

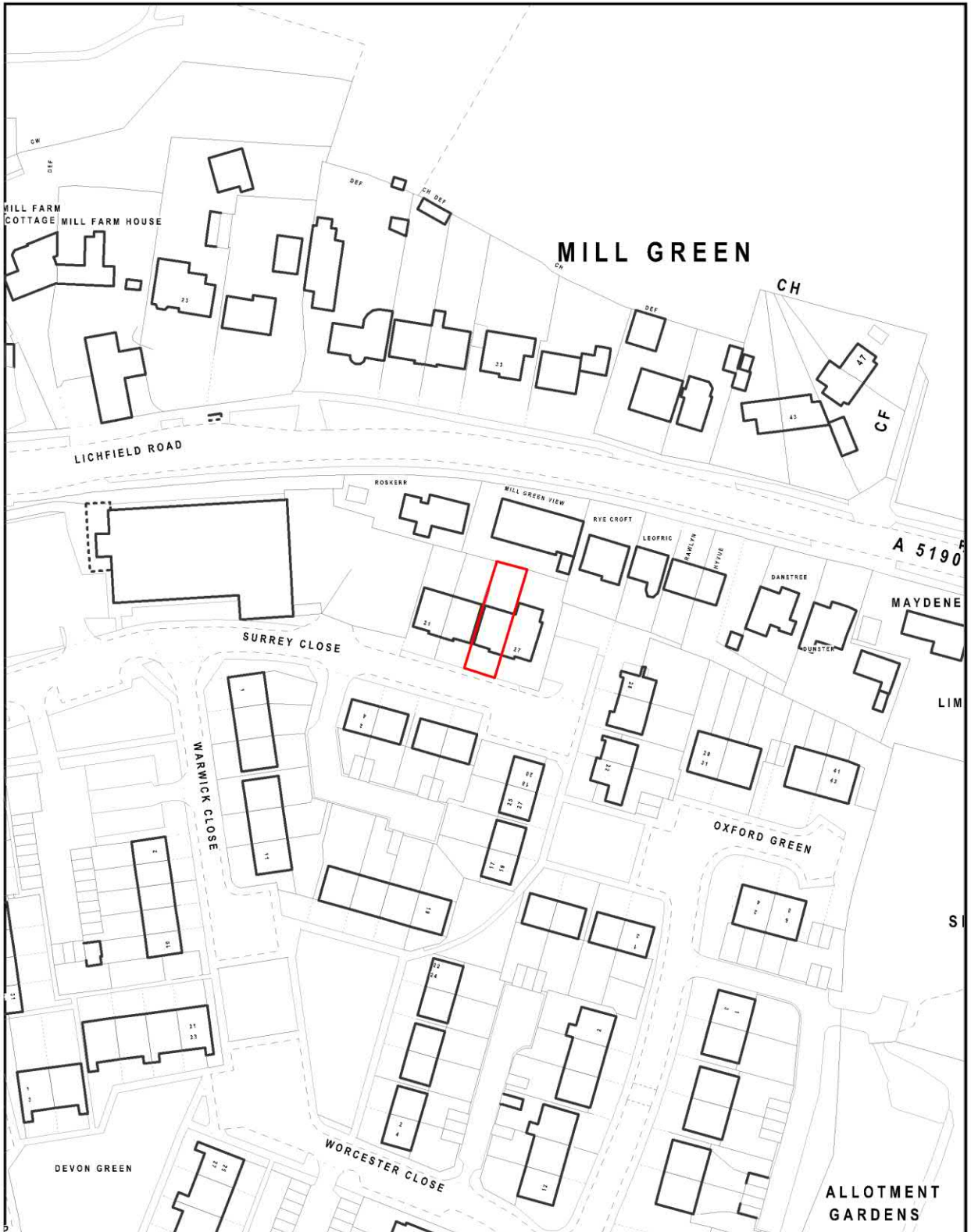


**Application No:** CH/18/398

**Location:** 25, Surrey Close, Cannock, WS11 8UF

**Proposal:** Retention of Conservatory & alterations to rear garden levels

Item No. 6.1




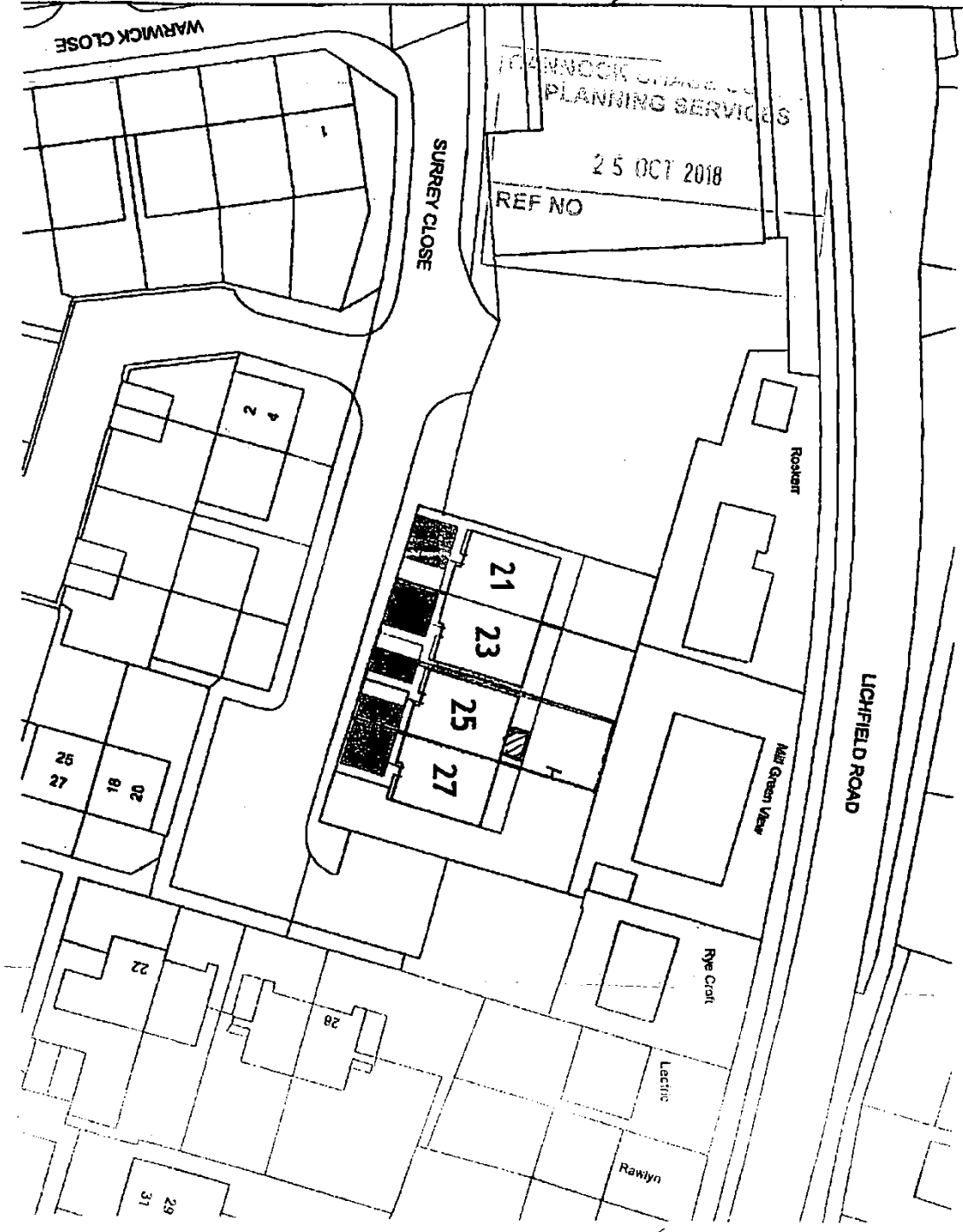
# Block Plan

GH/18/398

PROPOSED BLOCK PLAN AT 1:500 SCALE



 - PROPOSED CONSERVATORY

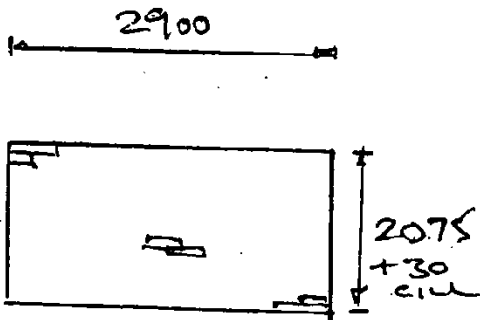


# Elevations

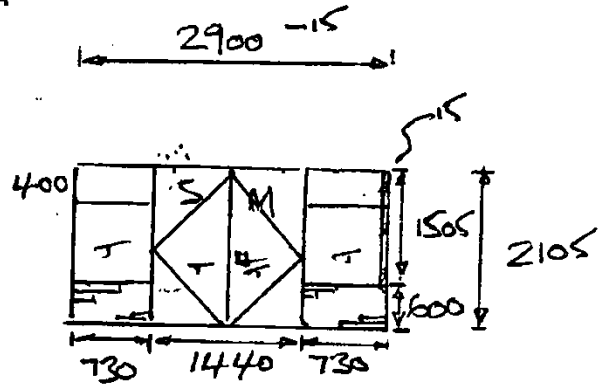
INTERNAL SIZES - EXTERNALLY VIEWED - DEDUCTIONS TO BE MADE FOR CORNER POSTS/POLES

GH/18/399

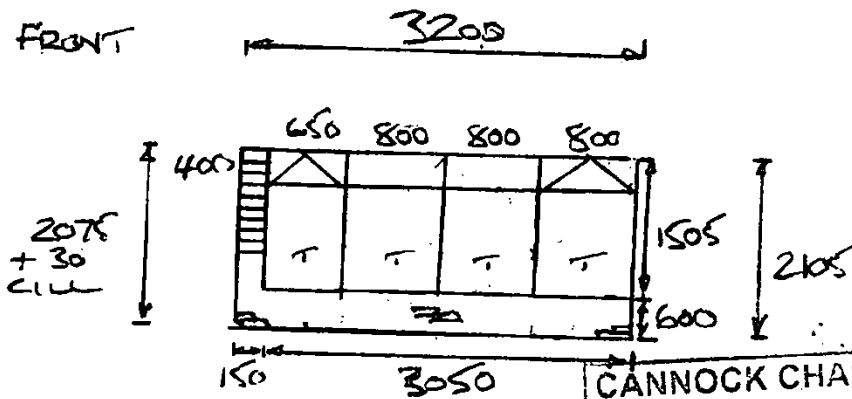
LEFT



RIGHT



FRONT



*Right*

CANNOCK CHASE COUNCIL  
PLANNING SERVICES  
16 OCT 2018  
REF NO

# Roof Plan

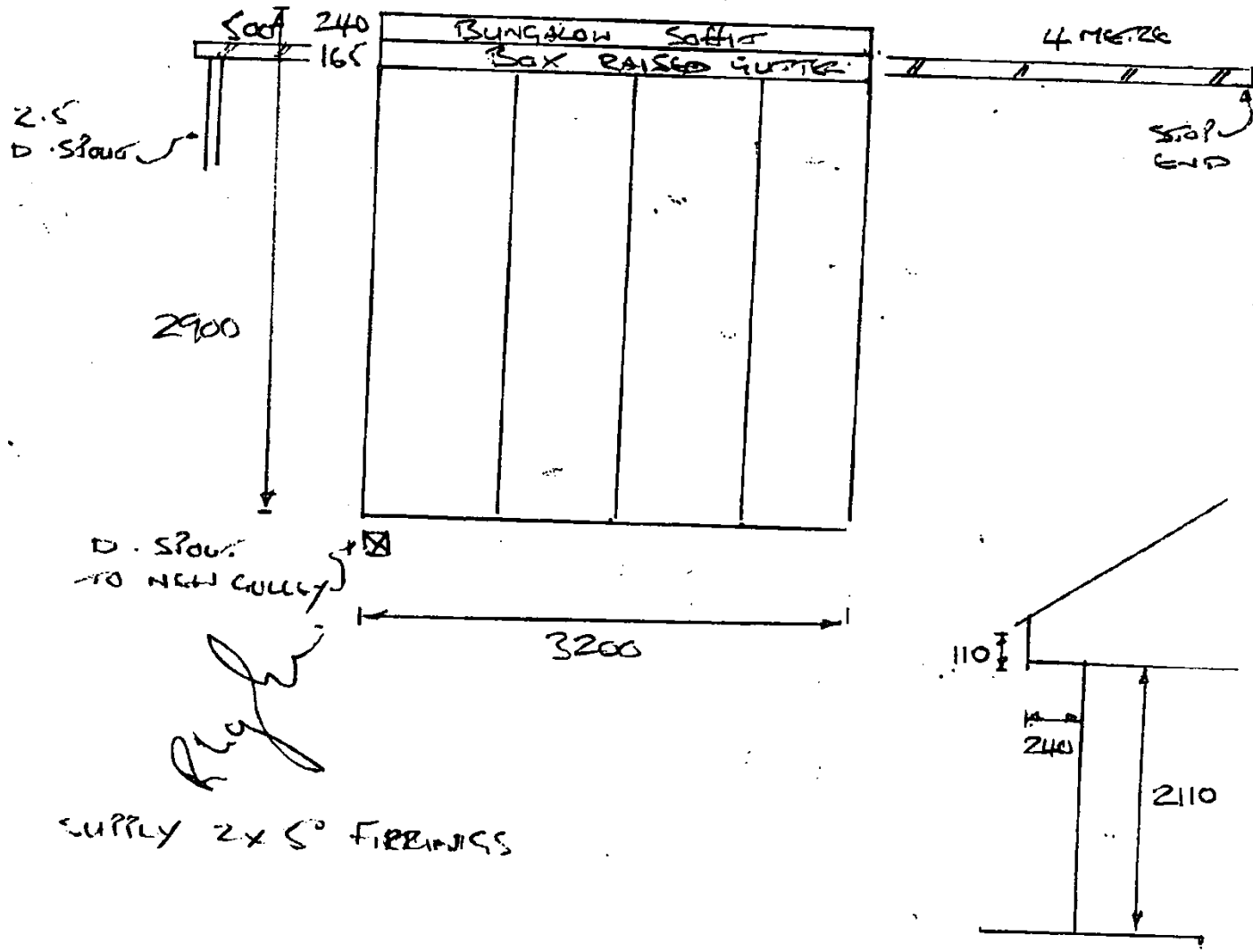
CONSERVATORY ROOF LAYOUT - INTERNAL SIZES SHOWING GLAZING BAR POSITIONS

CANNOCK CHASE CONSTRUCTION  
PLANNING SERVICES

CH/18/398

16 OCT 2018

REF NO



# Existing Levels

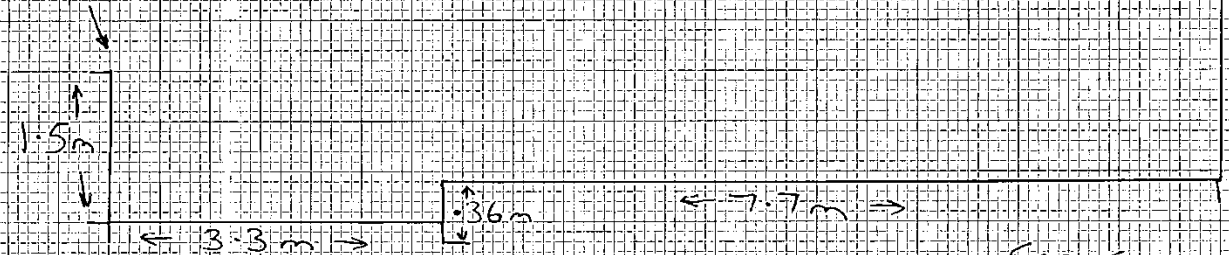
CH/18/398  
16 OCT 2018

## SECTION DRAWING OF REAR GARDEN

### EXISTING LEVELS

FENCE TO REAR  
OF PROPERTY

REAR OF  
BUNGALOW



SCALE  
2cm = 1m  
(1/50)

# Proposed Levels

SECTION DRAWING OF REAR GARDENS

16 OCT 2018

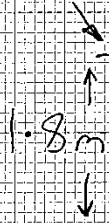
PROPOSED LEVELS

~~CH/18/398~~

FENCE TO REAR OF PROPERTY

ADDITIONAL FENCE

REAR OF BUNGALOW



1.7m

0.6m

7.7m

3.3m

SCALE  
2cm = 1m (1:50)



<b>Contact Officer:</b>	<b>Audrey Lewis</b>
<b>Telephone No:</b>	<b>01543 464481</b>

**PLANNING CONTROL COMMITTEE**

**27 FEBRUARY 2019**

<b>Application No:</b>	<b>CH/18/398</b>
<b>Received:</b>	<b>25/10/2018</b>
<b>Location:</b>	<b>25, Surrey Close, Cannock, WS11 8UF</b>
<b>Parish:</b>	<b>Non Parish Area</b>
<b>Ward:</b>	<b>Cannock South Ward</b>
<b>Description:</b>	<b>Retention of Conservatory &amp; alterations to rear garden levels</b>
<b>Application Type:</b>	<b>Full Planning Application</b>

**RECOMMENDATION:**

Approve Subject to Conditions

**Reason(s) for Recommendation:**

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

**Conditions (and Reasons for Conditions):**

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

Reason

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

2. The fences as indicated on the details received on 16 October shall be retained

unless otherwise agreed in writing by the Local Planning Authority.

**Reason**

The fences protect the privacy and amenity of the neighbouring properties, in accordance with Local Plan Policy CP3 and the NPPF.

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

Details received on 16 October 2018.

**Reason**

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

**Notes to the Developer:**

None.

**Consultations and Publicity**

***External Consultations***

None.

***Internal Consultations***

None.

***Response to Publicity***

The application was advertised by neighbour letter and site notice. Three letters of representation have been received - 2 No. in support of the development and 1 No. objecting to the development.

The supporting representations stated the following:

- The development has been completed to a good standard and does not affect privacy to the neighbouring property.
- The low maintenance garden is helpful to the elderly occupant.

The objecting representation raised the following issues:

- The development has not been retained in accordance with planning approval CH/14/0285.
- The current planning application shows the ground level of the garden has been raised at both sides of the top patio and would not be lowered, but does show that the patio will be lowered at the boundary adjacent to the Mill Green View.



The top patio would still allow overlooking to the detriment of neighbour's privacy and the fence is shown to be raised in this area, but not at both sides - this would also allow overlooking and would be unsightly.

- No.27 had permission to add a conservatory, but a raised patio was rejected by the Council, as it would overlook neighbours.
- The occupier of Mill Green View's wife requires a lot of rest, as she has serious health problems and does not want to be shut into her bedroom with the blinds closed, to prevent loss of privacy from the development proposal.
- Mill Green View has no objection to the conservatory, provided there is no raised patio associated with it.
- If the application goes to committee, then the occupier of Mill Green View wishes to speak.

## Relevant Planning History

Relevant planning history to the site is as follows: -

- CH/15/0183 - Non-material amendment to planning consent CH/14/0285 to retain path and wall to side of Plot D - approved subject to conditions on 30 July 2015.
- CH/14/0283 - Erection of 2 pairs of semi-detached 2 bedroom bungalows approved subject to conditions 23 October 2014 .

## 1 Site and Surroundings

- 1.1 The application site comprises a modern semi detached bungalow of brick and tiled pitched roof construction that was approved under the permission CH/14/0283. The permission includes a condition that removes permitted development rights, however a conservatory has been added to the rear of the dwelling without first obtaining the necessary planning consent. The rear garden has also been hard-surfaced with paving slabs and retaining walls, providing 2 No. areas of patios stepping down along the length of the rear garden.
- 1.2 The 4 No. semi detached bungalows are built on a common building line in Surrey Close. Ground levels increase west to east and levels decrease from south to north across the site.
- 1.3 No 27 is at approximately 0.5m higher level than the application site while No.23 is at approximately 0.5 m lower level.
- 1.4 No 27 has a rear conservatory addition, with obscure glazed windows to the side boundary with the application site. There is a 1.6-2.5m high fence to the common boundary that steps down in height to the meet the rear fence of the application site (1.5m).
- 1.5 No.23 has a rear facing kitchen window located closest to the common boundary with the application site. There is a 2m high fence to the common boundary.

- 1.6 Mill Green View is a detached bungalow, which is located at lower ground level at approximately 5m from the rear boundary of the application site. It has a bedroom and kitchen window facing the rear of the application site boundary.

## 2 Proposal

- 2.1 The application seeks planning permission for retention of conservatory and alteration of rear garden levels. The conservatory projects 2.1m to a width of 3.2m and height of 2.1m with a flat roof. It has a solid brick wall to the boundary with No.27.
- 2.2 The lower patio area would be excavated from a depth of 0.36m to 0.66m, which would result in the rear fence height of 1.8m measured from the inside of the lowered patio. The top patio area has been levelled to match the height of the ground level immediately adjacent to the rear of the house.
- 2.3 A fence would be added to the edge of the top patio to a height of 1.7m.

## 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
- 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                             |
| 108-109             | Sustainable Transport                                |
| 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.

<b>4</b>	<b>Determining Issues</b>
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## 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.

4.2 Principle of the Development

4.2.1 The site is unallocated within the local plan and is within the built up area of Cannock. As such, it is considered that the principle of development is acceptable.

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

4.3.1 In respect to issues in relation to design Policy CP3 of the Local Plan requires that, amongst other things, developments should 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, i in so much as it relates to impacts on the character of an area goes on to state: -

Planning policies and decisions should ensure that developments:

- a) will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development,

- b) are visually attractive as a result of good architecture, layout and appropriate and effective landscaping,
- c) are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities),
- d) establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit,

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

4.3.5 In this respect it is noted that Appendix B of the Design SPD sets out clear expectations and guidance in respect to extensions to dwellings.

#### 4.3.6 ASSESSMENT

4.3.7 The immediate character of the area comprises bungalows, some of them with small scale rear extension and gardens that decrease in ground levels both across the width and down the length of the rear gardens. As a consequence all of their rear gardens are either stepped, or sloping downwards in a north westerly direction.

4.3.8 The retrospective conservatory is modest in design, size, scale and the materials relate well to both the host dwelling and surrounding dwellings.

4.3.9 The top patio has been levelled to create level access to the rear of the bungalow, while the lower patio area would be dug down 0.3m to the original level and the original height of the fencing to 1.8m. The proposed fence would be 1.8m in height and of the type of materials and design that normally form permitted development at this location. It is therefore considered that the proposal would be sympathetic in design to the host dwelling and character of the area.

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 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 There has been a neighbour objection received on the grounds of loss of privacy and amenity.
- 4.4.4 The proposal provides a rear conservatory that has a solid wall to the boundary with the neighbour at No.27, while other side adjacent to No. No.23 is screened by 1.8m high fencing. The rear of the conservatory is screened by the rear fence from the rear neighbour at Mill Green view.
- 4.4.5 The height of rear patio would be reduced by 0.3m, which would result in a 1.8m high rear boundary fence to the boundary with Mill Green View. The proposed internal 1.8m high fence would be added to the edge of the top patio area, which would prevent overlooking from the top patio area into the windows of Mill Green View. It is therefore considered that the proposal to create level access for private amenity of the associated bungalow, has been designed to incorporate patio level changes and fences of the minimal height required in order to protect the privacy and amenity of the occupiers of both the host dwelling and the neighbouring properties. As such, the proposal accords with Policy CP3 of the local plan.

## 5 Human Rights Act 1998 and Equalities Act 2010

### ***Human Rights Act 1998***

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

### ***Equalities Act 2010***

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

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

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

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

- 5.4 It is therefore acknowledged that the Council needs to have due regard to the effect of its decision on persons with protected characteristics mentioned.
- 5.5 Such consideration has been balanced along with other material planning considerations and it is considered that the proposal is acceptable in respect to the requirements of the Act. Having had regard to the particulars of this case officers consider that the proposal would make a positive contribution towards the aim of the Equalities Act.

<b>6 Conclusion</b>
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- 6.1 In respect to all matters of acknowledged interest and policy tests it is considered that the proposal, subject to the attached conditions, would not result in any significant harm to acknowledged interests and is therefore considered to be in accordance with the Development Plan.
- 6.2 It is therefore recommended that the application be approved subject to the attached conditions.

