

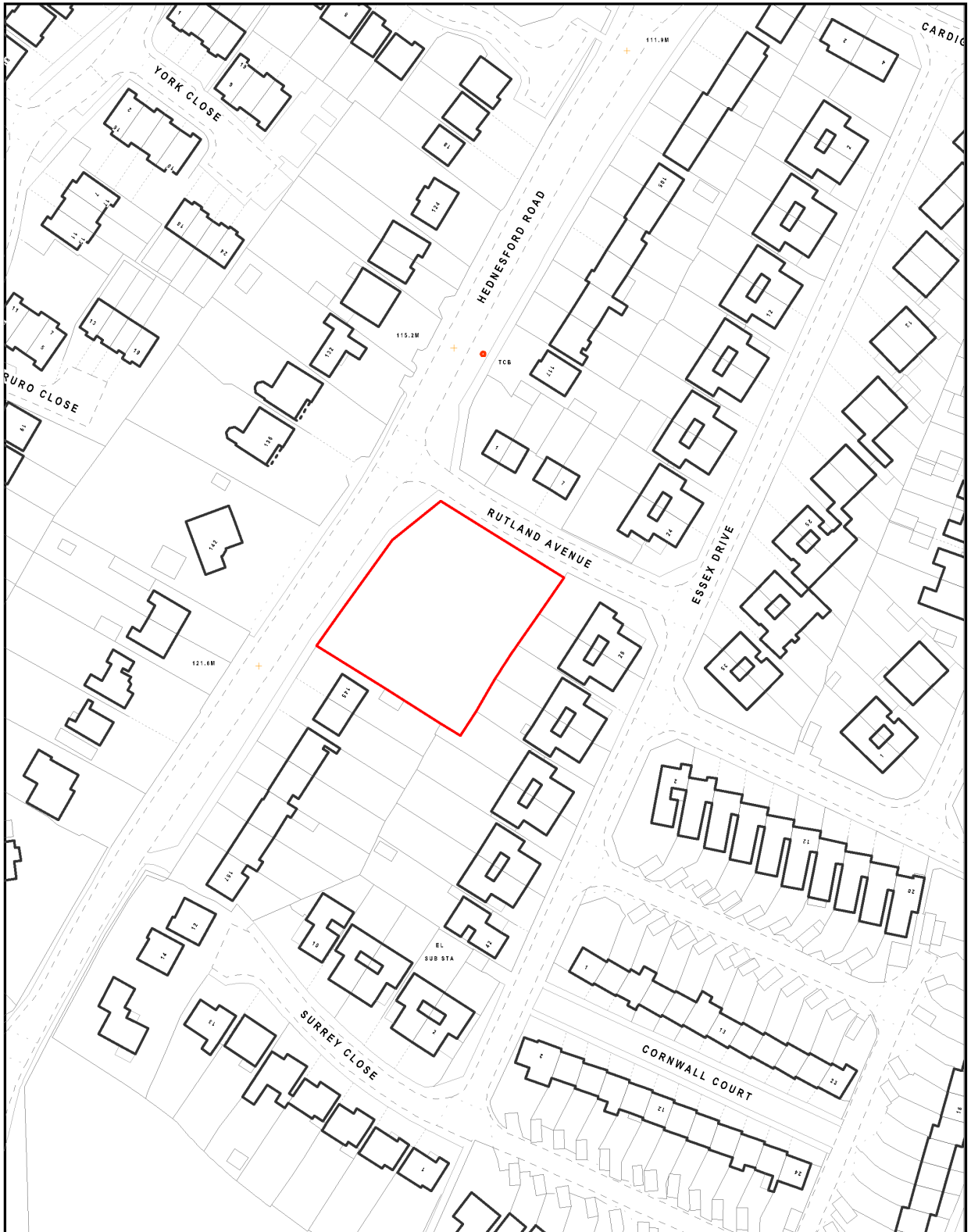


Application No: CH/17/359

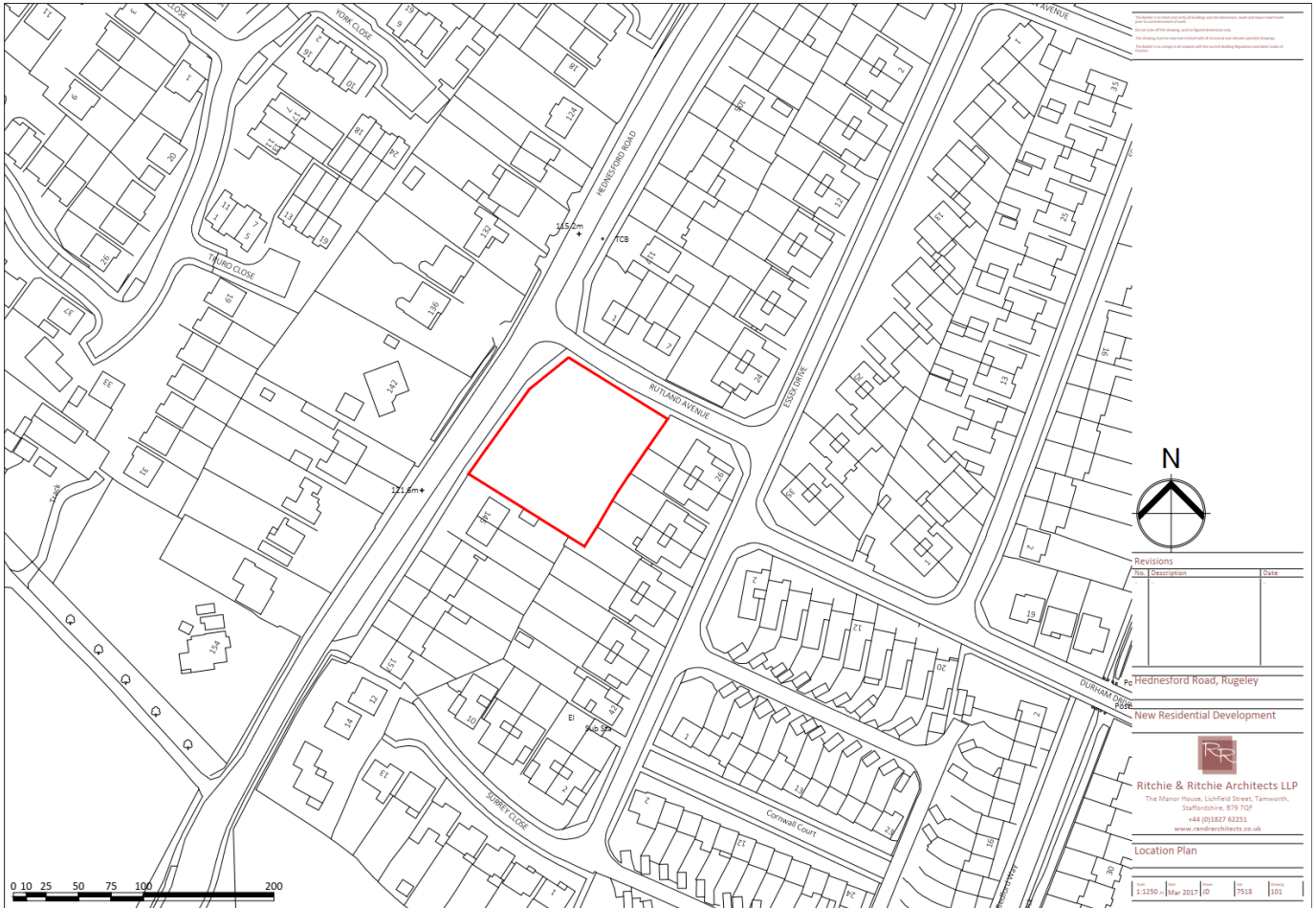
Location: Land at corner of Hednesford Road and Rutland Avenue, Rugeley, WS15 1JN

Proposal: Residential development - Erection of 4 No dwellings with associated access, landscaping and parking

Item No. 6.1



Location Plan



Revisions		
No.	Description	Date

Hednorsford Road, Rugeley
 New Residential Development



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Location Plan					
Rev	Date	By	Scale	Sheet	Total
1	12/20			75/18	145

Site Plan

Item No. 6.3



- 1350mm high metal railings with hedge planting
- 1800mm high close boarded fence
- Bin collection point
- Existing tree to be retained & protected (see tree report)
- Existing tree to be removed (see report)
- Suggested new tree locations



No.	Description	Date
G	Revised in Line With Clients Comments	23/08/2017
H	Revised in Line With Clients Comments	20/06/2018
I	Revised in Line With Clients Comments	20/06/2018
J	Revised in Line With Clients Comments	23/05/2018
K	Revised in Line With Clients Comments	11/05/2018
L	Revised in Line With Clients Comments	21/12/2018

Hednesford Road, Rugeley

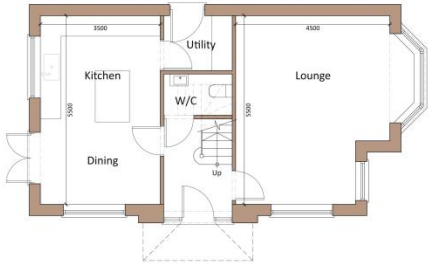
New Residential Development

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Proposed Site Plan

Scale	Date	Drawn	Check
1:200	Mar 2017	JR/0/D	RS
			7518
			150L

Plot 1 Proposed Plans & Elevations



Proposed Ground Floor Plan
[Scale 1:50]



Proposed First Floor Plan
[Scale 1:50]

The client shall be responsible for obtaining all the necessary local authority permissions and consents for the proposed development.
All work shall be in accordance with the Building Regulations.
The design is intended to be used as a guide only and is not intended to be used as a contract document.



Proposed Side Elevation
[Scale 1:50]



Proposed Front Elevation
[Scale 1:50]



Proposed Side Elevation
[Scale 1:100]



Proposed Rear Elevation
[Scale 1:100]



Revisions		
No.	Description	Date
A	Revised in Line With Consultants Comments	19/06/2017
B	Revised in Line With Consultants Comments	23/06/2017
C	Revised in Line With Clients Comments	21/08/2017

Hednesford Road, Rugeley

New Residential Development

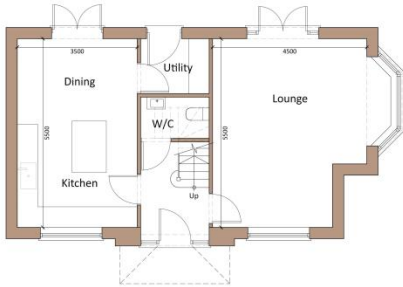


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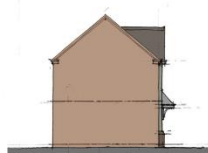
Plot 1
Proposed Plans & Elevations

Scale	Date	Drawn	Check	Scale	Date
1:50	Mar 17	DR	JSB	1:50C	250C

Plot 2 Proposed Plans & Elevations



This plan is for information only. It is not to be used for construction purposes. All dimensions are to the face of the building, unless specified otherwise. The drawings shall be read in conjunction with all other drawings and specifications. The client accepts full responsibility for the accuracy of the information provided.



Revisions		
No.	Description	Date
A	Revised in Line With Clients Comments	23/06/2017
B	Plans Amended	21/06/2018
C	Plans Amended	16/07/2018
D	Plans Amended	12/10/2018

Hednesford Road, Rugeley

New Residential Development



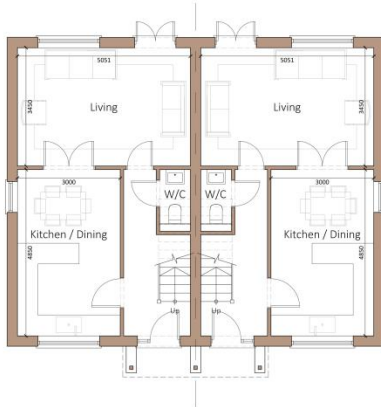
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Plot 2
Proposed Plans & Elevations

Rev	Date	By	Check	Scale
1:50	Mar 17	GR	JSB	1:50

Plots 3 & 4

Proposed Plans & Elevations



Proposed Ground Floor Plan
[Scale 1:50]



Proposed First Floor Plan
[Scale 1:50]

The architect is not responsible for the accuracy of the information, facts and figures contained in this document and shall not be liable for any errors or omissions.



Proposed Front Elevation
[Scale 1:50]



Proposed Rear Elevation
[Scale 1:100]



Proposed Side Elevation
[Scale 1:100]



Proposed Side Elevation
[Scale 1:100]

No.	Description	Date
A	Alteration in line with clients comments	22/08/2017
B	Alteration in line with Planners comments	16/07/2018
C	Alteration in line with clients comments	12/10/2018

Hednesford Road, Rugeley

New Residential Development



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Plot 3+4
Proposed Plans and Elevations

Scale	Date	Drawn	Check	Issue
1:50	Mar 17	DR	JRH	252C



Proposed Street Scene



Application No: CH/17/359

Received: 12-Sep-2017

Location: Land at the Corner of Hedenesford Road and Rutland Avenue, Rugeley

Parish: Rugeley

Ward: Hagley

Description: Residential Development-Erection of 4no. Dwellings with Associated Access, Landscaping and Parking

Application Type: Full Planning Application

RECOMMENDATION: Approve subject to the attached 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.

Conditions

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

Reason

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

2. No development hereby approved shall take place, until a Construction and Environmental Method Statement has been submitted to, and approved in writing by, the Local Planning Authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall:
 - i. specify the type and number of vehicles;
 - ii. provide for the parking of vehicles of site operatives and visitors;
 - iii. provide for the loading and unloading of plant and materials;
 - iv. provide for the storage of plant and materials used in constructing the development;
 - v. provide for wheel washing facilities;
 - vi. recorded daily inspections of the highway adjacent to the site access
 - vii. specify the intended hours of construction operations and deliveries to the site;
 - viii. measures to control the emission of dust and dirt during construction
 - ix. specify method of piling, should piling be undertaken

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

Reason

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

3. Prior to the commencement of the development all site accesses shall within the limits of public highway as a vehicular dropped crossing.

Reason:

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

4. Prior to first occupation of the proposed dwellings the accesses, turning and parking areas indicated on the approved plans shall be completed and surfaced in abound material and shall thereafter be retained for that purpose only for the lifetime of the development.

Reason:

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

5. The access from Hednesford Road for Plot 1 shall remain ungated for the lifetime of the development.

Reason:

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

6. Prior to first use of the developments a system of surface water drainage shall be installed on the site to prevent surface water discharging on to the public highway. The system shall then be maintained in an operational manner thereafter.

Reason:

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

7. No development shall take place until a scheme for the disposal of foul water and a detailed design and associated management and maintenance plan of surface water drainage for the site based on sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development has been submitted to and approved in writing by the Local Planning Authority. The surface water drainage design should demonstrate that the surface water runoff generated during rainfall events up to and including the 1 in 100 years rainfall event, to include for climate change and urban creep, will not exceed the run-off from the undeveloped site following the corresponding rainfall event. The approved drainage system shall be implemented in accordance with the approved detailed design prior to completion of the development.

The scheme to be submitted shall demonstrate that the surface water drainage system(s) are designed in accordance with the standards detailed in Staffordshire Lead Local Flood Authority SuDS Design Guidance.

Reason:

To prevent the increased risk of flooding; to ensure the future maintenance of the sustainable drainage system, to improve and protect water quality and improve habitat and amenity in accordance with the National Planning Policy Framework.

8. No part of the development hereby approved shall be commenced until details of the materials to be used for the external surfaces have been submitted to and approved by the Local Planning Authority.

Reason

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

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

Reason

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

10. No part of the development hereby approved shall be occupied until a scheme detailing the external environment-landscape, including planting, fencing, walls, surface treatment & construction details for the site has been submitted to and approved by the Local Planning Authority and the works comprising the approved scheme have been implemented in full. The details shall be in the form as specified in Annex D of the Design Supplementary Planning Document (2016).

Reason

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

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

7518/150L
7518/252C
7518/251D
7518/450F

13. Informatives

[to be added to the decision notice]

EXTERNAL CONSULTATIONS

County Highways

No objection, subject to conditions to provide:

- a Construction Management Plan.

Crime Prevention Officer

I acknowledge that the rear parking area has been removed, therefore I have no concerns over plots 1, 3 and 4.

However, I still have concerns with Plot 2:

- The proposed rear perimeter post and rail fencing and the rail fencing are unsuitable for a residential property. As this provides neither a suitable secure boundary nor privacy for the residents to enjoy their garden, it does little to give each resident a sense of place as in Safer Places. It will not prevent an animal running from the rear garden into the neighbour's property, nor will this prevent a child running after a ball or a dog from the rear garden. This type fencing will not assist with the prevention and/ or reduction of crime and anti-social behaviour nor does it underpin the legislation above. I recommend the installation of a 1.8m closed boarded fence along the boundary of plot 2.
- Access to the garden for plot 2 should be from the front of the house, and not accessed from crossing the front of plot 1.

Building for Life 12 recommends the avoidance of 'informal or left over grass areas that offer no public or private use or value'. I recommend the tree and the surrounding plot of land be incorporated into the grounds of either plot 1 or 2.

[Members should note that subsequent to these comments been received amended plans have been submitted that resolve these issues].

Rugeley Town Council

Objects on the following grounds: -

- Development adjacent to a mature oak tree covered by a TPO could damage the roots and stability of the tree.
- The tree would be S/SW of the main group of properties so light to those properties would be restricted.
- Future owners may well pursue permission to remove limbs of the oak to allow for light to their houses and reduce the risk of branch drop in their gardens.
- The site and adjacent land has a local history of subsidence which is of concern.
- The overall proposal is considered to be over development of the land.

INTERNAL CONSULTATIONS

Policy Officer

The site is a Greenfield site located within the urban area of Rugeley. It has been previously identified within the Strategic Housing Land Availability Assessment (SHLAA) as a 'restricted/excluded' housing site on the basis of previous planning refusals for residential development. However, this does not preclude the site coming forward where it is reconsidered via a new planning application to be in accordance with policy. Whilst being a Greenfield site in proximity to existing residential properties, it does not appear to represent residential garden land. It is not allocated for any use on the Local Plan (Part 1) Policies Map. Local Plan (Part 1) Policy CP1 identifies that the urban areas of the District, including Rugeley, 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 applicant states that this space was previously leased as open space by the Council, however that use has now ceased and it is no longer accessible to the public for open space purposes. This position should be confirmed with Landscaping and Property Services (including the length of time the site has not been accessible for recreational purposes). Policy CP5 of the Local Plan (Part 1) does outline that all open spaces, sport and recreational facilities are subject to national planning policy provisions (see para. 74 of the NPPF in particular) regardless of whether or not they are designated on the Cannock Chase Local Plan Policies Map as 'Green Space Network'. Should the site no longer be considered to be an open space for recreational purposes, then the scheme would be acceptable in principle.

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

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

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

In summary, the proposal is a small scale windfall site within the existing urban area of Rugeley and would help contribute to the Local Plan (Part 1) overall strategy for the meeting the Districts housing requirements. However, issues in relation to the loss of open space need to be considered more fully in order to ensure compliance with Policy CP5 of the Local Plan (Part 1) and the NPPF.

Response Dated 07-08-2018

It should be noted that in relation to the NPPF, paragraph 74 of the now superseded version relating to open space is paragraph 97 in the new NPPF (July 2018). The fundamental principles of this policy remain the same.

Environmental Protection Officer

No objections subject to the provisions of an environmental management plan.

Trees and Landscape

The layout of the revised scheme is working much better than the previous versions. However, the issue around tree maintenance still needs to be addressed.

From previous experience having the land managed by a separate company that could be located as far away as Glasgow with no real desire or need to manage the land would not be acceptable. The land and TPO tree needs to be allocated to either plot 1 or plot 2.

Rear fencing to plot 2 needs to be a solid fence ideally 1.8m high close boarded fencing. A post and rail fence will not provide the privacy required for a rear amenity space. If this is not included now I have doubts that the new resident will elect to erect a fence as soon as they move in. It is far better to include this now and save time and effort later.

Why is there public access to the rear of plot 2 from plot 1? This access is unnecessary and will create access and privacy issues for new resident of plot 1.

Strategic Housing/ Housing Options

There is no affordable housing contribution required on developments of 10 units or fewer and which have a maximum combined gross floor space of no more than 1,000sqm.

Ecological Officer

No comments received.

RESPONSE TO PUBLICITY

The application was advertised by neighbour letter and site notice. 6 letters of objection have been received, raising the following issues:

The proposal would result in overlooking to 145 Hednesford Road to an extent that it would encroach on the privacy of the occupants.

The proposal would result in building work that would cause disruption on what is already a busy main road.

The proposal would result in noise, dust and mess during the construction phase.

The land would be better left as is (although it could be better maintained as it is very overgrown)

There is a lovely big old oak tree in the middle which it would be a crime to remove. or crowd with houses.

Plot 1 will look directly into the garden of 147 Hednesford Road therefore encroaching on the privacy of the occupiers.

There is already a busy junction and not wide enough for two cars to pass at the entrance of the road. This will cause traffic jams onto the already very busy Hednesford Road.

There has already been a fatality in that corner due to speed and poor visibility both up and down the road.

Plot 2-5 are going to cause major disruption to the safety and parking/ passing Rutland Avenue. This road is only big enough for cars to pass. There is not enough space for current residents to park cars without the addition of five new dwellings. Statistically most households have two vehicles plus so where are the cars that aren't parked on the drives going to park? And if there is allocated parking, where are visitors to any dwellings on Rutland Avenue going to park.

The movability of reversing off onto any of the drives on Rutland Avenue will be compromised due to already parked cars and how narrow the road is causing vehicle damage. The pavements are already narrow on both sides of the road. You cannot walk on the side that already has residents as people have to park their cars partially on the path in order to not block the road.

That land has been green forever and it would be a great disappointment to the local area for it to be destroyed with the building of houses. How can the developer guarantee that the huge oak tree that is protected, and is a landmark of Rugeley is not damaged.

The tree is resident to bats which are protected. They inhabit the tree every year along with many of the local birds. The disruption of the development alone will compromise their existence in the tree.

There is far too much development with no regard to providing extra school or GP places and adding traffic and the pollution that comes with it.

RELEVANT PLANNING HISTORY

Relevant planning history to the site is as follows: -

- CH/08/0330: - Residential development - 5 detached houses (Outline including access and layout). Withdrawn.
- CH/08/0547: - Residential development - 3 detached houses (Outline including access and layout)(Resubmission of CH/08/0330). Refused for the following reasons: -
- (i) Insufficient accurate information has been provided to enable the impact of the development on trees which contribute significantly to the street scene, including the potential detrimental impact on the protected oak tree, or the impact of trees on the development to be properly assessed. Without this

information it cannot be established whether the proposal would comply with Policy B8:Design Principles for New Built Development and C15:Protecting Trees of the Cannock Chase Local Plan 1997.

- (ii) The proposed layout and access to the plot fronting Hednesford Road fails to provide parking and turning arrangements which comply with Council standards and is thereby likely to result in on-street parking and turning movements detrimental to highway safety and contrary to Policy T13 of the Staffordshire and Stoke on Trent Structure Plan 1996-2011.
- (iii) The loss of a valuable area of public open space in a ward with an open space deficiency would be detrimental to the proper planning of the area contrary to Policy R6 of the Staffordshire and Stoke on Trent Structure Plan 1996-2011 and Policy B8 of the Cannock Chase Local Plan.

The subsequent appeal was dismissed on the grounds that: -

- (a) the proposal would lead to the loss of public open space necessary to serve this southern part of Hednesford Road; and
- (b) the layout before the Inspector would lead to adverse impacts on the roots system of the protected tree and the tree would produce a high degree of shade to the property that would have a deleterious, unacceptable effect on the living conditions of the prospective occupiers; and
- (c) the layout failed to provide adequate turning and parking facilities.

1. SITE AND SURROUNDINGS

- 1.1 The application site comprises a square parcel of land totalling 0.17ha in area at the junction of Rutland Avenue and Hednesford Road, Rugeley. Although once leased to Council and used as public open space, the site is now unused and is somewhat overgrown. It also supports a mature oak tree roughly in its centre, which provides an attractive and indeed prominent feature within the streetscene. This tree is protected by a tree preservation order (TPO).
- 1.2 The site is located within a predominantly residential area, with dwellings facing the site from the north, across Rutland Avenue and from the north-west across A460 Hednesford Road, backing on to the site from Essex Drive and siding onto the side to the southwest by properties again fronting onto Hednesford Road.
- 1.3 Hednesford Road is a bus route giving access by public transport to Rugeley, Hednesford and Cannock. The site is also in walking/ cycling distance to local shops at the junction of Queens Way and Hednesford Road, medical services at Lea Hall and Rugeley Town Railway Station.

1.4 The site is not allocated or designated within the Cannock Chase Local Plan. Furthermore it is located within Flood Zone 1 (least risk of flooding) on the Environment Agency's Flood Risk Maps.

2. PROPOSAL

2.1 The application seeks planning permission for the erection of 4 dwellings comprising 2no. detached dwellings and a pair of semi-detached dwellings. Plot 1 comprises a detached dwelling fronting onto and taking vehicular access from Hednesford Road. Plot 2 is of a similar design but fronts onto Rutland Avenue. Plots 3 and 4 comprise the semi-detached dwellings and front onto and take access from Rutland Avenue.

