dwellings

Item 6.59



**Application No: CH/18/269**

**Received: 18-Jul-2018**

**Location: Parker Hannifin Plc, Walkmill Lane, CANNOCK, WS11 0LR**

**Parish: Bridgtown**

**Ward: Cannock south Ward**

**Description: Variation of conditions 2 and 4 of planning permission to allow (i) to remove reference to "access" from the list of reserved matters; and (ii) the submission of the masterplan at the same time as the first reserved matters, of Planning Permission CH/17/452 Outline consent including access for up to 116 Dwellings**

**Application Type: Dwellings Small-Scale Major**

**Recommendation:** Approve subject to the attached conditions attached to this report and the completion of a section 106 agreement to secure: -

- (i) The provision of 20% affordable housing.
- (ii) The provision of £38,610 for off-site provision/ enhancement of public open space.
- (iii) The provision of funding for the implementation of the Travel Plan.
- (iv) Management of on-site public open space.

**Reason for Committee Decision:** The proposal involves the amendment to a decision previously approved by Planning Committee.

#### **Reason for Granting Permission**

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

#### Conditions

1. In the case of any reserved matters, application for approval must be made not later than the expiration of three years beginning with the date on which planning permission CH/17/452 was granted ( that is 1<sup>st</sup> May 2018); and

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

#### Reason

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

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

**Reason**

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

**Highways**

3. No development hereby approved shall take place, until a Construction Method and Construction Vehicle Management Plan has been submitted to, and approved in writing by, the Local Planning Authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall:
- i. provide for the parking of vehicles of site operatives and visitors;
  - ii. provide for the loading and unloading of plant and materials;
  - iii. provide for the storage of plant and materials used in constructing the development;
  - iv. details of measures to avoid/remove mud or debris carried onto the highway
  - v. specify the intended hours of construction operations;
  - vi. measures to control the emission of dust and dirt during construction
  - vii. specify method of piling, should piling be undertaken
  - viii. recorded daily inspections of the highway adjacent to the site access
  - ix. construction hours; and
  - x. delivery routeing and hours.

**Reason**

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

4. The first reserved matters application submitted in respect of this approval shall be accompanied by a Master Plan. The submitted Master Plan shall include the following:
- i. Street layout and character including measures to restrain vehicle speeds to 20mph,
  - ii. Parking Strategy including the provision of secure cycle parking facilities for each dwelling unit.
  - iii. Location of sustainable drainage features.
  - iv. Development phasing.
  - v. Pedestrian connectivity, to include a pedestrian crossing facility for Walkmill Lane as per the Stage 1 Road Safety Audit.
  - vi. Clear delineation of roads and footways to be offered for adoption.

**Reason**

In order to comply with Para 109 of the National Planning Policy Framework.

5. No part of the development hereby approved shall commence (other than remediation works) until a Residential Travel Plan has been submitted to and approved in writing by the Local Planning Authority. The Travel Plan shall thereafter be implemented in accordance with the approved details.

Reason

In order to comply with Para 109 of the National Planning Policy Framework.

6. Prior to the first use of the proposed development the site accesses to Walkmill Lane and Vine Lane shall be completed within the limits of the public highway.

Reason

In order to comply with Para 109 of the National Planning Policy Framework.

7. The development hereby permitted shall not be brought into use until the visibility splays have been provided as per submitted Access Design drawing WLC-BWB-HGN-XX-TR-101-S2-P2. The visibility splays shall thereafter be kept free of all obstructions to visibility with nothing placed or retained forward of the splay and the public highway exceeding 600mm in height above the level of the adjacent carriageway

Reason

To comply with para.109 of the NPPF and in the interest of highway safety.

Ground/ Gas Contamination

8. No dwelling shall be occupied until: -
- (i) a scheme for ground gas protection measures has been submitted to and approved in writing by the Local Planning Authority; and
  - (ii) the works comprising that scheme have been implemented; and
  - (iii) verification of implementation has been submitted to the Local Planning Authority.

Reason

To ensure that risks from ground gas to the future users of the land and neighbouring land are minimised in accordance with Paragraph 178 of the National Planning Policy Framework.

Note to Condition

Although the proposed dwellings will require gas and organic vapour protection to all properties it may be possible to limit the extent of this requirement subject to additional site investigations which verify that concentrations of chlorinated hydrocarbons in soils do not exceed derived criteria to protect human health including via inhalation. This element could be incorporated into the scheme for ground gas protection measures.