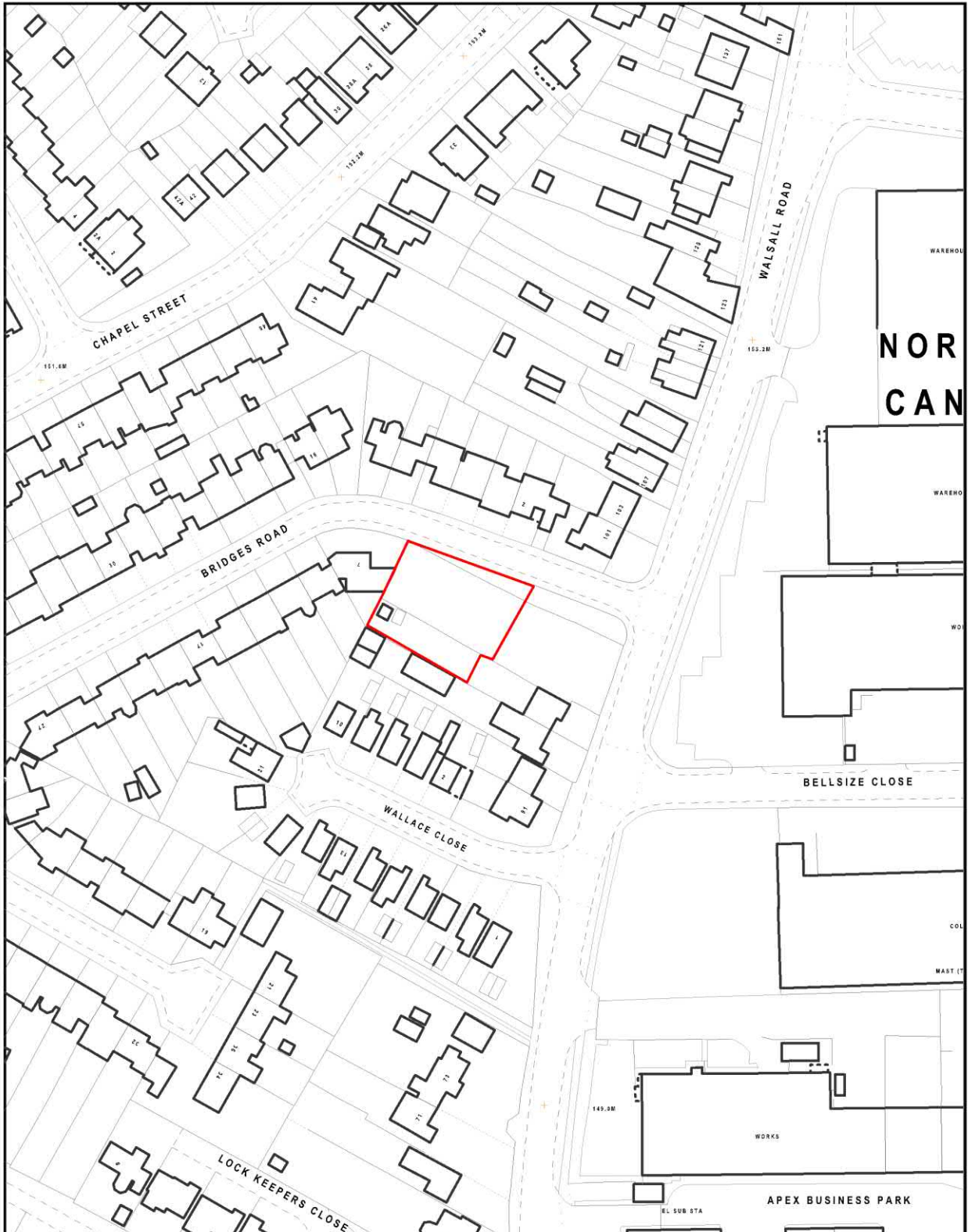


**Application No:** CH/18/433

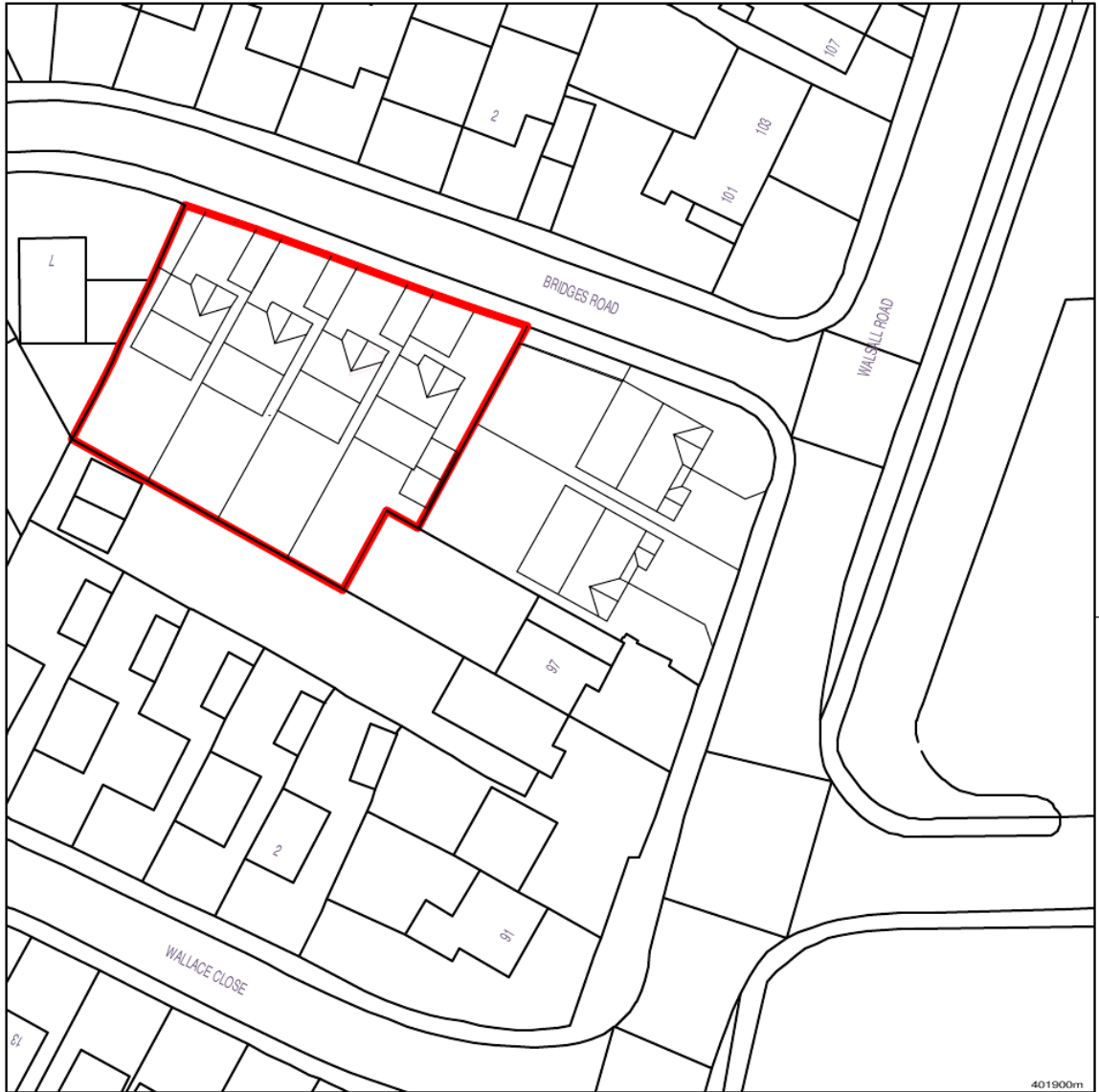
**Location:** Land adjacent to 7 Bridges Road, Norton Canes, Cannock, WS11 9PB

**Proposal:** Proposed erection of 4 No. dwellings

Item No. 6.15

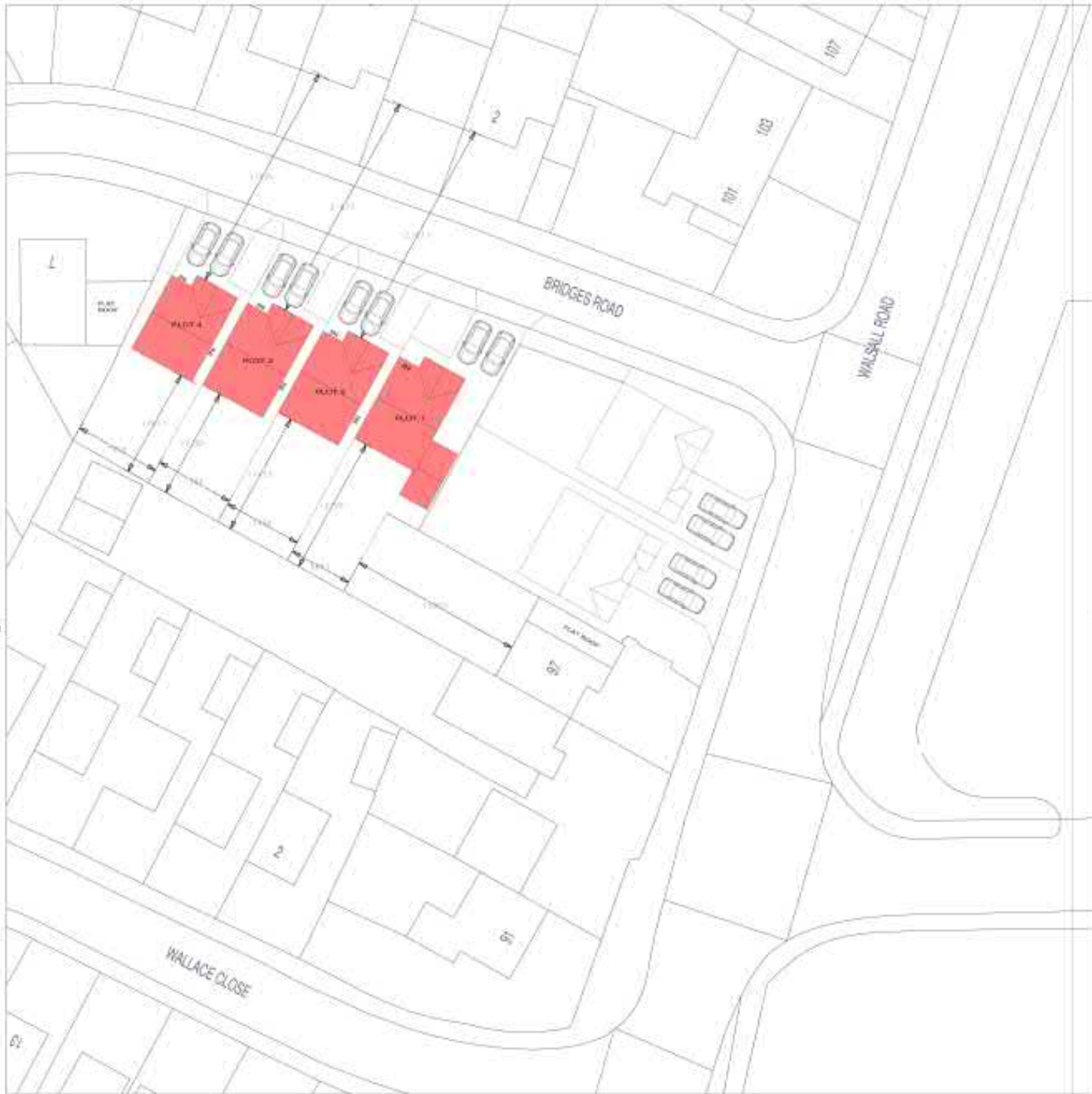


# Location Plan





# Block Plan



# Site Layout Plan



### SPECIFICATION

**EXCAVATION AND TERRACING**  
 To be undertaken by the contractor.

**FOUNDATIONS**  
 To be undertaken by the contractor.

**ROOFING**  
 To be undertaken by the contractor.

**WALLS AND PARTITIONS**  
 To be undertaken by the contractor.

**FLOORING**  
 To be undertaken by the contractor.

**MEANS OF EGRESS**  
 To be undertaken by the contractor.

**PLANTING**  
 To be undertaken by the contractor.

**UTILITIES**  
 To be undertaken by the contractor.

**PAVING**  
 To be undertaken by the contractor.

**FINISHES**  
 To be undertaken by the contractor.

**MEASUREMENTS**  
 To be undertaken by the contractor.

**GENERAL NOTES**  
 To be undertaken by the contractor.

**MEASUREMENTS**  
 All work to be measured in accordance with the current edition of the British Standard BS 1191:2009.

**GENERAL NOTES**  
 The contractor shall be responsible for the provision of all materials, labor and plant required for the completion of the works shown on this drawing.

**PLANTING**  
 All trees to be planted in accordance with the current edition of the British Standard BS 5839:2006.

**UTILITIES**  
 All utilities to be installed in accordance with the current edition of the British Standard BS 5400:2006.

**PAVING**  
 All paving to be installed in accordance with the current edition of the British Standard BS 5488:2006.

**FINISHES**  
 All finishes to be installed in accordance with the current edition of the British Standard BS 520:2006.

**MEASUREMENTS**  
 All work to be measured in accordance with the current edition of the British Standard BS 1191:2009.

**GENERAL NOTES**  
 The contractor shall be responsible for the provision of all materials, labor and plant required for the completion of the works shown on this drawing.

**PLANTING**  
 All trees to be planted in accordance with the current edition of the British Standard BS 5839:2006.

**UTILITIES**  
 All utilities to be installed in accordance with the current edition of the British Standard BS 5400:2006.

**PAVING**  
 All paving to be installed in accordance with the current edition of the British Standard BS 5488:2006.

**FINISHES**  
 All finishes to be installed in accordance with the current edition of the British Standard BS 520:2006.

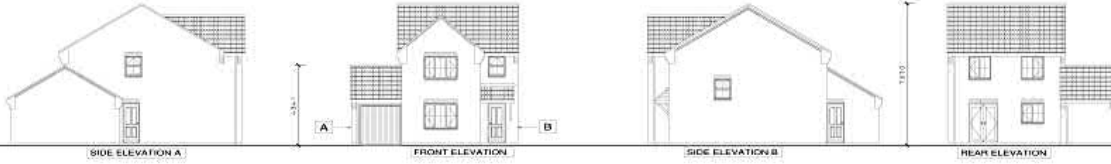
**MEASUREMENTS**  
 All work to be measured in accordance with the current edition of the British Standard BS 1191:2009.

Year	Species	Qty	Size
Year 1	Malus domestica	10	150mm
Year 1	Prunella domestica	10	150mm
Year 1	Malus domestica	10	150mm
Year 1	Prunella domestica	10	150mm
Year 1	Malus domestica	10	150mm
Year 1	Prunella domestica	10	150mm
Year 1	Malus domestica	10	150mm
Year 1	Prunella domestica	10	150mm
Year 1	Malus domestica	10	150mm
Year 1	Prunella domestica	10	150mm

**DRAWING 1 OF 6**  
 SITE LAYOUT  
 PROPOSED DEVELOPMENT OF 4 NO. 1100mm DEPT. DETACHED HOUSES  
 FOR BUSINESS DEVELOPMENTS LIMITED  
 AT LAND NEXT TO BARNES FIELDS, HEDDINGTON CANALS, CONVECK, STAFFS WS9 9RF  
 SCALE: 1:100 @ A1 DRAWING SIZE  
 DRAWING ISSUE 1  
 SEPTEMBER 2016  
**Drawn JAF Design-01903 539086**

# Plot 1 Plans and Elevations

ELEVATIONS TO SCALE 1:100



SIDE ELEVATION A

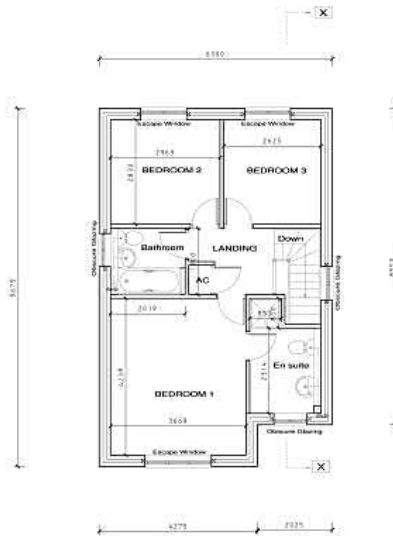
FRONT ELEVATION

SIDE ELEVATION B

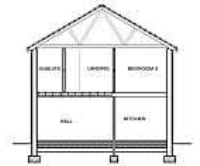
REAR ELEVATION



GROUND FLOOR PLAN VIEW  
SCALE 1:50



FIRST FLOOR PLAN VIEW  
SCALE 1:50



SECTION XX  
SCALE 1:100



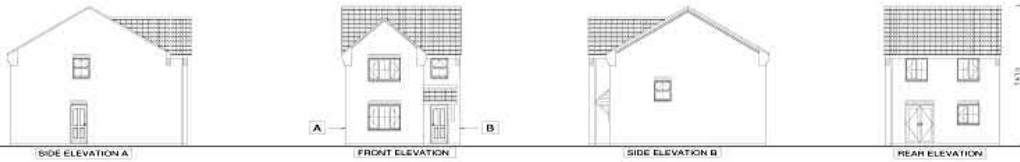
PLAN VIEW OF ROOF  
SCALE 1:200

DRAWING 3 OF 8  
 PROPOSED ELEVATIONS AND PLAN VIEWS PLOT 1  
 PROPOSED DEVELOPMENT OF 4 TWO-BEDROOM DWELLINGS  
 FOR ESKDAIRY DEVELOPMENTS LIMITED  
 245 LANEHURST TOLL, FERRIS ROAD, NORTHFOUNDS, CARROCK, STAFFS, WS11 8PH  
 SCALE: 1:50 - 1:200 - 1:200 @ DRAWING SIZE  
 DRAWING ISSUE 1  
 SEPTEMBER 2016

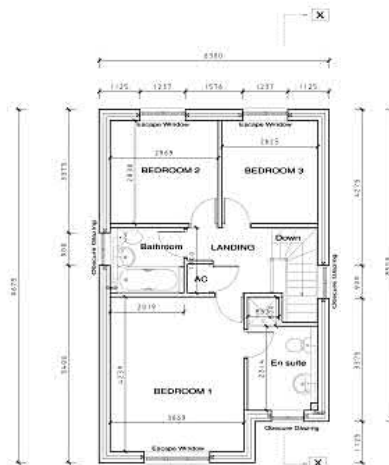
Drawn JAF Design 01902 579182

# Plots 2 & 3 Plans and Elevations

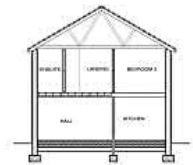
ELEVATIONS TO SCALE 1:100



GROUND FLOOR PLAN VIEW  
SCALE 1:50



FIRST FLOOR PLAN VIEW  
SCALE 1:50



SECTION XX  
SCALE 1:100



PLAN VIEW OF ROOF  
SCALE 1:200

DRAWING 4 OF 9
PROPOSED ELEVATIONS AND PLAN VIEWS PLOTS 2 & 3
PROPOSED DEVELOPMENT OF 4 No 3-BED ROOM DWELLINGS
FOR ENGLAND DEVELOPMENTS LIMITED
AT LAND NEXT TO No 7 BRIDGE ROAD, HORTON-CANES, CANNOCK, STAFFS, WS11 9PH
SCALE: 1:50 + 1:100, 1:200 & AT DRAWING SIZE
DRAWING ISSUE 1
SEPTEMBER 2016
<b>Drawn JAF Design 01902 579182</b>

# Plot 4 Plans and Elevations

ELEVATIONS TO SCALE 1:100



SIDE ELEVATION A



FRONT ELEVATION



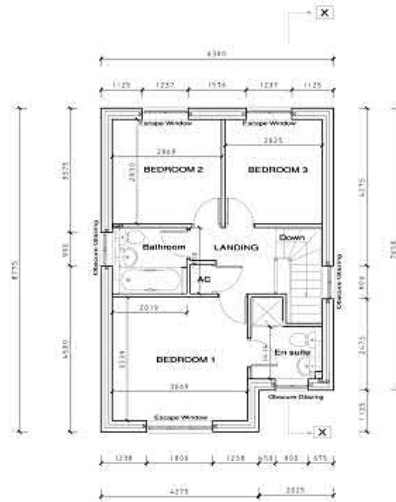
SIDE ELEVATION B



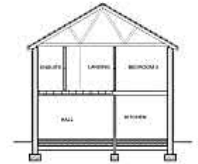
REAR ELEVATION



GROUND FLOOR PLAN VIEW  
SCALE 1:50



FIRST FLOOR PLAN VIEW  
SCALE 1:50



SECTION XX  
SCALE 1:100



PLAN VIEW OF ROOF  
SCALE 1:200

DRAWING 3 OF 6  
 PROPOSED ELEVATIONS AND PLAN VIEWS PLOT 4  
 PROPOSED DEVELOPMENT OF 4 No. THREE BEDROOM DWELLINGS  
 FOR EMERALD DEVELOPMENTS LIMITED  
 AT LAND NEXT TO No. 7 BRIDGES ROAD, HORTON-CAMERON, CANNOCK, STAFFS, WS11 8PH  
 SCALE: 1:50 (1:200 @ A) DRAWING SIZE  
 DRAWING ISSUE 1  
 SEPTEMBER 2016

Drawn JAF Design 01902 579182

# Proposed Street Scene



EXISTING STREET SCENE FROM BRIDGES ROAD



PROPOSED STREET SCENE FROM BRIDGES ROAD

DRAWING NO. OF 3
EXISTING AND PROPOSED STREET SCENES
PROPOSED RESIDENTIAL DEVELOPMENT OF 4 x 16m THREE BEDROOM DWELLINGS
POLE BERRY DEVELOPMENT/LP1010
AT LAND NEXT TO 1617 BRIDGES ROAD, HOPKIN CAROL, CHENOOK, STAFFORD WEST BRM
SCALE: 1:100 @ A1 DRAWING SIZE
DRAWING NO. 1
SEPTEMBER 2018
<b>Drawn JAF Design 01543 451016</b>

<b>Contact Officer:</b>	<b>David O'Connor</b>
<b>Telephone No:</b>	<b>01543 464515</b>

**PLANNING CONTROL COMMITTEE**

**27 FEBRUARY 2019**

<b>Application No:</b>	CH/18/433
<b>Received:</b>	27 November 2018
<b>Location:</b>	Land adjacent to 7 Bridges Road, Norton Canes, Cannock, WS11 9PB
<b>Parish:</b>	Norton Canes
<b>Ward:</b>	Norton Canes
<b>Description:</b>	Proposed erection of 4 No.dwellings
<b>Application Type:</b>	Full Planning Application – Minor Development

**RECOMMENDATION:**

Approval subject to conditions

**Reason(s) for Recommendation:**

The application proposes the erection of 4 No. dwellings on a site that now includes two residential gardens. The development proposed is acceptable in principle given the location of the site within the defined urban area. The design of the proposed dwellings is reflective of the siting, scale, appearance, form and materials of the existing properties in the locality. Detailed assessment of the amenity impacts for each group of affected neighbouring properties is carried out within this report. In all instances the relevant standards such as separation distances are met or exceeded. Consideration of the highway implications is also assessed but the relevant standards are found to be met and no objections are raised by the County Highways Authority. A number of other matters are relevant such as coal mining, SAC impacts, construction management. In all cases these matters can be addressed by appropriately worded conditions or CIL.

Taking the above factors into account it is considered the development is in accordance with the adopted development plan, relevant locally set standards and the NPPF.

**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. The development hereby permitted shall not be brought into use until the access and parking areas have been provided and surfaced in accordance with drawing number 7 of 9 dated as received 23 November 2018 and shall be thereafter retained for the lifetime of the development. All defined parking spaces within the drawing shall be a minimum of 2.4m by 4.8m.

## Reason

In the interests of highway safety and the safe and convenient flow of traffic.

3. Prior to the commencement of development, the following shall be undertaken:

- A scheme of intrusive site investigations as detailed in Section 12.1 of the Ground Investigation Report produced by Spillman Associates
- a report of the findings arising from the intrusive site investigations shall be submitted to and approved in writing by the Local Planning Authority;
- Details of a scheme of remedial works, if required, shall be submitted to and approved in writing by the Local Planning Authority.

Any agreed remedial works shall be implemented before the development hereby approved is brought into use.

## Reason

In the interests of land stability and the protection of the development.

4. Prior to the commencement of the development a Construction and Environmental Management Plan and details of an intended Programme of Works shall be submitted to an agreed in writing by the Local Planning Authority. The Construction and Environmental Management Plan shall include details of site storage, site hours, types of vehicles, proposed delivery hours, provision for parking of vehicles for site operatives and visitors, loading and unloading of plant and materials, measures to prevent mud and debris being brought onto the highway and highway inspections and storage of plant and materials used in constructing the development. The approved scheme shall thereafter be implemented prior to and throughout the duration of any works on site.

## Reason

To comply with the objectives and policies contained within the NPPF. In the interests of site sustainability and highway safety.



5. The hours of operation for the construction of the development hereby permitted shall be restricted to 08:00 till 18:00 weekdays and 08:00 till 13:00 on Saturdays. There shall be no working on site on Sundays or Bank Holidays.

Reason

In the interests of the residential amenity of neighbouring properties.

6. No part of the development hereby approved shall be undertaken above ground level 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 Local Plan Policies CP3, CP15, CP16, RTC3 (where applicable) and the NPPF.

7. The development hereby permitted shall not be brought into use until the site layout and specifically the gardens as shown within the approved site plan (Drawing No. 2 of 9) have been provided and are available for use.

Reason

In the interests of the residential amenity of prospective residents.

8. The hard and soft landscaping to the development hereby approved including planting, fencing and surface treatments shall be carried out in accordance with Drawing 7 of 9. Any plants or trees becoming damaged, diseased or otherwise removed within a period of 5 years shall be replaced by healthy trees or plants unless otherwise agreed in writing by the Local Planning Authority.

Reason

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

9. All side facing first floor windows and all bathroom windows shown as 'obscured glass' within the drawings hereby permitted shall be obscured glazed to a minimum privacy level of Grade 5 (Pilkington Glass Standard) and shall be permanently so retained for the life of the development.

Reason

In the interests of reducing opportunities for overlooking and enhancing the privacy within neighbouring existing dwellings.

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

Drawing No's 1 to 9

Ground Investigation Report (Dated March 2015)

Reason

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

**Notes to the Developer:**

Please note that prior to the accesses being constructed you require Section 184 Notice of Approval from Staffordshire County Council. The link below provides a further link to 'vehicle dropped crossings' which includes a 'vehicle dropped crossing information pack' and an application form for a dropped crossing. Please complete and send to the address indicated on the application form which is Staffordshire County Council at Network Management Unit, Staffordshire Place 1, Wedgwood Building, Tipping Street, STAFFORD, Staffordshire, ST16 2DH (or email to [nmu@staffordshire.gov.uk](mailto:nmu@staffordshire.gov.uk))

<http://www.staffordshiregov.uk/transport/staffshighways/licences/>

**Consultations and Publicity*****External Consultations*****Staffordshire County Highways Authority**

No objections subject to conditions.

The site is location on Bridges Road which is subject to a 30mph speed restriction and links with B4154 Walsall Road and Chapel Street where St. Jerome Primary School is situated.

The proposal is for 4 No. three bedroom detached dwellings which are to be built on land adjacent to No. 7. Each proposed property provides 2 parking spaces which meets Cannock Chase District Council's parking standard for a 3 bed house. The parking spaces shown are 10cm short of the 4.8m standard as shown on the plan.

I am aware that residents have raised concerns about parking on the highway outside of the proposed site however the applicant has complied with current standards and given the small scale of the development it would be difficult to secure any further improvements. A site visit was conducted on 10 January 2019.

I have no objections to this proposal subject to a condition ensuring appropriately sized spaces and requiring the development is not brought into use until the access and parking areas have been provided in line with the submitted plan.

**Coal Authority**

No objections

The Coal Authority concurs with the recommendations of the Ground Investigation Report; that coal mining legacy potentially poses a risk to the proposed development and that intrusive site investigation works should be undertaken prior to development in order to establish the exact situation regarding coal mining legacy issues on the site.

The Coal Authority recommends that the LPA impose a Planning Condition should planning permission be granted for the proposed development requiring these site investigation works prior to commencement of development.

In the event that the site investigations confirm the need for remedial works to treat the areas of shallow mine workings to ensure the safety and stability of the proposed development, this should also be conditioned to ensure that any remedial works identified by the site investigation are undertaken prior to commencement of the development.

A condition should therefore require prior to the commencement of development:

- \* The undertaking of an appropriate scheme of intrusive site investigations;
- \* The submission of a report of findings arising from the intrusive site investigations;
- \* The submission of a scheme of remedial works for approval; and
- \* Implementation of those remedial works.

The Coal Authority therefore has no objection to the proposed development subject to the imposition of a condition or conditions to secure the above.

### **Severn Trent Water Ltd**

No objections.

We do not require a drainage condition to be applied.

### **Norton Canes Parish Council:**

Originally raised no objections to the proposals but in subsequent comments dated 30 January 2019 the comments received stated:

The Parish Council Planning Committee Chairman and myself met with the residents group to explain the planning process and how we arrived at our decision. The Committee did feel after the meeting that some of the points raised were valid ones and we have taken this opportunity to relook at this development. We therefore wish to withdraw our original statement and raise our objections to the development as follows:

1. The application seeks overdevelopment of the site. The density of the land use proposed is too high and affects residents living in Wallace Close due to loss of privacy.
2. There is an issue with the road being used as a rat run to local schools and quick access to Kingswood Lakeside Business Park. The issue of car parking needs to be taken into consideration as this causes problems already as workers at the local factory often park their cars at the entrance to Bridges Road.
3. There is concern with regard to the length of time taken to construct the proposed dwelling as the developer has taken nearly 2 years to build the two house on Walsall Road. This impacts the residents opposite as delivery of materials and parking of work vehicles offsite daily is problematic. We would suggest that operating times should be imposed if permission is granted.

### ***Internal Consultations***

#### **Planning Policy**

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 the dwellings proposed are located within the newly designated Norton Canes

Neighbourhood Plan Area and that the Parish Council intend to produce a Neighbourhood Plan for the area.

Cannock Chase Local Plan (Part 1) 2014 policy CP1 supports sustainable development and Policy CP6 permits new housing on urban sites such as this one within Cannock Chase District. Policy CP3 advocates appropriate design and the protection of amenity. The adopted Design SPD provides additional guidance and Appendix B (p91) provides guidance to ensure that minimum garden sizes and distances from neighbouring dwellings are taken into account when considering an application.

If the development is market housing it will be CIL liable and will contribute to via CIL payments to mitigation at the Cannock Chase SAC.

The site is listed within the 2018 Strategic Housing Land Availability Assessment (SHLAA) as site N58, a site suitable for development within 0-5 years.

### **Strategic Housing**

No objections.

There are no affordable housing contributions required on developments of 10 units or fewer and which have a combined gross floor area of no more than 1000sqm.

### **Environmental Health**

No objections.

No adverse comments are offered as regards this matter in principle. A site investigation has been presented by Spillman Associates which has confirmed there are no contamination or ground gas issues to be resolved. A construction management plan should be provided for the development and I would recommend the hours of construction are restricted to between 08:00 and 18:00 on weekdays and 08:00 till 13:00 on Saturdays only.