2.2 The dwellings would be constructed from a mixture of brick and or brick and render under a gable style roof. All the dwellings would be three bedroom properties and have the benefit of two parking spaces.

2.3 The application form states that surface water would be taken to mains but that the means of disposal of foul water is currently unknown.

2.4 The application is accompanied by the following documents: -

- Phase 1 Preliminary Ecological Appraisal.
- Design Rationale.
- Planning Statement.
- Tree survey, Arboricultural Impact Assessment, Tree Protection Plan and Arboricultural Method Statement.
- Shading Analysis.

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
- CP12- Biodiversity and Geodiversity
- CP13- Cannock Chase Special Area of Conservation (SAC)
- CP16 Climate Change and Sustainable Resource Use

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.
54-59:	Planning Conditions and Obligations.
96, 97:	Open Space and Recreation.
108-109:	Promoting Sustainable Transport.
117,118, 120:	Making Effective Use of Land.
124, 127, 128,130:	Achieving Well-Designed Places.
170, 175, 177,179:	Conserving and Enhancing the Natural Environment.
212, 213:	Implementation.

- 3.7 Other relevant documents include: -

Design Supplementary Planning Document, April 2016.

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

Manual for Streets.

4. Determining Issues

- 4.1 The determining issues for the proposed development include:-

- i) Principle of development
- ii) Design and impact on the character and form of the area.
- iii) Impact on residential amenity.
- iv) Impact on highway safety.
- v) Impact on nature conservation interests.
- vi) Affordable housing.
- vii) Drainage and flood risk.
- viii) Waste and recycling facilities.
- ix) Crime and fear of crime.

4.2 Principle of the Development

- 4.2.1 Both the NPPF and Cannock Chase Local Plan 2014 Policy CP1 advocate a presumption in favour of sustainable development unless material considerations indicate otherwise. The site comprises previously developed land 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.

- 4.2.2 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."
- 4.2.3 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 and again in respect of this particular application. This being the case it can only be concluded that the presumption in favour of sustainable development does not apply to the current application and that the proposal should be considered having regard to the development plan and other material considerations.
- 4.2.4 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 is not designated as a statutory or non-statutory site for nature conservation, nor is it located within a Conservation Area or within the setting of a listed building.
- 4.2.5 The proposed use would be in the main urban area, in a sustainable location and would be compatible with the predominant residential surrounding land use. In addition the proposal would be adjacent to a bus route and within walking/ cycling distance to a variety of goods and services such that day-day needs could be met without the requirement to have a private car. As such it would be acceptable in principle at this location.
- 4.2.6 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 the design of residential development with regards to space about dwellings.

4.3.6 In this respect it is noted that the application site lies in an area characterised by a mix of late twentieth century- early twenty first century housing and bungalows laid out within estates dominated by cul-de-sac style development. House types within the wider area include some terraces (e.g. Devonshire Drive and Cornwall Court), but in the main the area are comprised of detached and semi-detached properties typically constructed from facing brick under concrete tile roofs. However, particularly along Hednesford Road there are a wider variety of house types and materials, including the

incorporation of hip and gable style roofs and the use of render or other feature material.

- 4.3.8 The proposal involves the provision of 4 dwellings, including 2 detached and a pair of semi-detached houses, all of which would front onto the highway. All display gable style roofs and would incorporate a mixture of brickwork and rendering which would reflect the diversity of the local area whilst introducing a degree of individuality.
- 4.3.9 In addition to the above it is noted that the dwelling at Plot 2 has been designed to have active frontages both to Rutland Avenue and Hednesford Road.
- 4.3.10 Given the above it is considered that the proposal would sit comfortably within its immediate and wider context.
- 4.3.11 In respect to the relationship with the protected oak tree the application has been subject to protracted negotiations and amendments which has ultimately resulted in the omission of one dwelling to ensure that the remaining 4no.dwellings can be incorporated while ensuring that no harm is caused to the tree and that a high standard of amenity can be achieved for future occupiers. As such the tree and its contribution to the character of the area would be retained.
- 4.3.12 The comments of the Landscape Officer in respect to the proposal for the maintenance of the protected tree being transferred to a management company are noted. However, subsequently amended plans have been received which incorporate the tree into the garden of Plot 1 which has resolved the issue.
- 4.3.13 Therefore, having had regard to Policies CP3 & CP15 of the Local Plan and the above mentioned paragraphs of the NPPF it is considered that the proposal would be well-related to existing buildings and their surroundings, successfully integrate with existing features of amenity value, maintain a strong sense of place and visually attractive such that it would be acceptable in respect to its impact on the character and form of the area.

4.4 Impact on Residential Amenity

- 4.4.1 Policy CP3 of the Local Plan states that the following key requirements of quality design will need to be addressed in development proposals and goes on to include [amongst other things] the protection of the 'amenity enjoyed by existing properties'. This is supported by the guidance as outlined in Appendix B of the Design SPD which sets out guidance in respect to space about dwellings and garden sizes.
- 4.4.2 Paragraph 127(f) of the NPPF states that planning policies and decisions should ensure that developments [amongst other things] create places with a high standard of amenity for existing and future users.
- 4.4.3 The front elevation of the proposed dwellings at Plot 2-4 would be located 21.3m from the front of the existing dwellings on the opposite side of Rutland Avenue and would therefore meet the Council's minimum standards for this type of relationship. In addition the distance between the side elevation of Plot 4 and the rear of no.26 Essex Drive would be 15.8m which is well in excess of the 12m set out in the Design

Guide. The distance between the proposed dwellings at Plots 1 and 2 and those across Hednesford Road would be at least 38m which is well in excess of the 21.3m set out in the Design Guide.

- 4.4.4 The garden sizes to all plots would be well in excess of the recommended minimum areas for three bed dwellings (65sqm) set out in the Design Guide.
- 4.4.5 In addition to the above it is noted that although there is the potential for dis-amenity resulting from shading by the tree, shading analysis demonstrates that the amended scheme would provide an acceptable level of amenity in respect to light to both the internal and external areas.
- 4.4.6 Any impacts in respect to dust, noise and general disturbance could be adequately controlled through a condition to require a Construction Environmental Method Statement to control amongst other things construction and delivery times and dust suppression.
- 4.4.7 It is therefore considered that the proposal would ensure that a high standard of residential amenity would be retained both for existing occupiers of neighbouring properties and the future occupiers of the proposed dwellings and as such the proposal would comply with policy requirements of CP3 and the provisions of paragraph 127(f) of the NPPF.

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 entails Plot 1 gaining access directly from Hednesford Road and plots 2-4 gaining access from Rutland Avenue. For each three-bed dwelling 2 car parking spaces would be provided which meets the guidance set out in the parking standards SPD.
- 4.5.3 In addition to the above it is noted that the site is located on a bus route giving access by public transport to Rugeley, Hednesford and Cannock and is within walking/cycling distance to a range of local services.
- 4.5.7 Furthermore, the County Highways Officer has no objections to the proposals subject to the imposition of suitable conditions which includes the approval of a Construction Method Statement to mitigate impacts to acceptable levels during the construction phase of the development.
- 4.5.8 It is therefore considered that the proposal, subject to the attached conditions, would not have unacceptable impact on highway safety and therefore is in accordance with paragraph 109 of NPPF.

4.6 Impact on Nature Conservation Interests

- 4.6.1 Policy and guidance in respect to development and nature conservation is provided by Policy CP12 of the Local Plan and paragraphs 170, 175, 177, 179 of the NPPF.
- 4.6.2 In order to inform the application the applicant has submitted a Preliminary Ecological Assessment (dated August 2016). The survey concludes that there are no Statutory or Non Statutory Designated Conservation Sites within the site or within 1km of the site, that the majority of the site is of low ecological value and that the single mature oak tree is of moderate wildlife value and that no protected species have been recorded or likely to be present within the site. In specific relation to bats the oak tree has been subject to survey and the report concludes that none of the on-site trees appear to have high potential to support roosting bats apart from the mature oak tree which has moderate potential.
- 4.6.3 Under Policy CP13 development will not be permitted where it would be likely to lead directly or indirectly to an adverse effect upon the integrity of the European Site network and the effects cannot be mitigated. Furthermore, in order to retain the integrity of the Cannock Chase Special Area of Conservation (SAC) all development within Cannock Chase District that leads to a net increase in dwellings will be required to mitigate adverse impacts. The proposal would lead to a net increase in dwellings and therefore is required to mitigate its adverse impact on the SAC. Such mitigation would be in the form of a contribution towards the cost of works on the SAC and this is provided by a S106 agreement.
- 4.6.3 Given the above it is considered that the proposal, subject to the attached conditions and the signing of section 106 agreement to secure [amongst other things] SAC mitigation 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 CP12 of the Local Plan and the NPPF.
- 4.7 Affordable Housing and other 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.
- 4.7.2 The development, due to its scale is not required as a matter of policy to contribute towards education or health care.
- 4.8 Drainage and Flood Risk
- 4.8.1 The site is located in a Flood Zone 1 which is at least threat from flooding. Although the applicant has not indicated the means of drainage (other than stating surface water would be discharged to mains) it is noted that the site is in close proximity to drainage infrastructure that serves the surrounding residential area. Therefore, it is considered that options for draining the site are available and that this can be adequately controlled by condition.

4.9 Waste and Recycling Facilities

4.9.1 Although the plans do not specifically indicate bin storage facilities it is clear that all the proposed dwellings would have adequate areas for bin storage to the rear and the means for bringing bins to the pavement for waste collection. As such the proposal is acceptable in this respect.

4.10 Crime and the Fear of Crime

4.10.1 Section 17 of the Crime and Disorder Act 1998 places a duty on each local authority 'to exercise its various functions with due regard to the likely effect of the exercise of those functions on, and the need to do all that it reasonably can do to prevent crime and disorder in its area to include anti-social behaviour, substance misuse and behaviour which adversely affects the environment'.

4.10.2 In addition to the above paragraph 127(f) of the NPPF states planning policies and decisions should ensure that development create places which [amongst other things] create places that are safe and where crime and disorder, and the fear of crime, do not undermine quality of life, social cohesion and resilience.

4.10.3 In this respect the comments of the Police Service are noted. However, subsequent to their comments been received amended plans have been submitted which show the tree incorporated into the garden of Plot 1 and for the boundary of the rear gardens to each property to be delineated and protected by a 1.8m high close boarded wooden fencing. As such the issues raised by the Police have been resolved and the proposal is considered acceptable in respect to the requirements of paragraph 127(f) of the NPPF.

4.11 Other Issues

4.11.1 In the previous application and subsequent appeal the issue that the site performed a function as public open space (POS) was discussed. At that time the site was rented from Marston's by the Council and used as public open space. Since then the use of the site has POS has ceased. Furthermore, given that the site is in private ownership, and has the potential for development it is considered that there is no reasonable prospective of the site that the use of the site as POS would resume. As such this previous reason for refusal no longer remains.

5. HUMAN RIGHTS ACT

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

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. 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.

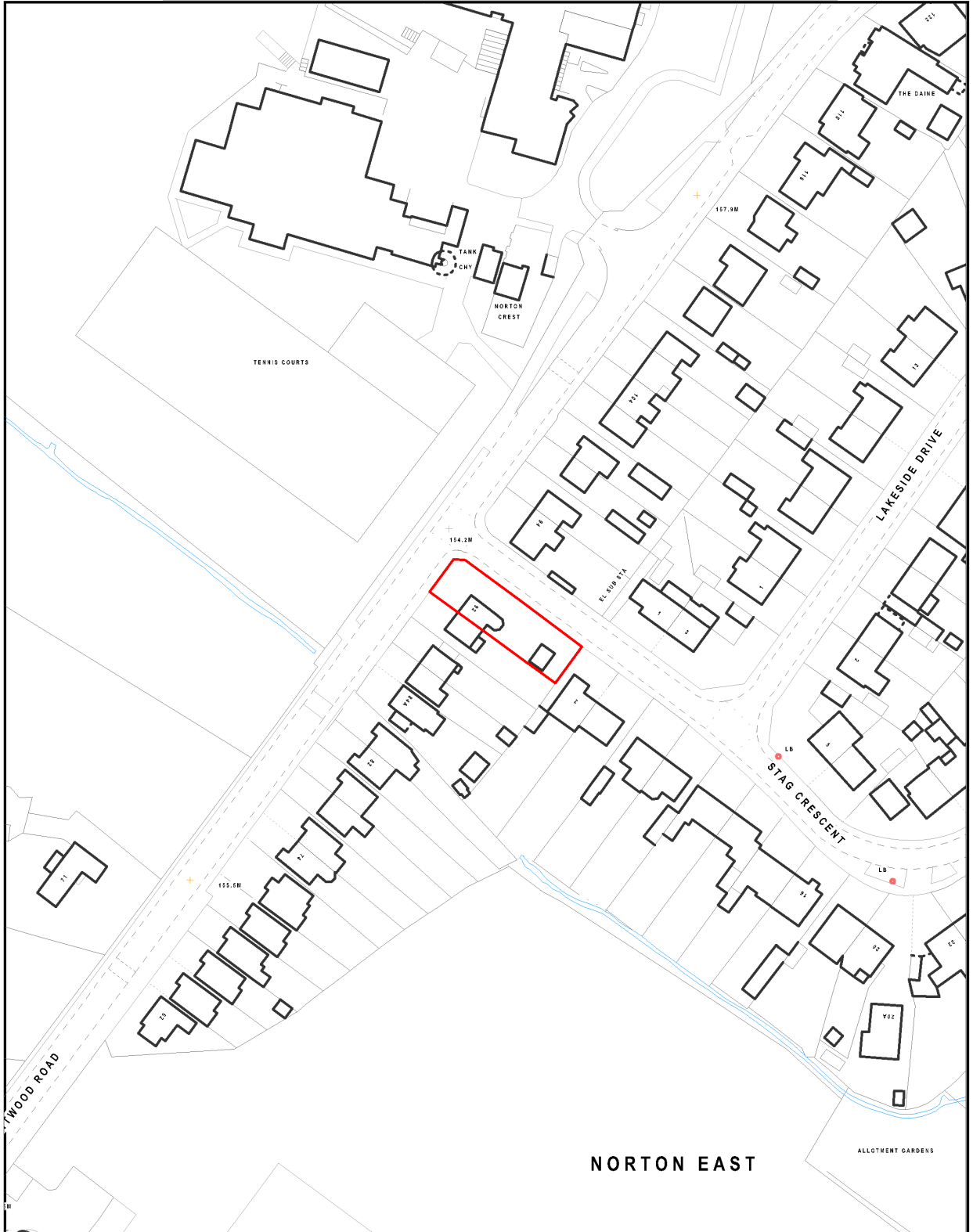
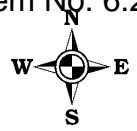


Application No: CH/18/346

Location: 92, Burntwood Road, Norton Canes, Cannock, WS119RG

Proposal: Residential Development:- Erection of 1 detached dwelling (Outline application including access and layout only).

Item No. 6.25



Location Plan



92, Burntwood Road, Norton Canes, Cannock, Staffordshire, WS11 9RG



Site Plan shows area bounded by: 402302.5, 308802.12, 402443.92, 308943.54 (at a scale of 1:1250), OS GridRef: SK 237 887. The representation of a road, track or path is no evidence of a right of way. The representation of features as lines is no evidence of a property boundary.

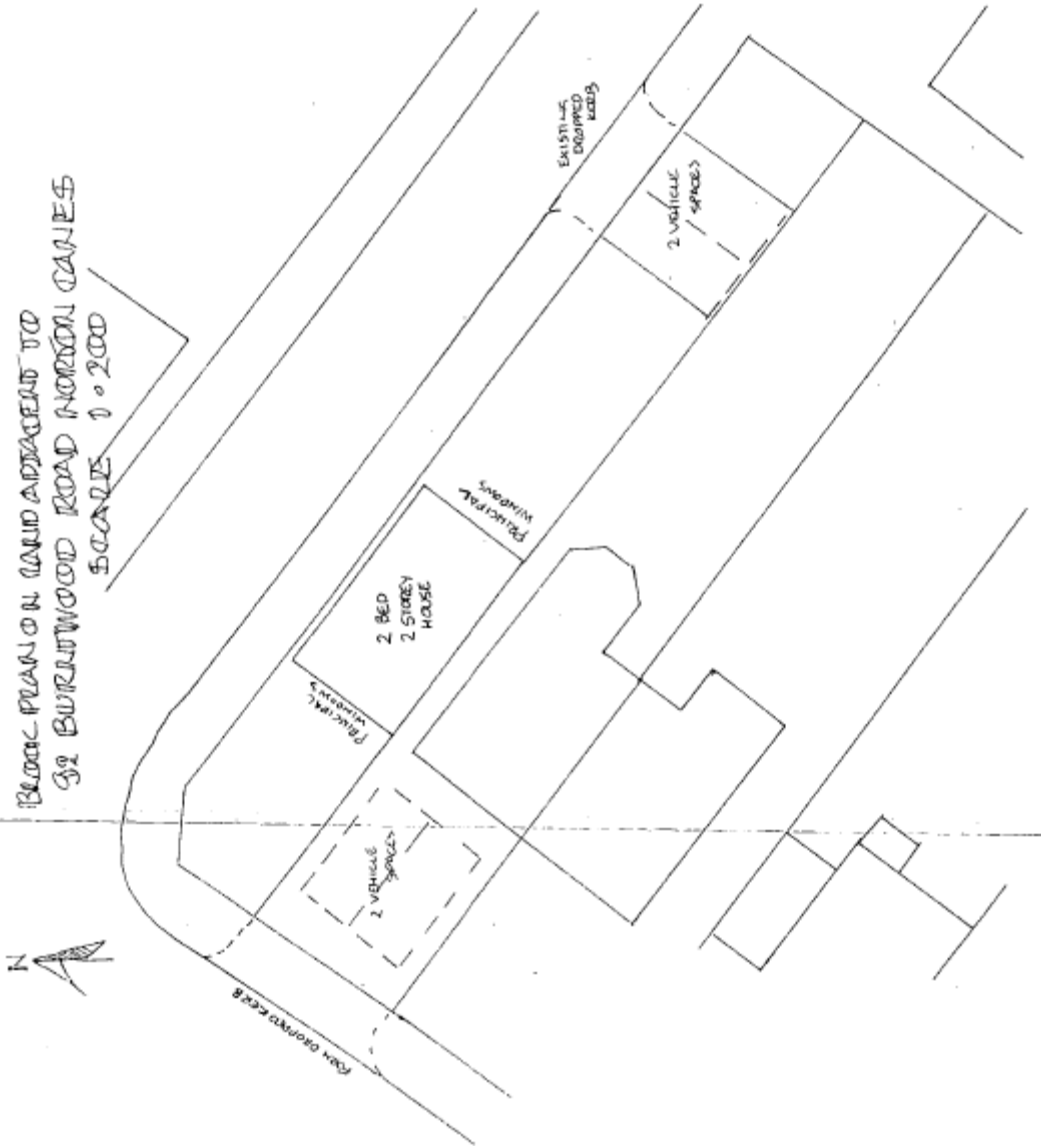
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Block Plan

CANNOCK CHASE COUNCIL
PLANNING SERVICES
17 SEP 2018
REF NO
CH / 18 / 346

BLOCK PLAN ON LAND ADJACENT TO
32 BURLEIGH ROAD NORDON CANES
SCALE 1:200



Application No: CH/18/346
Received: 17-Sep-2018

Location: 92, Burntwood Road, Norton Canes, Cannock, WS119RG
Parish: Norton Canes
Ward: Norton Canes Ward

Description: Residential Development:- Erection of 1 detached dwelling (Outline application including access and layout only).

Application Type: Outline Planning Application

RECOMMENDATION: Approve Subject to Conditions

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

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 this permission is granted ; 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 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.

3. A minimum of 2 car parking spaces shall be available at all times within the curtilage of each dwelling.

Reason

In the interests of highway safety and to ensure compliance with The Staffordshire County Council Residential Design Guide, the Parking Standards, Travel Plans and Developer contributions for sustainable transport SPD and the NPPF.

4. Notwithstanding the approved plans, no part of the development hereby approved shall be undertaken above ground level until details of the revised access details indicating the following have been submitted to and approved in writing by the Local Planning Authority:-

- 1) A widened driveway access point from the existing rear access off Stag Crescent. An additional 300mm shall be provided on either side of the proposed driveway at the point where the driveway meets the existing public footway. This additional 300mm shall be kept clear of all obstructions for the life of the development.
- 2) A plan showing a visibility splay from the existing rear access off Stag Crescent of 2.4m x 43m.

The access shall thereafter be carried out in accordance with the approved detail and be completed prior to first occupation of the new dwelling and retained for the life of the development.

Reason

To comply with the Cannock Chase Local Plan and the policies contained within paragraph 109 of the NPPF.

5. Prior to the occupation of the new dwelling, the frontal access to No.92 shall be provided in accordance with the approved plans and retained for the life of the development.

Reason

To comply with the Cannock Chase Local Plan and the policies contained within paragraph 109 of the NPPF.

6. No part of the development hereby approved shall be undertaken above ground level until details of gas protection measures have been submitted to and approved by the Local Planning Authority. The gas protection measures approved shall thereafter be implemented and validated upon completion.

Confirmation of the validation shall be submitted to the Local Planning Authority prior to first occupation of the dwelling hereby approved.

Reason

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

7. Notwithstanding the approved plans & documents, a detailed scheme for sustainable drainage for the dwellings hereby approved shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the development. Thereafter, the approved scheme shall be implemented and retained for the life of the development.

Reason

To ensure the proposed development does not exacerbate flooding to surrounding properties.

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

Reason

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

EXTERNAL CONSULTATIONS

Norton Canes Parish Council

Have requested the application be determined by Planning Committee due to the development being garden infill. The Parish Council have requested a site visit be carried out prior to the committee meeting.

Staffordshire County Highways

No objection subject to conditions.

INTERNAL CONSULTATIONS

Environmental Health

No adverse comments offered.

The site lies within potential influencing distance of a former landfill site and the provision of gas protection measures on a precautionary basis rather than under taking a risk assessment / site investigation is recommended.

Planning Policy

No objection. The site is within the Norton Canes urban area in a residential estate and is not protected for a specific use on the Local Plan (Part 1) Policies Map. It should be noted that the dwelling is sited within the newly designated Norton Canes Neighbourhood Area and that the Parish Council intend to produce a Neighbourhood Plan for the area.

The Cannock Chase Local Plan (part 1) 2014 policy CP1 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 Appendix B (p91) should be consulted to ensure that the minimum garden sizes and distances from neighbouring dwellings are taken into account when considering the application.

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

RESPONSE TO PUBLICITY

The application was advertised by neighbour letter and site notice. Five letters of representation have been received. These are summarised below:-

- The site does not seem big enough for a two storey dwelling,
- There is a nearby culvert which causes flooding,
- The building works will cause disturbance to adjacent occupiers,
- Stag Crescent and Lakeside Drive are busy thoroughfares, and parking locations during school drop off and pick up times. At these times the road is already congested and hazardous. Additional vehicles parking or moving at these times
- Where is the sewerage from the proposal going to go; the existing systems are already strained,
- The property would be looking into a landing window,
- The village does not need anymore housing,
- Poor visibility for drivers entering and exiting Stag Crescent will be virtually impossible with a house protruding outwards on Stag Crest cent and its boarder in line with the pavement.
- The proposal constitutes over development of the site. Although the dwelling opposite comes to the back of the pavement this is a two storey extension and not an individual dwelling.
- The parking provision for No.92 is no where near adequate for the size of the garden. The occupiers of No.92 will be forced to park on Stag Crescent.

RELEVANT PLANNING HISTORY

There is no relevant history to the site.

1. SITE AND SURROUNDINGS

- 1.1 The application seeks consent for residential development on land to the side of 92 Burntwood Road, Norton Canes.

- 1.2 The application site is of a regular 'rectangular' shape and forms part of the side garden of No. 92. Currently No. 92 benefits from a wide plot due to its corner position at the junction of Burntwood Road and Stag Crescent.
- 1.3 The front of No.92 is garden and is bound by a low level wall. There is vehicle access for No.92 off Stag Crescent.
- 1.3 The street scene is varied. The property sited on the north corner of Burntwood Road and Stag Crescent has extended to the side with a two storey extension to within close proximity of the highway. There is a variety of materials within this locale including facing brickwork and render. Most dwellings form a linear development fronting Burntwood Road and are set back behind short frontages. Many of the front gardens have been extensively paved to provide on-site parking for the dwellings.
- 1.4 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 except access and layout.
- 2.2 The existing access would be used for the proposed new dwelling and a new access provided for the existing dwelling off Burntwood Road. The layout of the proposed dwelling would be in line with the existing dwellings within Burntwood Road and of a similar two storey scale.
- 2.2 The application site would benefit from a 5m wide frontage along Burntwood Road and would extend back approx. 38m. The application site would provide an area of approx. 190m².
- 2.3 The layout plan shows the proposed dwelling to be sited in the side of No.92 in place of the existing side garden. The dwelling would be orientated with front and rear elevations facing to the north-west and south-east over the frontage and proposed rear garden respectively.
- 2.4 The layout plan indicates the proposed dwelling would be constructed with a footprint of approx.40.32m² and would provide amenity space to the rear of 105m².
- 2.5 There would be adequate room to the rear of the proposed dwelling for two vehicles using the existing dropped kerb access.