9. The development hereby approved shall be undertaken in accordance with the remediation strategy, dated September 2017, Job no. AO90070-207. Prior to occupation of any part of the permitted development a verification report demonstrating completion of the works set out in the approved remediation strategy and the effectiveness of the remediation shall be submitted to and approved, in writing, by the Local Planning Authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met.

Reason

To ensure that any remedial works where required are completed to a satisfactory standard and to prevent the pollution of Controlled Waters, notably the underlying Secondary A groundwater aquifer and the nearby Wyrley Brook.

10. No dwelling hereby approved shall be occupied until:-
- (a) the gardens, landscaped areas and other unsurfaced ground has been covered to a depth of 600mm with clean soil which shall be certified prior to its application as meeting the specified import criteria given as Appendix D of the approved Remediation Strategy; and
  - (b) verification that the requirements of (a) above has been carried out has been submitted to the Local Planning Authority.

Reason

To ensure that the development complies with approved details in the interests of protection of Controlled Waters and in accordance with the National Planning Policy Framework.

No dwelling hereby approved shall be occupied until

- (a) a geotextile membrane barrier has been incorporated to reinforce the contaminant break; and
- (b) the gardens, landscaped areas and other unsurfaced ground has been covered to a depth of 600mm with clean soil which shall be certified prior to its application as meeting the specified import criteria given as Appendix D of the approved Remediation Strategy; and
- (c) verification that the requirements of (i) and (ii) above has been carried out has been submitted to the Local Planning Authority.

Reason

To ensure that the development complies with approved details in the interests of protection of Controlled Waters and in accordance with the National Planning Policy Framework.

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

- (a) A site investigation has been designed and undertaken in accordance with details approved in writing by the Local Planning Authority, a risk assessment has been produced and a method statement detailing remediation requirements using the information obtained from the site investigation has been approved by the Local Planning Authority or;
- (b) If the above has been previously undertaken, the developer has submitted and obtained written approval from the Local Planning Authority for an addendum to the method statement detailing how this unsuspected contamination shall be dealt with.

#### Reason

To ensure that any remedial works where required are completed to a satisfactory standard and to prevent the pollution of Controlled Waters, notably the underlying Secondary A groundwater aquifer and the nearby Wyrley Brook.

#### Drainage

12. No phase of development shall take place until a detailed surface water drainage scheme has been submitted to and approved in writing by the Local Planning Authority in consultation with the Lead Local Flood Authority. The scheme must be based on the design parameters and proposed strategy for the site set out in the Sustainable Drainage Statement (Reference: BMW-2675-SDS, Revision P1, 30/10/2017). The scheme shall subsequently be implemented in accordance with the approved details before the development is completed. The scheme to be submitted shall demonstrate:
- Surface water drainage system(s) designed in accordance with the non-statutory technical standards for sustainable drainage systems (DEFRA, March 2015).
  - SuDS design to provide adequate water quality treatment, which can be demonstrated using the Simple Index Approach (CIRIA SuDS Manual).
  - Limiting the total discharge rate generated by all rainfall events up to the 100 year plus 40% (for climate change) critical rain storm to 16.2 l/s (12.7 l/s for the 1 year return period) to ensure that there will be no increase in flood risk downstream.
  - Detailed design (plans, network details and calculations) in support of any surface water drainage scheme, including details on any attenuation system and the outfall arrangements. Calculations should demonstrate the performance of the designed system for a range of return periods and storm durations inclusive of the 1 in 1 year, 1 in 2 year, 1 in 30 year, 1 in 100 year and 1 in 100 year plus climate change return periods.
  - Plans illustrating flooded areas and flow paths in the event of exceedance of the drainage system.



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

**Reason**

To reduce the risk of flooding by ensuring the satisfactory storage of/disposal of surface water from the site.

13. No part of the development shall be occupied until the surface water drainage system has been completed in accordance with the approved design, and details of the appointed management and maintenance companies have been provided to the LPA.