### **Response to Publicity**

Site notice posted and adjacent occupiers notified in line with Development Management Procedure Order 2015 requirements. In response 13 individual letters were received, 41 No. letters containing standardised text common to the petition were also received and a petition containing 73 names was received. In summary the responses and petition seek to raise the following matters:

- The density of the development is too high and adversely impacts the character and appearance of the area.
- The proposals will result in adverse privacy impacts to residents at the front and rear of the development.
- The development will impact upon light levels to neighbouring properties.
- Trees and vegetation were removed from the site in 2015 prior to securing planning approval, these works adversely impacted the character of the area and wildlife.
- Past permission for two storey dwellings on the site was withheld by the Council – what has changed?

- 4 drives with dropped curbs will exclude people from parking on that side of the road and will create parking problems close to the junction with Walsall Road
- It is unclear how the development can be constructed without on street parking and potential disruption.
- Disruption was apparent during the installation of the services associated with the site.
- Approved housing developments in the area will lead to further traffic increases
- Concerns in relation to surface water flooding from the development making existing circumstances worse.
- The time period the developer has taken to erect the current 2 dwellings is excessive. Furthermore works have been undertaken at weekends and before 9am potentially contrary to planning conditions.
- The area already experiences traffic problems. These include the following:
  - The road experiences traffic movements through vehicles trying to avoid speed bumps in Chapel St
  - Vehicles speeding around corners
  - Parking by employees within the factories on Walsall Road
  - High volumes of traffic during school hours
  - Parking on pavements restricting pedestrian footway use by children, pushchairs and the elderly
  - Obstructions to emergency vehicles, bin wagons, ambulances, funeral vehicles and carers caused by inappropriate parking.
  - Cars using neighbours drives to turn around and parking blocking access to drives

### Relevant Planning History

- 89/0598      Renewal of outline permission for one bungalow.  
Approved 20 September 1989.
- 94/0448      Residential Development (Outline).  
Approved 28 September 1994.
- 15/0093      Erection of 2 No. 4 bedroom detached dwelling.  
Access for the dwellings was taken from Bridges Road with the existing main house retained. The proposed dwelling would have been positioned side on to Bridges Road with access via a private drive serving both properties. The application was refused for the following reason:
- ‘The layout and poor appearance of the side elevation of the proposal creates an awkward, unsatisfactory and unattractive relationship with the wider street scene. As such, the development would appear strident and incongruous resulting in an adverse impact on the character and visual amenity of the street scene and wider area contrary to Local Plan Policy CP3 and Paragraphs 56 – 68 of the National Planning Policy Framework.’
- 15/0249      Demolition of existing house and outbuildings and erection of 2 No. four bedroom detached dwellings.

Proposed dwellings front on to Walsall Road and required the removal of the original house.

Approved 23 February 2016 and development fully constructed on site today.

- 16/189 Demolition of existing building and erection of 2No. two bedroom detached bungalows and garage (resubmission of refused application CH/15/0093)  
Approved 18 August 2016. Development not understood to have been implemented.

## **1 Site and Surroundings**

- 1.1. The application site is a roughly rectangular plot of land at the junction of Bridges Road and Walsall Road, which formerly was the garden to a dwelling. The original house has since been demolished and two new dwellings constructed with much reduced residential gardens. This leaves a vacant plot of land to the rear of the new houses for which consent exists to develop 2 No. bungalows under Planning Decision Notice CH/16/189.
- 1.2. The buildings in the vicinity of the site are mainly two storey pitched roofed dwellings in light coloured brick. Across Bridges Road there is a row of approx. 1970-80's semi-detached properties. The property to the west fronts onto Bridge Road and has a side garage on the side nearest the application site. It also has windows in the eastern elevation (facing the application site) at first floor and ground floor but there is a 1.8m high fence and hedge on the boundary shared with the application site. To the east there is Walsall Road, across which is an industrial/ commercial estate that is partly screened by a 2m high hedge and a row of mature deciduous trees.
- 1.3. The site is located in a predominantly residential area that is not subject to formal allocation within the Cannock Chase Local Plan but is cited within the Council's Strategic Housing Land Availability Assessment as being suitable, available and achievable for development. The site is within Flood Zone 1 (the least likely area to flood from rivers and watercourses and is subject to a 'Very Low' designation in terms of the possibility of surface water flooding. The site is within a 'High Risk' area as a consequence of past Coal Mining legacy.

## **2 Proposal**

- 2.1 The application proposes the erection of 4 No. three bedroom dwellings. These are proposed to take access from Bridges Road via individual dropped curbs to the proposed driveways formed. The dwellings will be two storeys in height and will have a similar appearance to the two recent dwellings constructed at the corner of Bridges Road and Walsall Road. The buildings have a similar siting to that apparent for the neighbouring properties in that they are set back a short distance from the highway. The properties will be constructed from red brick.

## **3 Planning Policy**

- 3.1 Section 38 of the Planning and Compulsory Purchase Act 2004 requires planning applications to be determined in accordance with the provisions of the Development Plan, unless material considerations indicate otherwise.
- 3.2 The Development Plan currently comprises the Cannock Chase Local Plan (2014) and the Minerals Local Plan for Staffordshire (2015 – 2030).
- 3.3 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 – the Strategic Approach
  - CP2 - Developer contributions for Infrastructure
  - CP3 - Chase Shaping – Design
  - CP5 – Social Inclusion and Healthy Living
  - CP6 - Housing Land
  - CP7 - Housing Choice
  - CP13 -Cannock Chase Special Area of Conservation (SAC)

3.5 Minerals Plan for Staffordshire (2015)

Appendix 6: Supporting Information for Policy 3 Safeguarding Minerals of Local and National Importance and Important Infrastructure: Table 7: Exemptions Criteria for Mineral Safeguarding.

The current development is non-major residential development and therefore is subject to exemption from Minerals Policy 3 in accordance with Table 7: Exemptions Criteria for Mineral Safeguarding.

National Planning Policy Framework

- 3.6 The NPPF (2018) sets out the Government’s position on the role of the planning system in both plan-making and decision-taking. It states that the purpose of the planning system is to contribute to the achievement of sustainable development, in economic, social and environmental terms, and it states that there should be “presumption in favour of sustainable development” and sets out what this means for decision taking.
- 3.7 The NPPF (2018) confirms that a 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 The relevant sections of the NPPF in relation to this planning application are as follows;
- |                     |  |
|---------------------|--|
| 8:                  | Three dimensions of Sustainable Development          |
| 11-14:              | The Presumption in favour of Sustainable Development |
| 47-50:              | Determining Applications                             |
| 124, 127, 128, 130: | Achieving Well-Designed Places                       |
| 212, 213            | Implementation                                       |

### 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

## 4 Determining Issues

### 4.1 The determining issues for the application are:

- Principle of development
- Design and Character and Appearance Implications
- Impacts upon residential amenity
- Highways Considerations
- Cannock Chase SAC Implications
- Construction Management
- Drainage Considerations
- Coal Mining
- Other issues:
  - Removed Trees in 2015
  - Time period to construct the development

### 4.2 Principle of development

4.2.1 The proposal is for the construction of 4 new dwellings. Both the NPPF and Cannock Chase Local Plan Policy CP1 advocate a presumption in favour of sustainable development unless material considerations indicate otherwise. Further, Local Plan Policy CP6 seeks to support the creation of new homes within existing urban areas as spatially this complements and reinforces the services (schools, public transport) and facilities (shops and other businesses) within the urban area.

4.2.2 In Cannock Chase District pressure from additional development is evidenced as having an effect on the Cannock Chase SAC. Paragraph 177 of the NPPF makes it clear

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

4.2.3 Policy CP13 of the Local Plan recognises that any project involving net new dwellings will have an impact on the SAC and as such should be subject to an appropriate assessment under the Habitat Regulations. In this instance, the proposal would provide a net increase in dwellings, and therefore would have an impact on the SAC. However with mitigation mainly secured via CIL, this impact can be offset and the development should be determined with the presumption in favour of sustainable development.



- 4.2.4 The site is located within the settlement boundary of Norton Canes (as defined on the Local Plan Policies Map). Policy CP6 states that housing proposals for 2350 new dwellings will be provided on urban sites with 5% provided in Norton Canes. These will generally be provided on sites identified within the SHLAA, albeit the figures do account for discounts and additional windfalls evidenced in the SHLAA.
- 4.2.5 In respect to the principle of the proposal it is noted that the site is within the existing settlement, is within walking distance of key public services, public transport and schools. Spatially therefore it is considered 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.
- 4.2.6 Therefore on the basis of the site being spatially suitable and aligning with wider sustainability, in principle the proposals are considered to accord with Local Plan Policies CP1 and CP6 as well as the general 'centralised approach' to the distribution of development advocated within the NPPF

### 4.3 Design and Character and Appearance Implications

- 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.
- 4.3.5 The land in question is undeveloped garden land within an urban area. The site has been granted planning permission under application CH/16/189 for the erection of two bungalows on a slightly smaller area of land than that now available. Since this approval a further parcel of land has become available in the form of the garden land associated with No. 97 Walsall Road. Therefore the site is larger than the previous and consequently seeks to provide more development on the site than was originally permitted.
- 4.3.6 A number of concerns are raised about the appearance and layout of the development as well as density. The layout and scale of the buildings along Bridges Road and its surrounds are generally two storey, set back a small amount from the road with driveways. The predominant roof form apparent tends to be pitched roofs with the eaves facing the highway and the materials used are mainly a light red brick. These characteristics are common to the dwellings immediately opposite the site, are apparent for the dwellings around the corner of Bridges Road (west) and are in line with the house types approved by the Council previously that have been constructed fronting Walsall Road. The proposed development shares these characteristics.
- 4.3.7 The main difference between dwellings on Bridges Road is that the dwellings are detached properties rather than semi-detached dwellings. However the properties previously approved by the Council (both the bungalows and two storey properties) were also detached. Furthermore those dwellings off Wallace Close to the rear of the site are very much of a similar design and layout to those now proposed. Accordingly Officers do not consider this to be a substantial design deviation that would warrant submission of amendments to the proposals or act as justifiable refusal reason.
- 4.3.8 With regards density, a number of respondents suggest the properties are 'crammed in' or would convey an inappropriate appearance owing to their density. Officers would highlight density, 'the number of dwelling per unit area of measurement' is broadly consistent between the proposals and the development in the context of site. If we utilise the length of site frontage as an indicator, the semi-detached properties opposite the site have a broad coverage of 4 units for the length of the site frontage. Furthermore to the rear of the site, the detached Wallace Close properties have a similar level of 4 units coverage for the comparative length of the site. To suggest that the density is in some way significantly higher than the surrounding development is judged by Officers to be incorrect. As above the main difference is that the properties are proposed are not semi-detached but that this in itself is not a substantial criticism in character and appearance terms.

4.3.9 Taking the above into account, Officers consider that subject to conditions to ensure appropriate materials are used in the construction of the buildings, their overall design and appearance is acceptable and would accord with the design ideals set out within the Local Policy CP3.

#### 4.4 Amenity Considerations

4.4.1 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.

4.4.2 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. These are adopted standards that the Council has published to provide a clear stance to all sides about the Council's stance as to what constitutes an acceptable standard of amenity.

4.4.3 Of particular note in relation to the assessment of amenity impacts are the comments from the neighbours opposite the site, adjacent the site and to the rear of the site. Taking each of these in turn:

##### Dwellings across Bridges Road (No's 2-14)

4.4.4 In relation to properties on Bridges Road and loss of privacy within the dwellings through inter-visibility, the Council's adopted standards would require facing main elevation windows to be 21.3m apart. It is demonstrated within the submitted plans in all instances that in excess of 21.3m is apparent. Furthermore it is noted that some degree of public use and overlooking exists from public users of Bridges Road already such that privacy within front facing rooms cannot always be assured. Secondly, Officers note that properties to the west along Bridges Road, as originally designed when the estate was constructed, have a similar level of 21m separation to the dwellings on the opposite side of the road. Such an approach is quite common in 1970's and 1980's estates of this type. Finally in terms of daylight and outlook, a 25 degree standard taken from the front of these properties is not obstructed by the proposed development. This evidences no substantive daylight or sense of enclosure issues.

4.4.5 Taking the above into account it is considered there is no significant impact in terms of inter-visibility and privacy impacts between the most affected dwellings opposite the site and the dwellings proposed, that a similar relationship is apparent in the immediate area and has existed for a number of years and that the proposals would not unduly impact light received from the front elevations of the properties that exist opposite the application site. No other impacts such as overlooking of gardens or shadowing are considered to impact these properties.

##### Wallace Close to the rear of the development (No's 2-10)

4.4.6 In exploring whether the proposals would lead to amenity impacts for the properties on Wallace Close it is considered:

- The northerly position of the development means no overshadowing from the development
- The front and back outlook of these existing properties is consistent with those proposed and a separation distance in excess of 29-31m is apparent. This substantially exceeds the 21.3m Council standard set out within the adopted SPD Design Guide.
- No other impacts are considered to be apparent for these properties

#### Number 95 Walsall Road – Rear Garden

4.4.7 The rear garden of number 95 Walsall Road is located immediately beyond the rear boundary fence to the proposed dwellings. In all cases the garden lengths exceed 10m. This is compliant with the adopted Design Guidance in that first floor windows should be at least 10m from neighbouring boundaries. This is achieved in this case. It is also noted the garden is lengthy such that the main functional areas are some distance more. This ensures a good standard of privacy is retained for No. 95.

#### 7 Bridges Road – Adjacent to the Development

4.4.8 This property is oriented such that broadly its outlook is north onto Bridges Road and South towards Wallace Close. The property is slightly skewed in orientation but it is judged that the proposed properties would not obstruct a 45 degree line taken from the main habitable windows to the rear of the building, particularly taking account the offset from the boundary associated with the neighbour's garage. Indeed the proposed buildings sit very much in line with the siting of 7 Bridges Road in terms of set back from the road. Consequently the main potential effects will be on a side facing window at ground floor immediately adjacent to the existing flat roofed garage and a first floor side facing window.

4.4.9 Officers offered to visit the property to examine the effects more closely but were unable to arrange this with the owner. Nevertheless, in the case of the ground floor window this appeared to be a secondary window serving the same room as a front facing window. Hence in line with Council's standards, impacts upon secondary windows need not be considered further. In this case, Officers also note that much of the view of the proposed dwellings will be obstructed by the flat roof garage adjoining the side of No. 7 as shown in the proposed site plan. The affected window is positioned 'hard up' to the front of the garage, limiting the splay of vision towards the proposed development.

4.4.10 In terms of the first floor side facing window, this appeared to be a first floor landing window. A landing is not considered to be a habitable room and does not have the same protections as those afforded to a main habitable room window such as a kitchen or living room for example. Nevertheless, just in case this is 7m and using the street scene imagery provided by the applicant showing No. 7 Bridges Road, it can be demonstrated the portion of Plot 4 within the splay of vision of this first floor window does not exceed a 25 degree line drawn from

the neighbouring building. This suggests, irrespective of what room the window serves, a reasonable level of daylight and outlook will remain.

#### Prospective Residents Amenity

4.4.11 For the proposed dwellings the gardens would meet the minimum recommendations for outdoor amenity space (65 sqm for 3 bed).

4.4.12 Taking the above factors into account, it is considered that a good standard of amenity would be achieved for all existing and future occupiers of the existing and proposed dwellings in accordance with Local Plan Policy CP3, the Council's adopted SPD guidance and NPPF paragraph 127

#### 4.5 Impact on Highway Safety

4.5.1 Paragraph 109 of the NPPF states that "development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe".

4.5.2 With regards to parking provision, the Council has adopted standards within the Parking Standards Supplementary Planning Document. This document sets out standards considered to be appropriate for dwellings in the district, taking account amongst other matters, the need to accommodate visitors. The dwellings proposed are 3 bedroom properties within this application. In line with the standard each would therefore require 2 off street spaces. The proposals provide for this. Accordingly it is considered the proposals accord with the Parking SPD of 2 spaces per 3 bedroom dwelling.

4.5.3 The County Highway Authority were consulted on the application. No objections to the proposals in terms of highway safety were raised subject to conditions to ensure the proposed parking spaces shown on the submitted plans are provided prior to use. The comments from the Highways Officer went on to state:

'I am aware that residents have raised concerns about parking on the highway outside of the proposed site however the applicant has complied with current standards and given the small scale of the development it would be difficult to secure any further improvements. A site visit was conducted on 10 January 2019.'

4.5.4 Officers subsequently wrote to the Highway Authority pointing out that Councillors and residents had specific concerns about the development exacerbating traffic congestion, parking problems from workers nearby and potentially decreasing kerb lengths available to park. The Highway Authority confirmed agreement with Officers that the development proposed is small scale and fulfils its parking requirements in line with the Council's adopted standards. It was also confirmed the area is public highway such that parking there is not illegal. If there is an established issue, this is not the fault of the development and if the application meets its parking requirements, it would not be reasonable to suggest the development exacerbates the issue provided appropriate steps are utilised to control the process of construction and provision of parking spaces prior to use. If there is an ongoing parking problem, this is not a matter for the application and should be referred to Mark Keeling at Staffordshire County Council, Community Infrastructure Liaison Manager

[mark.keeling@staffordshire.gov.uk](mailto:mark.keeling@staffordshire.gov.uk)

- 4.5.6 Taking the above into account, Officers consider the contribution to additional traffic directly from the development would be minimal and that the removal of a small number of 'potential' and undefined spots on the public highway would not be a justifiable reason for refusal as a 'severe residual impact' as defined in the NPPF Para 109 would not be apparent. If this issue is so significant in safety terms and was considered to warrant some form of formal action via a Traffic Regulation Order (such as double yellow lines or speed limit changes), this would need to be explored separately from the application by interested parties in that area in conjunction with the County Council Community Liaison Officer. However it should be noted there can be substantial costs with the publicity required for such a process. It is also noteworthy that Officers do not consider the scale of development in this case would warrant an intervention of this type taking account of the circumstances of the case.
- 4.5.7 Overall, it is concluded that the development would not contribute to what is said to be an established parking problem at the location. The development would provide for an appropriate level of off-street parking proportionate to the scale of the development. Taking account the advice from the Highway Authority, the substantive residual cumulative impacts of the proposal would not be severe in highway terms. Conditions could reasonably secure parking provision and submission and agreement of a construction management plan such that the proposals would be in accordance with the Parking SPD the NPPF paragraph 109.
- 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.
- 4.6.2 As such the site has no significant ecological value and therefore the proposal would not result in any direct harm to nature conservation interests.
- 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. There is a net increase of 4 dwellings such that SAC mitigation contributions are required. Such contributions will be secured by S106.
- 4.6.4 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 Construction Management

4.7.1 By its nature, the construction of the dwellings will necessitate care and planning in relation to the development programme. Materials deliveries to the site, plant and machinery deliveries and storage etc, will all need to be considered given the site confines. Furthermore Environmental Protection recommends controls and care is taken in the construction process given the proximity to existing dwellings. Accordingly it is considered in the interests of maintaining safe and convenient access to the site and neighbouring properties and on the basis of amenity, a construction and environmental management plan is required. Such a plan can reasonably be secured by condition and will look to minimise any potential on street parking.

#### 4.8 Drainage Considerations

4.8.1 The site is within Flood Zone 1 (the least likely area to flood from rivers and watercourses and is subject to a 'Very Low' designation in terms of the possibility of surface water flooding. Within the submitted form it is suggested that Mains Sewer will be the main method of surface water disposal from the site. This method has been subject to no objections from Severn Trent who state they do not wish for a drainage condition to be applied to the proposals. Accordingly, although the comments from residents in the vicinity are noted, there is nothing to suggest the construction of the development would materially impact these existing circumstances.

#### 4.9 Coal Mining

4.9.1 The site is within a known Coal Mining Risk Zone. The applicant has provided an appropriate report describing the approach to be adopted to deal with residual risks from Coal Mining. The Coal Authority have inspected the submitted details and suggest they concur with the conclusions of the report and require the carrying out of intrusive site investigation prior to commencement of the development. The Coal Authority request the Council as Planning Authority impose conditions to secure the intrusive investigation and the submission of the results prior to commencement. Officers concur with this approach and conditions are recommended accordingly.

##### 4.9.1 Other Considerations

4.9.2 Concerns are raised in relation to previously removed trees in 2015. Whilst the Council would not wish to condone tree and hedge removals given their ecological value, if the site is not within a Conservation Area and has no TPO designations then the site owner is lawfully entitled to remove trees and vegetation. Such matters are not otherwise 'development' as defined under S55 of the Town and Country Planning Act 1990 and would not therefore fall within planning control.

4.9.3 With regards to the concerns about the time period to complete the development, Officers would advise Members this is not a material consideration relevant to the planning merits of the case. Once a development is consented and implemented within the 3 year time period given, the developer is entitled to complete the proposals within the terms of the consent.

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

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

***Equalities Act 2010***

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

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

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

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

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

**6 Conclusion**

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



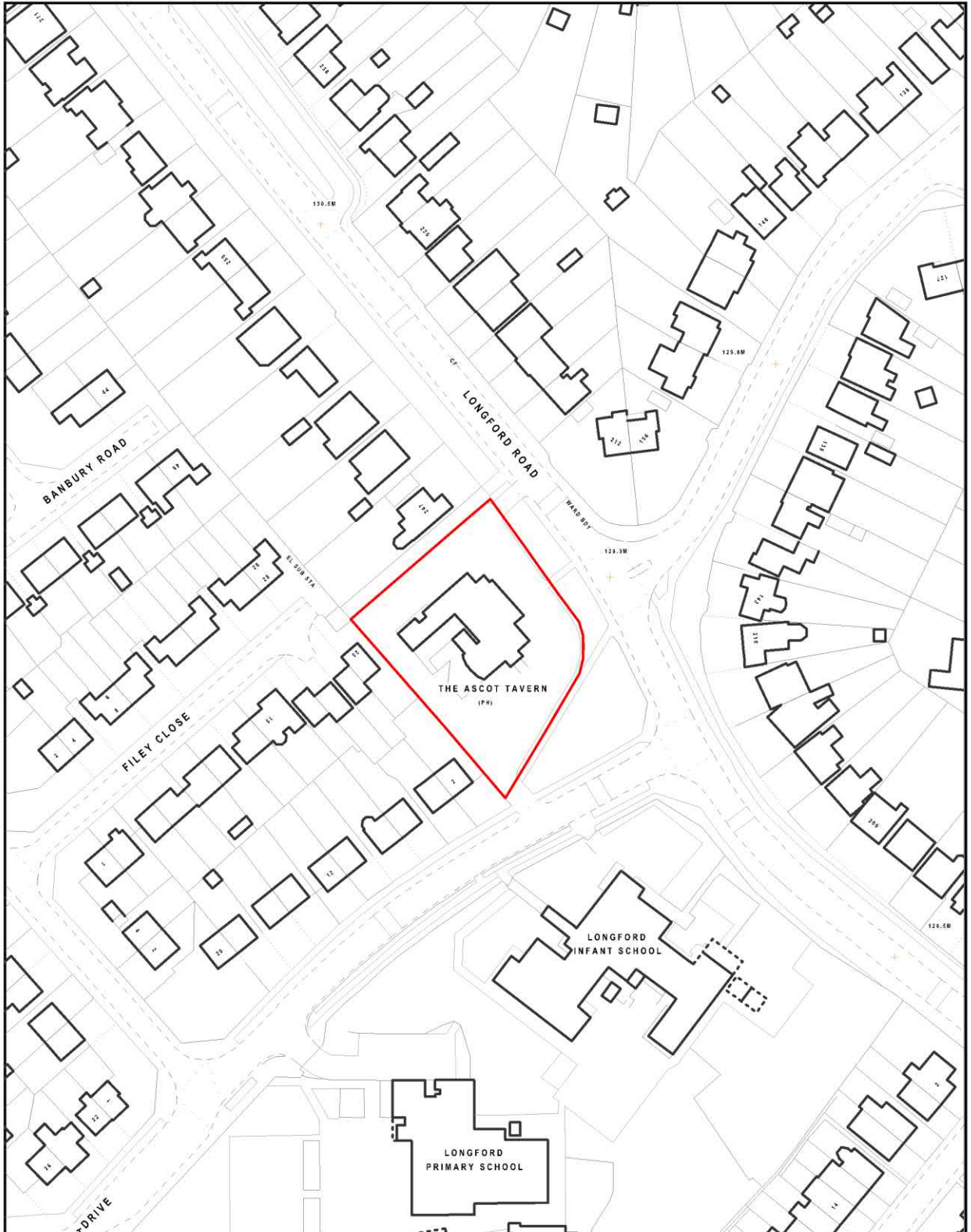


**Application No:** CH/18/240

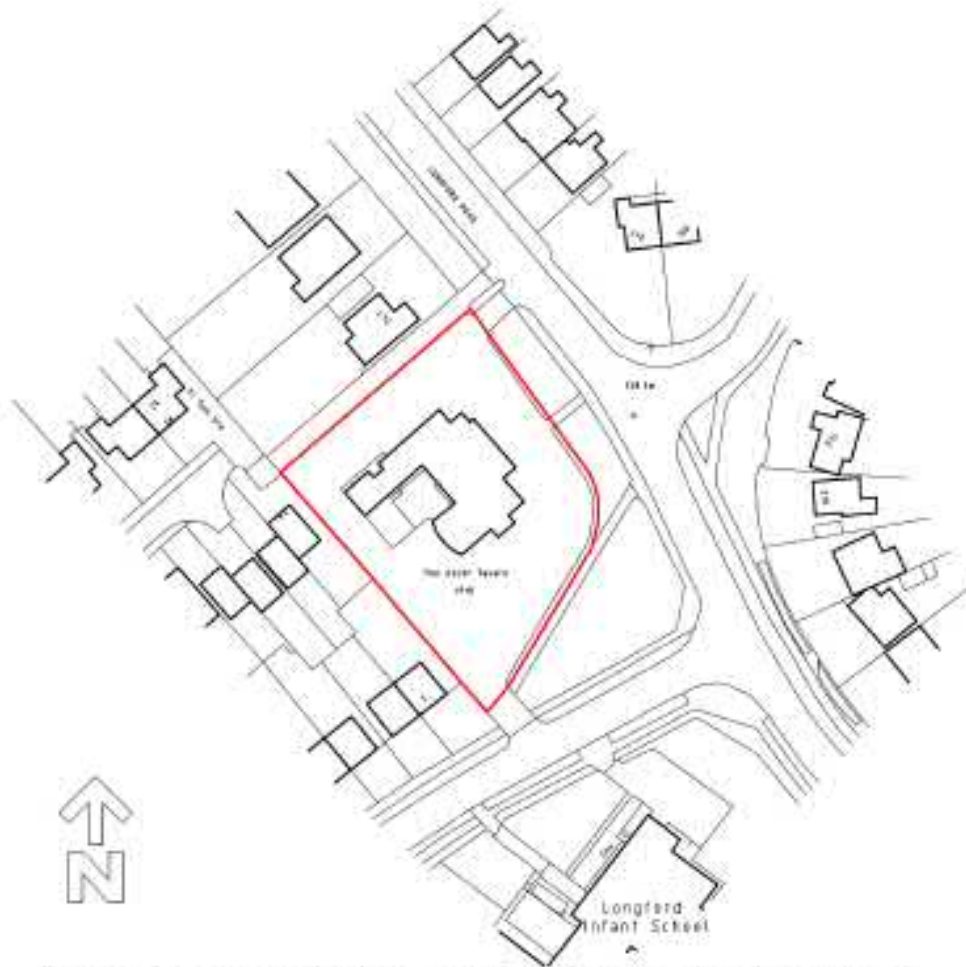
**Location:** The Ascot Tavern, Longford Road, Cannock, WS11 1NE

**Proposal:** Demolition of existing building and erection of new building for use as a convenience shop (Class A1) and a micro pub (Class 4), parking and associated works