- 2.3 The existing dwelling (No.92) would remain unaltered. However, a new access would be required to allow vehicles to park within the newly formed curtilage. This would be provided off Burntwood Road. There would be adequate room to the front of the existing dwelling for two vehicles.

3. PLANNING POLICY

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

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

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

3.3 National Planning Policy Framework

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

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

- 3.6 Relevant paragraphs within the NPPF include paragraphs: -

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

3.7 Other relevant documents include: -

Design Supplementary Planning Document, April 2016.

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

Manual for Streets.

4.0 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.
- v) Impact on Nature Conservation
- vi) Affordable Housing
- vii) Drainage and Flood risk

4.2 Principle of the Development

4.2.1 Both the NPPF and Cannock Chase Local Plan 2014 Policy CP1 advocate a presumption in favour of sustainable development unless material considerations indicate otherwise. The site appears to be a Greenfield site located within the urban area of Cannock. It is a 'windfall site' having not been previously identified within the Strategic Housing Land Availability Assessment (SHLAA) as a potential housing site. Although the Local Plan has a housing policy it is silent in respect of its approach to windfall sites on both greenfield and previously developed land. As such in accordance with Policy CP1 of the Local Plan the proposal falls to be considered within the presumption in favour of sustainable development, outlined in paragraph 11 of the NPPF.

4.2.2 However, paragraph 177 of the NPPF makes it clear

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

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

4.2.4 In respect to the principle of the proposal it is noted that the site is within the curtilage of a residential use and is located within Burntwood Road which is approximately 0.4km from the district centre, close to the schools and served by bus routes giving access by public transport. As such the site has good access by

public transport, walking and cycling to a range of goods and services to serve the day to day needs of the occupiers of the proposed development. The site is not located within either Flood Zone 2 or 3 and it is not designated as a statutory or non- statutory site for nature conservation nor is it located within a Conservation Area (CA) nor does it affect the setting of a designated or undesignated heritage asset.

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

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

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

- (i) well-related to existing buildings and their surroundings in terms of layout, density, access, scale appearance, landscaping and materials; and

- 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 the design and space about new dwellings.
- 4.3.6 The layout plan has been submitted to demonstrate how the proposed dwelling would be set back behind a short frontage with the private amenity space to the rear.
- 4.3.7 Within the wider street scene dwellings occupy similar plot sizes; with modest frontages and deep rear gardens. In line with this established urban grain, the proposed dwelling would be set back behind a short frontage, in line with adjacent dwellings and with the private amenity space and parking to the rear.
- 4.3.8 The proposed dwelling would use an area of garden to the side of No. 92, which would be similar to that of the dwelling to the northern side of Stag Crescent, opposite the application site. Whilst that development relates to a two storey side extension, the resultant proposal would be of a similar form. As such, the proposed dwelling would sit comfortably within the existing and varied street scene.
- 4.3.9 The frontage of the existing dwelling would be removed (in part) and replaced by hardstanding. Whilst this would remove part of the existing garden area, it is noted that a large number of neighbouring dwellings have already removed the front gardens to accommodate off road parking and therefore this would not be an anomaly in this location.
- 4.3.10 Therefore, having had regard to Policy CP3 of the Local Plan and the above mentioned paragraphs of the NPPF it is considered that the proposal would be well-related to existing buildings and their surroundings, successfully integrate with existing features of amenity value, maintain a strong sense of place and visually attractive such that it would be acceptable in respect to its impact on the character and form of the area.

4.4 Impact on Residential Amenity

- 4.4.1 Policy CP3 of the Local Plan states that the following key requirements of high quality design will need to be addressed in development proposals and goes on to include [amongst other things] the protection of the "amenity enjoyed by existing

- properties". This is supported by the guidance as outlined in Appendix B of the Design SPD which sets out guidance in respect to space about dwellings and garden sizes.
- 4.4.2 Paragraph 127(f) of the NPPF states that planning policies and decisions should ensure that developments [amongst other things] create places with a high standard of amenity for existing and future users.
- 4.4.3 The layout plan indicates a separation distance of 21m+ to the dwelling to the rear which would prevent overlooking of the land to the rear. Notwithstanding this, the land to the rear is the frontage to No.2 Stag Crescent and clearly visible from the public domain. The comments from the neighbour regarding the privacy to a landing window are noted however, a landing window is not a habitable room and therefore not afforded the same level of protection as windows serving habitable rooms.
- 4.4.4 In conclusion, the separation distances to neighbouring properties are appropriate for the proposal and over and above the requirement of those set out within the Councils Design SPD.
- 4.4.5 With regard to the proposed dwelling, the private amenity would measure approx. 105m². The Design SPD requires an area of 44m² per two bedroom dwelling. The garden to No.92 would retain over 114m² which again is adequate for a dwelling of this size.
- 4.4.6 Overall, the proposed development would comply with the Councils 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 In this respect the comments of the neighbours and local Councillors are noted. Staffordshire County Highways Department were consulted on the proposal and raised no objections subject to the attached conditions in terms of highway safety.
- 4.5.3 The proposed dwelling would provide two spaces to the rear using the existing dropped kerb, which is appropriate for a 2 bedroom dwelling. Furthermore, adequate provision would be made in the revised curtilage of No.92 in accordance with the parking SPD.
- 4.5.4 As such, it is considered that there would be no significant adverse impact upon highway safety and the proposal would be in accordance with the Parking SPD.

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

4.7 Affordable Housing and other Developer Contributions

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

4.8 Drainage and Flood Risk.

- 4.8.1 In this respect the comments from the neighbours and the local Councillors are noted. The application site is located in a Flood Zone 1 which is at least threat from flooding. Although the applicant has not indicated the means of drainage it is noted that the site immediately abuts a main road and is on the edge of a predominantly built up area. As such it is in close proximity to drainage infrastructure that serves the surrounding area and is considered acceptable. A condition has been recommended that drainage details are submitted to and approved by the Local Planning Authority to ensure adequate drainage is provided.

4.8 Comments received not covered above:-

- 4.8.1 A neighbour has commented that the site does not seem big enough for a two storey dwelling, however it has been demonstrated that the site can accommodate a dwelling of a similar footprint and scale as surrounding dwellings whilst also providing adequate off street parking and private amenity space and also meeting the guidance for space about dwellings.
- 4.8.2 A neighbour raised concern regarding the building works causing disturbance to adjacent occupiers. Your Officers acknowledge that whilst this may be the case, the construction period for one dwelling is usually short term and not a reason to refuse the application in this instance.

5.0 HUMAN RIGHTS ACT

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

6.0 EQUALITIES ACT

- 6.1 It is acknowledged that age, disability, gender reassignment, pregnancy and maternity, religion or belief, sex and sexual orientation are protected characteristics under the Equality Act 2010.
- 6.2 By virtue of Section 149 of that Act in exercising its planning functions the Council must have due regard to the need to:

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

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

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

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

7.0 CONCLUSION

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

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

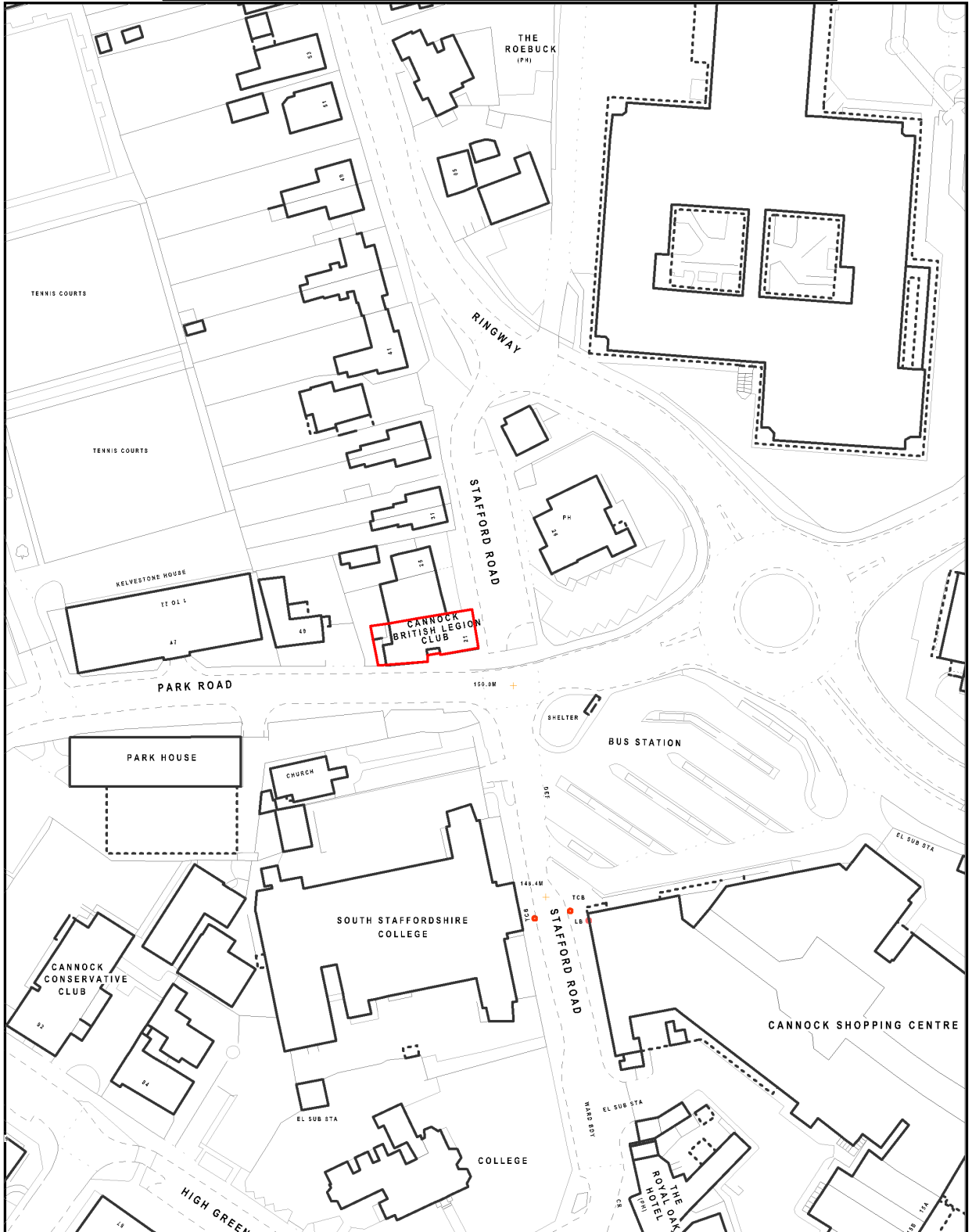
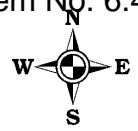


Application No: CH/18/247

Location: Former Cannock Royal British Legion, 21, Stafford Road, Cannock, WS114AF

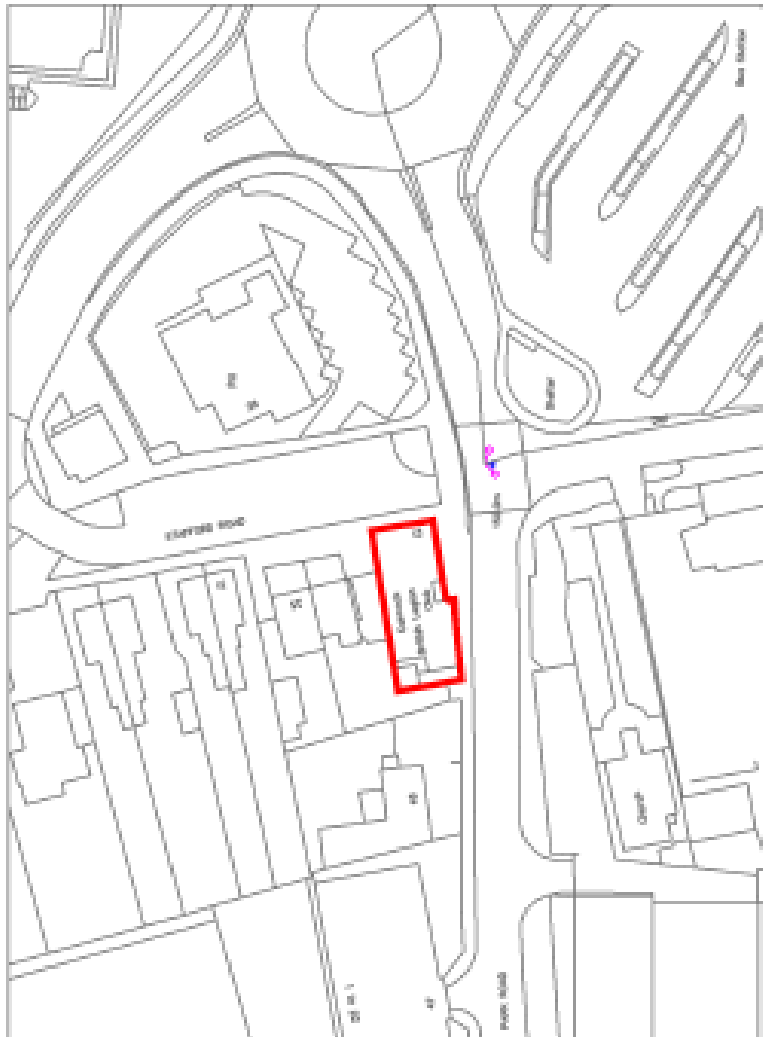
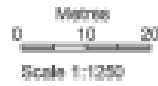
Proposal: Demolition of existing building and erection of 24 bedroom House of Multiple Occupancy (HMO) and associated works

Item No. 6.42



Location Plan

Cannock British Legion
21 Stafford Street, Cannock, WS11 4AF
Site Location Plan
Scale 1:1250 printed at A4

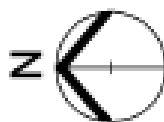


Block Plan



Cannock British Legion
21 Stafford Street, Cannock, WS11 4AF

Site Block Plan As existing
Scale 1:500 printed at A4

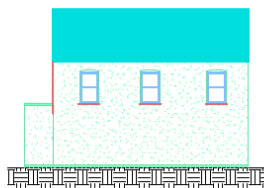
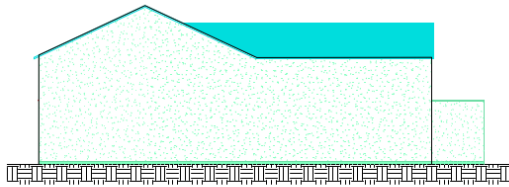
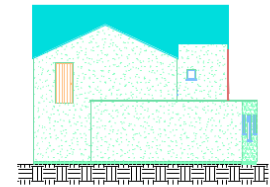
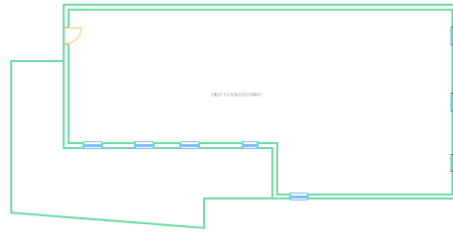
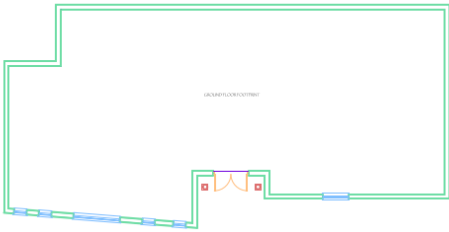


Scale 1: 500



Existing Plans and Elevations

1. All figured dimensions to be checked on site.
2. All details and dimensions relating to sub-contractors or suppliers must be affirmed with the Main Contractor.
3. This drawing must be read in conjunction with associated information and the appropriate specification clauses.
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Rev.	Amendment	Iss.	Date
Client Mr. D Anderwys			
Project 21 Stafford Road Cannock			
Title Plans and elevations as existing			
R D L The Old Barn Hollowfields Road Hanbury Redditch B96 6RD			
Date June 2017		Scale 1:100 @ A1	
Drawn jr		Checked	
Drawing No 10683-01			Revision --



Proposed Plans and Elevations

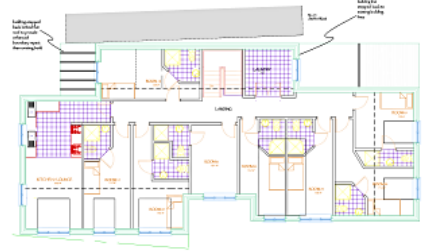
- Notes:
1. All figure dimensions to be checked on site.
 2. All details and dimensions relating to sub-contractors or suppliers must be referred with the Main Contractor.
 3. This drawing must be read in conjunction with associated information and the appropriate specification sheets.
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Ground Floor proposed



First Floor proposed



Second Floor proposed



South elevation

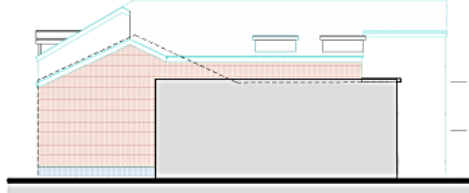


West elevation

Proposed finishes:
 Roof tiles - Concret slate/offset
 Brickwork - orange / Red mix, sandstone/stone blue finish
 Windows - white upvc
 Sills, fascia and gutters - white upvc



East elevation



North elevation

F	Bin store and rooms 4.7 revised	JR	20-11-18
E	Room 7 + kitchen revised	JR	07-11-18
D	Bin Store revised	JR	27-08-18
C	Elevation labels modified	JR	15-05-18
B	Brns indicated on plan		
A	PLANNING APPLICATION		
Rev:	Drawn/checked	Int.	Date
Client:	Mr. D Andrews		
Project:	21 Stafford Road Cannock		
Title:	Plans and elevations as proposed scheme 1		
R D L The Old Barn Hollowfields Road Hanbury Redditch B96 6RD			
Date:	June 2017	Scale:	1:100 @ A1
Drawn:	J	Checked:	
Drawing No:	10683-02	Revision:	F



Application No: CH/18/247

Received: 6-Jul-2018

Location: Former Cannock Royal British Legion, 21, Stafford Road, Cannock, WS114AF

Parish: No parish Area

Ward: Cannock West Ward

Description: Demolition of existing building and erection of 24 bedroom House of Multiple Occupancy (HMO) and associated works

Application Type: Full Planning Application

RECOMMENDATION Approve subject to the attached conditions and the signing of a section 106 agreement to secure mitigation towards the impacts on the Cannock Chase SAC

Reason for Grant of Permission

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

Conditions

EXTERNAL CONSULTATIONS

County Highways

No objection, subject to conditions to provide:

- a Construction Management Plan,
- foundation construction and reinstatement of the footway,
- cycle parking provision

Crime Prevention Officer

No objection, but makes recommendations to obtain Secure By Design (SBD) accreditation.

Waste and Recycling Management

No objection to the amended plans for bin store provision to be located within the building. A note to applicant is to be provided with the planning approval to ensure security for the bin store area and to ensure satisfactory bin collection arrangements for the Council's Waste Collection Team.

Fire Officer

No objection, makes recommendations to provide the installation of Automatic Water Suppression Systems (AWSS) as part of a total fire protection package.

INTERNAL CONSULTATIONS

Policy Officer

The scheme proposes a House in Multiple Occupation (HMO) on the site of a former social club which has been vacant for an extended period of time. The site is located within Cannock Town Centre boundary and opposite Cannock Town Centre Conservation Area on the Local Plan Policies Map. It is also listed as site C302 in the SHLAA (Strategic Housing Land Availability Assessment) 2017, a site with development potential within 6-15 years.

The Cannock Chase Local Plan (Part 1) 2014 does not include any specific policy provisions for HMO developments. However, Local Plan (Part 1) Policy CP3 and the Design SPD provides guidance on overall expectations for standards of good quality and amenity for all developments which should be considered. There are no set standards for bedroom sizes within local policy/guidance. Guidance could be sought from the Council's Environmental Health/ Private Sector Housing Team with regards to the detailed proposals in this regard (as the licensing authority for HMOs).

Policy CP11 sets out the strategy for the town centres including that other uses will be acceptable where they do not detract from the primary retail function of the town centre.

Policy CP15 outlines the protection of the historic environment including the requirement to be sensitive to the setting and using development around existing historic urban areas as an opportunity.

The revised National Planning Policy Framework (24.07.2018) sets out the national planning policy context including Chapter 7 which aims to ensure the viability of town centres by permitting a mix of uses including housing.

As the proposal is a sui generis use, there is no CIL liability arising.

The case officer will need to consider whether the scale of the project would require mitigation measures for residential development on the Cannock Chase SAC, and the process for dealing with this accordingly. The advice of Natural England should be sought, as set out in the Frequently Asked Questions sheet which has been jointly produced by Natural England and the Cannock Chase SAC Partnership.

Conservation Officer

No objection.

The proposal is for redevelopment of the whole site, but with a greater height and bulk with potential for greater visual impact on the streetscene in a prominent location on the edge of Cannock town centre. It comprises the loss of an undesignated heritage asset, albeit one which is much altered in appearance and long vacant. Provided its replacement is well designed and that archaeological evaluation is carried out to explore the potential for survival of below ground deposits on the site, given its close proximity to the town centre, then no objections are raised to its loss on conservation grounds.

The building/ site also stands within the setting of a nearby Listed Building (Grade II former church) which sits within its own curtilage, separated from the site by a landscaped frontage

with trees and a main road. The site is not considered to form a significant element of that setting, other than to provide historic townscape context with a building of appropriate height, mass and appearance. It has not been considered of such merit as to warrant being included within the Conservation Area boundary. New development on the site which is well designed, in appropriate materials, and of a height and mass which sits comfortably in the overall townscape street scene is unlikely to lead to any loss of significance to the Listed Building or Conservation Area and has the potential to preserve or preferably enhance the setting of both. The proposed building would be higher and bulkier than the fairly modest existing building, however there are other similar modern buildings around this end of the town centre and there are sufficient design details within the proposed elevations to create interest.

The proposed elevations do not indicate which of the side elevations is which and it is hard to relate the side elevations to the front elevation roof lines, therefore some clarification is recommended on this. Any new opening proposed to the yard area to access the bins from the road should have doors/gates to screen them from public view.

No objections are raised from a conservation viewpoint subject to the following conditions:

- to secure an archaeological evaluation
- to secure details of doors/gates to the yard area to screen views from the road
- to secure details of external materials.

Environmental Protection Officer

Demolition should be undertaken in accordance with Building Regulations code of practice for full and partial demolition

An acoustic design statement has been submitted from Raxter Developments. The proposals do not include any provisions for external amenity space but the reasoning is accepted. The specifications for the window units and upgraded trickle vents should be submitted via condition.

Environmental Health (Private Sector Housing)

The proposed room sizes conform to the adopted Cannock Chase DC HMO space and amenity standards and would be suitable for licensing.

Strategic Housing/ Housing Options

Although, there is an established need for more HMO accommodation locally and the redevelopment would make good use of what is effectively a 'redundant' site, the density of units proposed seems high. The Design and Access Statement that the applicant/agent refers to the expected residents as being professional working people and gives examples for eg. vets & scientists. I feel that this development is unlikely to attract this sector of the housing market locally. I wonder if the applicants have undertaken any market research in the district to back up this expectation and have the developed a criteria of who they will take as a resident?

I note also that there is a site managers office and 2 P/T staff what role will these staff be undertaking?

Traditionally HMO accommodation does tend to attract single people who may be either on low incomes or on income related benefits, if this proves to be the case in practice 25 units could cause issues so I think the level of day to day management of the building needs to be clarified.

The application states that they deal with interviewing potential applicants, therefore, would they consider taking referrals from the Housing Options Team should the application be given consent?

Finally, on what basis are the unit likely to be let ie. License or AST? Two of the HMO's in the district that we refer to are let on a 'license' basis as there is a 'rapid' turnover of residents.

Nature Conservation Officer (verbal consultation 22.11.18)

No objections to the bat roost assessment summary and recommendations, subject to conditions to provide concrete bird boxes, sparrow terrace and a brick built bat box to be installed to the gable apex of the new building.