**Reason**

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

**Air Quality**

14. The development shall not be brought into use until scheme for mitigating the financial cost of the air quality burden,) and the NO<sub>2</sub> and PM concentrations, equivalent to this amount, has been submitted to and approved in writing by the Local Planning Authority. Such mitigation may be in the form of, but not limited to:

- - (i) Contributions to highways improvements in order to reduce local traffic congestion
  - (ii) Support for and promotion of car clubs
  - (iii) Contributions to low emission vehicle refuelling infrastructure
  - (iv) Provision of incentives for the uptake of low emission vehicles
  - (v) Financial support to low emission public transport options
  - (vi) Improvements to cycling and walking infrastructure

The approved scheme shall contain details of the time scale/ scheduling of the implementation of the mitigation measures and shall be delivered in accordance with the approved schedule.

**Reason**

In the interests of mitigating the harm to air quality in accordance with policies CP3 and CP10 of the Cannock Chase Local Plan and Paragraph 181 of the National Planning Policy Framework.

**Noise Mitigation**

15. No dwelling shall be occupied until a scheme for the protection of the external and internal noise environments of the dwellings hereby approved has been submitted to and approved in writing by the Local Planning Authority and the works comprising the approved scheme have been implemented. The scheme shall include: -

- i. a plan showing the erection of acoustic fencing, 2.5m in height to the western site boundary and 1.8m to the remainder of the site, the specification of which shall be submitted to and approved in writing by the Local Planning Authority. The fencing shall be of solid construction, 25mm in thickness with a mass of around 15kg/m<sup>2</sup>; and
- ii. details of the proposed double glazed windows and acoustic trickle ventilators to be installed with confirmation of the acoustic performance of these systems.

#### Reason

In the interest of ensuring a good standard of residential amenity to the occupiers of the dwellings in accordance with Paragraph 127 of the NPPF.

16. All main herring bone road surfaces shown on the approved plans shall be to an adoptable standard to allow access by 32 tonne refuse vehicle access.

#### Reason

To prevent break-up of the highway surface in the interest of highway safety.

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

3836 AD (0)02 Site Location Plan

3836AD(0) 01 revE Proposed Layout (only in so much that it is an indicative layout).

Design and Access Statement, PCPT.

Planning Statement, Cushman and Wakefield, dated December 2017.

Statement of Community Involvement, prepared by Cushman and Wakefield

Extended Phase 1 Habitat Survey, WYG, dated April 2017.

Arboricultural Assessment, WYG, dated 6 November 2017.

Tree survey Report, WYG, Dated 19 July 2017

Transport Assessment and Travel Plan, BWB Consulting, 31.10.2017

Air Quality Assessment, BWB Consulting, dated 23/10/2017

Noise Impact Assessment rev P1, BWB Consulting, dated October 2017.

Flood Risk Assessment revP3, BWB Consulting, dated 31/10/2017

Sustainable Urban Drainage Strategy rev P1, BWB Consulting, dated 30/10/17

Foul Water and Utilities Assessment rev p1 (ref WLC-BWB-00-XX-RP-Z-0001-S"-P1-FWU), BWB Consulting, dated 30/10/17.

Remediation Strategy, WYG Issue 1, dated September 2017.

Targeted Site Investigations Phase 2 Addendum, dated 01September 2017.

Supplementary Site Investigation, Factual Report, Wardell Armstrong, dated January 2017.

#### Notes to the Developer

- i. The conditions requiring off-site highway works shall require a Highway Works Agreement with Staffordshire County Council. The applicant is requested to contact Staffordshire County Council in order to secure the Agreement. The link below is to the Highway Works Information Pack including an application form. Please complete and send to the address indicated on the application form or email to

(nmu@staffordshire.gov.uk). The applicant is advised to begin this process well in advance of any works taking place in order to meet any potential timescales.  
<https://www.staffordshire.gov.uk/transport/staffshighways/highwayscontrol/HighwaysWorkAgreements.aspx>