Item No. 6.41

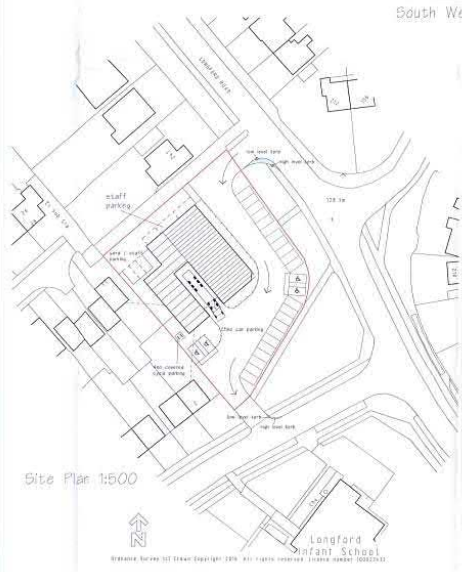
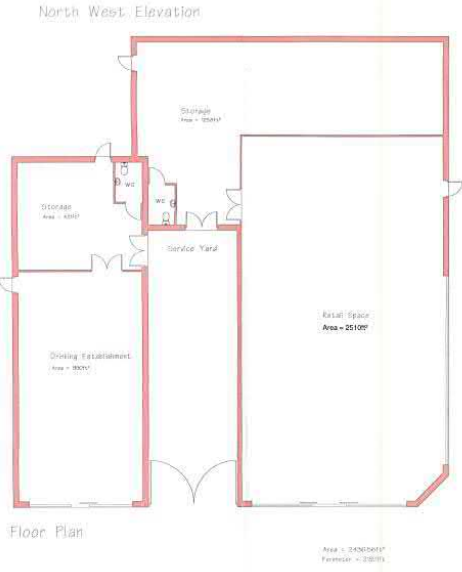
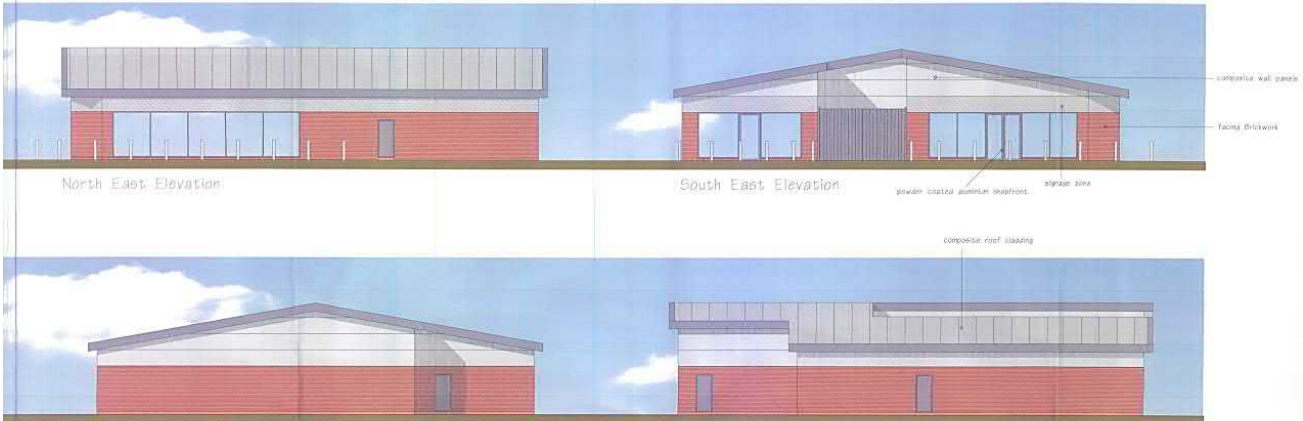


# Location Plan



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# Proposed Plans and Elevations



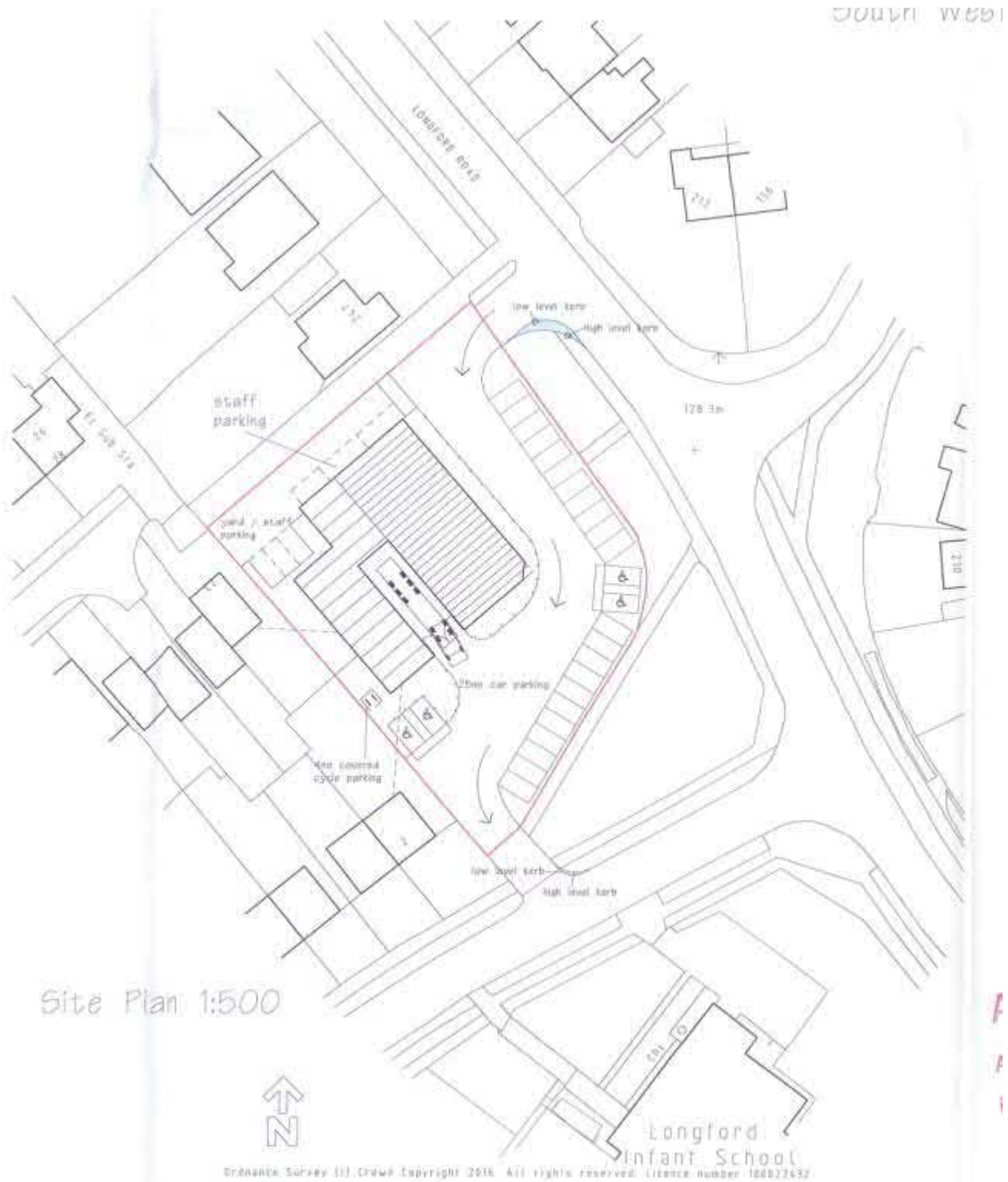
Please see attached amended floorplan (drawing number: 2172-01C) showing the smaller unit as a dining establishment. No changes to the elevations are proposed.  
 An storage would be in the yard area to the rear of the building.

**AMENDED PLANS**  
 APPLICATION REF: CH/18/120  
 DATE: 14/11/18

<p><b>JMA ASSOCIATES</b>          ARCHITECTS</p>	
<p>Globe Homes Ltd</p>	
<p>Retail Development          Ascot Tavern, Longford Road          Cannock</p>	
<p>Proposed Plans &amp; Elevations</p>	
<p>PLAN NO: 11058A1</p>	<p>DATE: 22-09-17</p>
<p>SCALE: 1:100</p>	<p>PROJECT NO: 2172-01C</p>



# Proposed Site Plan



Site Plan 1:500



Longford  
Infant School

<b>Contact Officer:</b>	<b>Claire Faulkner</b>
<b>Telephone No:</b>	<b>01543 464337</b>

**PLANNING CONTROL COMMITTEE**

**27 FEBRUARY 2019**

<b>Application No:</b>	<b>CH/18/240</b>
<b>Received:</b>	<b>04-Jul-2018</b>
<b>Location:</b>	<b>The Ascot Tavern, Longford Road, Cannock, WS11 1NE</b>
<b>Parish:</b>	<b>Non Parish Area</b>
<b>Ward:</b>	<b>Cannock South Ward</b>
<b>Description:</b>	<b>Demolition of existing building and erection of new building for use as a convenience shop (Class A1) and a building for use as a micro brewery (A4)</b>
<b>Application Type:</b>	<b>Full Planning Application</b>

**RECOMMENDATION:**

**Approve Subject to Conditions**

**Reason(s) for Recommendation:**

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

**Conditions (and Reasons for Conditions):**

1. The 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 part of the development hereby approved shall be undertaken above ground

level 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 Local Plan Policies CP3, CP15, CP16, RTC3 (where applicable) and the NPPF.

3. The premises shall not be open to the public outside the hours of 06:00hrs to 23:00hrs on any day.

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 Policies CP3 - Chase Shaping, Design, CP11 - Centres Hierarchy and the NPPF.

4. The development hereby permitted shall not be brought into use until the existing accesses to the site within the limits of the public highway has been reconstructed and completed.

Reason

In the interest of highway safety and to comply with the principles set out in the NPPF.

5. The development hereby permitted shall not be brought into use until the access, parking, servicing and turning areas have been provided in accordance with the approved plans.

Reason

In the interest of highway safety and to comply with the principles set out in the NPPF.

6. The development hereby permitted shall not be brought into use until the details have been submitted to and approved in writing by the Planning Authority indicating a means of enforcing the proposed one way system of entrance and exit. The system shall thereafter be implemented in accordance with the approved details before the proposed development is brought into use and retained for the life of the development.

Reason

In the interest of highway safety and to comply with the principles set out in the NPPF.

7. The development hereby approved shall not be commenced above ground level until an off site traffic management scheme comprising of:

- A site compound with associated temporary buildings,
- The parking of vehicles for site operatives and visitors
- Loading and unloading of plant and materials,
- Storage of plant and materials used in constructing the development.
- Wheel wash facilities.

has been submitted to and approved in writing by the Planning Authority. The

approved traffic management scheme shall thereafter be implemented prior to any works commencing on site.

Reason

In the interest of highway safety and to comply with the principles set out in the NPPF.

8. The development hereby permitted shall not be brought into use until the proposed cycle parking facilities have been provided.

Reason

In the interest of highway safety and to comply with the principles set out in the NPPF.

9. During the construction of the proposed development work shall not take place outside the hours of 0800 to 1800 Monday - Friday, 0800 to 1300 on Saturdays or at no time on Sundays, Bank or Public Holidays.

Reason

To protect the amenity of neighbouring occupiers.

10. No heavy goods vehicles shall load, unload, arrive or depart from the premises outside the hours of 08:00 - 18:00 Monday - Saturday and 10:00 - 16:00hrs on Sundays or Public and Bank Holidays.

Reason

To ensure the proposed development does not prejudice the right of neighbours to enjoy their properties.

11. No part of the development hereby approved shall commence above ground level or any actions likely to interfere with the biological function of the retained trees and hedges shall take place, until details for tree and hedge protection have been submitted to and approved by the Local Planning Authority. Details shall include the position and construction of all fencing and the care & maintenance of the trees & hedges within.

Reason

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

12. Prior to the commencement of any construction above ground level or site preparation works including any actions likely to interfere with the biological function of the retained trees and hedges, approved protective fencing shall be erected in the positions shown on the approved Tree & Hedge Protection layout drawing pursuant to Condition 12 above shall be erected to the approved layout.

Within the enclosed area known as the Tree Protection Zone, no work will be permitted without the written consent of the Local Planning Authority. No storage of material, equipment or vehicles will be permitted within this zone. Service routes will not be permitted to cross the Tree Protection Zones unless written consent of the Local Planning Authority is obtained. The Tree Protection Zone

will be maintained intact and the vegetation within maintained until the cessation of all construction works or until the Local Planning Authority gives written consent for variation.

Reason

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

13. Notwithstanding the approved details, the erection of any air conditioning unit or re Fridgeration unit on the external walls of the development hereby permitted shall not be commenced until a scheme has been submitted to and approved in writing by the Planning Authority. The approved scheme shall thereafter be implemented as per the approved details and retained for the life of the development. All new mechanical and electrical service plant for extraction, air conditioning and re Fridgeration systems shall comply with the noise rating levels of 43dB for daytimes / evenings and 35dB night-ties when measured at 3.5m from the faade of the nearest dwelling and the octave band frequency noise limjits specified in Table 4.1 of the Acoustic Air Noise Assessment Ref: AA1146N/R1 Dated Nov 2017.

Reason

To ensure the continued protection of adjoining occupiers.

14. Prior to the first use of the development hereby approved, details for the final design and construction of the bin storage area shall be submitted to and approved in writing by the Local Planning Authority. The binstore shall thereafter be implemented as per the approved plans and retained for the life of the development.

The waste generated by the premises shall be stored in secure containers.

Reason

To ensure the continued protection of neighbouring amenity

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

2172-01B

Planning Statement Including Sequential Assessment

Retail and Commercial Development Ascot Tavern Transport Statement

Acoustic Air - Noise Assessment

Economic Viability

Reason

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

**Notes to the Developer:**



The reconstruction of the existing vehicular access shall require a Highway Works Agreement with Staffordshire County Council. The applicant is therefore requested to contact Staffordshire County Council in order to secure the Agreement. The link below is to the Highway Works Information Pack including an application Form. Please complete and send to the address indicated or email to [nmu@staffordshire.gov.uk](mailto:nmu@staffordshire.gov.uk). The applicant is advised to begin this process well in advance of any works taking place in order to meet any potential timescales.

[www.staffordshire.gov.uk/transport/staffshighway/highwayscontrol/HighwaysworkAgreements.aspx](http://www.staffordshire.gov.uk/transport/staffshighway/highwayscontrol/HighwaysworkAgreements.aspx)

It is recommended that the demolition of the existing building should be undertaken in accordance with BS 6187:2011 Code of Practice for full and partial demolition and under the control provisions of the Building Act.

## Consultations and Publicity

### **EXTERNAL CONSULTATIONS**

#### Staffordshire County Highways

No objections subject to conditions.

### **INTERNAL COMMENTS**

#### Environmental Protections

No objections subject to conditions regarding limitations on delivery times, opening hours, noise levels, waste storage and construction hours.

It is recommended that the demolition of the existing building should be undertaken in accordance with BS 6187:2011 Code of Practice for full and partial demolition and under the control provisions of the Building Act.

During the construction of the proposed development, waste shall not be burned on the site. [Officers would comment that regarding the burning of waste is noted however, burning waste is covered by environmental legislation and it is not for the planning authority to duplicate legislation].

#### Planning Policy

The proposal is to replace the existing public house with a retail unit and micropub. There are no policy designations on the existing pub site shown on the Local Plan 2014 Policies Map or objections in principle to redevelopment on the site, subject to the design of the proposed building being appropriate for the site in relation to the neighboring properties and Local Plan policy CP3, as it is sited within the Cannock urban area. The Design SPD should also be consulted for further guidance on appropriate design.

However, there are two key policy considerations that should be taken into account when considering this application:

## 1. The pub as a community asset

The National Planning Policy Framework (2018) states that development proposals should be approved where they accord with the development plan and there are no policy restrictions. It also sets out that planning policies should plan positively for healthy communities in the provision of community facilities to enhance the sustainability of communities and residential environments. This can include the retention of community facilities such as meeting places and public houses where appropriate.

Local Plan (Part 1) Policy CP5 states that there will be a presumption against the loss of community buildings (which includes public house buildings) unless they are surplus and clearly no longer required to meet demand for any of the identified purposes:

- The wider sustainability benefits or 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 loss of the site and its value.

It is noted that the proposal will retain a pub use on the site and that there are alternative public houses within the local area.

## 2. The out of centre retail use

The NPPF states that there should be a balance of land uses within the Council area so that people can be encouraged to minimise journey lengths for shopping and other activities. When assessing applications for retail outside of town centre (NPPF, p8) an impact assessment is only required if the development is over 2500m<sup>2</sup>. However, the NPPF does require the application of a sequential test for a main town centre use not located in an existing centre. It further states that the Council may provide flexibility on the format and scale of the proposal in this accessible location if the applicant can prove this is a suitable site. It should also be noted that Policy CP5 aims to protect Local Shopping areas like Devon Court at Bideford Way and any vacant units or land at this site should also be taken into consideration at this site.

In summary the site is within the Cannock urban area adjacent to residential properties and the principle of new development of an appropriate scale is considered acceptable at this location, subject to consideration of other planning policies.

At least two alternative pubs and a social club are sited within about half a mile of the site to provide additional choice/ capacity in the local area. Both Local Plan and NPPF policies support the protection of community facilities, where they are viable and this should be taken account of when making the decision.

The retail uses are classed as a main town centre use and the relevant tests in the NPPF will need to be applied for the siting of retail units in an out of centre location. The pub site is outside Cannock Town Centre, which contains empty units, which should be considered first as part of a sequential test, before looking to move to an out of centre location.

## **RESPONSE TO PUBLICITY**

The application was advertised by newspaper advert, site notice and adjacent occupiers were notified. 17 letters of objection have been received to the initial consultation, a further 9 letters received in light of the revised plans and 1 letter of support has been received. The representations are summarised as follows:

- Detrimental impact to the existing shops which already service the area, the existing facilities already adequately serve the area. There is no requirement of local appetite for new A1/ A2 shops in this area.
- The location of the site is opposite the Longford Primary School and the additional traffic may cause unnecessary hazards and dangers for the young school children, the parents who collect their children from school have nowhere to park and this means they will park along Longford Road making it very difficult for cars to get through,
- Potential trouble caused by youths that will gather outside,
- There are empty units in the Town Centre which could accommodate the proposal,
- The loss of the public house as a community asset,
- Effect on living conditions of the neighbouring properties,
- There would be a detrimental impact on the living conditions of the occupiers of neighbouring dwellings in terms of noise nuisance,
- The previous application was refused and dismissed on appeal – how can another application even be considered, the Council continuing with this proposal is irresponsible and puts the local community in danger,
- The proposal in this location would promote unhealthy eating choices for school children exacerbating childhood obesity and health issues in the area,
- This proposal will lead to further unemployment in the area and does not support the local community as it will put a strain on existing businesses,
- Daylight would be restricted to neighbouring properties as a consequence of the new building.
- The view from the adjacent property would be that of a brick wall,
- The bin / waste area would cause smells and attract vermin and rodents,
- Staff might use the rear area for smoking breaks.
- The developer should construct houses on this site or the Council should pursue A Compulsory Purchase Order (CPO) for the benefit of the local community as opposed to the elite property developer's interests

The letter of support stated:

- The competition would improve the shopping for local residents by providing more variety and maybe cheaper alternatives.
- The shop adjacent the school would be a handy location to drop in when on the school run.

### **Relevant Planning History**

CH/15/0175: -Demolition of existing public house and the erection of a new building to provide a convenience store (A1) and small commercial unit (A1/A2)

together with access, parking, servicing and associated works. Refused. Dismissed on appeal for the following reasons:

“The nature of the proposed building and the layout of the site would give rise to a large building bulk close to the western boundary, together with the location of the working service yard, which would have a significantly harmful effect on the living conditions of the occupiers of the neighbouring residential properties.

The existing pub is recognised to be a community asset. Although the public house is said not to be viable, the alternative community facilities that support day to day community need are some distance away, and it has not been demonstrated to be unviable in the long term to the extent that its redevelopment with a different use is justified.”

## **1 Site and Surroundings**

- 1.1. The application site is 0.25ha in area and comprises of a former estate public house with an associated car park and mature trees along one frontage.
- 1.2. The existing building is two-storey and is located on the corner of Longford Road and Ascot Drive in a mature residential area south west of Cannock town centre. Opposite the site on Ascot Drive there is a primary school.
- 1.3. There are other suburban shopping areas nearby particularly on Bideford Way with independent shops and a convenience store. There are no vacant units within this parade. In addition to the Nisa Local, there is also a One Stop, Costcutter within walking distance of the application site and an Asda supermarket within driving distance (0.8km). There are public transport connections in the vicinity of the site, with the nearest bus stop being at Ascot Drive which is 130 metres to the west.
- 1.4. The application site is not located within a defined local centre or shopping centre. The nearest defined centres are Cannock, which is 1km away, and Bridgtown, which is 1.3 km away.
- 1.5. The former use of the site was as a drinking establishment, however, the public house closed in March 2017. Alternative drinking establishments in the area include two social clubs and two public houses within approximately 800 metres of the site – i.e. Cannock Social Club, Longford Social Club, The Crystal Fountain and the White Hart Public House.
- 1.6. An application to list the Ascot Tavern as an Asset of Community Value was received on 8<sup>th</sup> June 2015, and following consideration by the Council's Monitoring Officer the building was designated as an Asset of Community Value on 3<sup>rd</sup> August 2015 having been nominated by the former customers of the Ascot Tavern. On 30<sup>th</sup> October 2015, the Council received a 'Disposal Notice' from the previous owners of the site, in line with Section 95 of the Localism Act 2011. As the correct procedure has taken place since the initial listing, the property can be removed from the Assets of Community Value Register.

## 2 Proposal

- 2.1 The proposal is for the demolition of the existing public house and the construction of a single storey building of a modern design comprising of two individual commercial units and associated parking.
- 2.2 The proposed building would accommodate a food retail unit (Class A1) with a gross internal floor area of 233m<sup>2</sup> and a second, smaller unit (Class A4-Drinking establishment) comprising 92m<sup>2</sup> to accommodate a Class A4 use.
- 2.3 There would be 25 parking spaces to the front and further 3 staff parking spaces to the rear. There would be an internal service yard, providing internal access to the two units. The access would operate a 'one way' system through the site from Longford Road and would exit onto Ascot Drive.
- 2.4 There would be a bicycle shelter in the south west corner of the car park. A bin store area would be sited to the rear corner of the building. The existing trees on the corner of Longford Road and Ascot Drive are outside the application site and would remain approx. 20m from the proposed building. These trees benefit from a Tree Protection Order.
- 2.5 The proposed design involves a modern brick and composite clad building with shallow pitched roof having a maximum height of 6m (3.5m to the eaves). The external elevations would include large goods display windows overlooking the parking areas and an internal service yard set behind large double doors.
- 2.6 The proposed opening hours are 0600 hours to 2300 hours daily. The proposal is supported by a Noise Impact Assessment which includes a number of recommended practices to be undertaken in relation to deliveries.
- 2.7 The applicant suggests that a total of 10 full time staff and 15 part time staff would be employed by the proposal.
- 2.8 The following documents have been submitted:
  - Planning Statement including Sequential Test
  - Sequential Test comparable premises available
  - Noise Impact Assessment
  - Transport Statement
  - Design and Access Statement
  - Economic Viability reports

## 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 – Healthy Communities  
 CP8 - Employment Land  
 CP9 - A Balanced Economy  
 CP11 - Centres Hierarchy

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
85-90	Ensuring the vitality of town centres
92	Promoting Healthy and safe communities
124, 127, 128, 130:	Achieving Well-Designed Places
190	impact from noise
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 Principle of Development

4.1.1 Paragraph 14 of the NPPF advises that there is a presumption in favour of sustainable development and that development in accordance with the

development plan should be granted without delay, unless material considerations indicate otherwise.

4.1.2 Both the NPPF and Cannock Chase Local Plan 2014 Policy CP1 advocate a presumption in favour of sustainable development unless material considerations indicate otherwise. As such in accordance with Policy CP1 of the Local Plan the proposal falls to be considered within the presumption in favour of sustainable development, outlined in paragraph 11 of the NPPF. This states approving development proposals that accord with an up-to-date development plan without delay; or where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:

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

4.1.3 Local Plan (Part 1) Policy CP1 identifies that a 'positive approach that reflects the presumption in favour of sustainable development' will be taken when considering development proposals. The site is not located within either Flood Zone 2 or 3. The site and is not designated as a statutory or non- statutory site for nature conservation nor is it located within a Conservation Area (CA).

4.1.4 The site is located within an urban area where it is accessible by the local community by a range of transport means, including walking and cycling. As such it is located within a sustainable location that would generally conform to the objective of the strategy contained within Policy CP1 of the Local Plan and as such is considered acceptable in principle.

## 4.2 Community Asset

4.2.1 An application to list the Ascot Tavern as an Asset of Community Value was received on 8<sup>th</sup> June 2015, and following consideration by the Council's Monitoring Officer the building was designated as an Asset of Community Value on 3<sup>rd</sup> August 2015 having been nominated by the former customers of the Ascot Tavern. The Ascot Tavern was designated as an Asset of Community Value ("an ACV") under Section 89 of the Localism Act 2011. However, in line with Section 95 of the Localism Act 2011, which provides the mechanism to remove listings from the register, the relevant disposal process has taken place since the listing in 2015 and therefore, the Ascot Tavern has been removed from the Asset of Community Value Register. On 30<sup>th</sup> October 2015, the Council received a 'Disposal Notice' from the previous owners of the site, in line with Section 95 of the Localism Act 2011. As the correct procedure has taken place since the initial listing, the property can be removed from the Assets of Community Value Register.

4.2.2 Policy CP5 states that there will be a presumption against the loss of other green space network sites and community buildings (that are not subject to the

above national policy requirement) unless they are surplus and clearly no longer required to meet demand for any of the identified purposes or

- (i) The wider sustainability benefits or major community benefits delivered by the proposal outweigh the loss (taking into account the value of the site);
- (ii) 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.

#### 4.2.3 In addition to the above paragraph 92 of the NPPF states

To provide the social, recreational and cultural facilities and services the community needs, planning policies and decisions should [amongst other things]:

- (a) plan positively for the provision and use of shared spaces, community facilities (such as local shops, meeting places, sports venues, open space, public houses and places of worship) and other local services to enhance the sustainability of communities and residential environments;”

4.2.4 The comments from objectors regarding the impact on existing businesses are noted and that they object to the current application on the basis that it is nonsense to suggest that a shop fulfils the same community use and purpose as a pub. The local community asset being replaced by what will be an elitist micro pub selling expensive ales etc. is not an acceptable amendment and should be dismissed out of hand. Your Officers confirm that in terms of the planning Use Class Order, the use of the Ascot Tavern is an A4 Use the same use as the proposed micro-pub.

4.2.5 In this instance, the proposal has been amended to include a retail unit (A1) and a drinking establishment use (A4). As such, your officers consider the need of the local community would be met and further improved with the addition of the small scale retail unit and drinking establishment.

4.2.6 Neighbours contend that there is still much public interest in retaining the site as a pub, as evidenced by a petition, which has received many signatures. Your Officers confirm that they have not received a petition with regard to this application.

4.2.7 The comments from objectors are also noted in relation to the loss of the site as a public house, however, the facility has been closed for 18 months. Your Officers also note the comments made by the Planning Inspectorate in the previous planning appeal. The Inspector stated that although the public house was said not to be viable at the time (2015), the alternative community facilities that support day to day community need are some distance away, and it has not been demonstrated to be unviable in the long term to the extent that its redevelopment with a different use is justified. The Inspector also went on to state: -



“However, it appears to me that the alternative premises suggested by the appellants are some 800m away. This appears to me to be a significant distance away from the local community to regard the existing facility as surplus. Further, from the limited information available, I cannot be sure that a pub on the site cannot be made viable in the long term, including the use by a different user/ operator. The scope of this would have to be identified through a marketing exercise.”

4.2.8 An Economic Viability Report has been submitted by the applicant to inform the decision. The Economic Viability reports prepared by Fleurets demonstrates that given a range of factors, including the cost of refurbishment and current market conditions the reuse of the building for a pub is unlikely to be viable.