RESPONSE TO PUBLICITY

The application was advertised by advert, neighbour letter and site notice. Sixteen letters of representation have been received, raising the following issues:

- The main entrance to Cannock Park is situated in Park Road. It is the main route to several schools, Cannock Hospital, The Council Offices, Cannock College and the town centre. The road is very busy and as such the traffic lights at the Park Road junction are used extensively, especially with mothers with pushchairs and young children visiting the park and hospital. The comments from County Highways state there will be parking for a cleaner and the existing access will be improved. However, there is no existing vehicular access or parking to the site and if one is created it will be extremely close to the traffic lights and vehicles will have to reverse either in or out. County Highways guidance advises that new accesses within 15m of traffic lights will normally not be approved. The planning application form does not include creating a new entrance in any location and the applicant states 'no' when asked if it is proposed to create one. Also no parking spaces are identified or shown on any plan or on supporting documents. Therefore there has been no opportunity for members of the public to raise this serious issue as part of the consultation process, which is not correct planning procedure.
- How is it intended to restrict tenants of the development to non vehicle owners, how would this be enforced? This would create havoc and disruption for local residents and businesses, who will then suffer the consequences.
- Overdevelopment of site - no allocated amenity space, i.e. parking, smoking area etc.
- Lack of outdoor space would result in more noise, litter and parking issues in the cul-de-sac.
- Where would works vehicles and building materials and demolition vehicles going to be parked. There are many health and safety issues to be addressed.

- Loss of light/sunlight to rear garden of neighbouring property.
- There is no parking space at all on Park Road and no dropped kerb.
- Pipistrelle and Brown Eared Bats frequent Cannock Park, which is in close proximity to the application site. As the building has not been used for some time, has a survey of the building been carried out to investigate the presence of a bat roost?
- The proposed development is located on part of the site of 'Simms Barn'. Because of this an archaeological investment should be carried out on the site should the existing building be demolished.
- HMO's are associated with above average amounts of anti-social behaviour, this will add to the existing problems which are well documented within the area.
- The police website shows the problem in the area with alcohol, drugs and anti-social behaviour within the postcode area. Park Road had anti-social behaviour 4 times in May and there were approximately 30 occasions within 200m of the site.
- A camera was located in Cannock Park due to the ASB occurring in this location, approximately 100m from the proposed site.
- The proposal would cause a significant loss of amenity to the neighbours of the site, because of the inevitable anti-social behaviour that is caused by well-managed HMO. Inevitably and HMO attracts people who have little disposable income and who are often unemployed. Many of these people are active late at night causing disturbance to neighbours.
- At present, neither the Council, nor the police are able to control the noise created by antisocial behaviour. Many working Town Centre residents are unable to get a full nights undisturbed sleep, this proposal will further extend the area of this antisocial behaviour. This means the planning aim to provide a vibrant town centre where residential and commercial live harmoniously is not working, this will be even worse if an HMO with it's usual anti-social problems is added to the mix.
- If the application is granted it should be made subject to stringent conditions reflecting what the applicant state is a well-run HMO, in particular:
 - A requirement that a Manager is on site at all times./
 - A condition that no noise shall be made that can be heard outside of the development outside the hours of 10pm-7am.
 - That every room shall have the HMO rules printed on the wall and each resident shall sign an agreement to abide by those rules.
 - No smoking shall be permitted in the street outside the development.
 - All residents shall have references taken up to ensure there have been no previous problems with the tenant's behaviour.
 - All windows shall have acoustic glass.
 - HMO properties in Birmingham, Cradley Heath and Kidderminster bear no resemblance to Cannock and are irrelevant examples. Working people residing in Cannock are more likely to have their own means of transport, which would require parking facilities.
 - Pennant Road is still under construction, the applicant is exaggerating their past management experience of HMO's.
 - Officers and elected members should visit the existing premises owned by RDL as suggested by the applicant before considering the application.
 - Waste storage appears inadequate for the proposal.
 - The proposal would be extended 3m beyond the neighbouring property in Stafford Road and would be 3 storeys high with a higher roofline, reducing light and sunlight to the neighbouring property.

- Devaluation of property.

RELEVANT PLANNING HISTORY

Relevant planning history to the site is as follows: -

- CH/13/0086 - Residential development: Demolition of rear ground floor and first floor elements and proposed 2 storey extension to create 4No. 2 bed flats -approved subject to conditions on 3 May 2013.
- CH/12/0336 - Change of use of first floor into 2 flats; ground floor change of use from British Legion Club (sui generis) to drinking establishment (A4); and new porch, rear extension and external alterations withdrawn 30 November 2012.

1. SITE AND SURROUNDINGS

- 1.1 The application site comprises a large detached building formally occupied by the British Legion. The building comprises part two storey and part single storey elements and has a mixture of flat and pitched roofs with a rendered finish. The building has remained vacant for several years and has fallen into a state of disrepair and is in need of renovation. The building is of no significant architectural merit.
- 1.2 The application site is located within a prominent corner position adjacent to the cul-de-sac end of Stafford Road and Park Road, within the Cannock Town centre boundary as defined in the Local Plan. The site lies opposite the Cannock Town Centre Conservation Area and is within close proximity to Grade II Listed Buildings.
- 1.3 The building makes a neutral contribution to the setting of the Conservation Area, as Park Road provides separation between them.
- 1.4 There is no off street parking for the application site.
- 1.5 The side boundary of a semi-detached house at No.23 Stafford Road adjoins the rear boundary of the application property. No.23 has a two storey side and rear extension, which is located approximately 0.5m from the rear wall of the application property. The rear of the extensions are approximately level with the west side elevation of the application property. There is a rear vehicular access to No.23, which is accessed from gates adjacent to the western side elevation of the application site.

2. PROPOSAL

- 2.1 The application seeks planning permission for demolition of existing building and erection of 24 bedroom House of Multiple Occupancy (HMO) and associated works.
- 2.2 The ground floor of the new building would occupy the same footprint as the existing ground floor building. The first floor would follow the ground floor footprint with elements projecting 3.5m at the front and 2.5m to the west side elevations, compared to that of the original building. The second floor would follow the majority of the

first floor area, however, it would be stepped back behind the flat roof and building lines of No.23 Stafford Road and would also utilise the roofspace area of the new build.

2.3 The design would incorporate brick materials (orange/ red mix) with white UPVC windows, cill and header brick details (Staffordshire blue plinths), detail panel to emphasise the front entrance door and pitched tiled roof. (cembrit slate effect).

2.4 The plans have been amended since submission to:

- Provide secure internal bin store (to comply with requirements of the Council's waste department) within the ground floor of the building with doors out to the eastern side elevation onto the cul-de-sac end of Stafford Road. This has resulted in the reduction of HMO rooms from 25 to 24.
- A secure cycle store building would be provided adjacent to the western side boundary of the application site.
- Parking for the cleaner has been removed from the scheme and replaced with a private secured smoking area, to be located in front of the cycle store building.
- Room 7 has been amended to comply with the Council's requirements for licensing room size standards.

2.5 The application is accompanied with a design and access statement, heritage statement, acoustic design statement, management plan and preliminary bat roost assessment and bird survey.

2.6 The design and access statement states within Appendix A - Operational and Management Statement that'

'Other than in exceptional circumstances, all tenants are working professionals. We have/ had nurses, several doctors, two psychologists, retail workers, cabin crew, shift workers in the automotive industry, several engineers, a scientist, a vet and a teacher all within the last 12 months join s in our HMO's to highlight a few of the varied backgrounds of our tenants. All of these tenants want simple hassle free accommodation with essential facilities to cook sleep and eat along with access to television and data networks. The majority do not drive or want to be responsible for the full upkeep of a residence, house or flat. The overwhelming majority do not have a car and use public transportation which means the application location is perfect for the tenant group.'

2.7 The management plan brings together typical tenancy agreements, house rules and requirements of the tenants which form a part of their contract. The landlords emphasise they are hands on landlords and do not employ agents but manage the properties themselves as a full time occupation and show potential clients the building, assessing tenant's suitability for the financial burden of the rental costs and also personally supervise the introduction and installation of new tenants. They are

members of the various national and local landlords associations and their accreditations are included in the manual along with tenant references.

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
- CP13- Cannock Chase Special Area of Conservation (SAC)
- CP15 - Historic Environment

3.3 National Planning Policy Framework

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

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

3.6 Relevant paragraphs within the NPPF include paragraphs: -

- | | |
|---------------------|--|
| 8: | Three dimensions of Sustainable Development |
| 11-14: | The Presumption in favour of Sustainable Development |
| 47-50: | Determining Applications |
| 108-109 | Sustainable Transport |
| 124, 127, 128, 130: | Achieving Well-Designed Places |
| 184-202 | Conserving and Enhancing the Historic Environment |
| 212, 213 | Implementation |

3.7 Other relevant documents include: -

Design Supplementary Planning Document, April 2016.

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

Manual for Streets.

4. Determining Issues

4.1 The determining issues for the proposed development include:-

- i) Principle of development
- ii) Design and impact on the character and form of the area and the setting of Heritage Assets
- iii) Impact on residential amenity.
- iv) Impact on highway safety.
- v) Impact on nature conservation
- vi) Affordable housing
- vii) Drainage and flood risk
- viii) Waste and recycling facilities
- ix) Crime and fear of crime

4.2 Principle of the Development

4.2.1 Both the NPPF and Cannock Chase Local Plan 2014 Policy CP1 advocate a presumption in favour of sustainable development unless material considerations indicate otherwise. The site comprises previously developed land 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.

4.2.2 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."

4.2.3 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.

4.2.4 CP15 seeks the safeguarding of historic buildings, areas and their settings from developments harmful to their significance in order to sustain character, local distinctiveness and sense of place. Proposals including new developments that are sensitive to and inspired by their context and add value to the existing historic

environment, landscape and townscape character will generally be supported with planning standards applied in a flexible manner to maintain historic continuity.

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 is not designated as a statutory or non-statutory site for nature conservation, nor is it located within a Conservation Area, although it would affect the setting of the conservation area and a Listed Building (Grade II former church) both of which are designated heritage assets.

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 and the Setting of Heritage Assets

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 the design of residential development as well as specific guidance for Cannock Town Centre and historic suburbs. Relevant points are; preserve and enhance the character and appearance of historic areas and their settings, including views in and out, and support the local preference for no-intrusive traditional architecture with good quality contemporary schemes where appropriate.

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

4.3.7 In addition to the above paragraph 193 of the NPPF states

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

adding at paragraph 194

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

4.3.8 The proposed building would sit within the ground floor footprint of the existing building and would be 10m in height (2m higher than the existing building). Within the locality there are a mixture of building uses, age, design, height, and footprint. The proposal would have a similar building to plot ratio to that of the existing building and would replicate the original building with the gabled pitched roof at the Stafford Road end of the site and the main ridge to the building running parallel with

Park Road. The general form of the building would therefore be in direct correlation to the original building. Furthermore, it would be comparable in scale and massing, to that of the surrounding buildings within close proximity to the application site. The building would include a traditional design, comprising good quality materials and detailing to include a plinth in Staffordshire Blue brick and the main facades in a brindle effect blue and red brick with pre-cast stone cills to the windows and stone course banding to the first floor. Windows in size and proportions to reflect the proportions of the windows within the Town Centre Heritage area and are sash style in appearance rather than vertical casement. The roof is to be a slate effect tile over a pitched roof with the main roofs following the linear edges of the road frontages, with windows facing both streets, providing interest to the street scene. As such, it is considered that the design would appear sympathetic to the streetscene and would not harm the character of the nearby Conservation Area, or setting of the Listed Building.

4.3.9 The proposal would involve the loss of the existing building which is regarded by the conservation officer as an undesignated heritage asset, albeit one which is much altered in appearance and long vacant. In this respect it is noted that paragraph 197 states that ' the effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.

4.3.10 However, given that

- (i) the existing building as been much altered in appearance and has been long vacant; and
- (ii) its main significance is to provide an historic townscape context by being a building of appropriate height, mass; and
- (iii) the replacement building is of a high quality design which would maintain an appropriate townscape context

it is considered that the benefits of providing new homes within a highly sustainable location clearly outweigh the loss of the non-designated heritage asset.

4.3.11 Therefore, having had regard to Policies CP3 & CP15 of the Local Plan and the above mentioned paragraphs of the NPPF it is considered that the proposal would be well-related to existing buildings and their surroundings, successfully integrate with existing features of amenity value, maintain a strong sense of place and visually attractive such that it would be acceptable in respect to its impact on the character and form of the area, nearby Conservation Area and the setting of the Grade II Listed Building.

4.4 Impact on Residential Amenity

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

- 4.4.2 Paragraph 127(f) of the NPPF states that planning policies and decisions should ensure that developments [amongst other things] create places with a high standard of amenity for existing and future users.
- 4.4.3 The side access located on Park Road adjacent to the western elevation separates the proposed building from the business premises at the Co-op Retail unit.
- 4.4.4 The building has been cut back from the frontage building line at No 23 Stafford Road, to ensure there would be no greater impact than the current building, before stepping up to the higher pitch roof level. Similarly at the rear, there is a cut back, however, the extension to No. 23 Stafford Road extends the same distance as the current and proposed building on plan, so it is considered that there would be no significant loss of light to the habitable room windows of the neighbouring property.
- 4.4.5 The proposed building would not face any residential properties on the front elevation. There are no rear windows proposed and the side windows would not directly face any residential properties. It is therefore considered that the proposal would not cause a detrimental impact on privacy to any residential neighbouring properties.
- 4.4.6 Furthermore the Environmental Protection Officer has no objection to the proposal, subject to the imposition of suitable conditions for the specifications for the window units and upgraded trickle vents. .
- 4.4.7 It is therefore considered that the proposal would adequately protect the amenity of existing residents and would result in a high standard of amenity for both future occupiers and the nearby neighbouring residents. As such the proposal would comply with policy requirements of CP3 and the NPPF.

4.5 Impact on Highway Safety

- 4.5.1 Paragraph 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 comments of the applicant in respect to the proposed occupiers are likely to have a low level of car ownership and they would have good access to public transport are accepted.
- 4.5.3 The proposed parking space for the cleaner of the proposed HMO, has been removed from the proposal, due to insufficient visibility and replaced with a private secure smoking area.
- 4.5.4 In looking at the parking provision for the proposed HMO two issues need to taken into account, namely (i) the situation in respect to existing lawful use, and (ii) the ability of the occupiers to meet their day to day needs without access to a private car.
- 4.5.5 In respect to the first point it should be taken into consideration that building as a lawful use as a club house which again has limited parking, or servicing facilities and

therefore has the potential to generate a significant amount of additional traffic. In respect to the second point it should be taken into consideration that the site is adjacent to the town centre and opposite a bus station and therefore occupiers would have excellent access to a range of goods and services to meet their day to day needs.

4.5.6 In addition to the above it should be noted that the parking standards document sets guidance for maximum not minimum amounts of parking and as it was published in 2005 is now out of date.

4.5.7 Furthermore, the County Highways have no objections to the proposals with no parking provision for the residents of the proposed HMO, subject to the imposition of suitable conditions for the following:

- a Construction Management Plan,
- foundation construction and reinstatement of the footway,
- cycle parking provision

4.5.8 It is therefore considered that the proposal would not have unacceptable impact on highway safety and that the residual cumulative impacts on the road network would not be severe.

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. Objectors have raised the issue of the potential for bats, however, no evidence has been provided to support the assertions that bats may be present. That said, the applicant has provided a preliminary bat roost assessment and bird survey to address these concerns, which concludes that there is no evidence of bats using the buildings as a place of shelter and that the high levels of street lighting would make the only potential roosting opportunity highly unlikely. However, there was evidence of birds nesting in the building and therefore, the survey recommends that demolition of the building must not occur if birds are nesting in the building until the young have fledged. The survey also recommends the installation of a bat box on the gable apex of the new building, together with bird boxes and a sparrow terrace in order to provide a replacement for nesting by sparrows and to enhance bird nesting opportunities as required by the NPPF.

4.6.2 Under Policy CP13 development will not be permitted where it would be likely to lead directly or indirectly to an adverse effect upon the integrity of the European Site network and the effects cannot be mitigated. Furthermore, in order to retain the integrity of the Cannock Chase Special Area of Conservation (SAC) all development within Cannock Chase District that leads to a net increase in dwellings will be required to mitigate adverse impacts. The proposal would lead to a net increase in dwellings and therefore is required to mitigate its adverse impact on the SAC. Such mitigation would be in the form of a contribution towards the cost of works on the SAC and this is provided by a S106 agreement, which should collect SAC contributions based upon 6 HMO bedrooms equating to 1 No. dwelling. Therefore 24 rooms would contribute a SAC payment which would be equivalent to 4 No.

dwellings. An appropriate Habitats Regulation Assessment has been undertaken as part of the due process.

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

4.7 Affordable Housing and other Developer Contributions

- 4.7.1 Given that larger HMOs do not constitute dwelling houses (C3) there is no requirement for an affordable housing contribution.

4.8 Drainage and Flood Risk.

- 4.8.1 The site is located in a Flood Zone 1 which is at least threat from flooding. Although the applicant has not indicated the means of drainage it is noted that the site immediately abuts a main road and is within a predominantly built up area. As such it is in close proximity to drainage infrastructure that serves the surrounding area and is considered acceptable in this respect. Furthermore, the area of hard surface/ buildings would not significantly increase as a result of the proposal and as such surface water run-off would not increase.

4.9 Waste and Recycling Facilities

- 4.9.1 The proposal has been amended to accommodate bin storage facilities within the building. Following re-consultation with the Council's waste department there is no objection to the proposed waste storage and recycling facilities.

4.10 Crime and the Fear of Crime

- 4.10.1 There has been a number of concerns raised relating to the proposal being perceived as leading to an increase in anti-social behaviour and crime.

- 4.10.2 The Design & Access Statement states that the building would be specified to incorporate many measures to design out crime and anti-social behaviour based upon Secure By Design (SBD) standards to include the access control restrictions, CCTV within the property and secure doors and windows in accordance with the SBD requirements.

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

4.11.1 Other Issues Raised by Objectors

- 4.11.2 The issue relating to the status of the potential occupants of the proposed HMO is not a material planning consideration. However, the agent has provided evidence to

indicate that the landlord/applicant would maintain tight control and restriction on the operation of the proposed HMO, with evidence supported within the management plan provided and also extends an invitation to Members to visit the applicant's other establishments, in order to allay any reservations towards the operation of the proposed HMO.

4.11.3 The devaluation of property is not a material consideration.

5. HUMAN RIGHTS ACT

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

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. 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 a S106 for SAC contributions and the attached conditions.

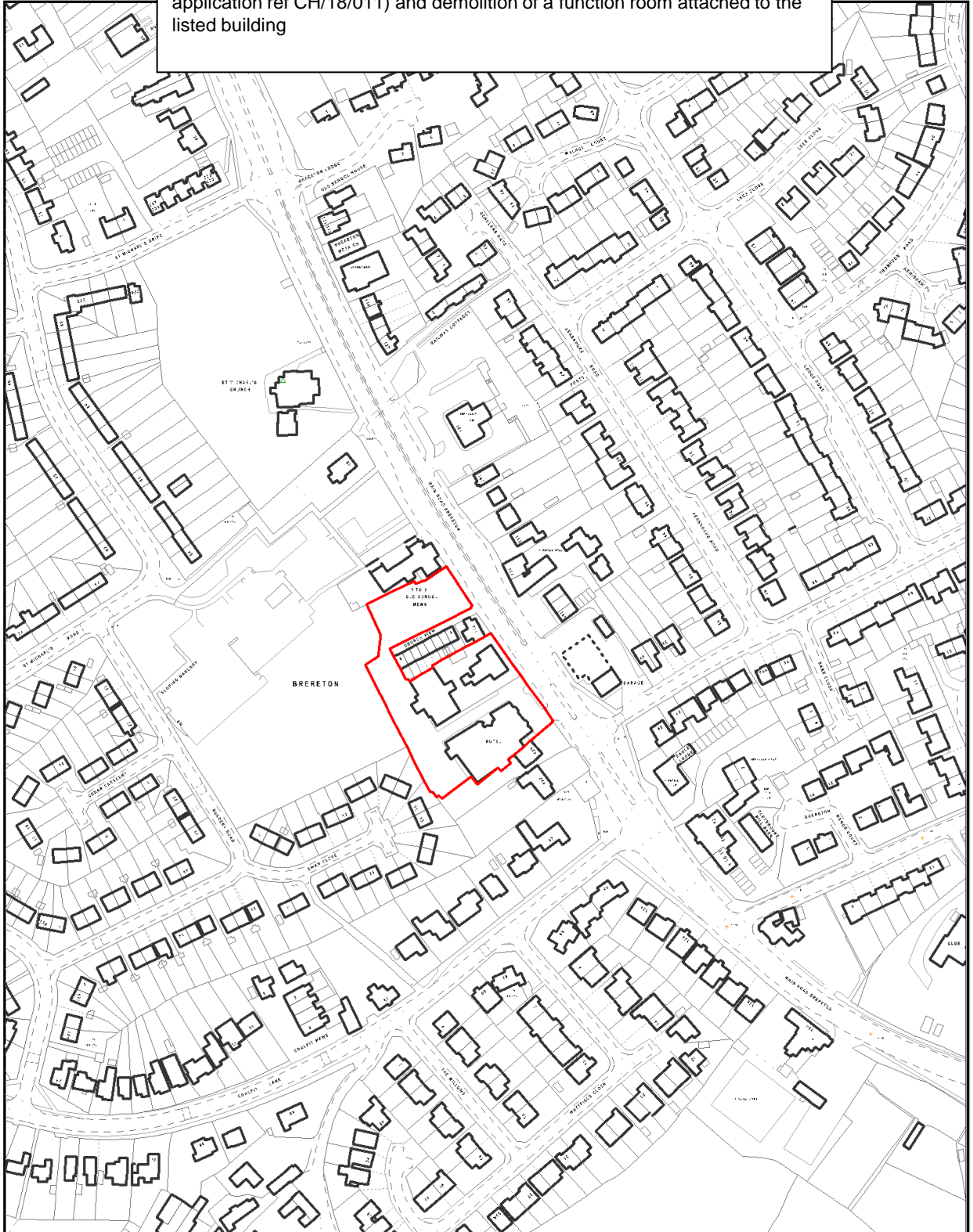


CH/18/016

Cedar Tree Hotel, 118, Main Road, Breton, RUGELEY, WS15 1DY

Change of use of the Grade II listed Cedar Tree Hotel to provide 9 no. residential apartments, change of use of the annex to create 2 no. dwellings and development of the hotel car parks to create 16 no. new dwellings. The development will include demolition of an existing squash court (as separate application ref CH/18/011) and demolition of a function room attached to the listed building

Item No. 6.64



Location Plan



Existing Site Survey



Howl Architects
1000 West 10th Street
Saskatoon, Saskatchewan
S4N 0W8
Tel: (306) 975-1111
Fax: (306) 975-1112
www.howl.ca



HOWL ARCHITECTS
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www.howl.ca

PROJECT INFORMATION
Project Name: [Redacted]
Client: [Redacted]
Site Address: [Redacted]
Site Number: [Redacted]

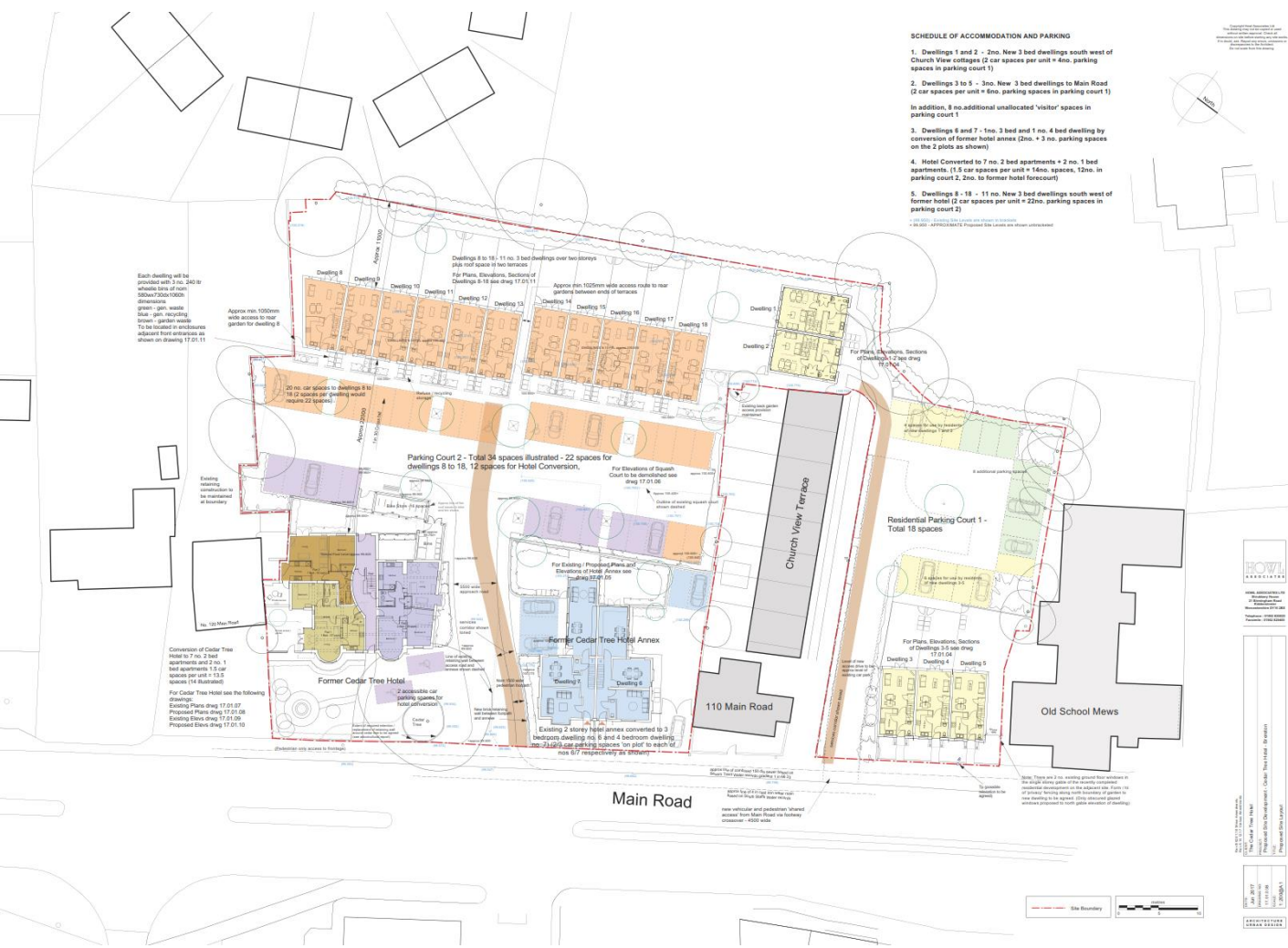
DATE: 2017
DRAWN BY: [Redacted]
CHECKED BY: [Redacted]

North Arrow

Site Boundary

Scale: 1:500

Proposed Site Plan



SCHEDULE OF ACCOMMODATION AND PARKING

1. Dwellings 1 and 2 - 2no. New 3 bed dwellings south west of Church View cottages (2 car spaces per unit = 4no. parking spaces in parking court 1)
2. Dwellings 3 to 5 - 3no. New 3 bed dwellings to Main Road (2 car spaces per unit = 6no. parking spaces in parking court 1)
- In addition, 8 no. additional unallocated 'visitor' spaces in parking court 1
3. Dwellings 6 and 7 - 1no. 3 bed and 1 no. 4 bed dwelling by conversion of former hotel annex (2no. + 3 no. parking spaces on the 2 plots as shown)
4. Hotel Converted to 7 no. 2 bed apartments = 2 no. 1 bed apartments, 11.5 car spaces per unit = 16no. spaces, 2no. in parking court 2, 2no. to former hotel forecourt)
5. Dwellings 8 - 18 - 11 no. New 3 bed dwellings south west of former hotel (2 car spaces per unit = 22no. parking spaces in parking court 2)

Each dwelling will be provided with 2 no. 240ltr wheelie bins of room 500x700x1000 dimensions
 green - gen. waste
 blue - glass recycling
 grey - garden waste
 To be located in enclosures adjacent front entrances as shown on drawing T1.01.11

Approx. min 1000mm wide access to rear garden for dwelling 8

Approx. min 1000mm wide access route to rear garden between ends of terraces

20 no. car spaces for dwellings 8 to 18 (22 spaces per dwelling would require 22 spaces)

Parking Court 2 - Total 34 spaces illustrated - 22 spaces for dwellings 8 to 18, 12 spaces for Hotel Conversion.