- ii. Any off-site works within the adopted highway will require a Highway Works Agreement with Staffordshire County Council and the applicant is therefore requested to contact the Council in respect of securing the agreement. Follow the link [www.staffordshire.gov.uk/developers](http://www.staffordshire.gov.uk/developers) for Highway Agreements, a flowchart to identify the relevant agreement, information packs and application forms for the Highway Works.
- iii. Any soakaway should be located a minimum of 4.5m rear of the highway boundary. With reference to the provision of cycle storage at residential dwellings, if it is proposed to include this in garage space then the garage will need to have minimum internal dimensions of 6.0 x 3.0m in order to be considered appropriate for the storage of a bicycle and motor car.
- iv. The developer's attention is brought to the comments of Staffordshire Police in respect to the desirability of achieving Secured by Design accreditation.
- v. The excavation of the remaining hardstanding and remnant foundations will be necessary. It is noted that these materials will be crushed and re-utilised on site. The Developer is advised that the use of mobile concrete / brick crushing and grading equipment on site should be notified in advance to Environmental Protection and the equipment deployed must be authorised under the requirements of the Environmental Permitting (England & Wales) Regulations 2016.
- vi. The developers attention is brought to the comments made by the Staffordshire Fire and Rescue Service Vehicle Access, in particular the following: -

Appropriate supplies of water for fire fighting and vehicle access should be provided at the site, as indicated in Approved Document B Volume 1 requirement B5, section 11.

Roads and drives upon which appliances would have to travel in order to proceed to within 45 metres of any point within the property, should be capable of withstanding the weight of a Staffordshire firefighting appliance (G.V.W. of 17800 Kg).

In the interest of preventing deaths and injuries from fires within domestic dwellings Staffordshire Fire and Rescue Service strongly recommend the provision of a sprinkler system to a relevant standard.

Early consultation with the Fire Service when designing buildings which incorporate sprinklers may have a significant impact on reducing fire deaths and injuries in domestic premises and financial implications for all stakeholders.

Further information can be found at [www.bafsa.org.uk](http://www.bafsa.org.uk) - the website of the British

Automatic Fire Sprinklers Association Ltd.

EXTERNAL CONSULTATIONS

Bridgtown Parish Council

No comments received.

INTERNAL CONSULTATIONS

Environmental Health

No objections.

RESPONSE TO PUBLICITY

The application was advertised by neighbour letter, newspaper advertisement and site notice. No letters of representation have been received.

RELEVANT PLANNING HISTORY

1. SITE AND SURROUNDINGS

CH/17/452: An outline application, including access, for up to 116 dwellings was approved at Planning Committee. This was subject to [amongst other things], the following conditions

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

Reason

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

- (4) Prior to the submission of any reserved matters application in relation to the proposed development hereby approved, a Master Plan shall be submitted to and approved in writing by the local Planning Authority. The submitted Master Plan shall include the following
  - i. Street layout and character including measures to restrain vehicle speeds to 20mph,
  - ii. Parking Strategy including the provision of secure cycle parking facilities for each dwelling unit.
  - iii. Location of sustainable drainage features.
  - iv. Development phasing.

- v. Pedestrian connectivity, to include a pedestrian crossing facility for Walkmill Lane as per the Stage 1 Road Safety Audit.
- vi Clear delineation of roads and footways to be offered for adoption.

The Master Plan shall be approved by the Local Planning authority prior to the approval of any Reserved Matters submission.

Reason

In order to comply with Para 32 of the National Planning Policy Framework.

CH/17/452/A: Application to partially discharge condition 3 (remediation aspects only) of planning permission CH/17/452

1. SITE AND SURROUNDINGS

- 1.1 The application site comprises the former Parker Hannifin works, which has been demolished leaving a broadly rectangular area of hardstanding with the exception of the south western corner and a narrow belt along the western boundary which is comprised of grass.
- 1.2 The site is relatively featureless apart from a row of mature leylandii conifers along the northern most section of the frontage to Walkmill Lane and sundry semi mature trees along the western boundary. There are also a number of semi-mature broad leaved trees on the verge at the southern end of the site. The boundaries of the site along Vine Lane and Walkmill Lane are comprised of a 2m high palisade fence.
- 1.3 The site is located in mixed industrial-commercial- residential area to the south of the A5. To the immediate north-west of the site are the rear elevations of the commercial units at Wyrley Brook Retail Park. To the south-west, across Vine Lane, is another modern industrial unit which is set within open grounds. To the north of the site is another complex of commercial-industrial buildings and their associated car parks
- 1.4 To the east of the site, across Walkmill Lane, is a mix of both residential and industrial units, including Vine Court, part of the lakeside Boulevard residential development and at the southern end the Augean Integrated services site.
- 1.5 In considering the location within its wider context it is noted that the site is in walking distance to Bridgtown which has a wide range of services and facilities, including shops, schools, public houses and cafes which serve the day to day needs of the local community.
- 1.6 Walkmill Lane is served by several bus routes giving access by public transport to Walsall, Wolverhampton and Bloxwich.