4.2.9 Your Officers requested Property Service Officers of the Council to assess the Economic Viability Report. The Officer who assessed the report is a Chartered Surveyor working and a Member of the Royal Institute of Chartered Surveyors. Your Officer concurred with the conclusion within the report and stated that:-

“there is no doubt that public houses have suffered over recent years with factors such as the abolition of smoking, financial collapse of 2007 with the consequent ongoing economic problems and changing trends with leisure activities and this decline has, in my opinion, been particularly evident with small ‘neighbourhood’ pubs that rely largely on local pedestrian trade and are less able to attract more custom/ profits as a combined drinks/bood operation. The report was under taken by Anthony Barnes BSc (Hons), MRICS who has extensive experience at Fleurets in the sale, letting and valuation of such as public houses, restaurants and hotels”.

4.2.10 It is the view of your Officers that the report provided by Anthony Barnes is comprehensive, detailed and measured considering potential trade, location, condition and layout, operating costs, funding issues, market demand, trade potential and economic viability and there is little doubt that a Planning Inspector would give considerable regard and weight to the report and opinions expressed therein.

4.2.11 The Planning Inspector who refused the previous planning application to demolish the public house was of the opinion that the distance from the site of this pub to alternative public houses was such that it made its retention more desirable and that the potential continued viability of the Ascot Tavern would need to be identified through a marketing exercise. Whilst no such marketing exercise has been carried out it is my opinion that a planning Inspector might be likely to accept the report from Anthony Barnes as being of sufficient ‘strength’ to stand in place of the suggested marketing exercise which by its nature could lead to offers that could not be sustained by funding.

4.2.12 Given the above, it is the view of your Officers that the replacement of the existing public house with a micro pub and convenience store would result in the unacceptable loss of facilities required by local residents for day-to-day living

4.3 Impact on Vitality and Viability of Existing Centres

- 4.3.1 The application site is not located within a designated local centre. Paragraphs 85 and 86 of the NPPF advise that a sequential test is required for all main town centre uses that are not in an existing centre and not in accordance with an up-to-date plan. The sequential assessment is used to consider whether any alternative site(s) are suitable for the proposed development, not whether the proposed development can be altered or reduced to fit an alternative, available site. It is noted that paragraph 87 of the NPPF states that preference should be given to accessible sites which are well connected to the town centre.
- 4.3.2 The applicant has submitted evidence in relation to the availability and suitability of alternative sites within established centres, including Cannock Town Centre where there are vacant units. The applicants' sequential test identifies a number of units within Cannock town centre or on the 'edge of centre' that are not deemed suitable mainly as a result of their size, even with degree of flexibility set in relation to scale. Further, both the Council and the Inspector has previously accepted that the sequential test had been passed in the previous proposal.
- 4.3.3 Given the above, your officers do not consider that suitable sequentially preferable sites for the development as a whole can be demonstrated in this case.
- 4.3.4 Your officers note the concerns raised by local residents in relation to retail impact on existing shopping centres and parades of shops in the immediate area. It is also noted that the larger retail unit would not have a significant floor space, and is designed to provide 'top-up' convenience shopping opportunities to local residents. Para. 89 of the NPPF states:-

'When assessing applications for retail, leisure and office development outside of town centres, which are not in accordance with an up-to-date Local Plan, local planning authorities should require an impact assessment if the development is over a proportionate, locally set floor space threshold (if there is no locally set threshold, the default threshold is 2,500m<sup>2</sup>).

The Council do not have a locally set floor space, therefore the default threshold is 2500m<sup>2</sup>. The proposed development is well below this and so a retail impact assessment is not required.

- 4.3.5 Given all of the above factors, your officers consider that the proposal is acceptable in relation to either its location in relation to existing centres, or retail impact.

#### 4.4 Design and the Impact on the Character and Form of the Area

- 4.4.1 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;

4.4.2 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.

4.4.3 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;

4.4.4 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.

4.4.5 The proposal seeks consent for a low height building of a modern design and finish which would be different to the surrounding residential buildings but akin to the proposed use. In this instance, the proposed building would measure 3.5m in height at the eaves rising to a maximum height of 6m and therefore would be in scale with the size and scale of the surrounding dwellings.

4.4.6 Officers note that the building would not be forward of the building lines in either Longford Road or Ascot Drive, with the building occupying a similar (albeit bigger) footprint and position within the site to the existing building.

4.4.7 Officers consider that the proposed goods display windows to the corner would provide an active building that would enhance the legibility of the corner. Officers note that the trees fronting the site are located 19m from the proposed building, the hardstanding of the car park already existing. Notwithstanding this, a condition for tree protection fencing has been recommended to ensure materials, works vehicles etc. are not kept within the root protection area.

4.4.8 Overall, your officers consider that the proposal would result in a high-quality brick building that would enhance the appearance of the street corner. 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.

#### 4.5 Impact on Residential Amenity

4.5.1 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".

4.5.2 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.

4.5.3 The previous scheme was dismissed in part on grounds of impact on residential amenity

“The nature of the proposed building and the layout of the site would give rise to a large building bulk close to the western boundary, together with the location of the working service yard, which would have a significantly harmful effect on the living conditions of the occupiers of the neighbouring residential properties.”

4.5.4 The Planning Inspector comments with regard to the nature of the previously refused building and layout of the site are noted. The previous scheme proposed a 5.5m high building running for a depth of 14m along the shared boundary with Nos. 2 Ascot Drive and 23 Filey Close. Furthermore the external bin store and servicing yard would have been within close proximity to 247 Longford Road and would extend for the full depth of the rear garden to No.247 (albeit separated by a 4.5m wide strip of land).

4.5.5 In this instance, the proposed building would be constructed to a height of 3.5m and would be 4m to the shared boundaries with No. 2 Ascot Drive and No.23 Filey Close, comprising a depth of 19m. The proposed building would increase in height to 5.4m, however, this would be some 22m and 21m from the Nos 2 & 23 respectively. The proposed development complies with the 25 degree angle to the ground-floor rear-facing windows of the three nearest dwellings. The service yard would remain integral to the proposed building being accessed between the two buildings from the parking area to the front. Your officers therefore consider that the proposal would not give rise to unacceptable harm to the occupiers of these properties by virtue of significant loss of light or outlook.

4.5.6 The applicant has submitted a Noise Assessment in order to inform the submission. The assessment was carried out in line with the Planning Practice Guidance.

- 4.5.7 The submitted Noise Assessment recorded noise levels on the site 14 times over a period of 4 days (day and night hours). The assessment recorded existing noise levels of between 40dB and 76.5dB. The assessment considered the proposed development in terms of the potential noise from delivery lorries such as vans, trucks and articulated lorries to and from the proposed shops. It concluded that as the service yard is located between the proposed buildings all loading and unloading would be fully enclosed by the buildings, consequently the operational noise levels from this would lie more than 10dB below the average background noise levels. The assessment also considered the noise from customers vehicles using the facility. It concluded that there would be no greater impact than the use of the building as a public house, which also lies below the typical ambient noise level.
- 4.5.8 In terms of plant noise i.e.: extractor units or refrigeration units, use of the noise limits set out within the Noise Assessment for the design and installation of all new mechanical / electrical service plant would ensure that its operation would not adversely affect the existing background noise level and would not give rise to adverse impacts under BS4142.
- 4.5.9 Given the above, the proposed development was considered to fall within category “noticeable and not intrusive” on the Noise Exposure Hierarchy (PPG) which concludes that whilst noise can be heard, it does not cause any change in behaviour or attitude and there would be no perceived change in the quality of life.
- 4.5.10 Planning conditions are recommended in relation to the operation of plant and machinery and the hours of delivery that HGVs would be permitted to attend the premises. Your officers consider that, subject to the attached recommended conditions being complied with, that the proposal would not be likely to result in unacceptable harm to the living conditions of adjoining occupiers with particular regard to potential noise and disturbance. Environmental Services raise no objections to the proposal subject to recommended conditions. Your officers concur with this view.
- 4.5.11 The siting of the proposed bin store is logical being behind the proposed building. The final design and finish of the bin store has not been submitted and therefore a condition for this recommended to ensure there is no detrimental impact to neighbours amenity.

#### 4.6 Access/ Parking/ Deliveries and Impact on Highway Safety

- 4.6.1 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.
- 4.6.2 The application site is located in a sustainable location, and is within walking distance of a large residential catchment area, and an existing parade of shops. The premises would not be used for the sale of bulky goods and would be used for a mixture of convenience and comparison shopping. Your officers are satisfied that people travelling to the site for top-up convenience shopping would not be reliant on the motor car to travel to the site.

- 4.6.3 The speed limit in force within the highway fronting the application site is 30 mph. The visibility splays that can be achieved at the junctions, in both directions, exceed 50 metres. Access into the site would be from Longford Drive and the exit would be onto Ascot Drive. It is therefore considered that the access into and out of the site would not give rise to significant highway safety concerns.
- 4.6.4 It is noted that a one-way system is proposed, and that four of the parking spaces have been designed for people with disabilities. Cycle parking is also proposed to encourage modal shift away from reliance on the motorcar, which is desirable. County Highways have raised no objections to the proposal subject to a one-way system being implemented, and for conditions to be imposed in relation to access, hard surfacing and turning areas.
- 4.6.5 In relation to the concerns raised by local residents regarding the potential for conflict between people travelling to the convenience store, and people travelling to the school opposite, your officers acknowledge that there are existing highway problems owing to congestion in the early morning and mid-afternoon. However, the peak-time hours for the proposed convenience stores would not be likely to coincide with the peak-time network hours of the adjoining school. In any event, your officers consider that the surge in vehicles in the vicinity associated with the school would only occur for a period of 40 to 50 minutes each day. As such, your officers concur with County Highways that the proposal, subject to the attached conditions being complied with, would not result in severe highway impacts that would justify the refusal of the submitted application on highway safety grounds.
- 4.6.6 Your officers note the concerns that have been raised by local residents in relation to the 25 car parking spaces proposed plus a further 3 staff spaces to the rear. The Council's maximum car parking standard is 1 space per 14m<sup>2</sup> of floor space for retail uses and 1 space per 5m<sup>2</sup> for drinking establishment use. At the higher standard of 14m<sup>2</sup> per space, this would equate to a maximum requirement of 35 car parking spaces. Based on the above observations the proposed parking would have a shortfall of 7 spaces. However the Parking SPD seeks the maximum standards and gives no guidance for minimum standards. Your Officers are of the opinion that given the sustainable location of the application site and the close proximity of the local community for which the facilities will provide for, the shortfall of seven parking spaces is acceptable in this instance.
- 4.6.7 It is noted that the Inspector in the last appeal decision opined that 22 vehicle spaces was reasonable for the proposed use. Furthermore, the Inspector was also satisfied that given the sustainable location of the site it had not been demonstrated that the development would likely result in circumstances where the cumulative impact of the development on local roads would be severe. The test set out in paragraph 109 of the NPPF are therefore met.

#### 4.7 Community Infrastructure Levy (CIL)

- 4.7.1 The proposed retail development would normally be liable for CIL provision. However, because the existing public house is some 165 m<sup>2</sup> larger than the

building proposed, the proposal would not be liable for any levy under CIL as the charging schedule makes provision for the demolition of existing buildings to be deducted from the floor space proposed.

#### 4.8 Drainage and Flood Risk.

4.8.1 The site is located in a Flood Zone 1 which is at least risk from flooding. Although the applicant has not indicated the means of drainage it is noted that the site already exists with development and hardstanding, immediately adjacent 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.

#### 4.9 Comments Received not Covered Above

4.9.1 Concern was raised regarding the potential trouble caused by youths that objectors suggest will gather outside. The building has been vacant for 18 months with no current regulation over who uses the land. Notwithstanding this, the proposed layout would provide a good use of the site with clear and legible pedestrian and vehicle areas whilst encouraging active street frontages.

4.9.2 Objections were received in regarding the previous application and subsequent refusal. Objectors have queried how another application can even be considered. It is also suggested by Objectors that the Council continuing with this proposal is irresponsible and puts the local community in danger. Officers would comment that the applicant has a right to submit an application for development and has a rightful expectation that it will be considered by the Council on its individual merits. Therefore officers consider that these comments made by objectors carry no weight in this instance.

4.9.3 Objectors have stated that the Planning Statement refers to existing shops in the vicinity as 'differing in its operation of the proposed uses' and is 'limited in overlap of service provision'. Objectors go on to state it has been pointed out by the owner of the Nisa shop on Bideford way, that the proposed use as a food retail unit by The Co-operative Group would operate in exactly the same way as the existing shop and have exactly the same service proposition. Further, The Co-operative Group has acquired Nisa and The Co-operative Group products will be and indeed already are sold in our shop. This means we would sell products that are exactly identical to those that would be sold in the Planning Application. Therefore, objectors opine that the Planning Statement is inaccurate as there is no distinction in the proposed use and operation and our shop and there is a very strong overlap of service provisions, with identical (including The Co-operative Group) service provisions already being provided in our shop, which as the Planning Application notes, is already within a 500m walking distance from local residents. Objectors go on to state that making blatantly incorrect statements in the Planning statement should be challenged and dismissed by the planning officers in their assessment and ensure the planning committee is aware of the actual facts.

4.9.4 In respect to the above your Officers have noted the extent of the existing services and facilities in the area which are noted in the report above and confirm that the planning system should not be used to stifle competition.

- 4.9.5 Objectors have stated that the proposal in this location would promote unhealthy eating choices for school children exacerbating childhood obesity and health issues in the area. Officers note the proposal is for an A1 use and not a hot food takeaway. The comments made by the objector amount to conjecture and are unsupported by any empirical evidence. As such little weight should be attached this objection.
- 4.9.6 It has been suggested that the proposal will lead to further unemployment. Your Officers confirms that the application site is currently an unused public house which employs no staff. The proposal would employ approx. 10 full time members of staff and 15 part time members of staff.
- 4.9.7 Concern has been raised regarding the bin/ waste area causing smells and attracting vermin and rodents. The bin area is proposed to the rear of the building away from the highway as required by the Highway Authority. A condition for its final design has been recommended together with the condition for all waste to be stored in secure containers until collection.
- 4.9.8 Objectors have stated that Staff might use the rear area for smoking breaks. Officers would comment that this could happen under the existing use if it was to recommence. Furthermore, any dis-amenity occurring from this would not be sufficient to warrant refusal.
- 4.9.8 Neighbours have suggested the developer construct houses on this site or the Council should carry local support and pursue a Compulsory Purchase Order for the benefit of the local community as opposed to the elite property developer's interests. Your Officers confirm that the applicant has a right to submit an application for development of the site. Once an application is registered, the Council has an obligation to consider the application submitted based on the individual merits of the application.

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

### **5.1 *Human Rights Act 1998***

- 5.1.1 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 2010***

- 5.2.1 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.
- 5.2.2 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

- 5.2.3 It is therefore acknowledged that the Council needs to have due regard to the effect of its decision on persons with protected characteristics mentioned.
- 5.2.4 Such consideration has been balanced along with other material planning considerations and it is considered that the proposal is acceptable in respect to the requirements of the Act. Having had regard to the particulars of this case officers consider that the proposal would make a neutral contribution towards the aim of the Equalities Act.

<b>6 Conclusion</b>
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- 6.1 In respect to all matters of acknowledged interest and policy tests it is considered that the proposal, subject to the attached conditions, would not result in any significant harm to acknowledged interests and is therefore considered to be in accordance with the Development Plan.
- 6.2 It is therefore recommended that the application be approved subject to the attached conditions.

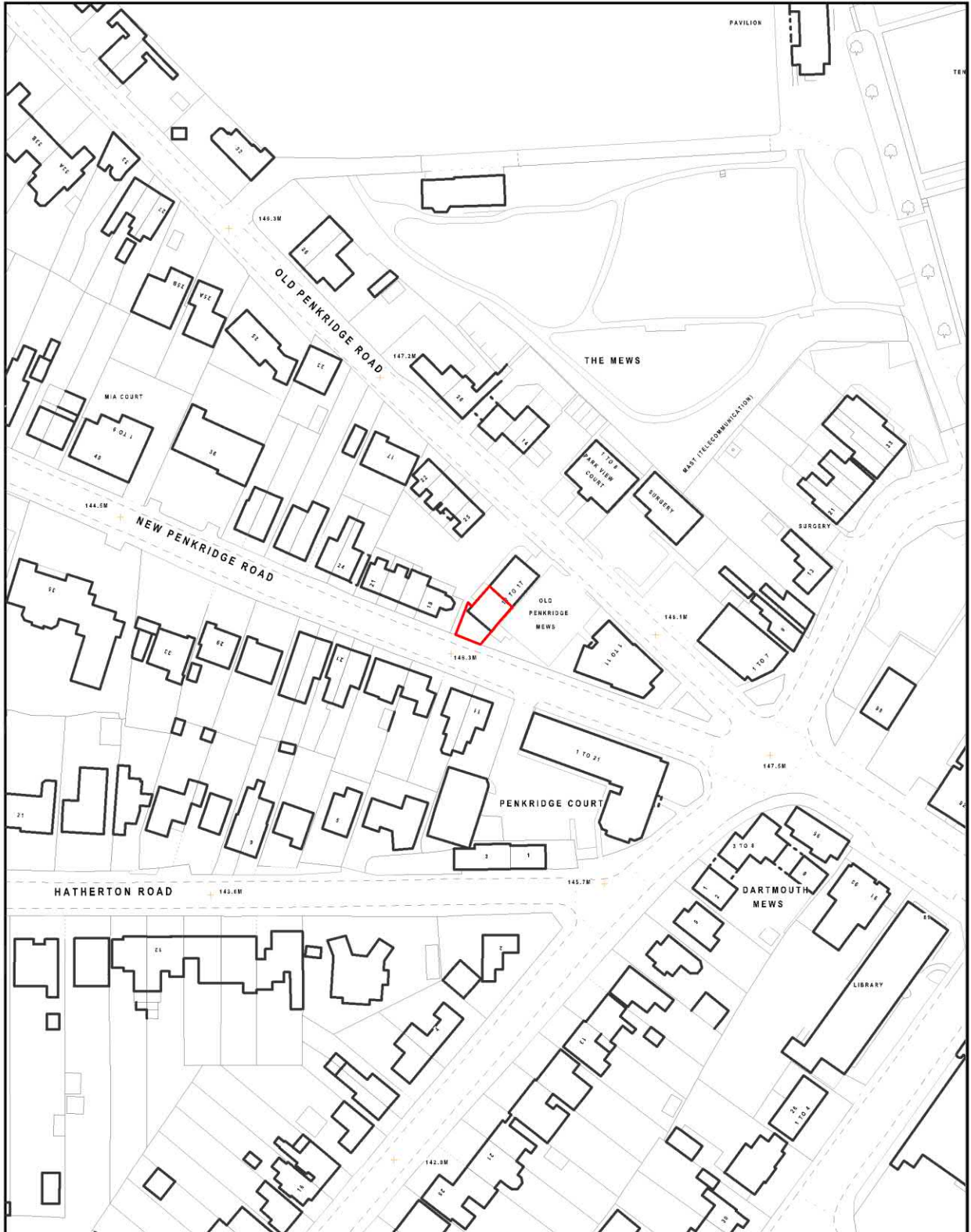


**Application No:** CH/18/393

**Location:** 12, Old Penkridge Mews, Old Penkridge Road, Cannock, WS11 1GA

**Proposal:** Retention of fence

Item No. 6.66



# Location Plan

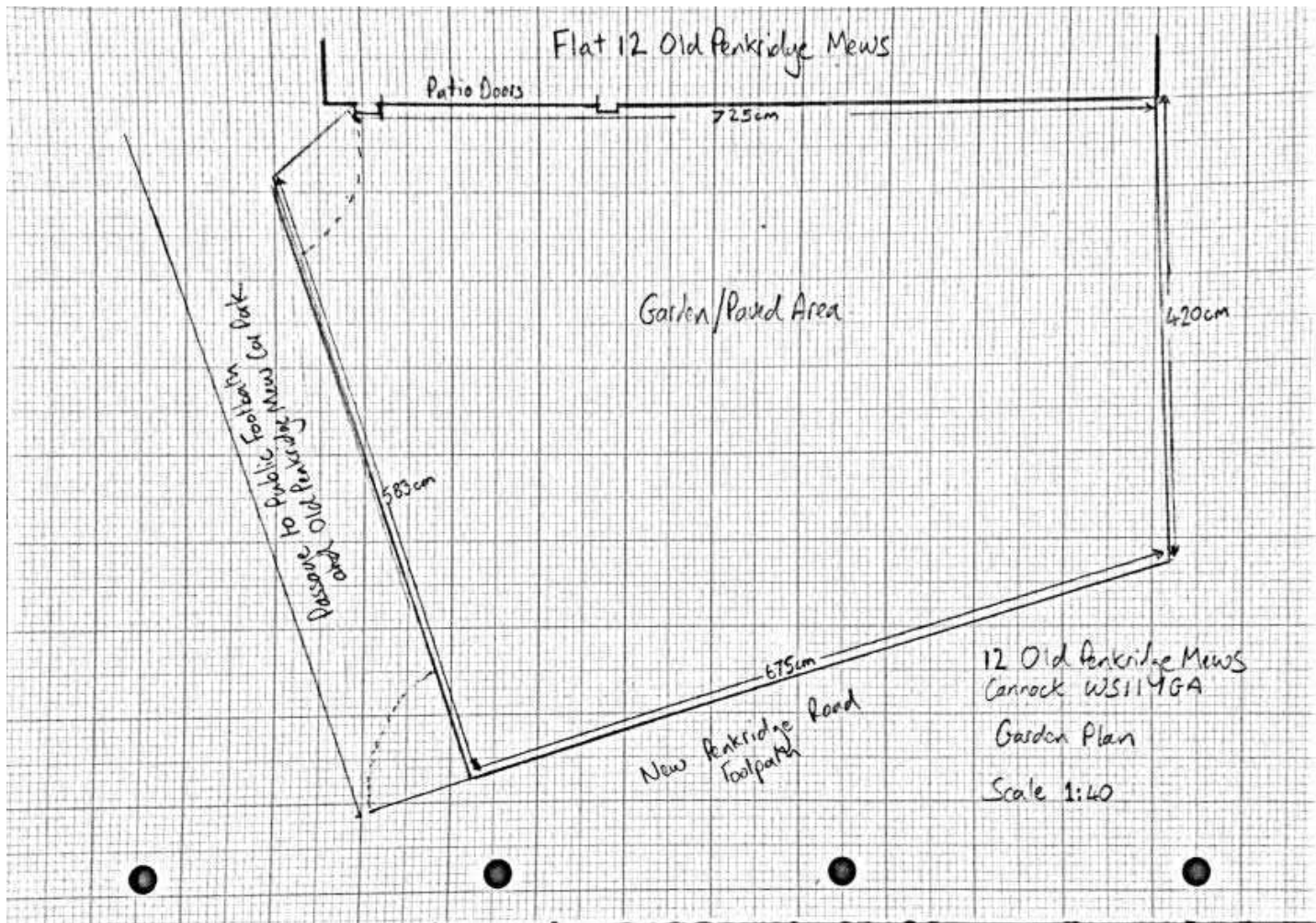


**SITE LOCATION PLAN**  
**AREA 2 HA**  
**SCALE 1:1250 on A4**  
**CENTRE COORDINATES: 397727, 310335**



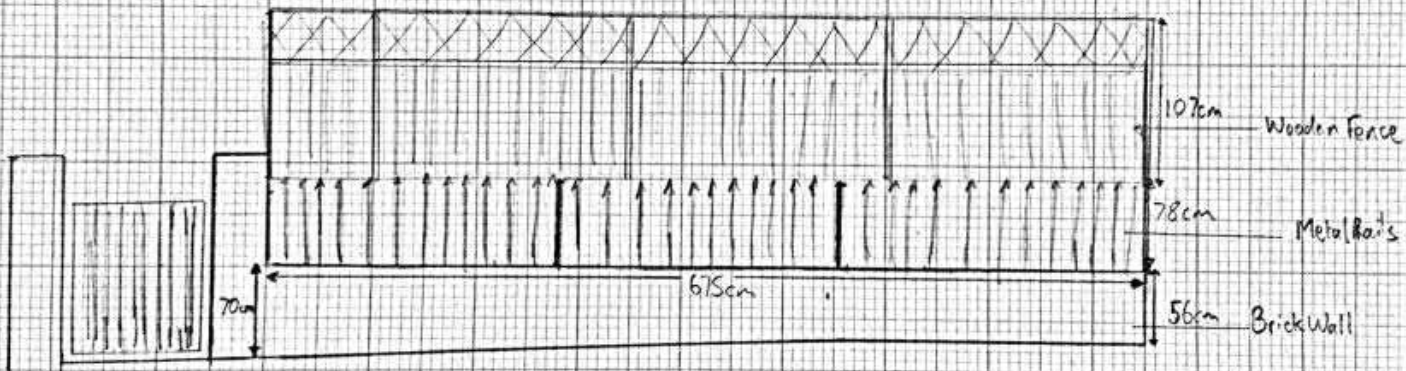
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25/09/2018 21:51

# Site Plan





# Elevations



12 Old Penkridge Mews  
Cannock, WS11 6A

Street view

Scale 1:40

# Photograph of Fence



<b>Contact Officer:</b>	<b>Claire Faulkner</b>
<b>Telephone No:</b>	<b>01543 464337</b>

**PLANNING CONTROL COMMITTEE**  
**27 FEBRUARY 2019**

<b>Application No:</b>	CH/18/393
<b>Received:</b>	03-Oct-2018
<b>Location:</b>	12 , Old Penkrige Mews, Old Penkrige Road, Cannock
<b>Parish:</b>	Non Parish Area
<b>Ward:</b>	Cannock West Ward
<b>Description:</b>	Retention of fence
<b>Application Type:</b>	Full Planning Application

**RECOMMENDATION:**

Refuse

**Reason(s) for Recommendation:**

The fence, as erected, by virtue of its siting to the immediate rear of the highway and the removal of the hedgerow, has resulted in a strident and incongruous addition in a prominent location. Consequently, the development has had an adverse visual impact upon the established street scene and character of the area. Therefore, the development reflects poor design, which conflicts with the aims of Policy CP3 of the Cannock Chase Local Plan and the National Planning Policy Framework.

**Consultations and Publicity**

***External Consultations***

Staffordshire County Council Highways

No objection

The fence does not impede highway visibility.

**Internal Consultations**

None undertaken

**Response to Publicity**

Near neighbours notified and site notice displayed with one letter of objection received. The comments are summarised below:-

- The excessive height of the boundary treatment is extremely detrimental to the wider street scene and the colour exacerbates the problem,
- The removed hedge was allowed to overgrow however it was preferable to the new fence which did provide an attractive sense of enclosure and privacy to the amenity space behind,
- Alterations could be made to the fence which are more appropriate in this location.

**Relevant Planning History**

None relevant

**1 Site and Surroundings**

- 1.1. The application site comprises a ground floor flat and adjacent amenity space sited within an established residential curtilage within Cannock.
- 1.2. The property is accessed off Old Penkridge Road, however, the amenity area runs adjacent New Penkridge Road in a prominent location within the street scene.
- 1.3. The amenity area in question was formerly a communal space associated with the wider building but has recently been purchased for use by one ground floor flat only. The amenity space is positioned on higher ground than that of the adjacent highway (New Penkridge Road).
- 1.4. The boundary along New Penkridge Road did previously comprise of a low (1m high) wall with railings and a hedgerow behind. The hedgerow was previously allowed to overgrow and over hang the adjacent footpath. The overall height of the removed boundary treatment was approx.3m.
- 1.5. The site is undesignated and unallocated in the Local Plan.

**2 Proposal**

- 2.1 The proposal is for the retention of the closeboard fence erected to the immediate rear of the footpath along New Penkridge Road.
- 2.2 The total height of the fence including the dwarf wall is between 2.4m and 2.55m (due to topography of street) above the adjacent highway and finished in a grey colour.