For Elevations of Squash Court to be developed see DWG T1.01.08

For Existing / Proposed Park and Elevations of Hotel Annex see DWG T1.01.05

Existing 2 storey hotel annex converted to 3 bedroom dwelling no 8 and 4 bedroom dwelling no 7 (2 car parking spaces for plot in each of no 7 & 8 respectively as shown)

For Plans, Elevations, Sections of Dwelling 2 see DWG T1.01.02

For Plans, Elevations, Sections of Dwellings 3-5 see DWG T1.01.04

Conversion of Cedar Tree Hotel to no. 2 bed apartments and 2 no. 1 bed apartments 1.2 car spaces per unit = 13.5 spaces (14 allocated)

For Cedar Tree Hotel see the following drawings:
 Existing Plans DWG T1.01.07
 Proposed Plans DWG T1.01.08
 Existing Elevations DWG T1.01.09
 Proposed Elevations DWG T1.01.10

North Point of Plot 101 (10.0m) from Proposed Main Road access parking (1:104.12)

North Point of Plot 101 (10.0m) from Proposed Main Road (1:104.12)

North Point of Plot 101 (10.0m) from Proposed Main Road (1:104.12)

North Point of Plot 101 (10.0m) from Proposed Main Road (1:104.12)

Main Road

new vehicular and pedestrian shared access from Main Road via existing crossover - 4000 wide



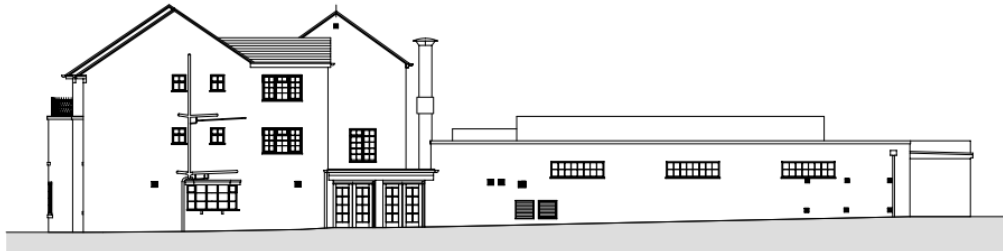
NOT TO SCALE
 ALL DIMENSIONS TO BE TAKEN FROM THE PROPOSED SITE PLAN
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HOW
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Demolition Plan



Hotel Existing Elevations



North West Elevation



South East Elevation



North East Elevation



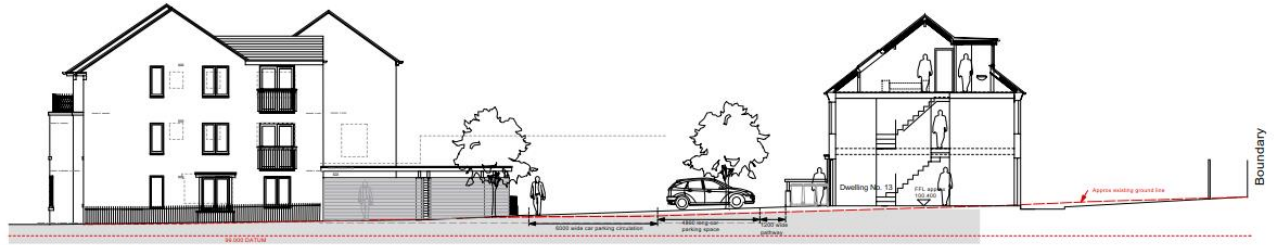
South West Elevation (Main Hotel Building not showing function room)



South West Elevation (Complete)

Hotel Proposed Elevations

... and finishes notes
 as otherwise noted.
 All to car park under eave in
 to grass areas per maintenance
 to be painted timber to SE
 dead finish.
 goods to be in black UPVC.
 tiles to kitchen / bathrooms



Proposed North West Elevation / Site section



Proposed South East Elevation



Proposed North East Elevation

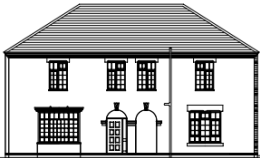


Proposed South West Elevation from Communal Parking Area

Hotel Annex Existing and Proposed Plans and Elevations (Dwellings 6-7)

Proposed conversion of existing hotel annex to create two 3 Bedroom dwellings

Prepared for the Applicant by:
 The City of Hamilton
 Planning Department
 100 King Street West
 Hamilton, Ontario L8N 2K5
 Tel: 905.546.3100
 Fax: 905.546.3101
 www.hamilton.ca



Existing north east elevation to Main Road



Existing south east elevation



Existing Ground Floor Plan



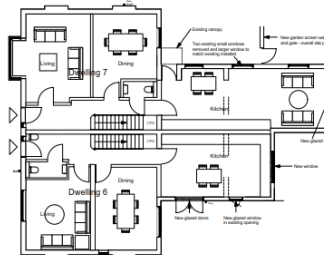
Existing First Floor Plan



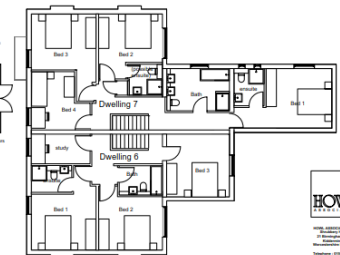
Existing south west elevation



Existing north west elevation



Proposed Ground Floor Plan



Proposed First Floor Plan



Proposed north east elevation to Main Road



Proposed south east elevation



Proposed south west elevation



Proposed north west elevation

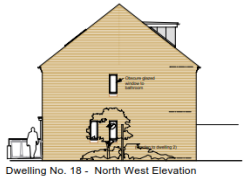
Materials:
 Existing / new windows / doors in light
 Natural colors to match existing



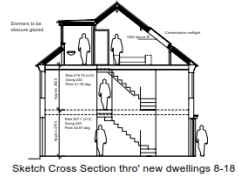
HOWL
 Hamilton Office
 100 King Street West
 Hamilton, Ontario L8N 2K5
 Tel: 905.546.3100
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 www.hamilton.ca

Project No. 2018-001
 Date: 2018-08-15
 Scale: 1:100
 Project: Conversion of existing hotel annex into two 3-bedroom dwellings (Dwellings 6 & 7)

Dwellings 8- 18 Plans and Elevations



- Materials for new dwellings 8 - 18**
- Conservation Rooflights to roof space bedroom
 - Consolidated brickwork detail to eaves. Black privo re goods
 - Facing brickwork to walls with brick off detail to windows in agreement with planning authority
 - Natural Slates to Roofs
 - UPVC doors, door surrounds and windows



HOWL
Architects

100, 101, 102, 103, 104, 105, 106, 107, 108, 109, 110, 111, 112, 113, 114, 115, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 142, 143, 144, 145, 146, 147, 148, 149, 150, 151, 152, 153, 154, 155, 156, 157, 158, 159, 160, 161, 162, 163, 164, 165, 166, 167, 168, 169, 170, 171, 172, 173, 174, 175, 176, 177, 178, 179, 180, 181, 182, 183, 184, 185, 186, 187, 188, 189, 190, 191, 192, 193, 194, 195, 196, 197, 198, 199, 200

Application No: CH/18/016
Received: 18-Jan-2018

Location: Cedar Tree Hotel, 118 , Main Road, Brereton,
Parish: Brereton and Ravenhill
Ward: Brereton and Ravenhill Ward

Description: Change of use of the Grade II listed Cedar Tree Hotel to provide 9 no. residential apartments, change of use of the annex to create 2 no. dwellings and development of the hotel car parks to create 16 no. new dwellings. The development will include demolition of an existing squash court (as separate application ref CH/18/011) and demolition of a function room attached to the listed building

Application Type: Full Planning Application

RECOMMENDATION; It is recommended the application be approved subject to the attached conditions and the completion of a S106 to provide the cost of 4 primary school places through a commuted sum of £44,124 (subject to change in cost multiplier).

Reason for Grant of Permission

In accordance with paragraphs (186-187) 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.

Background

This application was presented to Planning Control Committee on 18 April 2018 when it was resolved to grant the application subject to the completion of a Section 106 agreement to secure, amongst other things, a commuted sum for off-site affordable housing provision. Subsequently the applicant has submitted evidence in the form of a viability appraisal that demonstrates the scheme, subject to an affordable housing contribution would be unviable. This has been subject to assessment by the Council's Property Services Team who have concluded that the findings of the viability assessment are reasonable. The officer report has therefore been updated to take into account this change in circumstances.

Conditions and Reasons for Conditions

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

Reason

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

2. Prior to commencement of development a schedule of repair works to the Listed Building, including details of repairs to existing windows, new window design and a timetable for their implementation, shall be submitted to and approved in writing by the Local Planning Authority. The work shall be carried out in accordance with the approved schedule and timetable.

Reason

To safeguard the character and appearance of the Listed Building in accordance with Local Plan Policy CP15..

3. Prior to commencement of development details including samples of external materials including paving materials, design details of lighting, rooflights, bin and bike stores shall be submitted to and approved in writing by the Local Planning Authority.

Reason

To safeguard the setting of the Listed Building in accordance with Local Plan Policy CP15.

4. Prior to commencement of the development, construction details of the driveway serving the dwellings No.s 8-18 indicated on drawing No.17.01.13B shall be submitted to and approved in writing by the Local Planning Authority. The details shall show that the driveway shall be made up to public highway adoptable standard. The driveway shall thereafter be maintained as such for the life of the development.

Reason

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

5. Prior to first occupation of the proposed dwellings the parking areas / driveways indicated in drawing number 17.01.13B shall be completed and surfaced in a porous bound material, which shall thereafter be retained for resident parking / access only for the life of the development.

Reason

In the interests of highway safety.

6. No development shall commence until a Construction Vehicle Management Plan (CVMP) including details of site compound, types of vehicles, provision for parking of vehicles for site operatives and visitors, loading and unloading of plant and materials, and storage of plant and materials used in constructing the development has

been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall thereafter be implemented prior to any works commencing on site.

Reason

In the interests of highway safety.

7. Prior to commencement of the development, details of the bike store indicated broadly in drawing number 17.01.13B at the rear of the former Cedar Tree Hotel building shall be submitted to and approved in writing by the Local Planning Authority. The cycle parking facilities shall thereafter be installed and retained for those purposes only, for the life of the development.

Reason

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

8. Prior to commencement of the proposed development, details for a minimum of two cycle parking spaces per dwelling in secure and covered stores within each site curtilage for dwelling numbers 1-18 (as indicated in in drawing number 17.01.13B) shall be submitted to and approved in writing by the local planning authority. The cycle parking facilities shall thereafter be installed and retained for those purposes only, for the life of the development.

Reason

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

9. Prior to first occupation of the development the section of the existing access from Main Road Brereton (A460) to the south eastern side of the development (access to hotel kitchen), made redundant as a consequence of the proposed development, shall be permanently closed with part of the access crossing reinstated as footway with a full-height kerb.

Reason

In the interests of highway safety.

10. Prior to commencement of the development, a new site access from Main Road Brereton (A460) to the north western side of the development (adjacent to dwelling number 3) shall be completed within the limits of the public highway as a vehicular dropped crossing.

Reason

In the interests of highway safety.

11. The development hereby permitted shall not be commenced until such time as a satisfactory foul and surface water design has been submitted to and approved in writing, by the Local Planning Authority

This shall include:

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

Appropriate SuDS components to provide adequate water quality treatment and a reduction of discharge rates where possible.

Detailed design (plans, network details and calculations) in support of any surface water drainage scheme, including details in any attenuation system, and 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.

Provision of an acceptable management and maintenance plan for the lifetime of the development. This shall include a schedule of required maintenance activities and frequencies, and contact details for the organisation responsible for carrying out these duties.

Finished floor levels to be set at a minimum of 150mm above surrounding ground levels.

The scheme shall be fully implemented and subsequently maintained, in accordance with the timing/ phasing arrangements embodied within the scheme or within any other period as may be subsequently agreed, in writing, by the Local Planning Authority.

Reason

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

12. Construction activities and deliveries to the site shall not take place outside of the hours of 08:00 hours to 18:00 hours Monday to Friday, 08:00 hours to 13:00 hours on Saturday and at no time on Sundays and Bank Holidays.

Reason

To ensure that the proposed development does not prejudice the enjoyment by neighbouring occupiers of their properties and to ensure compliance with the Local Plan Policy CP3 - Chase Shaping, Design and the NPPF.

13. No part of the development hereby approved shall commence until details of the Special Surface Construction for the area within the vicinity of the protected cedar tree (to front and side of the hotel including existing access road) have been submitted to and approved in writing by the Local Planning Authority. Details shall include existing and proposed levels, construction sections, material specifications, timescale and method statement for implementing the works.

Reason

To ensure the retention and long term health of the protected cedar tree which makes a major contribution to the visual amenity of the area. In accordance with Local Plan Policies CP3 - Chase Shaping, Design, CP15 – Historic Environment and the NPPF.

14. The Special Surface Construction pursuant to Condition 13 above shall be implemented in accordance with the approved details and method statement, unless otherwise agreed in writing by the Local Planning Authority.

Reason

To ensure the retention and long term health of the protected cedar tree which makes a major contribution to the visual amenity of the area. In accordance with Local Plan Policies CP3 - Chase Shaping, Design, CP15 – Historic Environment and the NPPF.

15. No trees or hedges shown as retained on Drg. no. 17.01.13B, 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 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 & CP15.

16. No part of the development including demolition 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, the care & maintenance of the trees & hedges within and appropriate method statements.

Reason

The existing vegetation makes an important contribution to the visual amenity of the area. In accordance with Local Plan Policies CP3 & CP15.

17. Prior to the commencement of any demolition, site preparation or construction works including any actions likely to interfere with the biological function of the retained trees and hedges, approved protective fencing pursuant to Condition 16 above shall be erected to the approved layout & any form of work within the Root Protection Areas shall be carried out to the approved method statements. 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 & CP15.

18. No part of the development hereby approved, including demolition, shall commence until details of the construction access road onto Main Road between 110 Main Road and Old School Mews and the compound area, together with parking areas for users of the site, have been submitted to and approved in writing by the Local Planning Authority. Details shall include but not be limited to construction and material specifications, access arrangements onto the public highway including any appropriate reinstatement details together with the location of site compound and facilities including vehicle and pedestrian access routes.

Reason

To ensure the retention and long term health of the protected cedar tree which makes a major contribution to the visual amenity of the area. In accordance with Local Plan Policies CP3 & CP15.

19. The construction access road and site compound, pursuant to Condition 18 above shall be carried out in accordance with the approved details and programme of works unless otherwise agreed in writing by the Local Planning Authority.

Reason

To ensure the retention and long term health of the protected cedar tree which makes a major contribution to the visual amenity of the area. In accordance with Local Plan Policies CP3 & CP15.

20. No part of the development hereby approved, including demolition shall commence until details of the parking arrangements for vehicles using the site, including the properties at Church View, throughout the demolition and construction phases have been submitted to and approved in writing by the Local Planning Authority. The

approved arrangements shall be implemented and maintained throughout the demolition and construction phases.

Reason

In the interests of highway safety in accordance with Local Plan Policy CP3.

21. Prior to commencement of development an Arboricultural Method Statement shall be submitted to and approved in writing by the Local Planning Authority. The work shall be carried out fully in accordance with the submitted details including timetable and to BS 3998 Tree Work & BS 5837 Trees in Relation to Construction, unless otherwise approved in writing by the Local Planning Authority.

Reason

To ensure the retention and appropriate maintenance of the existing protected cedar tree, which makes an important contribution to the visual amenity of the area. In accordance with Local Plan Policies CP3 & CP15.

22. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and re-enacting that Order with or without modification), no development within Part 1 of Schedule 2 to the Order shall be carried out without an express grant of planning permission, from the Local Planning Authority, namely:
- The enlargement, improvement or other alteration of the dwellinghouse;
 - The enlargement of the dwellinghouse consisting of an addition or alteration to its roof;
 - Any other alteration to the roof of the dwellinghouse;
 - The erection or construction of a porch outside any external door of the dwelling;
 - The provision within the curtilage of the dwellinghouse of any building or enclosure, swimming or other pool required for a purpose incidental to the enjoyment of the dwellinghouse as such, or the maintenance, improvement or other alteration of such a building or enclosure;
 - The provision within the curtilage of the dwellinghouse of a hard surface for any purpose incidental to the enjoyment of the dwellinghouse as such;
 - The erection or provision within the curtilage of the dwellinghouse of a container for the storage of oil for domestic heating; or
 - The installation, alteration or replacement of a satellite antenna on the dwellinghouse or within the curtilage of the dwellinghouse.

Reason

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

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

Combined Design & Access Statement and Heritage Impact Statement.

Bird & Bat Activity Survey

Arboricultural Impact Assessment

Proposed Pruning works received 9 January 2018

Drg No.s 17.01.01A, 02A, 03B, 04B, 05B, 06B, 07B, 08B, 09A, 10B, 11A, 12B, 13B, 14, 15, 16 & Sk05.

Drg No.s 001 Rev A, 002 Rev A, 003 Rev B, 004 Rev A, 004 Rev B, 005 Rev B, 006 Rev B & 007 Rev A.

Reason

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

24. The development hereby approved shall not commence until a scheme for the positioning of bird and bat boxes set out in section 5 of the Elite Ecology Bat and Bird Survey, dated September 2017 has been submitted to and approved in writing by the Local Planning Authority. Within 6 months of the first occupation of the dwellings the scheme shall be implemented in full unless otherwise agreed in writing by the Local Planning Authority.

Reason

In order to mitigate against the loss of bird and bat roosting and nesting opportunities as a result of the development in accordance with Policy CP12 of the Cannock Chase Local Plan and paragraph 118 of the NPPF.

EXTERNAL CONSULTATIONS

Historic England

No objection.

Landor (Local History) Society

No objection, however states concern that the existing hotel, hotel annex and terraces on Church View may be impacted upon by the new buildings overcrowding them.

County Highways

No objection, subject to conditions.

Police

Objects to the proposal on the grounds that the proposal has a lack of off-street parking provision for existing residents in Church View Terrace. The limited parking arrangement may lead to anti social behaviour between residents and visitors.

Sustainable Drainage

Drainage design plans are required.

School Organisation

No objection, however, an education contribution would be required towards primary school provision.

South Staffs Water

No comments received.

Parish Council

Objects to the proposal on the following grounds:

- the development is in too close proximity to Church View and 2 Old School Mews.
- insufficient parking spaces for residents of Church View
- emergency vehicles would not be able to gain access to all properties in Church View, due the proposed fencing.
- two and a half storey dwellings are not appropriate in a Conservation Area and would appear out of keeping with Brereton Village.
- concerns regarding another access onto Main Road.
- if dwelling No3 was removed, it would provide more space to enter the access road.

Waste & Engineering

No objections subject to conditions to adopt the access road and provision of bin storage and collection points.

Minerals & Waste

No comments.

Historic England

No comments.

INTERNAL COMMENTS

Conservation Officer

The site has been the subject of approved schemes for development in recent years, which were similar to the current proposal. The latest approved scheme also included special arrangements for the construction access to avoid risk of harm to the cedar tree.

Part of the current scheme involves a resubmission of the previous proposals in the northern part of the site, the new dwellings adjacent to Church View and also the conversion of the hotel annex, which are broadly as previously approved. The main changes now are in the southern part of the site, the proposed conversion of the Listed hotel build to residential apartments, demolition of the ballroom and erection of 11 additional dwellings to the rear of the Listed Building with changes to the parking court layout. The proposed arrangements for construction access have also been changed.

The proposal is considered to preserve the Listed building and its setting and to preserve or enhance the character and appearance of the Main Road, Brereton Conservation Area in a sensitive and appropriate way.

Environmental Health

No objections, subject to conditions to provide a Construction & Traffic Management Plan and restriction in delivery and construction working hours.

Ecological Officer

No comments received.

Landscaping Officer

Recommends the imposition of conditions as per CH/11/246, subject to the pruning being limited to that stated in the arboricultural impact assessment.

Strategic Housing

On sites of 15 units and above, 20% is required for affordable housing so 5 units should be provided for affordable housing. It would be preferable if they were all social rented housing and there is a high demand for 2 bedroom housing in the District. It would be advisable for the developer to talk to local Registered Providers to see if they would be prepared to manage a small number of 1 bed flats in a block of 9 or a mixture of 1 bed flats and 3 bed houses.

RESPONSE TO PUBLICITY

Adjacent occupiers notified and a site notice posted. Ten letters of objection received on the following grounds:

- The proposed redevelopment of the site would remove parking for the existing residents of Church View, which would be detrimental to highway safety.
- Insufficient parking provision for residents of Church View, as each household has 2 cars each.
- The design layout and landscaping of the buildings will negatively affect the access to Church View, as no direct vehicular access would be provided.
- Emergency vehicles would not have direct vehicular access to residents in Church View.
- Detriment to highway safety.
- Cycle lanes would be blocked by vehicles parking on the road.
- The proposal would adversely affect the relationship between new and existing buildings, in relation to privacy, daylight and sunlight. The proposal would incorporate fences and shrubbery in front of the windows of the existing dwellings in Church View. In addition, the occupiers of the proposed flats would be able to see into the gardens of Church View.

- The proximity and height of the proposed scheme to 2 Old School Mews would not be appropriate.
- The construction of the proposal would cause noise disturbance, pollution and dust to the existing residents.
- Cumulative impact of the proposal would cause additional noise, waste, potentially anti-social behaviour and waste management issues.
- The old boundary wall and mature trees adjacent to 120 Main Road may be damaged by the proposed works.
- Devaluation of existing properties.
- Existing drains and manhole would be affected by the proposal.