- 1.7 Although located within a predominantly urban area the site is located within walking distance to a variety of open recreational sites including the public open space at the Lakeside Boulevard site, Hatherton Reservoir (to the south of the M6 toll) and a large area of POS at Laburnum Avenue which has sports pitches and play equipment
- 1.8 The site is unallocated in the Cannock Chase Local Plan (Part 1) but lies within the main urban area of Cannock.
- 1.9 The site is located within Flood Zone 1 on the Environment Agency's flood risk maps and is located within a Minerals Safeguarding Area.
- 1.10 Since the grant of the outline consent works have been undertaken to remediate the site.

## 2. PROPOSAL

- 2.1 The applicant is seeking approval for a variation of conditions 2 and 4 of planning permission to allow (i) to remove reference to "access" from the list of reserved matters; and (ii) the submission of the masterplan at the same time as the first reserved matters, of Planning Permission CH/17/452 Outline consent including access for up to 116 Dwellings.

## 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 in the Cannock Chase Local Plan include: -

CP1: -	Strategy
CP2:-	Developer Contributions for Infrastructure
CP3: -	Chase Shaping – Design
CP5: -	Social Inclusion and Healthy Living
CP6: -	Housing Land
CP7: -	Housing Choice
CP12: -	Biodiversity and Geodiversity
CP14: -	Landscape Character and Cannock Chase Area of Outstanding Natural Beauty
CP15: -	Historic Environment
CP16: -	Climate Change and Sustainable Resource Use

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

3.4 National Planning Policy Framework

3.5 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.

3.6 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.

3.7 Relevant paragraphs within the NPPF include: -

8:	Three dimensions of Sustainable Development
11-14:	The Presumption in favour of Sustainable Development
47-50:	Determining Applications
96:	Open Space and recreation
108-110	Promoting Sustainable Transport
124, 127, 128, 130:	Achieving Well-Designed Places
163	Meeting the challenge of climate change, flooding.
174, 175, 177,178	Conserving the natural environment.
189-192, 197	Heritage assets.
212, 213	Implementation

3.8 Other Relevant Documents

Design Supplementary Planning Document, April 2016.

Parking Standards, Travel Plans and Developer Contributions for Sustainable Transport Supplementary Planning Document (2005).

Manual for Streets

4. DETERMINING ISSUES

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

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

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

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

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

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

4.4 The determining issues for the proposal are whether the proposed variations to conditions 2 and 4 would be acceptable in respect to the above local and national policies and guidance.

4.5 The purpose of the amendment to condition 2 is to correct a drafting error in the decision notice issues under planning permission CH/17/452. Condition 2 on the decision notice referred to "access" has a reserved matter, when in fact it had been approved at the outline stage. This proposed variation of condition would merely bring the condition in line with the approved description and remove ambiguity from the decision notice.

4.6 The purpose of the amendment of Condition 4 is to allow the master plan to be submitted at the same time as the reserved matters application. Masterplans are particularly useful in respect to larger sites which may be developed in phases over a protracted period (often necessitating separate reserved matters consents for each phase). This ensures that each phase has proper regard to all other phases, particularly in respect to the connections of infrastructure connections. Given the size of this particular scheme it is border-line as to whether it would in fact be developed in discrete phases. In addition there is no planning reason why a master plan cannot be submitted along with the first submission of reserved matters.

4.7 The proposed changes by their very nature would have no material implication in respect to any of the acknowledged interests or policy tests that are set out above as they in effect rectify an error made on the decision notice and relate to the process of submission of reserved matters rather than details of the reserved matters themselves.



4.8 As such it is considered that there are no planning reasons which would justify refusal of the variations to the conditions.

#### 5.0 HUMAN RIGHTS ACT

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

#### 6.0 EQUALITIES ACT

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

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

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

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

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

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

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

#### 7.0 CONCLUSION

7.1 The proposed changes by their very nature would have no material implication in respect to any of the acknowledged interests or policy tests that are set out above as they in effect rectify an error made on the decision notice and relate to the process of submission of reserved matters rather than details of the reserved matters themselves.

7.2 It is therefore considered that there are no planning reasons which would justify refusal of the variations to the conditions.