### **3 Applicants Statement of Case**

- 3.1 The applicant states that the fence was erected as a replacement to the previous unmanageable hedgerow without realising there were height restrictions in such locations. Also, that the new boundary treatment provides privacy to the private garden.
- 3.2 The applicant states that the conifer trees that were previously at the property were over 3m high and the new fence is lower than these were. Many residents of Penkridge Mews support the decision to remove the hedgerow and replace with the fence.
- 3.3 The property is occupied by a one, retired resident and the boundary fence provides her with a secure and safe environment. Any boundary that is lower than the one erected would leave the resident feeling vulnerable and exposed in her own home and unable to use the recently purchased garden.
- 3.4 The applicant is willing to alter the colour of the fence to a less obtrusive green and would be willing to offer some planting within the private garden that would be visible from the adjacent highway and help to soften the fence.

### **4 Planning Policy**

- 4.1 Section 38 of the Planning and Compulsory Purchase Act 2004 requires planning applications to be determined in accordance with the provisions of the Development Plan, unless material considerations indicate otherwise.
- 4.2 The Development Plan currently comprises the Cannock Chase Local Plan (2014) and the Minerals Local Plan for Staffordshire (2015 – 2030).
- 4.3 Relevant policies within the Local Plan include:
- CP1 - Strategy – the Strategic Approach  
CP3 - Chase Shaping – Design
- 4.4 There are no relevant policies within the Minerals Plan.
- 4.5 National Planning Policy Framework
- 4.6 The NPPF (2018) sets out the Government’s position on the role of the planning system in both plan-making and decision-taking. It states that the purpose of the planning system is to contribute to the achievement of sustainable development, in economic, social and environmental terms, and it states that there should be “presumption in favour of sustainable development” and sets out what this means for decision taking.
- 4.7 The NPPF (2018) confirms the plan-led approach to the planning system and that decisions must be made in accordance with the Development Plan unless material considerations indicate otherwise.

4.8 Relevant paragraphs within the NPPF include paragraphs: -

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

4.9 Other relevant documents include: -

Design Supplementary Planning Document (2016).

Cannock Chase Local Development Framework Parking Standards, Travel Plans and Developer Contributions for Sustainable Transport (2005).

## 5 Determining Issues

5.1 The determining issues in respect to this application are:-

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

5.2 Principle of the Development

5.2.1 The proposal is for the retention of a fence within the curtilage of an existing residential property that is not on any designated land and is therefore acceptable in principle subject to the considerations listed below.

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

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

- i) Consider design imaginatively in its context, complementing and enhancing the character and appearance of the local area and reinforcing local distinctiveness.
- ii) Be well-related within the development and to existing buildings and their surroundings in terms of layout, density, access scale, appearance, landscaping and materials based upon an understanding of the context of the site and appropriate professional expertise.
- iii) 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.

5.3.2 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.

5.3.3 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;

5.3.4 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.

5.3.5 In this respect the comments of the objector are noted. The design and appearance of the proposed fence whilst typical of residential boundary treatments, is located in an elevated and prominent location. New Penkrigde Road is a combination of commercial and residential properties which are broken up with landscaping and/or low boundary walling with railings. In this instance, the siting of the fence does have a detrimental impact on the visual amenity of the location by virtue of its siting to the immediate rear of the highway and the removal of the hedgerow, which has resulted in a strident and incongruous addition in a prominent location. The finished colour further exacerbates the issue. Consequently, the development has had an adverse visual impact upon the established street scene and character of the area. Therefore, the development reflects poor design, which conflicts with the aims of Local Plan Policy CP3 and the NPPF and refusal is recommended.

5.3.6 The comments of the applicant are noted. However, the potential for noteworthy landscaping is limited. However, the change in colour of the fence from grey to green may soften the existing stark impact. Furthermore, it is considered that there are other means of securing the property from crime, including hedging or railings which would not have the same negative impact on the character of the area.

5.3.7 Given the above and having had regard to Policy CP3 of the Local Plan and the appropriate sections of the NPPF it is considered that the proposal is not well-related to existing buildings or their surroundings and would not integrate with existing features of amenity value such that it would be acceptable in respect to its impact on the character and form of the area.

#### 5.4 Impact on Highway Safety

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

5.4.2 The Highway Authority has raised no objection to the siting of the fence in terms of highway safety.

## 6 Human Rights Act 1998 and Equalities Act 2010

### ***Human Rights Act 1998***

6.1 The proposals set out in this report are considered to be compatible with the Human Rights Act 1998. The recommendation to refuse accords with the policies of the adopted Local Plan and the applicant has the right of appeal against this decision.

### ***Equalities Act 2010***

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

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

- (a) Eliminate discrimination, harassment, victimisation and any other conduct that is prohibited;
- (b) Advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
- (c) Foster good relations between persons who share a relevant protected characteristic and persons who do not share it

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

6.5 Such consideration has been balanced along with other material planning considerations and it is considered that the proposal is acceptable in respect to the requirements of the Act. Having had regard to the particulars of this case

officers consider that the proposal would make a neutral contribution towards the aim of the Equalities Act.

## **7 Conclusion**

- 7.1 In respect to all matters of acknowledged interest and policy tests it is considered that the proposal would result in significant harm to the character and appearance of the locale and is therefore considered to be contrary to the Development Plan.
- 7.2.1 It is therefore recommended that the application be refused for the following reason:

The fence, as erected, by virtue of its siting to the immediate rear of the highway and the removal of the hedgerow, has resulted in a strident and incongruous addition in a prominent location. Consequently, the development has had an adverse visual impact upon the established street scene and character of the area. Therefore, the development reflects poor design, which conflicts with the aims of Policy CP3 of the Cannock Chase Local Plan and the National Planning Policy Framework.

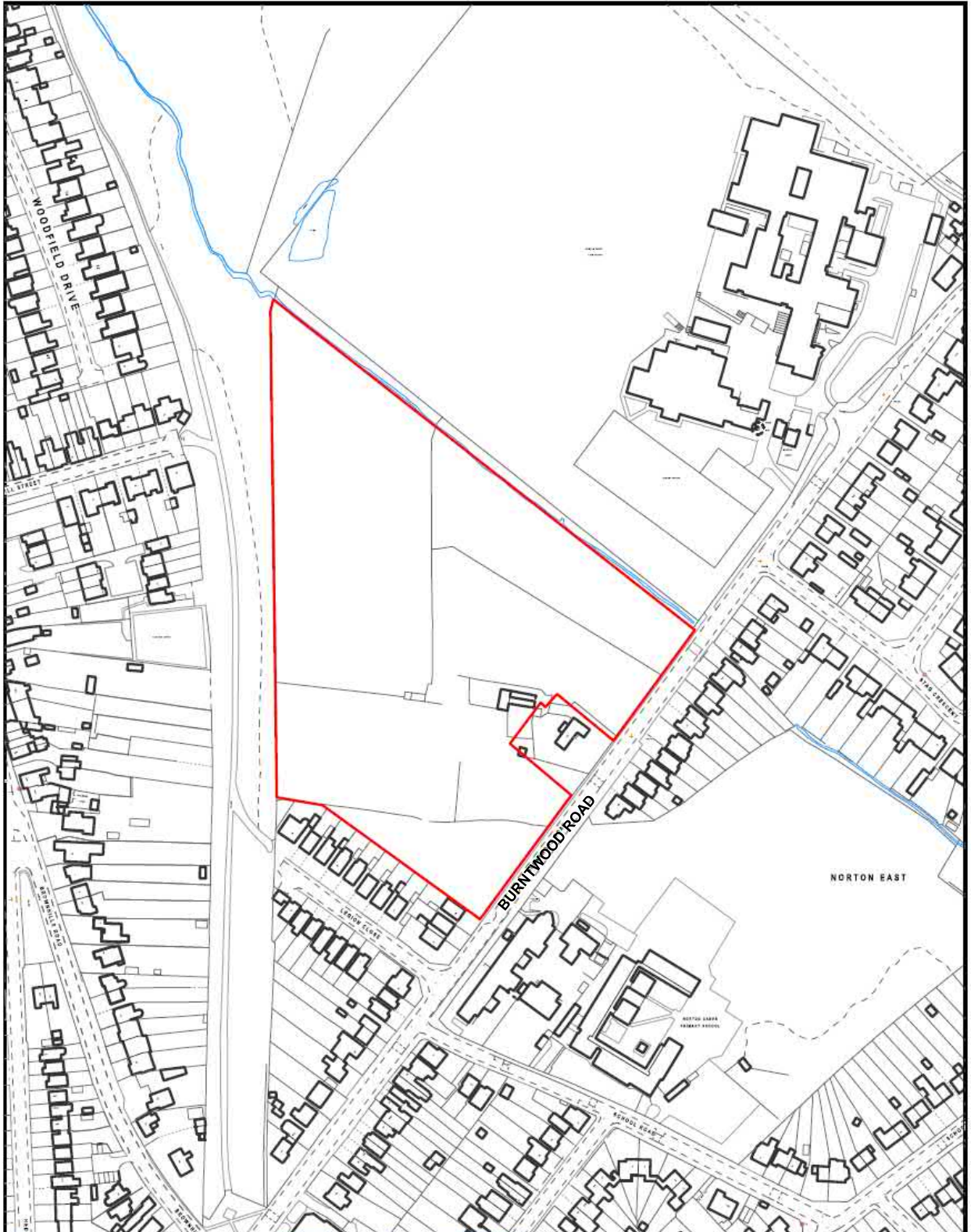


**Application No:** CH/18/392

**Location:** Land rear of 71 Burntwood Road, Norton Canes

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

Item No. 6.78





# Location Plan



LAND AT BURNTWOOD ROAD, NORTON CANES **Pegasus Group**  
SITE LOCATION PLAN

# Existing Site Plan



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



# Proposed Site Plan

## Legend

- Proposed building and house type code
- Decorative door position
- Decorative lighting (glow)
- 100mm high screen wall
- 100mm high close boarded fence
- 100mm high panel fence
- 100mm high timber fence
- 100mm high gate and wall fencing
- 100mm high brick wall
- 100mm high stone wall
- Decorative high timber gate
- Decorative metal surface on vertical areas
- Decorative metal of back paving
- Proposed path paving
- Soft landscaping within primary street front
- Soft landscaping areas within PGD
- Proposed trees shown indicatively
- Existing vegetation retained

For further information relating to household proposals please refer to individual the location plan & elevations

For further information relating to proposed boundary treatment details please refer to the proposed boundary treatment details and individual boundary treatment details

For further information relating to proposed surface please refer to the proposed surface treatment details

For further details relating to soft landscaping proposals please refer to the proposed landscape layout

Existing features retained where indicated and otherwise subject to survey

Burntwood Road, Norton Canes						
House Type	Bedrooms	Bathrooms	Average	No. of	Combined sqm	Ratio
<b>Proposed: 50%</b>						
Type A	2	1	1,144	2	2,288	100%
Type B	2	1	1,133	4	4,532	100%
Type C	2	1	1,050	8	8,400	100%
Type D	2	1	1,050	8	8,400	100%
Type E	2	1	1,233	4	4,932	100%
Type F	2	1	1,050	4	4,200	100%
Type G	2	1	1,050	4	4,200	100%
Type H	2	1	1,233	6	7,398	100%
Type I	2	1	1,050	4	4,200	100%
Type J	2	1	1,133	3	3,399	100%
Type K	2	1	1,233	3	3,699	100%
Type L	2	1	1,233	3	3,699	100%
Type M	2	1	1,233	4	4,932	100%
Type N	2	1	1,233	2	2,466	100%
Type O	2	1	1,233	4	4,932	100%
<b>Total</b>				<b>58</b>	<b>55,515</b>	
<b>Available: 50%</b>						
<b>Initial Assessment:</b>						
400-01 (Minimums)	1	1	1,133	2	2,266	100%
400-02	2	1	1,133	6	6,798	100%
400-03	2	1	1,133	2	2,266	100%
400-04	2	1	1,133	2	2,266	100%
<b>Overall (Maximums)</b>				<b>12</b>	<b>11,536</b>	
400-01	1	1	1,133	2	2,266	100%
400-02	2	1	1,133	4	4,532	100%
<b>Total</b>				<b>14</b>	<b>11,034</b>	
<b>Grand Total</b>				<b>72</b>	<b>66,549</b>	
<b>Overall Summary:</b>						
Total available sites				14	11,034	
Available sites				14	11,034	
Capacity (Max per acre (2017))				14	11,034	
Developing sites (2017)				14	11,034	









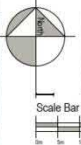
LAND AT BURNTWOOD ROAD, NORTON CANES **Pegasus Group**  
**PROPOSED SITE LAYOUT**



# Land Use Plan

## Legend

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



Rev	Description	Date	Drawn	Chk'd
A	Issue for Planning (Planning No. 21/01/19)	19/01/19	RL	SJW
B	Issue for Planning (Planning No. 21/01/19)	19/01/19	RL	SJW
C	Issue for Planning (Planning No. 21/01/19)	19/01/19	RL	SJW
D	Issue for Planning (Planning No. 21/01/19)	19/01/19	RL	SJW
E	Issue for Planning (Planning No. 21/01/19)	19/01/19	RL	SJW
F	Issue for Planning (Planning No. 21/01/19)	19/01/19	RL	SJW
G	Issue for Planning (Planning No. 21/01/19)	19/01/19	RL	SJW
H	Issue for Planning (Planning No. 21/01/19)	19/01/19	RL	SJW
I	Issue for Planning (Planning No. 21/01/19)	19/01/19	RL	SJW
J	Issue for Planning (Planning No. 21/01/19)	19/01/19	RL	SJW



# Housing Tenure Plan

## Legend

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



Tennis Courts

H	...	100.0	10.0	10.0
G	...	100.0	10.0	10.0
F	...	100.0	10.0	10.0
E	...	100.0	10.0	10.0
D	...	100.0	10.0	10.0
C	...	100.0	10.0	10.0
B	...	100.0	10.0	10.0
A	...	100.0	10.0	10.0



# House Type AH01 - 497



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

LAND AT BURNTWOOD ROAD, NORTON CANES - AH01 -497



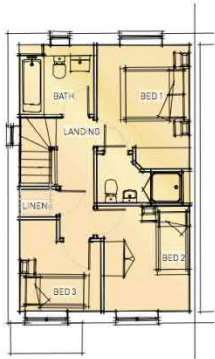
OM 1M 2M 5M

PLANNING | DESIGN | ENVIRONMENT | ECONOMICS

| www.pegasusgroup.co.uk | TEAM/DRAWN BY: SJW/KBM | APPROVED BY: SJW/RL | DATE: 10.10.2018 | SCALE: 1:100 @ A3 | DRWG: P18\_1659-005-14A | CLIENT: CAMERON HOMES |

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# House Type B 832



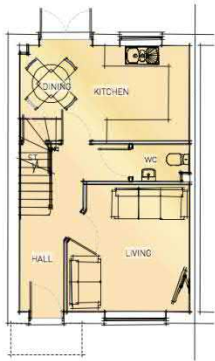
FIRST FLOOR PLAN



FRONT ELEVATION



SIDE ELEVATION



GROUND FLOOR PLAN



REAR ELEVATION

0M 1M 2M 5M

PLANNING | DESIGN | ENVIRONMENT | ECONOMICS

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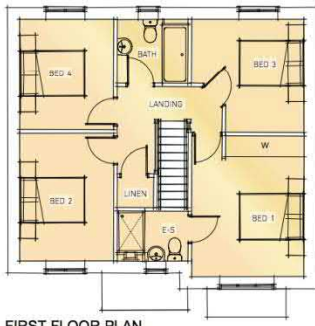
TYPE B - DEVELOPMENT CORE
DWELLING SIZE : 832 M <sup>2</sup>
DWELLING TYPE : 3 BED / 2 STOREY
PLOTS : 9, 10, 55, 56

LAND AT BURNTWOOD ROAD, NORTON CANES - TYPE B - 832





# House Type H 1305



FIRST FLOOR PLAN



FRONT ELEVATION

SIDE ELEVATION



GROUND FLOOR PLAN



REAR ELEVATION

SIDE ELEVATION

0M 1M 2M 5M

PLANNING | DESIGN | ENVIRONMENT | ECONOMICS

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<b>TYPE H - DEVELOPMENT CORE</b>
DWELLING SIZE : 1305 sq'
DWELLING TYPE : 4 BED / 2 STOREY
PLOTS : 27

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



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# House Type G 1238

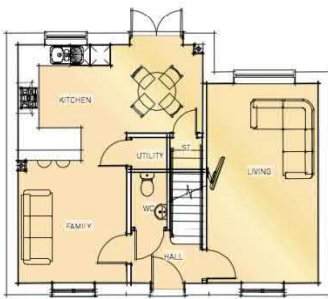


FIRST FLOOR PLAN



FRONT ELEVATION

SIDE ELEVATION



GROUND FLOOR PLAN



REAR ELEVATION

SIDE ELEVATION

0M 1M 2M 5M

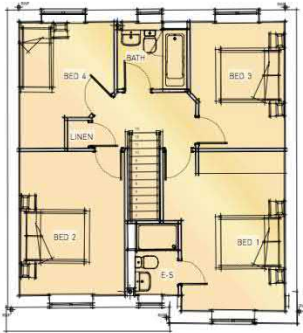
PLANNING | DESIGN | ENVIRONMENT | ECONOMICS

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



# House Type F 1156



FIRST FLOOR PLAN



FRONT ELEVATION



SIDE ELEVATION



GROUND FLOOR PLAN



REAR ELEVATION



SIDE ELEVATION

0M 1M 2M 5M

PLANNING | DESIGN | ENVIRONMENT | ECONOMICS

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

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





# House Type K 1438



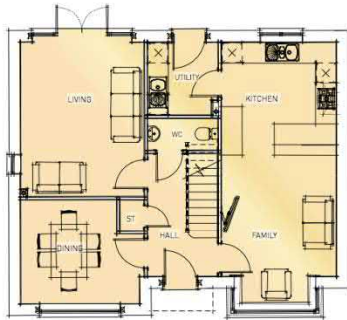
FIRST FLOOR PLAN



FRONT ELEVATION



SIDE ELEVATION



GROUND FLOOR PLAN



REAR ELEVATION



SIDE ELEVATION

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

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

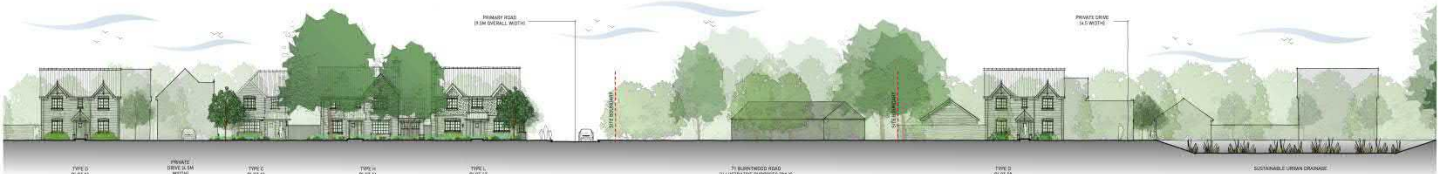
OM 1M 2M 5M

PLANNING | DESIGN | ENVIRONMENT | ECONOMICS

www.pegasusgroup.co.uk | TEAM/DRAWN BY: SJW/KBM | APPROVED BY: SJW/RL | DATE: 10.10.2018 | SCALE: 1:100 @ A3 | DRWG: P18\_1659-005-9A | CLIENT: CAMERON HOMES |



# Proposed Street Scenes



## BURNWOOD ROAD, NORTON CANES - STREET SCENES



<b>Contact Officer:</b>	<b>Richard Sunter</b>
<b>Telephone No:</b>	<b>01543 464481</b>

**PLANNING CONTROL COMMITTEE**  
**27 FEBRUARY 2019**

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

**RECOMMENDATION:**

Subject to no objections being received from the, the Highway Authority (HA) to **Approve** subject to the attached conditions (and any additional conditions recommended by the HA) and the completion of a Section 106 agreement to secure:

- i. Provision and transfer to a registered Provider of 20% on-site affordable housing.
- ii. Provision for the management of all public open space by a management company.
- iii. An education contribution of £154,434.00
- iv. Contribution for footpath link of £4400.00

**Reason(s) for Recommendation:**

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

**Conditions (and Reasons for Conditions):**

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

**Reason**

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

**Drainage**

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

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

The design must demonstrate:

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

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

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

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

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

Provision of an acceptable management and maintenance plan for surface water drainage and watercourse to ensure continued performance of the system for the lifetime of the development. This should include a schedule of required maintenance activities and

frequencies, and contact details for the organisation responsible for carrying out these duties.

Reason

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

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

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

Reason

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

Control of Construction Activities

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

- i. specify the type and number of vehicles;
- ii. provide for the parking of vehicles of site operatives and 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.

Air Quality

5. No dwelling hereby approved shall be occupied until a scheme for the fitting of that dwelling with electric charging points for electric vehicles has been

submitted to and approved in writing by the Local Planning Authority and the works comprising the approved scheme have been completed. The works shall thereafter be retained for the lifetime of the development unless otherwise approved in writing by the Local Planning authority.

Reason

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

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

Reason

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

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

Reason

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

Ecology

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

Reason

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

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

Reason

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

10. The development shall be carried out in strict accordance with the recommendations outlined in Section 6 of the Badger Survey, Report No RT-MME-129154, dated October 20189, produced by Middlemarch Environmental unless otherwise approved in writing by the Local Planning Authority. In particular: -

- (a) A walkover survey shall be completed by a suitably experienced ecologist in advance of any site works to establish whether there are any active badger setts on site, or within 30m of the site boundary and which are likely to be impacted on by construction activities.
- (b) If any setts are found that are likely to be impacted on a Natural England license shall be sought.
- (c) Any excavations which are necessary on site shall be covered at night or fitted with suitable mammal ramps.
- (d) Any open pipework with an outside diameter of greater than 150mm must be covered at the end of each work day to prevent badgers entering or being trapped.
- (e) Should no work be commenced within 12 months a full badger survey shall be undertaken to inform whether any further mitigation is necessary. If any setts are found that are likely to be impacted on a Natural England license shall be sought.

Reason

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

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

Reason

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

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

Reason

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

Landscape and Trees

13. The approved landscape works shown on Dwg. No. XXX [Officers will input and update members] shall be carried out in the first planting and seeding season following the occupation of any buildings or the completion of the development whichever is the sooner.

Reason

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

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

Reason

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

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

Reason

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

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



## Reason

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

17. Any trees or plants which within a period of five years from the date of planting die, are removed or become seriously damaged or diseased, shall be replaced in the following planting season with others of similar size and species unless the Local Planning Authority gives written consent to any variation.

## Reason

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

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

## Reason

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

19. The site landscape, following completion of establishment, shall be managed in accordance with the approved Management Plan unless otherwise agreed in writing by the Local Planning Authority.

## Reason

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

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

## Reason

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

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

5084 Planning Statement.

Drainage Assessment Prepared by Patrick Parsons October 2018.

Preliminary Bat Roost Assessment Prepared by Middlemarch Environmental September 2018.

Letter by Middlemarch Environmental Proposed Reptile Mitigation.

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

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

Reptile Survey Prepared by Middlemarch Environmental September 2018.

Reptile Mitigation Strategy RT-MME-129635.

Badger Survey Prepared by Middlemarch Environmental October 2018.

P18-1659\_025B Design Statement Prepared by Pegasus Group Parts 1-3.

RAB272 71 Burntwood Rd FRA v4.0.

RAB2135L\_71\_BurntwoodRd\_Fluvial\_Model\_Addendum.

A111919 Norton Canes Burntwood AQ Technical Report 10jan19.

Appendix A Tree Schedule.

Updated Transport Assessment Prepared by David Tucker Associates.

Road Safety Audit.

Drawing 20558-06A Site Access.

Drawing P18 1659 11 Site Location Plan.

Drawing P18 1659 08J Proposed Site Layout.

Drawing P18 1659 12 Existing Site Layout.

Drawing P18 1659 12 Existing Site Layout.

Drawing P18 1659 04H Facing Materials Layout.

Drawing P18 1659 13H Surface Materials Layout.

Drawing P18 1659 14H Boundary Treatments Layout.

Drawing P18 1659 16H Parking Plan.

Drawing P18 1659 18H Housing Tenure Plan.

Drawing P18 1659 19H Land Use Plan.

Drawing P18 1659 20 01B Street Scenes.

Drawing P18 1659 21 01C Site Sections.

Drawing P18 1659 005 2A Type A Greenway

Drawing P18 1659 005 3A Type C Greenway.

Drawing P18 1659 005 4A Type D Greenway.

Drawing P18 1659 005 5A Type E Greenway.

Drawing P18 1659 005 6A Type F Greenway.

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

Drawing P18 1659 005 8A Type J Greenway.

Drawing P18 1659 005 9A Type K Greenway.

Drawing P18 1659 005 10A Type L Greenway.

Drawing P18 1659 005 11A Type M Greenway.

Drawing P18 1659 005 13A Type N Elevations Greenway.

Drawing P18 1659 005 12A Type N Plans Greenway.

Drawing P18 1659 005 17A Type B Development Core.

Drawing P18 1659 005 18A Type C Development Core.

Drawing P18 1659 005 19A Type D Development Core.

Drawing P18 1659 005 20A Type E Development Core.

Drawing P18 1659 005 21A Type F Development Core.

Drawing P18 1659 005 22A Type G Development Core.

Drawing P18 1659 005 23A Type H Development Core.

Drawing P18 1659 005 24A Type L Development Core.

Drawing P18 1659 005 14A AH01 Development Core.

Drawing P18 1659 005 15A AH02 Development Core.

Drawing P18 1659 005 16A AH03 Development Core.

Drawing P18 1659 005-01A AH04 Greenway.

Drawing P18 1659 005 25A Garage Type Single and Double.  
 Drawing P18 1659 005 26A Garage Type Twin and Triple.  
 Drawing P18 1659 21B Soft Landscape Proposals 1 of 4.  
 Drawing P18 1659 22A Soft Landscape Proposals 2 of 4.  
 Drawing P18 1659 23A Soft Landscape Proposals 3 of 4.  
 Drawing P18 1659 24A Soft Landscape Proposals 4 of 4.  
 Drawing 8587 T 01 Tree Survey Plan.  
 Drawing B18323 SK02 Rev 2 Finish Floor Levels  
 Drawing 11 012 01a Property Detail and Level Survey.  
 Drawing 11 012 01b Property Detail and Level Survey.  
 Drawing B18323-117 P2 Pond Cross Sections.

Highway Conditions

To be inserted on receipt of Highway Authority response. Members will be updated.

## Consultations and Publicity

### External Consultations

#### Norton Canes Parish Council

The Planning Committee have met to discuss the above application and would comment as follows.

1. The plans show one main access and a second access which is identified as a private drive to two houses. We would not like the drive to be opened up to access other roads on the site.
2. Plot 06 seems to be close to the boundary of 10 and 12 Legion Close. Would seek confirmation that these bungalows will not be overlooked.
3. We are concerned about the infrastructure re local schools and the medical centre. It has been reported that the GP's are not aware of this housing development and we would seek to ensure that when decisions/assessments are made regarding infrastructure that local authorities i.e. Education, Highways, Health are consulted at a local level re capacity.
4. We would ask for assurance that the management of the hedgerow on Burntwood Road. Balancing and reptile protection is in place.

Additional comments received 7 February 2019

1. If the planning application is approved could it include a condition that the hedgerows are maintained on a regular basis.
2. Also could confirmation be sought as to whose responsibility it is to maintain the brook that runs alongside the development. It is not clear if this belongs to the developer.

If the two items could be addressed then the Parish Council have no objections.