PLANNING HISTORY

2322/4135 – modernisation and extension of hotel – approved 9/4/69

2483/4423 – extension to restaurant and lounge (to side) – approved 18/2/70

623/76 – use of building adjacent hotel as bedroom annex – approved 3/2/77

281/78 – 4 squash courts and dressing rooms – approved 15/6/78

15/84 – change of use residential to hotel bedrooms/gym – approved 7/3/84

143/84 – alterations to squash court to from shower and bar – approved 27/3/84

CH/96/0259 – extension at 2nd floor and emergency stair – LBC approved 7/8/96

CH/96/0260 – alterations and extensions to hotel – approved 7/8/96

CH/97/0328 – boundary wall to front – LBC approved 24/9/97

CH/97/0327 – ditto – approved 24/9/97

CH/98/0240 – conversion 110/112 1 dwelling to two – refused 24/6/98

CH/02/0052 – residential development 8 dwellings – withdrawn

CH/03/0070 – change of use squash courts to function room and 4 bedrooms – approved 23/4/03

CH/05/0164 – change of use garage to manager's accommodation – approved 27/4/05

CH/07/0523 – change of use of 110 to 6 hotel bedrooms – approved 29/8/07

- CH/08/0518 – demolition of function room and alterations to provide new hotel entrance and reception LBC – refused 22/12/08 (application related to listed building works in connection with current planning application) – refused 2008.
- CH/08/0517 – CAC for demolition of squash court – refused 22/12/08 (application in connection with current planning application) – refused 22/12/2008
- CH/08/0516 – Planning application for alterations of hotel including demolition of function room and squash court to accommodate construction of 14 dwellings - withdrawn 15/1/09
- CH/09/0259 - Alterations to hotel including demolition of function room together with demolition of squash court to accommodate construction of 14 two storey dwellings with accommodation in roof space – approved (pending S106) 16/11/09.
- CH/09/0291 – LBC Demolition of function room to rear. Alterations to provide new hotel entrance and reception including new canopy – approved 21/01/10
- CH/09/0292 – Conservation area consent for demolition of squash court building – approved 21/01/10.
- CH/11/0246 - Residential development - 3 terrace houses, a pair of semi-detached houses, conversion of hotel annex into 2 dwellings; demolition of store and canopy to rear of hotel and demolition of squash courts approved subject to conditions on 16 December 2011.
- CH/11/0247 - Listed building consent for the demolition of store and canopy to rear of hotel approved subject to conditions on 19 September 2011
- CH/11/0278 - Conservation area consent for the demolition of squash court building approved subject to conditions on 16 Dec 2011.
- CH/18/011 - Demolition of existing squash court building approved subject to conditions on 5 April 2018.
- CH/18/017 - Listed building consent for change of use of the Grade II listed Cedar Tree Hotel to provide 9 no. residential apartments, change of use of the annex to create 2 no. dwellings and development of the hotel car parks to create 16 no. new dwellings. The development will include demolition of an existing squash court (as separate application ref CH/18/011) and demolition of a function room attached to the listed building – Not yet determined.

1. SITE AND SURROUNDINGS

- 1.1. The application relates to the 3 storey Grade II Listed Cedar Tree hotel, two storey hotel annex, two storey squash court building and associated parking area within the site of the Cedar Tree Hotel on Main Road, Brereton. The site is within Brereton Conservation Area and is one of 6 listed buildings within it.
- 1.2. The hotel dates back to the 18th century and was remodelled in Regency style in the early 19th century. The three storey rendered building with pitched roof has distinctive two storey convex bays on either side of an entrance door with Tuscan columns. There have been various three storey extensions to its northern and western sides, which are of lesser architectural value and single storey buildings to the rear of the Listed buildings, which have predominantly flat roofs. The mature cedar tree on its frontage is of significant high amenity value and from which the hotel name derives. It is protected by a TPO stands in front of the listed building, and other trees, protected by virtue of their Conservation Area designation, stand within the site and around its boundaries.
- 1.3. The hotel annex was originally a pair of Victorian houses, which have been rendered and altered, however have retained natural slate roofs. The building although not Listed is described as being of 'particular interest' within the Conservation Area appraisal.
- 1.4. The squash court is a modern 2 storey building in part render and brickwork with a flat roof, and was erected after permission in 1978.
- 1.5. A Conservation Area Appraisal for Brereton was adopted in 2009 and identified the squash court building as having a neutral impact on the character and appearance of the Conservation Area.
- 1.6. To the north of the annex building is another two storey Victorian building, No.110 Main Road, which is within separate ownership to the hotel. This building is described as 'making a positive contribution' to the area within the Conservation Area.
- 1.7. A row of Victorian terrace houses known as Church View Terrace is located between the northern-most car park area that serves the hotel and the principal hotel buildings, which effectively divides the site into two distinct areas. The properties

along Church View Terrace have no parking within their respective curtilages although 4 of the properties have a legal right to park on the adjacent car park.

2.0 PROPOSAL

- 2.1 The proposal is for the change of use of the Grade II listed Cedar Tree Hotel to provide 9 no. residential apartments (2 x 1 bedrooms and 7 x 2 bedrooms), change of use of the annex to create 2 no. dwellings (3 bedrooms) and development of the hotel car parks to create 16 no. new dwellings (3 bedrooms). The development would include demolition of an existing squash court (as separate application ref CH/18/011) and demolition of a function room attached to the listed building (under planning application reference CH/18/017). The proposal embodies many elements of the earlier schemes, including demolition of the squash court building, conversion of the hotel annex and erection of five new dwellings on the northern car park area.
- 2.2 A new access road from Main Road would serve the five new dwellings to the north and west of Church View Terrace. The car parking court would provide spaces for both the five new dwellings and provide eight additional spaces for visitors or the residents of Church View Terrace. A similar arrangement with four parking spaces for Church View Terrace was accepted in the previous planning and Listed Building approvals (Ref CH/09/0291 and 0292).
- 2.3 The existing squash court building that lies to the south of the rear gardens of Church View Terrace is to be demolished. A new car parking court would be provided to serve 11 new dwellings, arranged on a north/south axis in two terraces of five and six dwellings. The configuration for the car parking court allows emergency and service vehicles to turn around within the site.
- 2.4 The existing road access position would be moved slightly further to the north, providing an increased area for soft landscape/permeable paving within the root protection zone of the cedar tree. It is proposed that the vehicular access to the south of the cedar tree is extinguished to create a new landscaped area.
- 2.5 A pedestrian route would be maintained from the footway to the original entrance door to the listed building which would be re-opened. Two parking spaces would be retained within the frontage area that would be located on permeable paving for disabled drivers.
- 2.6 The listed building would be externally renovated to include restoration of the original sash windows, balconies and roof eaves. The extent of the re-rendering to

be undertaken would be established with the Conservation Officer. The existing natural slate roofs would be restored as part of the work. The fenestration arrangement elevations to the later three storey additions would be altered to a simple contemporary design. The ground floor communal entrance area can be accessed from both the car parking court on the west side and the original entrance door to the listed building on the east side, which would be treated in a contemporary design.

- 2.7 Two of the ground floor apartments in the listed building would have external private space accessible from the apartment entrance area. These new elements would have brick facing to contrast with the rendered walls of the listed building and 'floating' flat roofs set above the top of the enclosing walls. The roofs would be finished with a grey membrane.
- 2.8 The hotel annex would be changed back to two dwellings. The windows facing the Main Road elevation would be replaced with timber sash windows. The original doorways would be reinstated on the front elevation. Minor alterations are proposed to the other elevations of the building to provide new windows and doors. Car parking spaces would be provided within the curtilage of each dwelling.
- 2.9 Three terraced houses would fill the existing gap along the Main Road frontage between 110 and The Old School Mews. The proposed housing is arranged as a terraced block, replicating 'solid to void' ratio on the adjacent buildings. Low profile conservation type roof-lights would be provided to the roof slopes facing Main Road with dormers to the rear. The rear dormers would serve ensuite facilities and would be fitted with obscure glazing.
- 2.10 Two dwellings would be provided to the west of Church View Terrace. They would be two storey to follow the scale of the adjacent cottages and stepped back slightly.
- 2.11 Storage for cycles, refuse and recycling bins would be provided as indicated on plan.
- 2.12 The layout and design of the majority of the new dwellings and associated car parking has been established in the previous approvals (Ref CH/09/0291 & 0292).
- 2.13 The proposed eleven new dwellings to the west of the listed building have been designed to follow the principles of the proposed housing to the north of Church View Terrace. The design utilises the space in the roof, which allows for a stepping down in scale between the three storey height of the listed building on the Main

Road frontage and the single storey development in Swan Close to the west. Low profile conservation type roof-lights would be provided and rear dormers would be fitted with obscure glazing to serve ensuite bathroom facilities. The dwellings would be provided with small front gardens defined by low walls, railings and brick piers, which would include individual bin storage areas for each dwelling. These provide covered storage for 3 No. 240 litre wheelie bins.

- 2.14 Access would be provided to the rear of all the dwellings and it is proposed that cycle storage requirements would be addressed through a separate storage facility in the rear gardens of the dwellings.
- 2.15 Permeable paving would be used around the base of the cedar tree. Tarmac to access roads and carpark circulation area, with concrete block paving.
- 2.16 Garden areas would be typically approximately 40sqm.
- 2.17 The application is accompanied with a combined design and access statement and heritage impact statement, arboricultural impact assessment and bat and bird activity survey.

3.0 PLANNING POLICY

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

- CP1 – Strategy
- CP2 – Developer Contributions
- CP3 – Chase Shaping – Design
- CP6 – Housing Land
- CP7 – Housing Choice
- CP12 – Biodiversity and Geodiversity
- CP13 – Cannock Chase Special Area of Conservation (SAC)
- CP15 – Historic Environment
- CP16 – Climate Change & Sustainable Resource Use

3.5 National Planning Policy Framework

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

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

3.8 Relevant paragraphs within the NPPF include paragraphs:-

8: Three dimensions of Sustainable Development

11-14 The Presumption in favour of Sustainable Development

47-50 Determining Applications

108-109 Highway Safety

124, 127, 128 & 130 Achieving Well Designed Places

175 Conserving and Enhancing the Natural Environment

184-188 Conserving and Enhancing the Historic Environment

189-192 Proposals Affecting Heritage Assets

3.9 Other Relevant Documents

- Design Supplementary Planning Document (April 2016).
- Cannock Chase Local Development Framework Parking Standards, Travel Plans and Developer Contributions for Sustainable Transport.
- The adopted Main Road, Brereton Conservation Area Appraisal 2009 and Management Plan 2014.

4.0 DETERMINING ISSUES

4.1 The determining issues for the proposals are:

- Principle of development
- Design and impact on the character and form of the Conservation Area and Listed Building
- Impact on Protected Tree
- Impact on Residential Amenity
- Impact on Parking and Highway Safety
- Impact upon the Cannock Chase Special Area of Conservation
- Community Infrastructure Levy (CIL) and S106 requirements
- Affordable Housing S106 requirement
- Education S106 requirement

4.2 Principle of Development

- 4.3 This application follows the previous approvals for demolition of the squash court building and residential redevelopments CH/09/0259 for the "erection of 14 No dwellings" and CH/11/0246 for the "erection of 3 No. terrace houses, a pair of semi-detached houses, conversion of hotel annex into 2 dwellings; demolition of store and canopy to rear of hotel and demolition of squash courts".
- 4.4 The site is a largely brownfield site located within the urban area of Brereton. Most of the site has been previously identified within the Strategic Housing Land Availability Assessment (SHLAA) as a potential housing site in view of the previous planning consent, which has now expired.
- 4.5 In addition to the above the site is located within Brereton, which is a designated local service centre with a range of goods and services to serve the day to day needs of the community and with good transport links to local towns and areas of employment. As such the application site is located within a sustainable location.
- 4.6 The land is not allocated for any use within the Local Plan Policies Map. Policy CP1 identifies that the urban areas of the District, including Brereton, 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. Policy CP6 also identifies that new housing will be focused in the urban areas, including windfall developments, which will receive positive consideration.' Other than this point the Local Plan is largely silent on the issue of housing on unallocated sites.

- 4.7 Paragraph 11 of the NPPF states that housing applications should be considered in the context of the presumption in favour of sustainable development. What the presumption means in practice is set out in Policy CP1 of the Local Plan and Paragraph 47 of the NPPF:

'planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise. Decisions on applications should be made as quickly as possible and within statutory timescales unless a longer period has been agreed by the applicant in writing'

approving development proposals that accord with the development plan without delay; or

where there are no relevant development plan policies, or the policies which are most important for determining the applications are out-of-date, granting permission unless:

- i) The application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed, or
- ii) Any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as whole.

- 4.8 The reference above to specific policies in the framework relates to those policies in the Framework relating to sites protected under the Birds and Habitats Directive and/ or designated as Sites of Special Scientific Interest, land designated as Green Belt, Local Green Space, an Area of Outstanding Natural Beauty, Heritage Coast or within a National Park, designated heritage assets and locations at risk of flooding or coastal erosion.
- 4.9 Officers can confirm that the site falls within the Brereton Conservation Area and the Cedar Tree is a listed building, and therefore there are policies within the Framework that indicate development should be restricted and the proposal will therefore need to pass the tests of the NPPF paragraphs 184-192 and Local Plan Policy CP15, to assess how the proposal would affect the designated heritage assets.
- 4.10 It is therefore considered that subject to matters with regard to the impacts upon the heritage assets being considered and addressed in full and the detailed design of the scheme overall, the proposal would be acceptable in principle.

4.11 Design and impact on the character and form of the Conservation Area and Listed Building

4.12 Policy CP3 of the local plan states development proposals should:

- be well-related to existing buildings and their surroundings in terms of layout, density, access, scale, appearance, landscaping and materials and
- 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 enhance local distinctiveness.

4.13 In addition to the above Paragraph 189 of the NPPF states

"In determining applications, local planning authorities should require an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting. The level of detail should be proportionate to the assets' importance and no more than is sufficient to understand the potential impact of the proposal on their significance. As a minimum the relevant historic environment record should have been consulted and the heritage assets assessed using appropriate expertise where necessary.'

4.14 Paragraph 190 of the NPPF goes on to state: -

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

4.15 In this respect it is noted that the applicant has submitted a combined Design and Access Statement and heritage Impact Statement outlining the architectural detailing and historical development of the site.

4.16 The design of the new dwellings would match the existing neighbouring dwellings by retaining a simple design, with high quality materials that would be sympathetic to the conservation area.

4.17 The dwellings which face Main Road have taken design cues from the neighbouring school, whilst maintaining a similar size and scale as the surrounding dwellings.

- 4.18 The hotel annex would be re-instated back to two dwellings, with improvements to the windows facing the Main Road elevation, being replaced with timber sash windows and original doorways reinstated on the front elevation. The alterations to the other elevations of the building would upgrade the building to provide new windows and doors.
- 4.19 The listed building would be externally renovated to include restoration of the natural slate roofs, rendering, original sash windows, balconies and roof eaves.
- 4.20 It is noted that the Council's Conservation Officer has reviewed the information and has stated that the proposal would 'preserve the Listed building and its setting' and would 'preserve or enhance the character and appearance of the Main Road, Brereton Conservation Area in a sensitive and appropriate way'.
- 4.21 As such it is concluded that the overall the design of the new dwellings are appropriate for their setting and the development as a whole would enhance the setting of the Listed Building and the Conservation Area in accordance with Local Plan Policies CP3 and CP15 and Section 16 of the NPPF.
- 4.22 Impact on the Protected Cedar Tree and Other Trees Within the Site
- 4.23 There are a number of trees within the site and in particular the protected cedar which forms a local land mark and which gave the hotel its name. In order to inform the application the applicant has submitted an Arboricultural Impact Assessment, prepared by Wharton Tree and ecology Consultants.
- 4.24 The proposed development proposes to move vehicle movements further away from the protected cedar tree in order to preserve it. The expanse of tarmac car parking area, which has perished over time and in a bad state of repair would be removed. Repair and maintenance of this area could be undertaken without permission and some of this area would be replaced with new permeable paving to surfaces around the cedar tree, which would improve water supply to the roots of the tree. There would also be additional landscaping provided where there were previously tarmac areas. It is considered that these works would preserve and enhance the setting of the tree, as well as the listed building.
- 4.25 Minor pruning to raise the canopy of the cedar tree to allow clear access below for waste collection vehicles would be undertaken in accordance with the arboricultural

impact assessment and therefore appropriate conditions have been attached to the consent to ensure no damage is done to the tree.

- 4.26 The application has also identified a range of works to existing trees across the site, including some removal and pruning of trees to facilitate the development where the trees would result in conflict with the proposed dwellings, are necessary to allow the development to go ahead and, or, are of little value.
- 4.27 The Landscape Officer has reviewed the application and has no objections subject to the attached conditions.
- 4.28 It is thus, considered that the works would help to preserve the significant Cedar tree of high amenity value and where practicable retain existing trees in accordance with Local Plan Policies CP3 and CP15.

4.29 Impact on Residential Amenity

- 4.30 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. This latter document sets out guidance in respect of separation distances between different type so of elevations and minimum garden areas in order to achieve a good standard of residential amenity.
- 4.31 In this respect it is noted that the proposed dwellings would comply with the 45/25 standard measured from the nearest habitable room windows of the existing and proposed dwellings, and therefore the proposal is considered acceptable in respect to impacts on receipt of light, or overshadowing to neighbouring residents.
- 4.32 The proposed dwellings would generally on the whole comply with the facing distance requirements of 21.3m within the Design SPD, measured between facing habitable rooms of existing and proposed dwellings, with the exception of dwelling No.8, which would have a facing distance of 17m measured to the rear of No. 23 Swan Close. However, there is a mature tree and hedge line along the intervening boundary, which would provide sufficient screening between the existing and proposed dwelling to prevent loss of privacy.
- 4.33 The gardens sizes for the proposed 3 bedroom houses would be the minimum required for 2 bedroom houses (40-44sqm compared to 65sqm). However, the

third bedrooms are provided in the roof space, which can normally be added under permitted development allowances and the garden sizes are comparable with the existing houses in Church View Terrace. Furthermore, a condition can be added to the approval to remove any further permitted development rights to enable any future development to be controlled.. Therefore officers consider that on balance the slight deficiency in garden sizes would not be sufficient to warrant refusal of the application.

4.34 It is therefore considered there would be no issues of overlooking, or impact upon the amenity of the existing or proposed occupiers and that overall a good standard of amenity would be attained for all existing and future occupiers of the site and its neighbouring properties in accordance with the Design SPD.

4.35 Impact on Parking and Highway Safety

4.36 Paragraph 108 of the NPPF states that Plans and decisions should take account of whether; -

'safe and suitable access to the site can be achieved for all users people; and any significant impacts from the development on the transport network (in terms of capacity and congestion), or on highway safety can be cost effectively mitigated to an acceptable degree. 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.'

4.37 The highways officer was consulted on the proposed redevelopment scheme and has no objections, subject to the imposition of suitable conditions.

4.38 The parking provision available to the residents in Church View Terrace has been increased from 4 No. from the past approval CH/11/246, to 8 No. unallocated spaces which would be available to visitors and/or the existing residents of Church View Terrace. The previous approval established that only 4 of these properties had a legal right to park on the land. It is therefore considered that the provision of one space for each of the existing residents of Church View Terrace would be an improvement to the provision of off-street parking from that agreed in the previous approval.

4.39 The waste collections team were consulted on the application and had no objections to the scheme, subject to conditions and provided that the access to the rear of the site is constructed to an adoptable standard, in order to allow waste collection vehicles to access the bins of the proposed rear dwellings. This would also improve access for emergency vehicles to enter the site and can be accommodated once the

proposed pruning to lift the crown of the Cedar tree is undertaken (part of the proposals to allow construction vehicles access to the rear of the site).

4.40 The site falls within flood zone 1 and there would be a net reduction in impermeable surfaces of 747 sqm and a suitable condition can be added for a drainage scheme attached to the permission.

4.41 Taking the above into consideration, it is concluded that the proposal is acceptable in respect to parking, highway safety and capacity and therefore accords with Policy CP3 of the Cannock Chase Local Plan and paragraphs 108-109 of the NPPF.

4.42 Impact on the Cannock Chase Special Area of Conservation

4.43 Paragraph 175 of the NPPF states: when determining planning applications, local planning authorities should, apply the following principles (not relevant to the determination of this application)

"aim to conserve and enhance biodiversity by applying the following principles:

if significant harm to biodiversity 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"

4.44 The application site has a legal duty as a responsible authority under the Conservation of Habitats and Species Regulations 2010 (Habitat Regulations) to ensure that the decisions it makes on planning applications do not result in adverse effects on the integrity of the Cannock Chas Special Area of Conservation (SA), which has internationally protected status under the Regulations for its unique heathland habitat. The financial requirement for SAC Mitigation would be included in the calculation for the Community Infrastructure Levy.

4.45 In addition to the above the applicant has submitted a Bat and Bird Activity Survey, dated September 2017 prepared by Elite Ecology outlining the results of surveys undertaken on 25th August and 7th and 13th September and a bat scoping survey of the buildings on 18th September. Although the survey did not find any evidence of use by bats it did find evidence of breeding birds the reports outlines mitigation and compensation measures, which include the provision of

- no works to be carried out during the bird breeding season unless otherwise inspected by an ecologist.
- instalment of 2 no integrated eco bat boxes
- instalment of 4 robin and wren nest boxes
- instalment of 2 Schwegler Sparrow terraces

4.46 Subject to the above being controlled by condition it is considered that the proposal would be acceptable in respect of its impact on nature conservation interest and in accordance with policy CP12 of the Local Plan and paragraph 118 of the NPPF.

4.47 Community Infrastructure Levy (CIL) and S106 requirements

4.48 The Council's CIL Charging Schedule was approved on 19 February 2015 and came into effect on the 1 June 2015. The CIL for all new residential development is £45.87 per square meter (plus indexation) of floorspace and is used to pay for infrastructure. The proposal is CIL liable as it provides 27 No. new residential units.

4.49 Affordable Housing S106 requirement

4.50 Local Plan Policy CP7 requires on developments for 15 dwellings or more a 20% on site affordable housing provision, which would equate to 5 No. dwellings for this scheme that would be secured via a S106 agreement. The comments of the Strategic Housing Officer are noted and it is considered that this could be secured through a Section 106 agreement.

4.51 However, the agent has submitted a viability assessment for the affordable housing element contribution and it has been verified by the Council's Property Services department who state:

'I have reviewed the Viability Appraisal supplied by Lambert Smith Hampton together with the Appraisal Summary and I do not disagree with the principal approach and conclusions which in my opinion seem reasonable.

I would question the rationale behind the proposal to convert the main hotel building to provide 9 no. residential apartments and make 5 of those 9 no. apartments the scheme's affordable housing element. A Registered Social Housing provider might find it difficult to manage the affordable housing element when the remaining 4 apartments in the building are privately owned.

In addition I note that the return to the developer, even if nil affordable housing was provided, is still only 8.71%. I find it hard to imagine that any developer would be persuaded to take on such a scheme for such a low return however it is noted within the Appraisal that the Applicant is nonetheless keen to progress the scheme as they see the redevelopment of the site as a means of recovering their investment and making a small level of profit.

In summary, I consider the Viability Appraisal to be reasonable and would not take issue with the same.'

- 4.52 Policy CP7 states that 'individual site viability issues will be considered' on smaller sites of less than 15 units, financial contributions based on the formula in the evidence on viability to be made on delivery.
- 4.53 As such, on the basis of the evidence submitted it has been demonstrated that it would not be possible to deliver the development if the affordable housing contribution is sought. Therefore it is recommended that this contribution should not be requested by a S106 agreement and that the proposal is acceptable in this respect, having had regard to Policy CP7 and paragraph 64 of the NPPF.
- 4.54 Education S106 requirement
- 4.55 The School Organisation Team has identified that a development of this size would require additional school places and as a consequence identified there would be shortfall in primary school provision. Therefore a contribution to 4 primary school places would be required, which would be £44,124 (subject to change in cost multiplier) and could be secured via a S106 agreement.
- 4.55 Other Matters
- 4.56 Loss of access to Church View – the creation of a new vehicular access to the residential properties will also serve Church View.
- 4.57 Loss of parking for Church View – 8 parking spaces have been provided for visitors, or residents of Church View, which is an increase of 4 spaces compared to the previous approval.
- 4.58 Loss of privacy – there will be no direct overlooking windows facing the existing properties in Church View and any view would be at a somewhat oblique angle. As such any loss of privacy to existing occupiers would be acceptable in planning terms and marginal over and above that currently exists.
- 4.59 Noise and dust pollution during construction period – This would be controlled as far as is practicably possible through a construction method statements that could be controlled through condition.

4.60 Devaluation - this is not a material consideration.

4.61 Drains - Any works affecting drainage would be covered by private rights or through the Building Regulations legislation.

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 CONCLUSION

6.1 In conclusion, it is considered that the proposed development would enhance the Conservation Area by making good use of currently underused land. The proposed development, subject to the attached conditions would not have a significant adverse impact upon neighbouring dwellings as the proposal generally complies with the amenity standards outlined in the Residential Extensions Design Guide. The dwellings would be an appropriate design, size and scale given their surroundings and their setting within a Conservation Area in accordance with Local Plan Policies CP3 & CP15 – Historic Environment.

6.2 The alterations surrounding the Cedar Tree would not have an adverse impact upon the Listed Building, or the protected tree and would be in accordance with Local Plan Policy CP15.