County Highways

- 1- There is insufficient information for the highway authority to determine an outcome to the application for the following reasons:
  - a- The submitted transport assessment dates from March 2012 and contains data and policy reference which are obsolete or incorrect. It also corresponds to a different number of dwellings.
  - b- Suitable locations for the relocation of existing Burntwood Road bus stops, including associated road markings and clear of visibility splays at the new highway accesses, have not been demonstrated.
  - c- Details of a footway a minimum of two metres in width for the length of the site frontage have not been submitted for assessment.
  - d- The submitted application does not demonstrate direct connections for pedestrians from the residential development to adjacent areas: to encourage journeys on foot.
  - e- The submitted application fails to demonstrate sufficient provision for car parking within site curtilages.
  - f- The submitted application fails to demonstrate sufficient provision for cycle parking within site curtilages.
  - g- The submitted application fails to demonstrate a minimum carriageway width of five metres for estate roads where adoption as public highway is proposed.
- 2- Parking bays are located on roads where adoption as public highway is proposed.

## Reasons for recommendation:

- 1- To comply with paragraphs 108-109 of the 2018 National Planning Policy Framework.
- 2- For reasons of highway safety.
- 3- 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.
- 4- To comply with guidance in Manual for Streets.

## INFORMATIVE NOTE TO BE INCLUDED IN THE DECISION NOTICE:

The above recommendation of refusal will not prejudice the consideration of additional information addressing the above areas of concern.

- 1- Refusal reason 1.a: A significantly updated transport assessment corresponding to the current development proposal would need to be submitted.
- 2- Refusal reason 1.d: In accordance with guidance in Manual for Streets, it is expected that as a minimum direct links for pedestrians would be provided from

the southern part of the site to Burntwood Road and from the western part of the site to the mineral railway track.

- 3- Refusal reasons 1.e & 1.f: Garages with minimum internal dimensions of 3 x 6 metres (single garage) and 6 x 6 metres (double garage) would be required to provide sufficient space to cater for both car parking and storage (including cycle parking). Measurements taken from submitted drawings including for dwelling types E, J and N indicate that some garages do not meet these standards.
- 4- Refusal reason 2: In Clerk & Lindsell, The Law of Torts, 17th ed. (1995), para. 17-41 the current state of the law as to the question of use of public highway in England is summarised in these terms: "The right of the public in respect of a highway is limited to the use of it for the purpose of passing and repassing and for such other reasonable purposes as it is usual to use the highway; if a member of the public uses it for any other purpose than that of passing and repassing he will be a trespasser."

Providing parking bays within the public highway would therefore be contrary to its current legal use.

- 5- A site visit to the above location was undertaken on 29 November 2018.

#### Environment Agency

The Agency has no objections to the proposed development but wishes to make the following comments.

#### Contamination Issues

We have reviewed the report by Georisk Management entitled 'Geoenvironmental Assessment, Burntwood Road, Norton Canes, Report Ref: 18199/1, October 2018' and have the following comments to make, these relate solely to the protection of 'Controlled Waters'. Matters relating to Human Health should be directed to the relevant department of the local council.

In reference to the report we understand the site is located on solid geology of the Pennine Middle Coal Measures, which is designated a Secondary A Aquifer by the Environment Agency. Superficial Devensian Till and Glaciofluvial deposits are also indicated in the Western and Eastern parts of the site respectively. These are designated as a 'Secondary Aquifer, Undifferentiated'.

An unnamed watercourse bounds the north-eastern site boundary, this watercourse flows south east towards Chasewater Reservoir approximately 400m to the south east of the site. No surface water or groundwater abstraction licenses have been identified within 500m of the site and the site does not lie within a Source Protection Zone.

Site history is largely undeveloped with some residential builds. An old railway cutting which was subsequently in-filled has been identified immediately west of the site.

A phase II intrusive site investigation was undertaken comprising trial pits and exploratory boreholes for sampling and monitoring purposes. Soil samples were obtained and tested for a range of appropriate suites considering the site setting. Groundwater was not encountered during monitoring rounds, however we note the monitoring was undertaken during a period of prolonged dry weather between July-

August 2018.

Results of soil samples taken did not show any exceedances which would require further risk assessment in terms of risks to controlled waters. In light of this, and considering the environmental setting, we agree with the conclusions of the report that no further risk assessment or remedial options need to be considered and as such have no further comments to make.

It should be noted that the Environment Agency has not had any influence or control over the selection of site investigation locations or any aspect of the sampling and analysis undertaken. Therefore, the Environment Agency must assume that the information submitted to it, is both genuine and representative of site conditions and treat it in good faith.

Additionally, it should be noted that in accordance with Government Policy detailed in the National Planning Policy Framework (paragraph 120), 'where a site is affected by contamination or land stability issues, responsibility for securing a safe development rests with the developer and/or landowner'. Therefore, should any significant contamination, not assessed by virtue of this report/project, subsequently become apparent responsibility remains with these parties.

### Severn Trent

I can confirm that we have no objections to the proposals subject to the inclusion of the following condition:

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

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

### Local Lead Flood Authority

The application includes a Flood Risk Assessment (RAB Reference: RAB272, Version 4.0, May 2012), FRA Addendum (RAB Reference: RAB2135L, Version 1.0, Jan 2019) and Drainage Strategy (Patrick Parsons Reference: B18323, October 2018).

The FRA and Addendum (to update the original report) include modelling of the ordinary watercourse along the NE site boundary and conclude that the flows will stay in-bank up to the 1% AEP flood event. Including a 50% blockage of the Burntwood Road culvert shows spilling across Burntwood Road, but no flooding to the site is predicted. The flood risk to the site is therefore considered to be low.

The Surface Water Drainage Strategy restricts discharge from the site to 6.6l/s using an attenuation pond to store runoff before controlled discharge to the watercourse. This will prevent the development increasing the flood risk downstream.

The Drainage Strategy shows that an acceptable drainage scheme can be achieved within the proposed development in principle. However some changes and additional details will be required through detailed design, including:

- The network calculations show flooded volumes at PN 2.000 and 3.000 during a 100 year + climate change storm. These will need to be reduced so that it can be shown that all flooding in this event will be safely contained and managed within the site.
- Additional details of pond design including side slopes and access for inspection and maintenance of the pond, flow control, and outlet.
- Maintenance arrangements for the watercourse and attenuation pond, including access for suitable equipment, inspection and maintenance schedules, and responsibilities for these duties.

The proposed development will only be acceptable if the following measures are incorporated in an acceptable surface water drainage scheme, to be secured by way of planning conditions on any planning permission.

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

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

The design must demonstrate:

- Surface water drainage system(s) designed in accordance with national and local standards, including the non-statutory technical standards for sustainable drainage systems (DEFRA, March 2015).
- SuDS design to provide adequate water quality treatment, in accordance with the CIRIA SuDS Manual Simple Index Approach and SuDS treatment design criteria.
- Limiting the discharge rate generated by all rainfall events up to the 100 year plus climate change critical rain storm to 6.6l/s.
- Detailed design (plans, network details and calculations) in support of any surface water drainage scheme, including details on any attenuation system, and the outfall arrangements. Calculations should demonstrate the performance of the designed system for a range of return periods and storm durations inclusive of the 1 in 1 year, 1 in 30 year, 1 in 100 year and 1 in 100 year plus climate change return periods.
- Plans illustrating flooded areas and flow paths in the event of exceedance of the drainage system. Site layout and levels should provide safe exceedance routes and adequate access for maintenance.
- Provision of an acceptable management and maintenance plan for surface water drainage and watercourse to ensure continued performance of the system for the lifetime of the development. This should include a schedule of required maintenance activities and frequencies, and contact details for the organisation responsible for carrying out these duties.

## Reason

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

## County Minerals Planning

### Background

The proposal under consideration would involve the erection of 70 dwellings, with associated access, landscaping etc on an area of land which is currently largely undeveloped, but which benefits from an outline planning permission (CH/13/0020) for the erection of up to 65 dwellings.

### Observations

The site falls within a Mineral Safeguarding Area (MSAs) for Coal and Fireclay.

Paragraph 206, of the National Planning Policy Framework (NPPF) and Policy 3 of the Minerals Local Plan for Staffordshire (2015 – 2030), both aim to protect mineral resources from sterilisation by other forms of development.

Policy 3.2 of the new Minerals Local Plan states that:

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

- a) the existence, the quantity, the quality and the value of the underlying or adjacent mineral resource; and
- b) that proposals for non-mineral development in the vicinity of permitted mineral sites or mineral site allocations would not unduly restrict the mineral operations.

In this particular case, however, the principle of development has already been determined by the earlier application, and the site is bounded on 3 sides by residential development, with a secondary school defining the fourth side. It is, therefore, unlikely that the prior extraction of any underlying mineral would be practicable or environmentally acceptable.

### Conclusions

Having regard to the policies, guidance and observations referred to above, it is reasonable to conclude that the proposed development would not lead to the sterilisation of an important mineral resource.

Therefore, this letter confirms that Staffordshire County Council, acting as the Mineral and Waste Planning Authority, has no objection to the planning application.

## County Education



This development falls within the catchments of Norton Canes Primary Academy and Norton Canes High School.

The development is scheduled to provide 70 dwellings. Excluding the 2 apartments and excluding the 9 RSL dwellings from secondary only, a development of 68 houses including 9 RSLs could add 14 Primary school aged pupils and 9 Secondary school aged pupils.

Norton Canes High School is projected to have sufficient space to accommodate the likely demand from pupils generated by the development.

We will therefore be requesting a contribution towards Primary School provision only.

We would seek an Education Contribution for 14 Primary School places (14 x £11,031 = £154,434). This gives a total request of £154,434.

The above contribution is based on the cost multipliers published in the current EPOP which are subject to change.

The above is based on current demographics which can change over time and therefore we would wish to be consulted on any further applications for this site.

#### South Staffordshire Water

No comments received.

#### Waste and Engineering

Having reviewed the latest drawing I can confirm that the bin storage points shown appear to be positioned in acceptable locations for access and of a sufficient size to match the Councils collection regime and frequency.

#### Coal Authority

The applicant has obtained appropriate and up-to-date coal mining information for the proposed development site and has used this information to inform the Geoenvironmental Assessment (prepared by Georisk Management, dated October 2018), which accompanies this planning application.

The Geoenvironmental Assessment (prepared by Georisk Management, dated October 2018) correctly identifies that the application site has been subject to past coal mining activity. Specifically, the assessment considered a programme of intrusive investigations was necessary to determine any evidence of possible underground coal mining at shallow depth beneath the application site.

Intrusive investigations included 5 no. rotary boreholes to investigate unrecorded shallow coal workings; the majority of these found intact coal with no evidence of workings. Further, drilling and grouting tests as part of intrusive investigations indicated that it was unlikely for there to be future ground movement associated with shallow mine workings beneath the application site. Findings from intrusive site investigations concluded foundation design for the proposed development do not require precautions associated with coal mining legacy.

The Coal Authority concurs with the conclusions and recommendations of the Geoenvironmental Assessment (prepared by Georisk Management, dated October 2018) that was undertaken by suitably qualified and competent persons. The Coal Authority is satisfied with the broad conclusions, informed by the site investigation works; that coal mining legacy issues are not significant within the application site and do not pose a risk to the proposed development. Accordingly, The Coal Authority does not object to the proposed development and no specific mitigation measures are required as part of this development proposal to address coal mining legacy issues.

### Staffordshire Police

I ask that Cannock Chase District Council consider my comments, which are site specific, and made in accordance with;

Section 17 of the 'Crime and Disorder Act 1998':

- places a duty on each local authority (Parish, District & County Council): '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 to prevent crime and disorder in its area to include anti-social behaviour, substance misuse and behaviour which adversely affects the environment'.

National Planning Policy Framework:

- Paragraph 91(b).  
This paragraph looks towards healthy and safe communities. The paragraph includes:-

"Planning policies and decisions should aim to achieve healthy, inclusive and safe places which are safe and accessible, so that crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion"

- Paragraph 127(f) includes;

'create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience'.

- Paragraph 95 (a & b) includes;

"Planning policies and decisions should promote public safety and take into account wider security and defence requirements by:

- a) anticipating and addressing possible malicious threats and natural hazards, especially in locations where large numbers of people are expected to congregate. Policies for relevant areas (such as town centre and regeneration frameworks), and the layout and design of developments, should be informed by the most up-to-date information available from the police and other agencies about the nature of potential threats and their implications. This includes appropriate and proportionate steps that can be taken to reduce vulnerability, increase resilience and ensure public safety and security; and

- b) recognising and supporting development required for operational defence and security purposes, and ensuring that operational sites are not affected adversely by the impact of other development proposed in the area.

#### Cannock Chase District Council Local Plan Part 1 & Design SPD Designing Out Crime Policy Local Plan (Part 1) Policy CP3

- Policy CP3 includes key design principles that includes;-

“Good design will give careful thought to how appropriate safety and security measures can be accommodated in a way sympathetic to the amenity of the local area.”

“The need to enhance crime prevention as part of new developments including building security and attractive design of surroundings (car parking etc.) to deter crime”

The Human Rights Act Article & Protocol 1, Safer Places: The Planning System and Crime Prevention and PINS 953.

This proposal could easily attain Police Secured by Design accreditation and in order to prevent crime and reduce the fear of crime I recommend that it does so, there is no charge for my advice or for the Secured by Design award, and once awarded the Police SBD logo can be used on advertising material.

Research shows that adopting SBD can reduce burglary by 50%, car crime and criminal damage by 25%, therefore the carbon costs of replacing door-sets and windows on SBD developments as a result of criminal activity is more than 50% less than on non SBD developments, the cost of installing SBD approved products equals 0.2% of the total build cost.

One of the most revealing elements of research into SBD is how much ‘safer’ residents feel if they occupy a dwelling on an accredited development, even if they are not aware of the award status. There are few other initiatives which can deliver a measurable reduction in fear like this.

SBD supports one of the Government's key planning objectives - the creation of safe, secure, quality places where people wish to live and work. SBD applies quality standards to a range of security measures and should be seen as a positive marketing opportunity.

#### **Internal Consultations**

##### Policy

The site currently benefits from outline planning permission for 65 dwellings. It is identified as a ‘developable’ site within the most recent SHLAA (August 2018) and therefore will help contribute to meeting the overall Local Plan (Part 1) housing requirements. Local Plan (Part 1) Policy CP1 identifies that the urban areas of the District, including Norton Canes, will be the focus for the majority of new residential development. As an urban site located within the existing settlement of Norton Canes, the proposed residential development of the site is considered acceptable in principle.

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.

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.

The site lies within the recently designated Norton Canes Neighbourhood Area. The Parish Council have not produced a draft plan to date. They have recently undertaken a community consultation on the potential issues the plan should address.

#### Ecological Officer

No comments received.

#### Economic Development

Economic Regeneration welcomes the development of housing on this land (currently market as a housing site in 6-15 years) and would hope that the developers consider installation of fibre optic broadband to support the infrastructure provision.

#### Environmental Health

Thank you for referring these matters for consideration. The additional information submitted includes an Air Quality Assessment, Job no. A111919, dated January 2109. This includes a damage cost assessment based over a 5 year period which will part fund a new footway and cycleway as well as the installation of electric vehicle charging points at all the residential units. These are acceptable air quality mitigation measures.

The report also recommends dust management mitigation measures for the construction phase of the development, including earthworks and trackout (Tables 7.1 & 7.2).

It is recommended that these measures are incorporated as part of Construction Method Statement for this development.

#### Private Sector Housing

No comments received.

#### Strategic Housing

The proposed development is for 70 units with a 20% affordable housing provision of 14 units which is policy compliant. The affordable housing mix is identified as:

- 2 x 1 bedroom
- 8 x 2 bedroom
- 3 x 3 bedroom
- 1 x 4 bedroom

This mix is acceptable as it offers a broad range of property types to meet the needs of the District. 80% should be rented accommodation and 20% shared ownership.

#### Trees, Landscape and Countryside

Site has no formal landscape designation but does abut the Green Belt and the Green Space Network.

Street scene is that of large mature fields & hedgerows, along Burntwood Road.

#### Layout

With reference to Application CH/13/0020 an approved layout / features / scheme and associated S106 was agreed after considerable liaisons. Basic premise of these discussions i.e. Size / location of Public Open Space (POS) area/features will need to be carried over to this scheme.

Original approved scheme was for 65 units with associated POS, Reptile area and buffer corridor to stream. The present proposals cater for 70 units but no appropriate increase in useable POS, which should amount to 0.527 Ha.

Stream maintenance corridor previously agreed to be a 8m wide buffer from the site boundary, this has been reduced drastically and now includes parking spaces and highways. This is unacceptable and the original 8m wide buffer must be reinstated and no development should take place within this. Stream corridor cannot to be classed as POS or reptile area, both of these need to be identified individually and shown as such on the submitted plan.

#### Habitat / Reptile area

Approved at 3325 Sqm, should be securely fenced off prior to any development taking place. This area has been previously approved under application CH/13/0020 and supported via the S106 agreement. This should not cross / include the stream corridor. Reduction of this by 600sqm is totally unacceptable, what is the justification for reducing this?

This should be adequately fenced off to prevent pedestrian and dog access, the use of 450mm high trip rail will not prevent dogs or dog walkers entering this area. Refer to previous approved scheme, suitable revised details are required.

#### Entrance way / POS –

Should be formed by a decent tree lined corridor into the proposed estate and focus on central POS area. POS area to side of plot 1 and front of plots 14 – 20, 40 – 44, 47-48 and 50 – 53 do not work, they are isolated dead areas and not useable POS. POS needs to be reconfigured to form useable open space. It should be located centrally where the whole development can access and utilise it. The area around the

attenuation pond is also not considered useable to POS as this is required for maintenance.

Line of POS & Hedgerow should be straight line and not wave because of parking spaces or bin locations. No parking spaces should not be allocated on adopted highways / secondary roads

The stream to the Northern boundary requires a minimum 8m buffer where the only construction acceptable would be the shared pedestrian / cycle way with maintenance access. No other construction should take place, including roads, parking spaces and rear gardens.

Footway cycleway should be constructed in a solid surface such as tarmac with a minimum width of 2.5m. Bound gravel would not be acceptable. There is also an Issue of linkage and effects on Chasewater SSSI from the stream.

#### Trees & Hedges -

Retention of hedgerow on Burntwood Road frontage is strongly recommended, however its current retention may be impractical in some location due to road construction and possible sight lines, these should be clearly shown on the submitted plans.

No assessment in term of impact on trees from proposed development and long term sustainability of retained trees. Building and construction within the root protection areas (RPA's) of existing trees should be seen as a last resort, not designed into schemes. require all works within RPAs are omitted.

Proposals show retention of trees that are impractical in places, due to construction works.

Existing and proposed levels are required. This is especially important within tree protection areas.

#### Drainage & services

Attenuation pond should be designed as a natural feature not a typically engineered construction, this needs to be remodelled. Needs existing and proposed levels clearly shown on submitted plans. Cannot alter levels within RPA's of existing trees.

Where is the vehicle maintenance access point for this? Ideally this should be located from a public highway.

The application does not show all the service runs and apparatus. These must be checked again existing and proposed tree planting to make sure it is all compatible. Adoptable sewers cannot run underneath new or existing tree planting.

#### Soft planting -

T3 in the POS should be large street trees as there is plenty of space. Species such as Oak would be recommended. Statement.....*Retained / removed hedgerow along Burntwood Road is to be confirmed....*Is totally unacceptable. These details should determine now, to which trees and hedgerows are being removed or retained.

Planting scheme is totally unacceptable. All plants are 10L pots, all planted @ 0.7 centres and mostly planted in beds of 2 shrub at a time. This is all bad practice. A suitable revised scheme is required. Note at the bottom of the planting scheme states....*individual species shall be planted in groups of 3 -7*. This would be more acceptable.

Hedgerows, 80 -100 cm high @ 500mm centres. These are large plants in a single row and will be costly to replace. Recommend these are planted at 300mm centres double row staggered and smaller sized. Then when some fail the scheme will not look barren. Cutting back the hedgerows by 40% immediately after planting seems excessive. Planting smaller plants and allowing them establish more naturally seems a better solution.

## Summary

Objection due to:

- Lack of detail and consideration of Public Open Space
- Detrimental impact to retained trees and vegetation.
- Detrimental impact to reptile habitat
- Requires amended landscape details (Hard and soft works proposals) and expansion of reptile area as noted above.

No objection to the principle of residential development on this site as per previous approval for access and layout.

## Response to Publicity

The application has been advertised by site notice, press advertisement and neighbour letter. One letter of representation has been received stating: -

As the principle of allowing 65 houses to be built here in a past outline application has already been established I note this application is in effect to increase the number of houses on this site by 5. I have concerns about the impact this development will have on the traffic along Burntwood Road, specifically with regards to the parking of parents at School picking up and dropping off times.

In a previous application I voted against granting planning permission in committee to the 65 houses being built here because of the risk of flooding on the nearby brook. I note that there has been an improved design of the site to move an excess water feature nearer to the brook, whether this will serve to prevent any future problems is to be seen.

I welcome the pathway that runs along the site that connects Burntwood Road to the old mineral line behind the site.

I welcome the fact that the bungalows are to be retained adjacent to Legion Close although I do have reservations and wish to object to the house to be located at Number 2 and will be overlooking the back garden of 53 Burntwood Road.

In addition to the above a petition with 15 signatures has been received requesting that the Council reject the application in its entirety on the grounds that the petitioners were

happy with the previous application as single storey bungalows were sited on the boundary of our rear gardens [Legion Close] whereas this application proposes two storey bungalows which will have an adverse effect on the residents of Legion Close.

### Relevant Planning History

An outline application (reference CH/13/0020) for the erection of 65 no houses and associated works (outline: access and layout) and retention of 71 Burntwood Road) was approved on 19<sup>th</sup> December 2017.

## 1 Site and Surroundings

- 1.1 The application site comprises former fields which have not been in agricultural production for some time and which have begun to succumb to natural succession to scrub and in some places heathland.
- 1.2 The site to the east the site is bounded by Burntwood Road, to the south, the rear of properties along Legion Close, to the west a disused railway line, now used as a recreational footpath, and to the north an unnamed watercourse and hedge across which is Norton Canes High School with sporadic trees of various ages and relic hedgerows.
- 1.3 Approximately in the middle of the frontage of the site along Burntwood Road is the detached dwelling of 71 Burntwood Road.
- 1.4 The site is located within a predominantly residential area. However, across Burntwood Road is Norton Canes Primary School.
- 1.5 The site is approximately 260m from the centre of Norton Canes where there is a range of services and shops. Immediately to the front of the site along Burntwood Road is a bus stop serving the No60 bus route providing bus links to Walsall and Lichfield.
- 1.6 The site is unallocated and undesignated in the Cannock Chase Local Plan.

## 2 Proposal

- 2.1 The applicant is seeking permission for the erection of 70 dwellings, access and open space, landscaping, drainage and associated works. Access is proposed to be taken off Burntwood Road which would then split into a series of secondary roads ending in cul-de-sacs and in certain cases leading to private drives.
- 2.2 In the north west corner an area of the existing vegetation will be retained to act as a reptile protection area in order to mitigate impacts on the small population of Common Lizard which has been found on the wider site.
- 2.3 In the north east corner it is proposed to have a attenuation basin which would store water in the event of heavy rain.



- 2.4 Along part of the frontage along Burntwood Road, to the south of the main access a small amenity area is proposed.
- 2.5 A variety of house types have been proposed including 2, 3 and 4 bedroom properties and 1 bed maisonettes. In addition the proposal includes a mix of a detached, semi-detached houses and bungalows. The bungalows are particularly arranged along the southern boundary of the site to reduce impacts on the occupiers of Legion Close.
- 2.6 Of the 70 dwellings proposed, 14 are identified as affordable housing, of which 11 (80%) are for social rent and 3 (20%) shared ownership.
- 2.7 The buildings would be faced predominantly in brick but in some instances including feature render finishes. The materials to be used include Terca Oakwood Multi, Terca Bradfield Multi, Ibstock Lenton Dark Multi, Ibstock Welbeck Red Multi as the main brick types with contrasting bricks and in some cases Weber Monocouche render (colour chalk). Roof tiles would be either Russells Highland Slate Grey or Russells Highland Peat Brown.
- 2.8 In order to support the application the applicant has submitted the following documents: -

Planning Statement  
 Design Statement  
 Transport Assessment  
 Geoenvironmental Assessment  
 Drainage Assessment  
 Flood Risk Assessment  
 Great Crested newt Habitat Suitability Index Assessment  
 Preliminary Bat Roost Assessment  
 Badger Survey  
 Reptile Survey  
 Reptile Mitigation Strategy  
 Letter from Middlemarch Environmental Proposed Reptile Mitigation  
 Tree Schedule  
 Tree Survey  
 Property Detail and Level Survey  
 Air Quality Assessment

### **3 Planning Policy**

- 3.1 Section 38 of the Planning and Compulsory Purchase Act 2004 requires planning applications to be determined in accordance with the provisions of the Development Plan, unless material considerations indicate otherwise.
- 3.2 The Development Plan currently comprises the Cannock Chase Local Plan (2014) and the Minerals Local Plan for Staffordshire (2015 – 2030).
- 3.3 Relevant policies within the Local Plan include:
- CP1: - Strategy – the Strategic Approach  
 CP2: - Developer Contributions for Infrastructure

CP3: - Chase Shaping – Design  
 CP5: - Social Inclusion and Healthy Living  
 CP6: - Housing Land  
 CP7: - Housing Choice  
 CP10:- Sustainable Transport  
 CP12:- Biodiversity and Geodiversity  
 CP13:- Cannock Chase Special Area of Conservation (SAC)  
 CP14:- Landscape Character and Cannock Chase AONB  
 CP16:- Climate Change and Sustainable Resource Use

### 3.4 National Planning Policy Framework

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

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

3.7 Relevant paragraphs within the NPPF include 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.
91, 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.

3.8 Other relevant documents include: -

Design Supplementary Planning Document, April 2016.

Developer Contributions and Housing Choices Supplementary Planning Document (July 2015).

Cannock Chase Local Development Framework Parking Standards, Travel Plans and Developer Contributions for Sustainable Transport (2005).

Manual for Streets.

#### 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) Drainage and flood risk
- vii) Education
- viii) Air quality
- ix) Mineral safeguarding
- x) Crime and the fear of crime
- xi) Affordable Housing

#### 4.2 Principle of the Development

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

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

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

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

4.2.4 In respect to the principle of the proposal it is noted that the site is within a residential location within Norton Canes which is approximately 0.25km from the commercial centre of the village, very close to the Primary and High Schools and served by a bus route giving access by public transport to the village centre, Lichfield and Walsall. 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 In addition to the above the site currently benefits from outline planning permission for 65 dwellings. It is identified as a 'developable' site within the most recent SHLAA (August 2018) and therefore will help contribute to meeting the overall Local Plan (Part 1) housing requirements. Local Plan (Part 1) Policy CP1 identifies that the urban areas of the District, including Norton Canes, will be the focus for the majority of new residential development. As an urban site located within the existing settlement of Norton Canes, the proposed residential development of the site is considered acceptable in principle.

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

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

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

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

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

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

Planning policies and decisions should ensure that developments:

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

- 4.3.4 Finally Paragraph 130 states planning permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions, taking into account any local design standards or style guides in plans or supplementary planning documents. Conversely, where the design of a development accords with clear expectations in plan policies, design should not be used by the decision taker as a valid reason to object to development.
- 4.3.5 In this respect it is noted that Appendix B of the Design SPD sets out clear expectations and guidance in respect to extensions to dwellings.
- 4.3.6 Having taken all of the above into account it is considered that the main issues in respect to design and the impact on the character and form of the area are: -
- (i) Overall layout
  - (ii) Density
  - (iii) Materials, scale and external appearance of the dwellings
  - (iii) Landscaping
- 4.3.7 The overall layout takes the form of a sinuous spine road taken from Burntwood Road culminating in a series of cul-de-sac leading to private drives. This reflects the design of many of the estates built in the latter half of the twentieth century commonly found throughout Norton Canes and Heath Hayes and as such is in keeping with the character of the area.
- 4.3.8 In general, taking into account the relationship and juxtaposition between different elevations, the layout meets and in some cases exceeds the guidance for space about dwellings set out in the Council's Design SPD giving an overall density of 29.2 dwellings per hectare.
- 4.3.9 In respect to the composition of house types it is noted that these are comprised of a mix of two storey and single storey dwellings, the latter being situated along the southern boundary of the site to reflect the height and scale of the bungalows along Legion Close. In addition the proposal includes a mix of detached semi-detached and maisonettes (the latter being designed to look like a conventional house). As such the proposed house types reflect the range of dwellings to be found along Burntwood Road and the neighbouring estates.
- 4.3.10 In terms of height the houses fall between 8-8.7m tall to the apex, depending on the house-type and the bungalows fall between 5.4m and 6m. These heights fall within range of heights of dwellings found in the general area and are within the normal range generally found in modern housing.
- 4.3.11 A range of materials have been selected for the proposal which includes Terca Oakwood Multi, Terca Bradfield Multi, Ibstock Lenton Dark Multi, Ibstock Welbeck Red Multi as the main brick types with contrasting bricks and in some cases Weber Monocouche render (colour chalk). Roof tiles would be either Russells Highland Slate Grey or Russells Highland Peat Brown. These materials have been checked and are considered suitable and in keeping with the character of the area, wherein can be found a wide palette of materials.