6.3 It is therefore recommended that the application be approved subject to a S106 and the attached conditions.

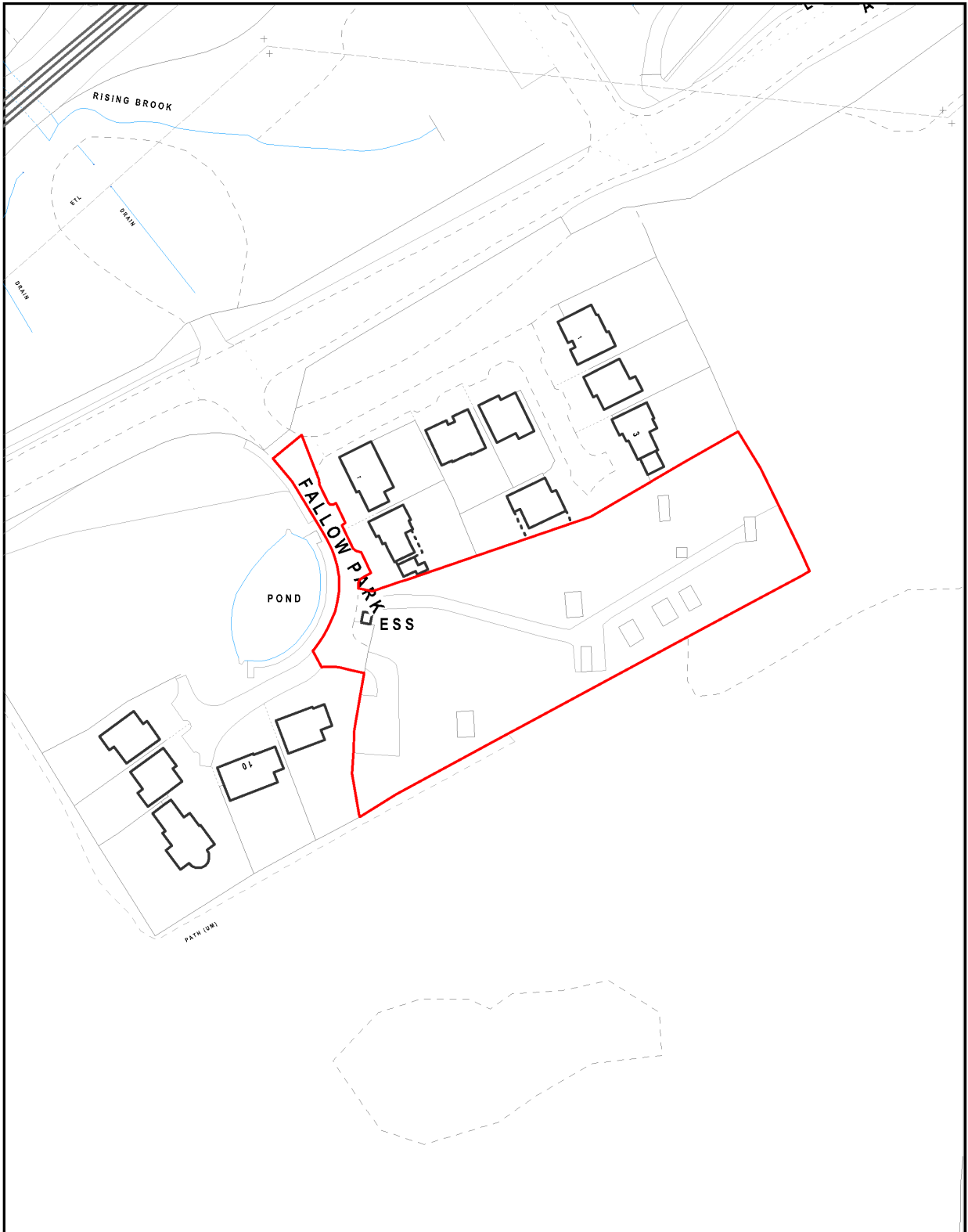


Application No: CH/17/348

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

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

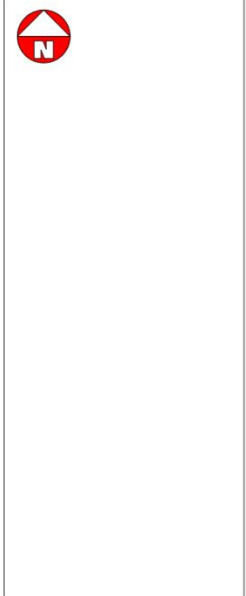
Item No. 6.104



Location Plan



Scale 1:1250



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JESSUP			
FALLOW PARK PHASE 2			
BRINDLEY HEATH			
LOCATION PLAN			
scale@A3	date	drawn	drawing
1:1250	AUG 17	SPF	17010/1

Site Plan



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



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JESSUP			
FALLOW PARK PHASE 2			
BRINDLEY HEATH			
SITE PLAN			
number	date	issue	project
1500	AUG 17	001	17010/2

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Plot 14 Plans

Fallow Park



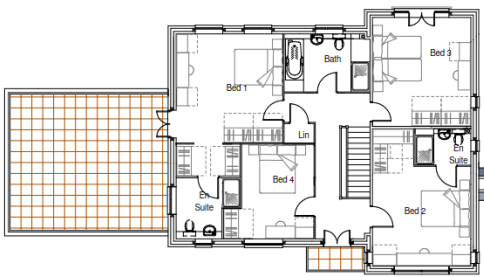
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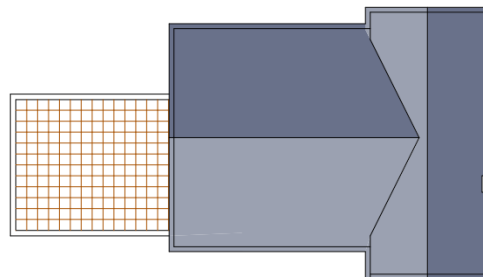
Rear Elevation



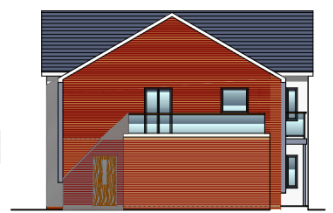
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First Floor Plan

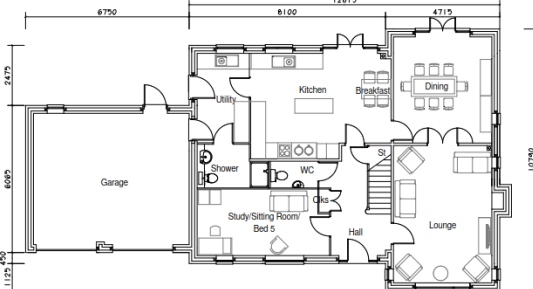


Roof Plan



Side Elevation

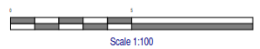
Floor Area - 255 Sq M
 (220 Sq M + 35.00 Sq M Garage)
 Footprint - 165.00 Sq M



Ground Floor Plan



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Scale 1:100

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FALLOW PARK PHASE 2			
BRINDLEY HEATH			
PLANS & ELEVATIONS: PLOT 14			
width	date	revision	number
1:100	AUG 17	SFP	17010/5

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Plot 15 Plans

Fallow Park



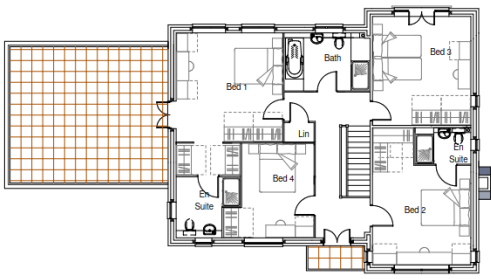
Front Elevation



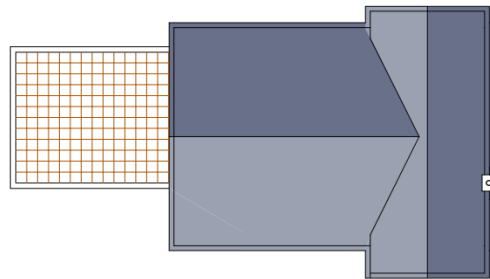
Rear Elevation



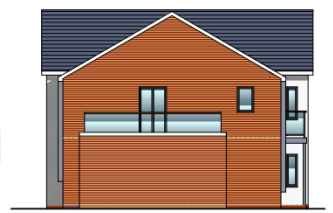
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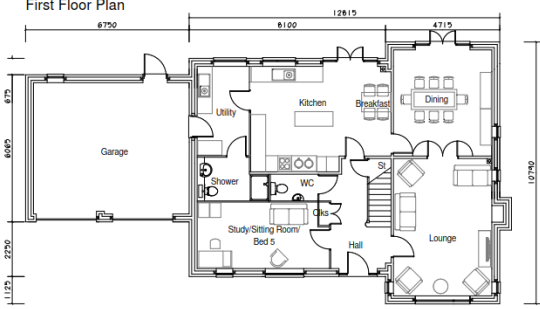
First Floor Plan



Roof Plan



Side Elevation

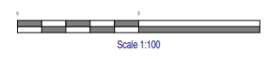


Ground Floor Plan

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



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FALLOW PARK PHASE 2			
BRINDLEY HEATH			
PLANS & ELEVATIONS: PLOT 15			
DATE	BY	REV	REVISION
1/1/00	AUG 17	SPF	17/01/06

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Plot 16 Plans

Fallow Park



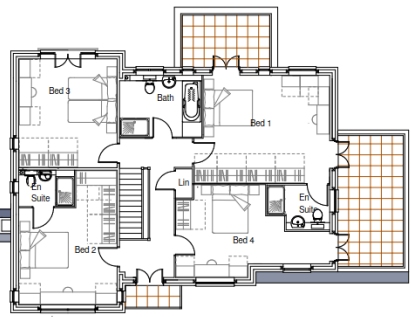
Front Elevation



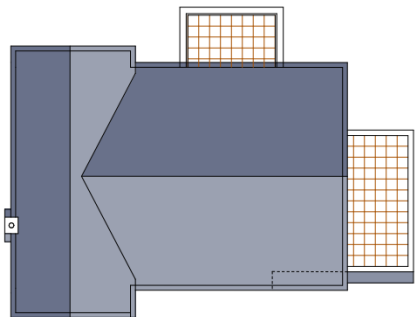
Rear Elevation



Side Elevation



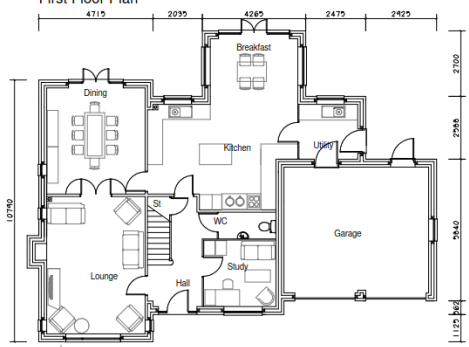
First Floor Plan



Roof Plan



Side Elevation



Ground Floor Plan

Floor Area - 246 Sq M
 (215 Sq M + 31.00 Sq M Garage)
 Footprint - 157.00 Sq M



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FALLOW PARK PHASE 2			
BRINDLEY HEATH			
PLANS & ELEVATIONS: PLOT 16			
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1:100	AUG-17	SPF	17010/7

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CGI



FALLOW PARK, BRINDLEY HEATH - PHASE 2 CGI

Application No: CH/17/348

Received: 18-Aug-2017

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

Parish: Brindley Heath

Ward: Hednesford North Ward

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

Application Type: Full Planning Application

Recommendation: The application be approved subject to the attached conditions.

Background

This application was brought before planning committee on 22nd August at which time Members resolved to approve subject to affordable housing contribution amounting to the provision of 1 dwelling.

Further to planning committee on 22nd August the applicant has asserted that the proposal should not be subject to the affordable housing provision as they consider that as a stand alone scheme of 3 dwellings it would fall under the threshold for affordable housing which is currently set at 10 dwellings under national policy. Officers noted that this issue ultimately depended on whether the proposal comprised either phase 2 to a wider development or should be looked at as a stand alone development in its own right. This was presented to Members at Planning Committee on 14th November. At this stage Officers were of the opinion that the proposal constitutes a 2nd phase to a wider proposal and therefore should be subject to the affordable housing obligation.

Members of the planning committee on 14th November deferred the application to allow the applicant the opportunity to submit further information in relation to the affordable housing provision. This update outlines the applicant's case and the officer response.

Applicant's Case

The applicant states that the overall development of the site was never envisaged as a two phase project; phase 1 being the 13 dwellings and phase 2 being the additional 3 proposed dwellings.

In the original application in 2009 the applicant identified the area that is subject to this application as being sector 3 and stated in the Design And Access statement that the land was subject to a lease agreement with Ultra Electronics and that there were no proposals to develop this part of the site. That lease agreement was for 10 years from 2007 but was extendable if Ultra Electronics wanted to do so. The applicant had, therefore, no control over when this land might become available for development - if indeed ever.

It was only when Ultra Electronics terminated the lease in 2017 that the applicant looked at the possibility of developing additional houses on this site. At no time prior to then was it ever described as a Phase 2 to the original development. It has only been referred to as a Phase 2 when this application was submitted in August 2017 to differentiate the area under consideration as opposed to the development already completed. It has also been described as a Final Phase, to set out that there is no further land in our control that could be developed.

The land was not available at the time the original permission was granted so the previous 13 houses approved should not be added to the current 3 to make these 3 liable for a financial contribution towards affordable housing.

The applicant has taken advice on this and are advised that such an approach would be contrary to planning policy and would not be legal. The original approval has been implemented and cannot be varied.

Assessment

The Councils Legal Officer has considered the evidence submitted and your Officers confirm that there is no mention of Phase 1 annotated on the approved plans for the 13 dwellings. On this basis, whilst it was clearly to the advantage of the applicant to refer to the current application as a Phase 2, for the purposes of the Affordable Housing provision, it is considered that the Council cannot regard the two applications as one. On this basis, the Council is not legally entitled to request an affordable housing contribution.

Conclusion

On this basis it is officer's conclusion that the proposal is acceptable in planning terms without the requirement for affordable housing provision.

Your Officers confirm that the development would be CIL liable.

Recommended Conditions

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

Reason

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

2. No materials shall be used for the external surfaces of the development other than those specified on the application, except with the written approval of the Local Planning Authority.

Reason

In the interests of visual amenity and to ensure compliance with Local Plan Policies CP3 and the NPPF.

3. The approved landscape works shown on Dwg. No. ADL199 shall be carried out in the first planting and seeding season following the occupation of any buildings or the completion of the development whichever is the sooner.

Reason

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

4. The development hereby permitted shall not be commenced until:-
 - (a) a site investigation including recommendations for remedial treatment has been undertaken;
 - (b) the Local Planning Authority has given approval in writing to the method of remedial treatment;
 - (c) the approved remedial treatment has been carried out in full.

Reason

In order to enable the development to proceed in a safe environment and to protect the health and safety of its occupiers and to ensure compliance with Local Plan Policy CP3 and the NPPF.

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

Reason

To ensure that archeological interests are properly secured and to ensure compliance with Local Plan Policy CP15 and the NPPF.

6. Prior to first occupation of the dwellings hereby approved, the parking and turning areas shall be provided in accordance with Dwg.No.17010/2 and shall thereafter be retained for the life of the development.

Reason

In the interests of highway safety

7. The development hereby permitted shall be carried out in accordance with the following approved plans:
 - 17010/2A
 - 17010/4B
 - 17010/5
 - 17010/6
 - 17010/7
 - THL_R17/75
 - THL_0534/1
 - ADL199

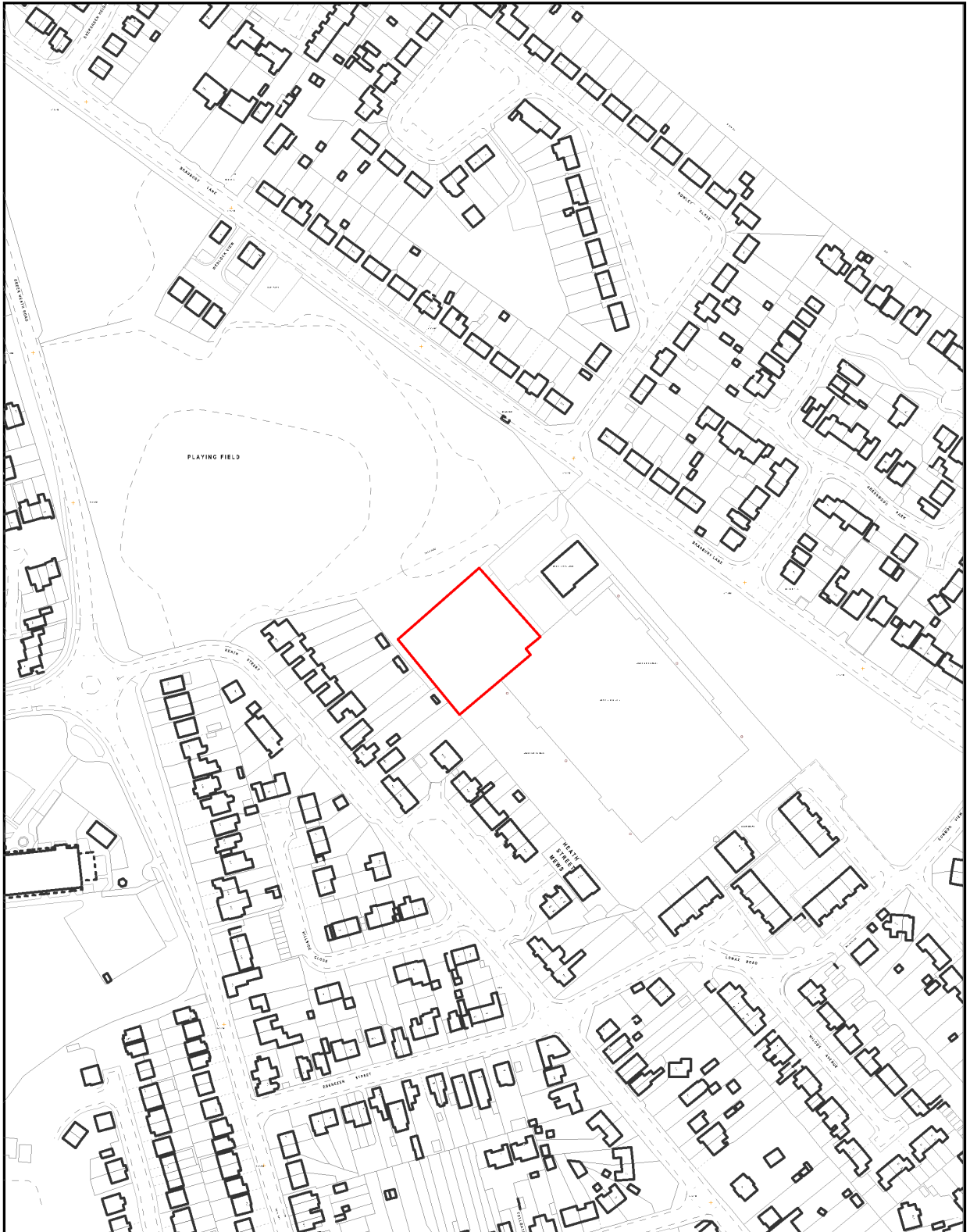


Application No: CH/18/384

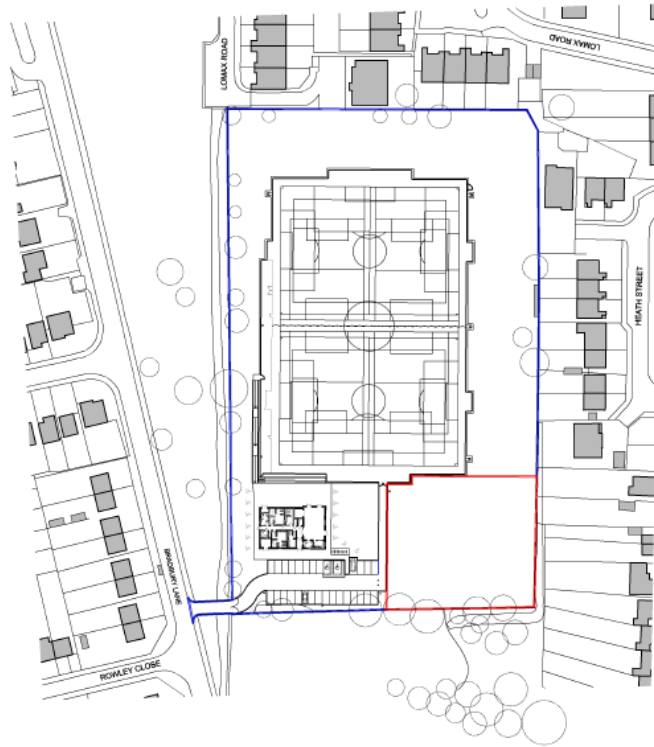
Location: 5's Pavillion And Sport Ground, Bradbury Lane, Hednesford, Cannock, WS12 4EP

Proposal: Car park extension to provide 57 additional spaces

Item No. 6.115

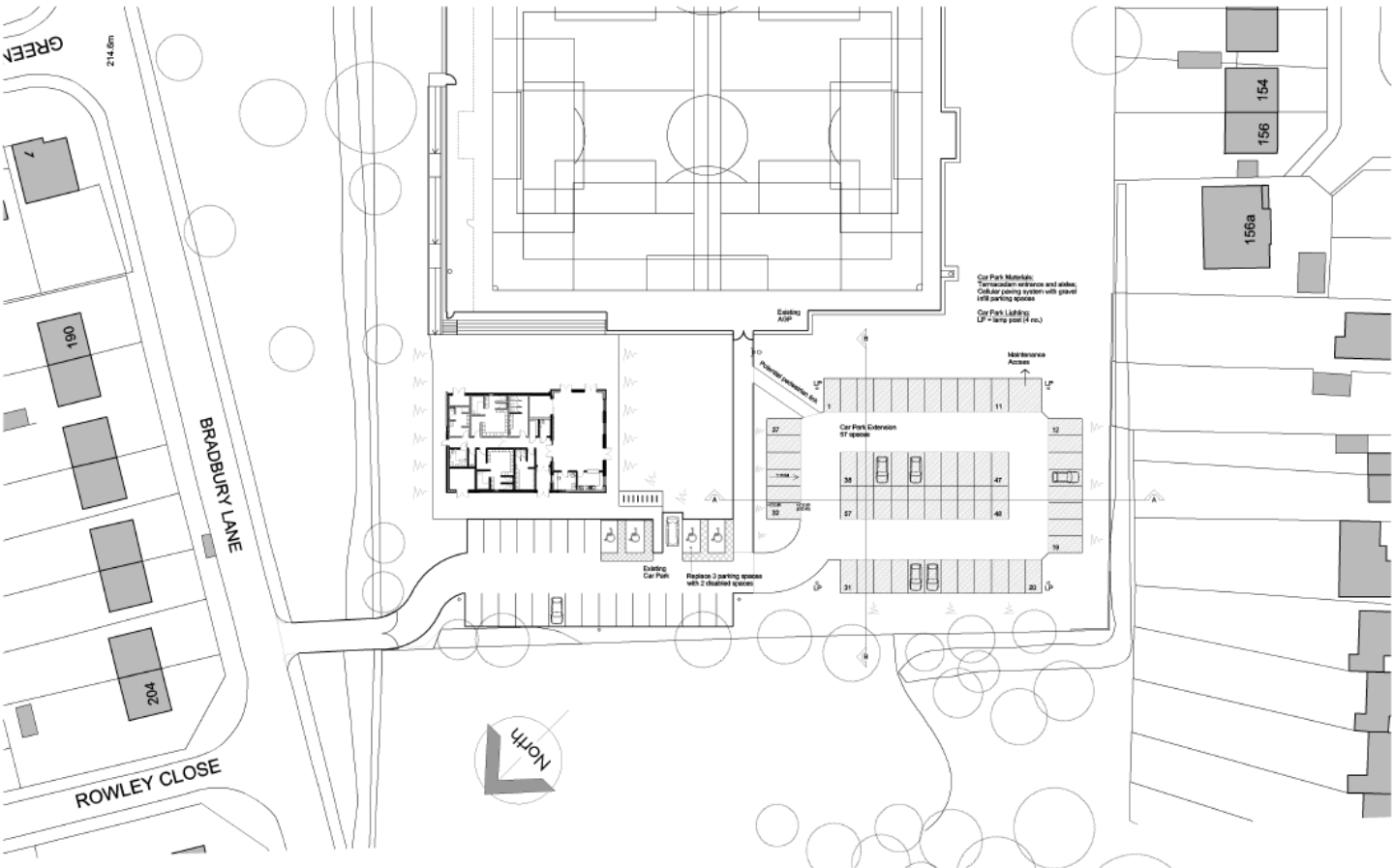


Location Plan



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	Drawn by Planning	No.	Revision / Issue	Date		Draw Title Site Location Plan	Scale 1:1250 @ A3	Date August 2018

Site Plan



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This Project: **Planning**

No.	Revision / Issue	Date

Project: **Additional Car Parking at S's Pavilion & Sports Ground Bradbury Lane, Hednesford Cannock, WS12 4EP**