- 4.3.12 In respect to the issues raised by the Landscaping team Officers would comment that although a previous scheme has been found acceptable this does not prevent an alternative scheme under a separate application from being equally acceptable. Ultimately each case should be judged on its own merits.
- 4.3.13 The general requirements for public open space/ amenity greenspace and green infrastructure and formal areas of play is set out in the Developer Contributions and Housing Choices Supplementary Planning Document (July 2015). It is in the nature of guidance and should not be used as a set of rigid regulations.
- 4.3.14 The Developer Contributions and Housing Choices Supplementary Planning Document states
- ‘...all development schemes will still need to consider their sustainable design in terms of accommodating and maintaining in-site green infrastructure to create attractive environments (i.e quality landscaping schemes) which will typically be secured via development design and/ planning obligations. Schemes should have regard to the standards within Appendix 2 and design guidance set out in the forthcoming Design SPD.
- 4.3.15 Appendix 2 referred to as Open Space Standards sets out ‘standards’ in respect of ‘green corridors’, provision for young people’, ‘amenity green space’ and ‘allotments’. It does not refer to the provision of ‘usable public open space’ and does not require specific provision for young people on sites under 100 dwellings.
- 4.3.16 In this context the amount of amenity green space provided by the proposal is considered acceptable and complements the proposed footpath along the northern side of the site.
- 4.3.17 In the respect to the location of the amenity green space, it is noted that this abuts Burntwood Road where it would help retain the current open green aspect that the site currently has. The site is also located in a position where it would be accessible not only for the proposed new community but also for the existing community. In addition it would be well-overlooked so benefiting from natural surveillance.
- 4.3.18 In respect to the 8m buffer which was included in the previous scheme it is noted that this is somewhat extensive. Nevertheless the area within 8m of the watercourse would remain without buildings with only footpaths and the ends of roads being within it. This being the case it is considered that sufficient specie would be retained along the water course to ensure that access can be gained to it for the purposes of maintenance and management.
- 4.3.19 The other issues raised in respect of planting specifications, details of the proposed levels and the details of sewers and services can all be controlled via condition.
- 4.3.20 In respect to issues raised in respect to impacts on existing trees the applicant has submitted amended drawings. Members will be updated on any response from the Landscape team on this matter.

4.3.21 Given the above and subject to no new significant issues raised by the Landscape Team its is considered that the proposed development would be well-related to existing buildings and their surroundings in terms of layout, density, access, scale appearance, landscaping and materials; and would 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. As such the proposal, subject to the attached conditions would be in accordance with Policy CP3 of the Local Plan and paragraph 127 of the NPPF.

#### 4.4. Impact on Residential Amenity

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

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

4.4.3 In general the Design SPD sets out guidance for space about dwellings, stating that for normal two storey to two storey relationships there should be a minimum distance of 21.3m between principal elevations (front to front and rear to rear) and 12m between principal elevations and side elevations. Furthermore, the Design SPD sets out minimum rear garden areas, recommending 40-44sqm for 1 or 2 bed dwellings, 65sqm for 3 bed dwellings and 80sqm for 4 bed dwellings.

4.4.4 However, it should always be taken into account that these distances are in the nature of guidance and are not regulations. When applying such guidance consideration should be given to the angle of views, off-sets and changes in levels.

4.4.5 Officers can confirm that in general the proposal meets the guidance set out within the Design guide for space about dwellings.

4.4.6 Furthermore, officers can confirm that although the comments of the objectors are noted, the dwellings along the southern boundary are predominantly bungalows (with the exception of Plot 10). The relationship between the proposed and the existing bungalows would still meet the guidance set out above and therefore are acceptable. Furthermore, the roofs of several of the larger bungalows have been altered from gable to hipped roof designs to reduce their overall mass.

4.4.7 Given the above it is considered that a high standard of residential amenity would be achieved for all existing and future occupiers of the development and the neighbouring properties and the proposal is considered acceptable in respect to the requirements of Policy CP3 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 adding at paragraph 110: -

Within this context, applications for development should:

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

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

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

4.5.3 Officers note that there is an extant outline planning permission (ref CH/13/0020) on this site for 65 dwellings. As such the current proposal for 70 dwellings is only a marginal increase over and above that which has already been permitted. This permission included the means of access and the current proposal includes a means of access very similar to the one already permitted.

4.5.4 Although the issues raised by the Highway Authority are noted it is considered that these relate only to matters of detail. The applicant has submitted additional information in order to address these concerns and the Highway Authority has been re-consulted. Members will be updated on the day of Planning Committee.

4.5.5 Provided no objections have been received from the Highway Authority it is considered that the proposal would not have an unacceptable impact on highway safety and that the residual cumulative impacts on the road network would not be severe. As such the proposal would be in accordance with Paragraph 109 of the NPPF.



## 4.6 Impact on Nature Conservation Interests

4.6.1 The site is comprised of semi-natural habitats including grassland, emergent heathland, scrub, flowing water and relic hedgerows and hence has some ecological value. Policy and guidance in respect to development and nature conservation is provided by Policy CP12 of the Local Plan and paragraphs 170, 174, 177, 179 of the NPPF.

4.6.2 Policy CP12 of the Local Plan states that the District's biodiversity and geodiversity assets will be protected, conserved and enhanced via

'the safeguarding from damaging development of ecological and geological sites, priority habitats and species and areas of importance for enhancing biodiversity, including appropriate buffer zones, according to their international, national and local status. Development will not be permitted where significant harm from development cannot be avoided, adequately mitigated or compensated for;

support for the protection, conservation and enhancement of existing green infrastructure to facilitate robust wildlife habitats and corridors at a local and regional scale (particularly to complement Policy CP16);

supporting and promoting initiatives for the restoration and creation of priority habitats and recovery of priority species and the provision of new spaces and networks to extend existing green infrastructure;

supporting development proposals that assist the delivery of national, regional and local Biodiversity and geodiversity Action plan (LBAP/GAP) targets by the appropriate [protection, incorporation and management of natural features and priority species;

the promotion of effective stewardship and management across the district to contribute to ecological and geological enhancements.

4.6.4 Paragraph 170 of the NPPF states [amongst other things] that

'Planning policies and decisions should contribute to and enhance the natural and local environment by:

- a) protecting and enhancing valued landscapes, sites of biodiversity or geological value and soils (in a manner commensurate with their statutory status or identified quality in the development plan); [and]
- d) minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures;'

4.6.5 Paragraph 174 goes on to state

When determining planning applications, local planning authorities should apply the following principles:

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

4.6.6 In order to inform the application the applicant has submitted a

- (i) A preliminary Bat roost Assessment
- (ii) Reptile Survey
- (iii) Reptile Mitigation Report
- (iv) Great Crested Newt Suitability Index assessment
- (v) Badger Survey

4.6.7 Despite the site being comprised of semi-natural habitats it is not designated formally or informally as a site of nature conservation importance.

### Bats

4.6.8 All species of native British bat are European protected species are protected under the Habitats Regulations 2017 and the Wildlife and Countryside Act 2017. It is an offence to deliberately capture, injure or kill a bat, disturb bats or damage or destroy a bat roost (breeding site or resting place).

4.6.9 In order to inform the application the applicant has submitted a Preliminary Bat Roost Report which concludes that the few buildings on site had negligible potential for roosting bats, the common alder and poplar trees on the site have low potential to support roosting bats and the remaining trees also had negligible potential for roosting bats. Given the nature of the buildings and trees on site this conclusion is accepted. Therefore on the basis of the evidence the

proposal would not result in disturbance, mortality to any bat or damage to a bat roost.

- 4.6.9 Notwithstanding the above it is noted that bats are highly mobile and can quickly colonise a site. As such the Bat Report recommends that any demolition should take place within 12 months of the date of the Report (that is by September 2019) carried felling or demolition is undertaken subject to supervision by an ecologist. In addition the Report recommends that external lighting is controlled and that the value of the site for bats is improved through sensitive planting and the provision of bat boxes. These recommendations are considered to be proportionate and can be controlled through the use of suitably worded conditions.

#### Great Crested Newts

- 4.6.10 Like bats, the Great Crested Newt, is a European protected species and similar provisions apply to its protection. Although there are no ponds on the application site there are several ponds within 500m of the site and therefore there is potential for Great Crested Newt to be on site.

- 4.6.11 In order to inform the application the applicant has submitted a Great Crested Newt Habitat Suitability Index Assessment. The Habitat Suitability Index (HSI) for the great crested newt was developed by Oldham et al. (2000). An HSI is a numerical index, between 0 and 1. 0 indicates unsuitable habitat, 1 represents optimal habitat. The HSI for the great crested newt incorporates ten suitability indices, all of which are factors thought to affect great crested newts. The HSI for great crested newts is a measure of habitat suitability. It is not a substitute for newt surveys. In general, ponds with high HSI scores are more likely to support great crested newts than those with low scores.

- 4.6.12 The submitted report states: -

- (i) An ecological desk study exercise identified no records of great crested newt within a 1 km radius of the site; and
- (ii) Reference to Ordnance Survey mapped data indicated the potential presence of up to eight ponds within a 500 m radius of the site, none of which fall within the site boundaries; and
- (iii) The Great Crested Newt Habitat Suitability Index (HSI) Assessment was carried out on 7th August 2018. This assessment identified that 4 Ponds as being of 'Poor' suitability to support great crested newts and a fifth pond as being 'Below Average' suitability to support great crested newts. Ponds further 3 ponds were not subject to assessment but were considered to be unsuitable to support great crested newts for a variety of factors and were also separated from the proposed development area by the presence of impermeable barriers such as residential development; and

concluded that that the proposed development of the Burntwood Road site in Norton Canes is unlikely to detrimentally impact great crested newts.

- 4.6.13 Notwithstanding the above a number of precautionary recommendations have been set out in the report including that in the unlikely occurrence that a great crested newt be encountered during site works all works must cease and a suitably qualified ecologist/local authority be contacted to determine a suitable way forward and that the conclusions in the report are only valid for up to 2/ 4 years.
- 4.6.14 The conclusions of the report are considered to be reasonable and it is concluded that the proposal would not have any impact on great crested newts. Furthermore the recommendations are considered to be proportionate to the situation and can be controlled via condition.

#### Badgers

- 4.6.15 Badgers and their setts are protected under the Protection of Badgers Act 1992. The Protection of Badgers Act 1992 is based primarily on the need to protect badgers from baiting and deliberate harm or injury, badgers are not protected for conservation reasons.
- 4.6.17 Due to the sensitivity surrounding this often persecuted species no detailed analysis of the situation in respect to this species will be outlined in this report. Nevertheless the submitted report notes activity in the general area and outlines a number of measures to protect this species. These measures are considered proportionate and necessary and can be controlled via condition/ informative attached to any permission granted.

#### Common Lizard

- 4.6.18 All of the UK's native reptiles are protected by law. The two rarest species – sand lizard *Lacerta agilis* and smooth snake *Coronella austriaca* – benefit from the greatest protection. Common lizard *Zootoca vivipara*, slow-worm *Anguis fragilis*, adder *Vipera berus* and grass snake *Natrix natrix* are protected under the Wildlife and Countryside Act 1981 (as amended) from intentional killing or injuring.
- 4.6.19 Surveys of reptiles on the site has found that “small population” of common lizard is present. As such the applicant is proposing to provide a lizard receptor/reptile protection area, measuring some 3360m<sup>2</sup> to provide permanent habitat for this species in the north east corner of the site. This is accompanied by a strategy for the capture of lizards before development commences.
- 4.6.20 Objections have been received from the Landscape Team on the basis that the reptile protection area has been reduced in area from that approved on the previous outline approval under planning permission CH/13/0020. However, the Landscape Team have not provided any evidence to support their assertion that the reduction is unacceptable.
- 4.6.21 In response to the comments made by the Landscape Team the applicant has stated: -

“A Reptile Survey has been submitted (ref. RT-MME-128831-04, dated September 2018). The survey undertaken on site identified “a small

population of common lizard” during the field surveys. The report notes that such as the small size of the population the site is “not a Key Reptile Site”.

The Wildlife & Countryside Act 1981 protects reptiles from harm and ensures that sufficient quality, quantity and connectivity of habitat is provided to accommodate the reptile population.

Whilst it is true the area of the proposed reptile area has reduced; it remains of a substantial size sufficient to accommodate the small population of reptiles surveyed. The reptile area remains in the same location as previously agreed and connectivity to the adjacent Mineral Line is maintained.

There is no formula that prescribes the size of the habitat. The LPA have presented no evidence to show that the size of the proposed habitat will cause harm to the reptile population.

It is therefore submitted that the proposed size and location of the reptile area meets the requirements of the Wildlife & Countryside Act and no harm to the small population of common lizards will ensue.”

4.6.22 Officers can confirm that there is no formula for determining the exact area of habitat for the common lizard. Populations are more dependant on quality and structure of habitat and small populations can be found utilising very small sites.

4.1.23 Given the above it is considered on the available evidence that the 3360m<sup>2</sup> of reptile protection area is adequate for its intended purpose.

### Birds

4.6.24 Given that the site is comprised of semi-natural habitats it is likely that there will be a variety of birds typical of woodland and scrub breeding on site. All native species of British birds are protected under the Wildlife and Countryside Act. It is an offence to disturb any breeding bird when it is on the nest or to take, damage or destroy and nest or egg. Nevertheless it is also noted that the site benefits from an extant planning permission for development of up to 65 dwellings. In this instance it is considered that the most appropriate response is to attach an informative to any permission granted brining the provisions of the Wildlife and countryside Act to the attention of the developers and informing that no vegetation clearance should take place inside the bird breeding season unless it has been confirmed that birds are not breeding in the affected area.

4.6.25 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.

4.6.26 Therefore subject to the attached conditions and informative sit is considered that the proposal is acceptable in respect of the requirement of Policy CP12 of the Local Plan and paragraphs 170, 174, 177, 179 of the NPPF.

#### 4.7 Drainage and Flood Risk

4.7.1 The site is located in Flood Zone 1 on the Environment Agency's Flood Zone Maps, and therefore is in the zone at least threat from flooding. Notwithstanding the Flood Zone in which the application site sits it is noted that an un-named ordinary watercourse runs along the northern boundary of the site which could potentially pose a risk of flooding to the proposed development.

4.7.2 In this respect it is noted that paragraph 155 of the NPPF states 'inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk (whether existing or future)' adding 'where development is necessary in such areas, the development should be made safe for its lifetime without increasing flood risk elsewhere'.

4.7.3 In addition to the above it is paragraph 165 of the NPPF states 'Major developments should incorporate sustainable drainage systems unless there is clear evidence that this would be inappropriate. The systems used should:

- a) take account of advice from the lead local flood authority;
- b) have appropriate proposed minimum operational standards;
- c) have maintenance arrangements in place to ensure an acceptable standard of operation for the lifetime of the development; and
- d) where possible, provide multifunctional benefits.

4.7.4 In this respect it is noted that the applicant has submitted a Drainage Assessment, and Flood Risk Assessment and in response to comments made by the Local Lead flood Authority an addendum to the Flood Risk Assessment.

4.7.5 The Drainage Assessment notes: -

- (i) Some areas of the site are potentially at risk of flooding from surface water.
- (ii) These areas are associated with localised low spots on the site.
- (iii) As part of the proposed development the levels on the site will be re-graded and a positive surface water drainage network installed to intercept and convey the surface water from the site.
- (iv) Soakaway testing precluded the use of soakaways as an effective form of surface water drainage.

4.7.6 In addition the Drainage Assessment proposes that

- (i) The finished floor levels of the houses above the existing ground level. Further to this it is proposed to set the finished floor levels 150mm above the proposed surrounding external levels.
- (ii) The surface water flows from the site will discharge to the ordinary watercourse to the north east of the site. This watercourse runs along the north eastern boundary of the site before passing under

Burntwood Road and discharging to Jeffrey's Swag to the east of the site.

- (iii) The discharge rate from the site shall be restricted to the greenfield run-off rate.
- (iv) It is proposed to construct an adoptable surface water drainage network that will convey flows to an attenuation pond in the east of the site. A vortex flow control will be situated at the outfall of the pond to restrict the discharge rate to the watercourse. The surface water from the areas of hardstanding on the site shall be intercepted by gullies and drainage channels before being conveyed to the adoptable drainage network by a private piped network.
- (v) The foul water from the development will drain to the existing Severn Trent Water 225mm diameter combined sewer in Burntwood Road.

4.7.7 Severn Trent Water Authority and the Lead Local Flood Authority have confirmed that they have no objections to the proposals subject to conditions for the submission of drainage plans and details.

4.7.8 Therefore it is considered that the proposal, subject to the attached conditions would be acceptable in respect to drainage and flood risk.

#### 4.8 Education

4.8.1 Policy CP2 states that all housing development will be required to contribute towards providing the infrastructure necessary for delivery of the Local Plan informed by viability assessment. It goes on to state that contributions will be secured primarily via (i) rates set out in a community Infrastructure Levy (CIL) charging schedule and (ii) Section 106 planning obligations.

4.8.2 In addition to the above paragraph 94 of the NPPF states: -

"It is important that a sufficient choice of school places is available to meet the needs of existing and new communities. Local Planning authorities should take a proactive, positive and collaborative approach to meeting this requirement, and to development that will widen choice in education. They should:

- (a) give great weight to the need to create, expand or alter schools through the preparation of plans and decisions on applications; and
- (b) work with school promoters, delivery partners and statutory bodies to identify and resolve key planning issues before application are submitted.'

4.8.3 In this respect it is noted that the development falls within the catchments of Norton Canes Primary Academy and Norton Canes High School. The Education Authority (EA) has advised that excluding the 2 apartments and excluding the 9 RSL dwellings from secondary only, a development of 68 houses including 9 RSLs could add 14 Primary school aged pupils and 9 Secondary school aged

pupils. However the EA has also advised that Norton Canes High School is projected to have sufficient space to accommodate the likely demand from pupils generated by the development and therefore the EA is only requesting a contribution towards Primary School provision only of £154,434.00.

4.8.4 Therefore subject to a section 106 agreement for the above sum it is considered that the proposal is acceptable in respect to the provision of education.

#### 4.9 Air Quality

4.9.1 The proposal by its very nature together with the traffic that it would generate has the potential to impact on air quality. In this respect it should be noted that Paragraph 181 of the NPPF states

'Planning policies and decisions should sustain and contribute towards compliance with relevant limit values or national objectives for pollutants, taking into account the presence of Air Quality Management Areas and Clean Air Zones, and the cumulative impacts from individual sites in local areas. Opportunities to improve air quality or mitigate impacts should be identified, such as through traffic and travel management, and green infrastructure provision and enhancement. So far as possible these opportunities should be considered at the plan-making stage, to ensure a strategic approach and limit the need for issues to be reconsidered when determining individual applications. Planning decisions should ensure that any new development in Air Quality Management Areas and Clean Air Zones is consistent with the local air quality action plan.'

4.9.2 In order to inform the application the applicant has submitted an Air Quality Assessment. This looks at existing and predicted traffic flows and effects at key receptor sites during the operational phase in addition to impacts arising from the construction phase. The impact arising from the operational phase has been costed at £41,385.00 spread over a five year period. The Air Quality Assessment states that this sum would be put towards providing a new footpath and cycle way along the north-eastern side of the site linking Burntwood Road to the footway along the cycle track. The applicant has agreed that this cycle track would be constructed from tarmac and to a sum of money to enable off-site works to connect the path to that running along the mineral line. In addition the cost will also be used to provide the installation of electric vehicle charging points at every residential unit.

4.9.3 The Environmental Health has confirmed that the above are acceptable air quality mitigation measures and notes that the report also recommends dust management mitigation measures for the construction phase of the development, including earthworks and trackout and recommends that these measures are incorporated as part of Construction Method Statement for this development.

4.19.4 Therefore subject to the attached conditions and section 106 agreement it is considered that the proposal would be acceptable in respect of air quality and meet the requirements of Paragraph 181 of the NPPF.

#### 4.10 Mineral Safeguarding



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

4.10.2 Policy 3.2 of the new Minerals Local Plan states that:

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

- a) the existence, the quantity, the quality and the value of the underlying or adjacent mineral resource; and
- b) that proposals for non-mineral development in the vicinity of permitted mineral sites or mineral site allocations would not unduly restrict the mineral operations.

4.10.3 In this particular case, however, the principle of development has already been determined by the earlier application, and the site is bounded on 3 sides by residential development, with a secondary school defining the fourth side. It is, therefore, unlikely that the prior extraction of any underlying mineral would be practicable or environmentally acceptable.

4.10.4 The above being the case the County Minerals Planning has no objection to the planning application.

4.10.5 Therefore the proposal is considered acceptable in respect to mineral safeguarding.

#### 4.11 Crime and the Fear of Crime

4.11.1 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'.

4.11.2 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.

4.11.3 In this respect the comments of the Police Service are noted and it is considered that the proposal is acceptable in respect to its design and its impact on crime prevention.

#### 4.12 Waste and Recycling Facilities

4.12.1 Policy CP16(1) (e) 'Climate Change and Sustainable Resource Use' of the Cannock Chase Local Plan states that development should contribute to national and local waste reduction and recycling targets according to the waste

hierarchy'. One of the ways of achieving this is by ensuring development can be adequately serviced by waste collection services and that appropriate facilities are incorporated for bin collection points (where required).

4.12.2 The Waste and Recycling Team have confirmed that the bin storage points shown appear to be positioned in acceptable locations for access and of a sufficient size to match the Council's collection regime and frequency.

4.12.2 As such the proposal is considered acceptable in respect to the requirements of Policy CP16(1) (e) of the Cannock Chase Local Plan

#### 4.13.2 Ground Conditions and Contamination

4.13.1 The site is located in a general area in which coal mining has been a significant factor and therefore there are potential issues in respect to land stability.

4.13.2 In this respect paragraph 170 of the NPPF states: -

“Planning policies and decisions should contribute to and enhance the natural and local environment by [amongst other things]:

- e) preventing new and existing development from contributing to, being put at unacceptable risk from, or being adversely affected by, unacceptable levels of soil, air, water or noise pollution or land instability. Development should, wherever possible, help to improve local environmental conditions such as air and water quality, taking into account relevant information such as river basin management plans; and
- f) remediating and mitigating despoiled, degraded, derelict, contaminated and unstable land, where appropriate.

4.13.3 In addition to the above paragraph 178 of the NPPF states: -

Planning policies and decisions should ensure that:

- a) a site is suitable for its proposed use taking account of ground conditions and any risks arising from land instability and contamination. This includes risks arising from natural hazards or former activities such as mining, and any proposals for mitigation including land remediation (as well as potential impacts on the natural environment arising from that remediation);
- b) after remediation, as a minimum, land should not be capable of being determined as contaminated land under Part IIA of the Environmental Protection Act 1990; and
- c) adequate site investigation information, prepared by a competent person, is available to inform these assessments.

- 4.13.4 Finally paragraph 179 of the NPPF makes it clear that where 'a site is affected by contamination or land stability issues, responsibility for securing a safe development rests with the developer and/or landowner'.
- 4.13.5 In order to inform the decision the applicant has submitted a Geo-Environmental Assessment prepared by Georisk Management, dated October 2018 which has identified that the application site has been subject to past coal mining activity. The assessment also reports on a programme of intrusive investigations was necessary to determine any evidence of possible underground coal mining at shallow depth beneath the application site.
- 4.13.6 The Coal Authority has stated that the intrusive investigations included 5 no. rotary boreholes to investigate unrecorded shallow coal workings; the majority of these found intact coal with no evidence of workings and that further, drilling and grouting tests indicated that it was unlikely for there to be future ground movement associated with shallow mine workings beneath the application site. Furthermore the findings from intrusive site investigations concluded foundation design for the proposed development do not require precautions associated with coal mining legacy.
- 4.13.7 The Coal Authority concurs with the conclusions and recommendations of the Geoenvironmental Assessment and is satisfied with the broad conclusions, informed by the site investigation works; that coal mining legacy issues are not significant within the application site and do not pose a risk to the proposed development. Accordingly, The Coal Authority does not object to the proposed development and no specific mitigation measures are required as part of this development proposal to address coal mining legacy issues.
- 4.13.8 The comments of the Coal Authority are accepted.
- 4.13.9 The Environment Agency has considered the Geoenvironmental Assessment solely in relation to the protection of 'Controlled Waters'. The Environment Agency has noted that
- (i) the site is located on solid geology of the Pennine Middle Coal Measures, which is designated a Secondary A Aquifer by the Environment Agency. Superficial Devensian Till and Glaciofluvial deposits are also indicated in the Western and Eastern parts of the site respectively. These are designated as a 'Secondary Aquifer, Undifferentiated'.
  - (ii) An unnamed watercourse bounds the north-eastern site boundary, this watercourse flows south east towards Chasewater Reservoir approximately 400m to the south east of the site.
  - (iii) The site history is largely undeveloped with some residential builds.
- 4.13.10 The Environment Agency has stated that the results of soil samples taken did not show any exceedances which would require further risk assessment in terms of risks to controlled waters and in light of this, the EA agrees with the conclusions of the report that no further risk assessment or remedial options need to be considered and as such have no further comments to make.

4.13.11 The comments of the Environment Agency are accepted.

4.13.12 Therefore given the above it is considered that the proposal is acceptable in respect to the requirements of paragraphs 170 and 178 and of the NPPF.

#### 4.14 Affordable Housing

4.14.1 Under Policy CP2 the proposal would be required to provide a contribution towards affordable housing.

4.14.2 The proposed development is for 70 units with a 20% affordable housing provision of 14 units which is policy compliant. The affordable housing mix is identified as:

- 2 x 1 bedroom maisonettes
- 8 x 2 bedroom houses
- 3 x 3 bedroom houses
- 1 x 4 bedroom houses

4.14.3 The Strategic Housing Officer has confirmed that this mix is acceptable as it offers a broad range of property types to meet the needs of the District. 80% are proposed for rented accommodation and 20% shared ownership.

## 5 Human Rights Act 1998 and Equalities Act 2010

### ***Human Rights Act 1998***

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

### ***Equalities Act 2010***

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

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

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

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

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

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

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

## 6 Conclusion

- 6.1 Full planning permission is sought for 70 dwellings.
- 6.2 The site lies within an unallocated and undesignated area with outline planning permission for 65 dwellings within the village of Norton Canes Green Belt. As such the site is located within a highly sustainable location with excellent access to local schools and the commercial heart of the village.
- 6.3 In respect to issues such as impacts on the character and form of the area, the standard of residential amenity, ecology, crime and crime prevention, mineral safe guarding and land stability the proposal is considered to be acceptable. However, several technical issues remain to be resolved in respect to highways and drainage matters. Amended/ additional plans have been submitted to address these issues and members will be updated on the day of Planning Committee.
- 6.4 Therefore subject to no objections being received from the Highway Authority (HA) it is recommended that the application is **Approved** subject to the attached conditions (and any additional conditions recommended by the HA) and the completion of a Section 106 agreement.