Client: **Cannock Chase District Council**

Drawn By: **Proposed Car Park Layout**

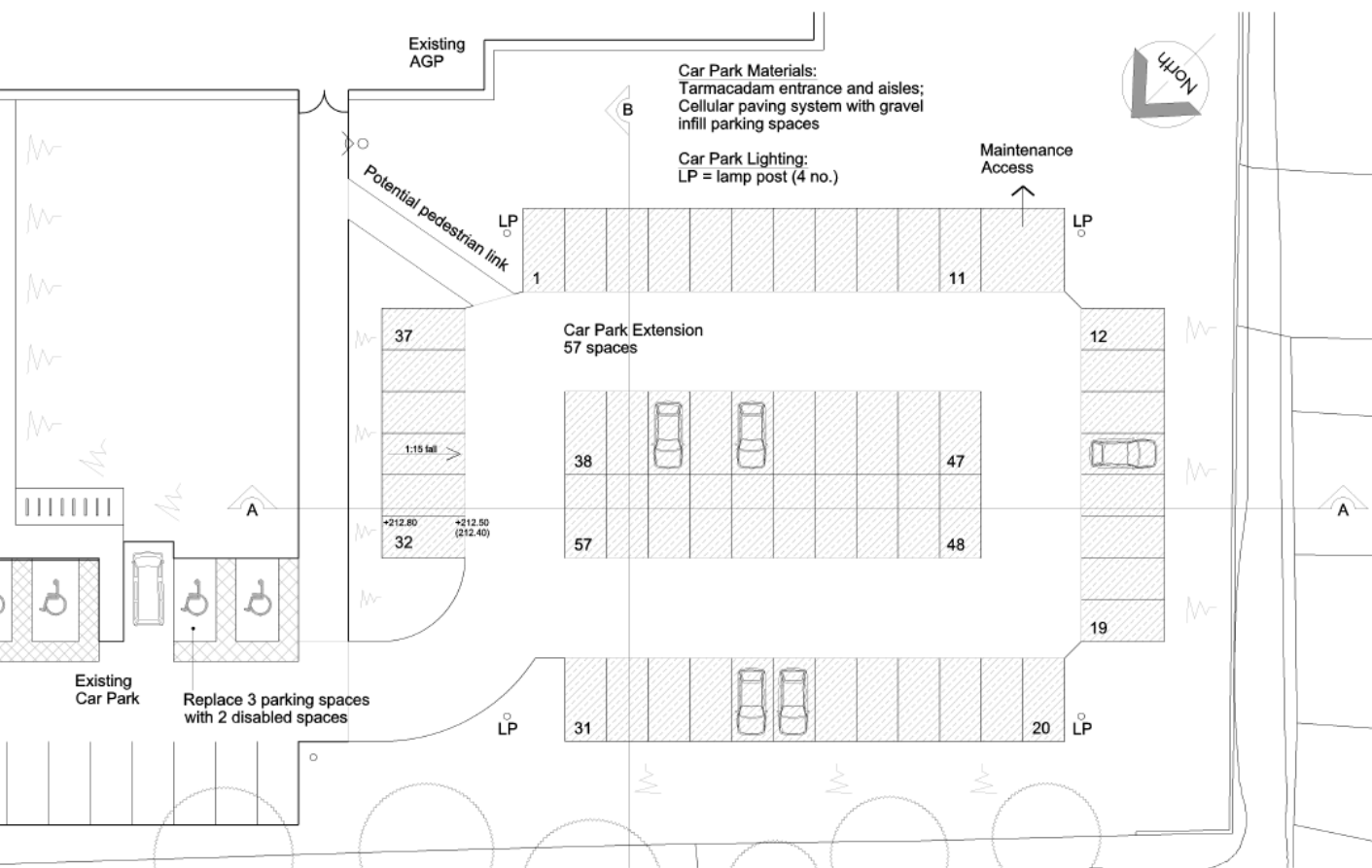
Date: **1:500**

DESIGN STUDIO NORTH ARCHITECTS

17-19 Saint Hill Cathedral Quarter Bradford BD1 4BH
 Tel: (01274) 227740 - Fax: (01274) 728817
 Email: enquiries@dsn.co.uk

Draw No: 465-001-1002	
Scale: 1:500 @ A3	Date: August 2018
Drawn by: NG	Checked by: DKW

Site Plan



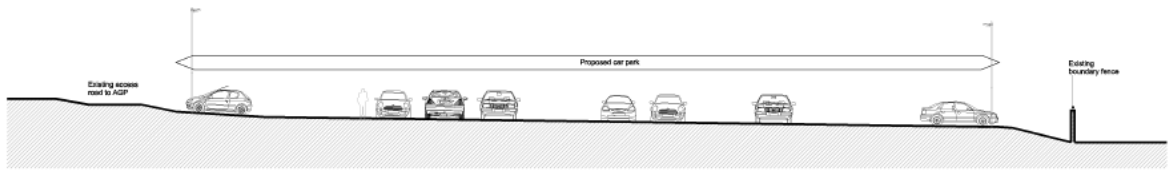
Car Park Materials:
Tarmacadam entrance and aisles;
Cellular paving system with gravel
infill parking spaces

Car Park Lighting:
LP = lamp post (4 no.)

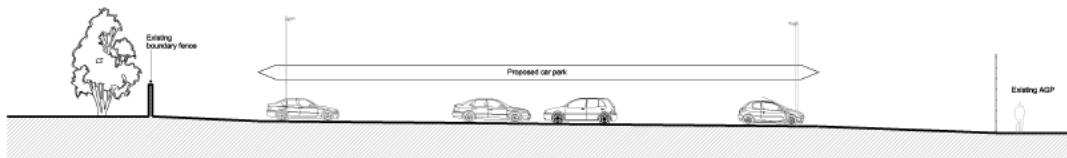
Existing Car Park
Replace 3 parking spaces
with 2 disabled spaces

<p>Copyright notice This drawing is the copyright of Design Studio - North LLP (Architects) and shall not be reproduced without permission. © 2018</p> <p>Drawn by: Planning</p>	<p>Project: Additional Car Parking at S's Pavilion & Sports Ground Bradbury Lane, Hednesford Cannock, WS12 4EP</p>	<p>Client: Cannock Chase District Council</p>	<p>465-001-1003</p> <p>Scale: 1:200 @ A3</p> <p>Date: August 2018</p> <p>Drawn by: NG</p> <p>Checked: DKW</p>
	<p>No. Revision / Issue Date</p>	<p>Drawn by: Proposed Car Park Layout 1:200</p>	

Proposed Sections



Proposed Section A-A



Proposed Section B-B

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Prop Purpose: **Planning**

No.	Revision / Issue	Date

Project: Additional Car Parking at 5's Pavilion & Sports Ground Bradbury Lane, Hednesford Cannock, WS12 4EP	Client: Cannock Chase District Council
Draw Title: Proposed Sections	

DESIGN STUDIO NORTH ARCHITECTS
17-19 Stret Hill Cathedral Quarter Bradford BD1 4EH
Tel : (01274) 727766 - Fax : (01274) 728817
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Draw No: 465-001-1004	Rev:
Scale: 1:200 @ A3	Date: August 2018
Drawn by: NG	Checked: DKW

Application No: CH/18/384

Received: 01-Nov-2018

Location: 5's Pavilion and Sport Ground, Bradbury Lane, Hednesford, Cannock

Parish: Hednesford

Ward: Hednesford North Ward

Description: Car Park Extension

Application Type: Full Planning Application

RECOMMENDATION Approve Subject to Conditions

Reason for a Committee Decision: The applicant is Cannock Chase District Council

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. The development hereby permitted shall not be brought into use until the parking areas have been provided in accordance with approved Drawing No. 465-001-1003 and shall thereafter be retained for the lifetime of the development.

Reason:

To comply with the objectives and policies contained within Paragraph 109 of the NPPF.

3. No development shall take place including any works of demolition, until a Highways Construction Method Statement has been submitted to and approved in writing by the Local Planning Authority. The approved Statement shall be adhered to throughout the construction period. The statement shall provide for :-
 - A site compound with associated temporary buildings.
 - The parking of vehicles of site operatives and visitors.
 - Times of deliveries including details of loading and unloading of plant and materials.
 - Storage of plant and materials used in constructing the development
 - Duration of works.
 - Wheel wash facilities.

Reason:

To comply with the objectives and policies contained within Paragraph 109 of the NPPF.

4. Approved Plans

465-001-1000 Location Plan

465-001-1001 Block Plan

465-001-1002 Proposed Car Park Layout

465-01-1004 posed Cra Park Layout
465-01-1004 posed Sections

5. Standard condition E10: Landscape Details Required
6. Standard condition E12: Landscape Implementation
7. Standard condition E15: Landscape Maintenance
8. Standard Drainage Conditon

EXTERNAL CONSULTATIONS

Sport England

From the information submitted and comments from Kevin Staples from Staffordshire FA, the proposal would be supported. Whilst the additional car parking would result in the loss of a potential 5v5 mini soccer pitch at the site, the emerging Playing Pitch Strategy highlights that there is no demand for the pitch (current and future). Further to this the FA has commented that there is no need for the grass pitch due to all mini soccer locally being played on 3G central venue facilities. The provision of additional car parking spaces would help ensure there will be suitable ancillary provision to support the AGP which will help address car parking problems and traffic issues at peak times that are currently being experienced.

Staffordshire County Highways

No objections on highway grounds subject to conditions.

Hednesford Town Council

The town council's observations in respect of application CH/14/0286 raised concerns about the inadequacy of the parking provision and therefore welcomes this application which will help to alleviate the parking issues that have arisen in the local area,. It is suggested that the development should incorporate the installation of bollards along each side of the site entrance so as to prevent vehicles gaining unauthorised access to the adjacent common land.

Staffordshire Police

No objections.

INTERNAL CONSULTATIONS

Environmental Health

No adverse comments offered in regards to the provision of additional overflow car parking at this location.

The drawings indicate the intended provision of artificial flooding lighting to the extended car parking area and confirmation should be provided, ideally by means of isolux diagram that this lighting will be wholly contained within the site and will have no detrimental impact on adjacent sensitive residential properties.

Landscape and Trees

The site is an existing sports and recreation hub for the residents of Hednesford and forms part of the Green Space Network.

The car park location is currently that of a relatively large expanse of flat open grassland.

The application is lacking the following details:

- Drainage – surface water details
- Construction details for hard surfacing and edges. (Tarmac access road, cellular parking areas and kerb lines)

There are no soft works proposals associated with this application. Soft planting should be considered.

No objection in principle to the proposals, the following conditions should be attached to any consent given:

- E10 Landscape Details Required
- E12 Landscape Implementation
Dwg. No. required
- E15 Landscape Maintenance

RESPONSE TO PUBLICITY

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

RELEVANT PLANNING HISTORY

CH/17/027: Non-material amendment to remove two changing rooms to reduce the length of the proposed pavilion, relocation of pitch and installation of ramp for disabled access to pitch for planning permission CH/14/0286. Approved.

CH/14/0286: Demolition of existing club building and erection of single storey sports pavilion, new artificial grass pitch and smaller grass pitch, with associated floodlighting, fencing and parking. Approved.

CH/06/0589: Two post signs in a V format. Approved.

1. SITE AND SURROUNDINGS

1.1 The application site is comprises part of the wider sports ground off Bradbury Lane, Hednesford. This wider sports ground comprises a series of formalised sports pitches, parking with capacity for 24 spaces (including 2 spaces for disabled users and a changing pavilion with integral showers, toilet provision social area and ancillary facilities. The part denoted as the application site is occupied by a small 5 a side grassed pitch.

1.2 In terms of sports provision the sports ground comprises a floodlit (3G) artificial grass pitch with a fenced enclosure of 106m long by 70m wide plus spectator area. The artificial grass pitch accommodates a full size football pitch (100m by 64m), with the option to provide 2no 9v9, 2no 7v7 or 4no 5v5 pitches.

1.3 The site is located within a predominantly residential area and abuts residential properties to the south west, the remaining part of the sports ground to the south east and north east and open ground to the north west.

1.4 The site is designated as Green Space Network in the Cannock Chase Local Plan (Part 1).

2. PROPOSAL

2.1 The applicant is seeking consent for an extension to the existing car park to create an additional 37 car parking spaces and to provide an additional 2 parking spaces for use by people with disabilities within the existing car park. The plans indicate that the extension to the car park would be served by additional lighting columns.

2.2 The Design and Access Statement sets out that the aisles would be surfaced in tarmacadam to provide the best performance surface for manoeuvring and the car parking spaces would be formed in a cell pave grade system that would receive a gravel infill. This would result in a permeable paved car park where rain water would transfer into the ground in the same manner that it does in the existing site.

2.3 In support of the application the applicant has stated

"The existing 3G pitch and pavilion was opened on 1st March 2017 and it has proved popular with football teams around the District. The existing car park has a total of 27 spaces including 2 spaces for disabled users. At peak times and specifically at change over times there are more car users on site than there area spaces and this has resulted in parking of cars on the surrounding streets. This is clearly undesirable and has led to a few concerns being expressed by neighbours."

2.4 In addition to the above the applicant has submitted a 'Needs Assessment' which states:

'On average the facility is booked 70% each week with 84 clubs and team regularly using the facility. Over 100 children and young people attend a weekly "Kids for Quid" session and through monitoring of the site the busy days and times are:

Monday	5.30pm-9.30pm
Tuesday	6.00pm-9.00pm
Wednesday	6.00pm-9.00pm
Saturday	9.00am -3.00pm (during football season -mid August to mid May)
Sunday	9.00am-1.00pm (during football season -mid August to mid May) and 5.00pm-8.00pm

'During these busy times the car parking provision on site has proved to be insufficient and consequently has resulted in users of the facility parking on the grass verge fronting the facility and in neighbouring roads and streets.

- 2.5 The assessment goes on to state that the number of vehicle using the facility have been monitored by facility staff for a 4 week period during the summer and the findings of that monitoring exercise are set out below: -

	5:30-6:30	6:30-7:30	7:30-8:30	8:30-9:30
Monday	40	38	50	38
Tuesday	40	35	35	25
Wednesday	35	60	60	45
Thursday	40	45	40	40
Friday	30	35	25	35

The assessment goes on to state:

'Based on last year's bookings it is also estimated that fro Saturday and Sunday morning and Sunday afternoon around 70 cars use the facility for each booking running between September and May.'

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
 CP5- Social Inclusion and Healthy Living

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
91, 96, 97	Promoting Healthy and Safe Communities
109	Promoting Sustainable Transport
124, 127, 128, 130:	Achieving Well-Designed Places
212, 213	Implementation

3.7 Other relevant documents include: -

Design Supplementary Planning Document, (2016), Cannock Chase DC.
 Cannock Chase Local Development Framework Parking Standards, Travel Plans and Developer Contributions for Sustainable Transport (2005).
 Manual for Streets.
 Playing Fields Policy and Guidance (2018) Sport England

4.0 Determining Issues

4.1 The determining issues for the proposed development include:-

- i) Principle of the Development
- ii) Design and impact on the character and form of the area
- iii) Impact on residential amenity.
- iv) Impact on highway safety.
- v) Crime and the fear of crime.

4.2 Principle of the Development

4.2.1 The proposal entails the development of part of an existing formal sports ground to provide additional parking for the wider sports ground.

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. In this respect it is noted that the site is not only part of a formal sports ground but is also designated as Green Space Network in the Cannock Chase Local Plan. As such any proposal would be subject to the provisions of Policy CP5 'Social Inclusion and Health Living' of the Local Plan

4.2.3 Policy CP5 states: -

'The Council will work with public, private and third sector partners to ensure that appropriate levels of infrastructure are provided to support social inclusion and healthy living in the District.'

adding

'There will be a presumption against the loss of other green space network sites and community buildings (that are no subject to the above national policy requirements) unless they are surplus and clearly no longer required to meet demand for any of the identified purposes or;

the wider sustainability benefits of major community benefits delivered by the proposal outweigh the loss (taking into account the value of the site);

appropriate mitigation measures and/ or replacement space /facilities equivalent or better in terms of quantity, quality and accessibility can be provided to compensate for the loss of the site and its value.'

4.2.4 In addition to the above Paragraph 91 of the NPPF states that planning decisions should aim to achieve healthy, inclusive and safe places which promote social interaction, area safe and accessible and enable and support healthy lifestyles.

4.2.5 In addition to the above Paragraph 96 of the NPPF goes on to state

'Access to a network of high quality open spaces and opportunities for sport and the health and well-being of communities.'

adding at Paragraph 97: -

'Existing open space, sports and recreational buildings and land, including playing fields, should not be built on unless:

- (a) an assessment has been undertaken which has clearly shown the open space, buildings or land to be surplus to requirements; or
- (b) the loss resulting from the proposed development would be replaced by equivalent or better provision in terms of quantity or quality in a sustainable location; or
- (c) the development is for alternative sports and recreational provision, the benefits of which clearly outweigh the loss of the current use.

4.2.6 Having had regard to the above respect it is noted that the applicant, in its Needs Assessment has stated that

'The Council has recently completed a full review and assessment of its playing pitches and strategy for the period 2018-2036 with recommendations being drawn from the Playing Field Assessment Report researched and prepared between December 2017 and April 2018. Both the Assessment report and the strategy were prepared in accordance with Sport England's Playing Pitch Strategy Guidance: An approach to developing and delivering a Playing Pitch Strategy and in consultation with Sport England, national governing bodies of sport (NGBs), local clubs and I [sic] key stakeholders.'

4.2.7 Of particular relevance to this application is that the Needs Assessment concludes

'Accepting that the proposal to increase the car parking provision occupies the site of a possible 5v5 grass pitch, the Playing Pitch Strategy does not count

this pitch in the assessment. Similarly, demand has proven non-existent with no enquiries or requests from clubs or the community to use the space as a pitch

Consequently, this proposal does not reduce the Council's current 5v5 pitch availability and will, given the fact that the AGP [artificial grass pitch] allows for match play across all formats of football (5v5, 7v7, 9v9 and 11v11), enable further levels of match play to be transferred from grass to 3G.

The provision of the improved car parking on site will allow the 3G pitch to be used to its full potential and increase participation on site.

Because the proposal offers betterment of the site through the provision of sufficient car parking to compliment the 3g Pitch and Sports Pavilion, it is considered that this development is permissible on the grounds that its provision is of sufficient benefit to the development of football at the facility as to outweigh the detriment caused but the loss of the 5v5 grass pitch, the demand for which can be adequately covered on the AGP when it is operating closer to capacity.'

4.2.8 The findings of the Needs Assessment put forward by the applicant and the comments made by Sport England are accepted and it is concluded that, on balance, the proposed would constitute an overall betterment of the site and its sports facilities.

4.2.9 As such having had regard to the above it is considered that the proposal is acceptable in respect to the requirements of Policy CP5 of the Local Plan and Paragraphs 91 and 97 of the NPPF.

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 the proposal would entail the extension of the existing car park and would sit comfortably within the wider context of the Sports Ground and its suburban setting in which it would be viewed against.

4.3.6 Therefore, having had regard to Policy CP3 of the Local Plan and the above mentioned paragraphs of the NPPF it is considered that the proposal is acceptable in respect to its design and the impact that it would have 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 Given that the application site at least in part backs onto residential properties fronting onto Lomax Road, there is the potential for loss of amenity due to noise and general

disturbance arising from patrons using the car park and from light from the proposed lamp standards.

4.4.4 However, it is noted that the rear gardens of the adjacent property are quite long and that the car park would replace a grass pitch which itself could potentially create noise and disturbance if it was used for football. As such any harm to amenity as a result of the use of the extended car park is considered to be marginal and insufficient to warrant refusal.

4.4.5 In respect to impacts from external illumination this can be adequately controlled through the use of a condition attached to any permission granted to ensure that light spill is avoided.

4.4.6 Subject the attached condition it is considered that the proposal would ensure that a high standard of amenity is maintained for all existing and future occupiers of the nearby residential properties and therefore the proposal is in accordance with Policy CP3 of the Local Plan and Paragraph 127(f) of the NPPF.

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 In this respect it is noted that the application has come about as a result of existing problems on the local highway network which have arisen as a direct consequence of the opening of the sports ground.

4.5.3 The Highway Officer has been consulted and has raised no objections subject to the attached conditions.

4.5.4 As such it is considered that the proposal should make a substantial positive contribution towards resolving existing parking problems in the area and as so approval of the application would not be contrary to the provisions of Paragraph 109 of the NPPF.

4.8 Crime and the Fear of Crime

4.8.1 Section 17 of the Crime and Disorder Act 1998 places a duty on each local authority 'to exercise its various functions with due regard to the likely effect of the exercise of those functions on, and the need to do all that it reasonably can do to prevent crime and disorder in its area to include anti-social behaviour, substance misuse and behaviour which adversely affects the environment'.

4.8.2 In addition to the above paragraph 127(f) of the NPPF states planning policies and decisions should ensure that development create places which [amongst other things] create places that are safe and where crime and disorder, and the fear of crime, do not undermine quality of life, social cohesion and resilience.

- 4.8.3 In this respect it is noted that currently the sports ground has insufficient car parking leading to parking in around nearby streets which has resulted in friction between car owners and local residents to such a degree that it has resulted in several community meetings. Ultimately the cause for concern expressed has resulted in the Council submitting this application in an effort to resolve the issue by proposing additional car parking that would be adequately lit.
- 4.8.4 Staffordshire Police Service has no objections to the proposal and it is considered that the proposal would reduce existing pressures that currently undermine the quality of life of local residents and social cohesion and resilience.
- 4.8.5 As such having had regard to the above it is concluded that the proposal is acceptable in respect to issues of crime prevention, the fear of crime and the fostering of social cohesion.

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 recommendation, in so much as it takes account of parking provision for people with disabilities ensures that due regard has been had of the duties outline in the Equalities Act.

6.0 CONCLUSION

- 6.1 The site is part of an existing sports ground and would entail the loss of a grass 5v5 pitch within an area designated as Green Space Network wherein there is a presumption against the loss of such sites unless they are surplus and clearly no longer required to meet demand for any of the identified purposes, or the wider sustainability benefits of major community benefits delivered by the proposal outweigh the loss; or appropriate mitigation measures and/ or replacement space /facilities equivalent or better in terms of quantity, quality and accessibility can be provided to compensate for the loss of the site and its value.
- 6.2 Having had regard to the above and the evidence put forward by the applicant it is considered, on balance, the proposal would constitute an overall betterment of the site and its sports facilities. It is therefore concluded that the proposal is acceptable in principle.
- 6.3 In addition to the above it is considered that the proposal constitutes an appropriate response to resolving issues of lack of parking at the sports ground and consequent parking problems on the local highway network. As such it would lead, to an improvement of on-street parking issues, alleviate the potential for threats to social cohesion and these matters lend further weight in support of the proposal.
- 6.4 In respect to all other 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.
- 6.5 It is therefore recommended that the application be approved subject to the attached conditions.

Planning Control Committee 5 December 2018

Note for Committee- Affordable Housing Policy update

Background

The NPPF (updated July 2018) has changed the definition of affordable housing; the thresholds at which affordable housing can be sought; and now seeks to require 10% of housing on eligible sites to be made available for affordable home ownership (unless local circumstances dictate otherwise). This has implications for CCDC's affordable housing policy approach.

CCDC updated policy approach

Affordable housing financial contributions will now be sought from developments of 10-14 dwellings (rather than the previous 11-14 dwellings) due to NPPF threshold changes. There will also be a need to consider financial contributions from sites of less than 10 dwellings where the site size is 0.5 hectares or more (due to NPPF threshold changes). Seeking financial contributions rather than on site provision is primarily due to the fact that Registered Providers generally do not consider on site provision from developments of less than 15 dwellings (i.e. based on the Councils' 20% affordable housing policy this would be less than 3 dwellings on site).

For sites of 15 dwellings or more the Council will continue to seek on-site affordable housing contributions of 20% (from the total number of houses on site). The Council currently seeks 80% of these affordable units to be provided for social rent and 20% for intermediate tenures. If the Council were to apply the NPPF policy for 10% affordable home ownership, this would mean that the split would instead be 50% for social rent and 50% for affordable home ownership (i.e. 10% of the 20% affordable housing requirement).

Based upon the most recent evidence of District housing needs, the Council will not automatically apply the 10% affordable home ownership NPPF requirement as it is considered this may prejudice the meeting of affordable housing needs of specific groups (an exemption from the requirement is allowed under the NPPF in such circumstances). The Council will continue to seek 80% social rented and 20% intermediate tenure as a starting point for discussions with developers. As this tenure mix is a recommendation and starting point for negotiations the Council does already engage with developers where there is a case to be made for an alternative mix of tenures, demonstrating existing and ongoing flexibility to respond to local and national context changes. The 20% intermediate tenure also allows for affordable home ownership products, such as shared ownership. The Council is in the process of updating its housing needs evidence (due March/April 2019) and the policy approach will be reviewed as necessary in light of updated evidence.

It should also be noted that under the changed definition of affordable housing in the NPPF intermediate housing is no longer defined. However, the updated NPPF definition now refers to 'other routes to affordable home ownership' which is broadly equivalent to the previous definition of intermediate housing i.e. including shared ownership and equity loans (along with new tenures such as rent to buy).