

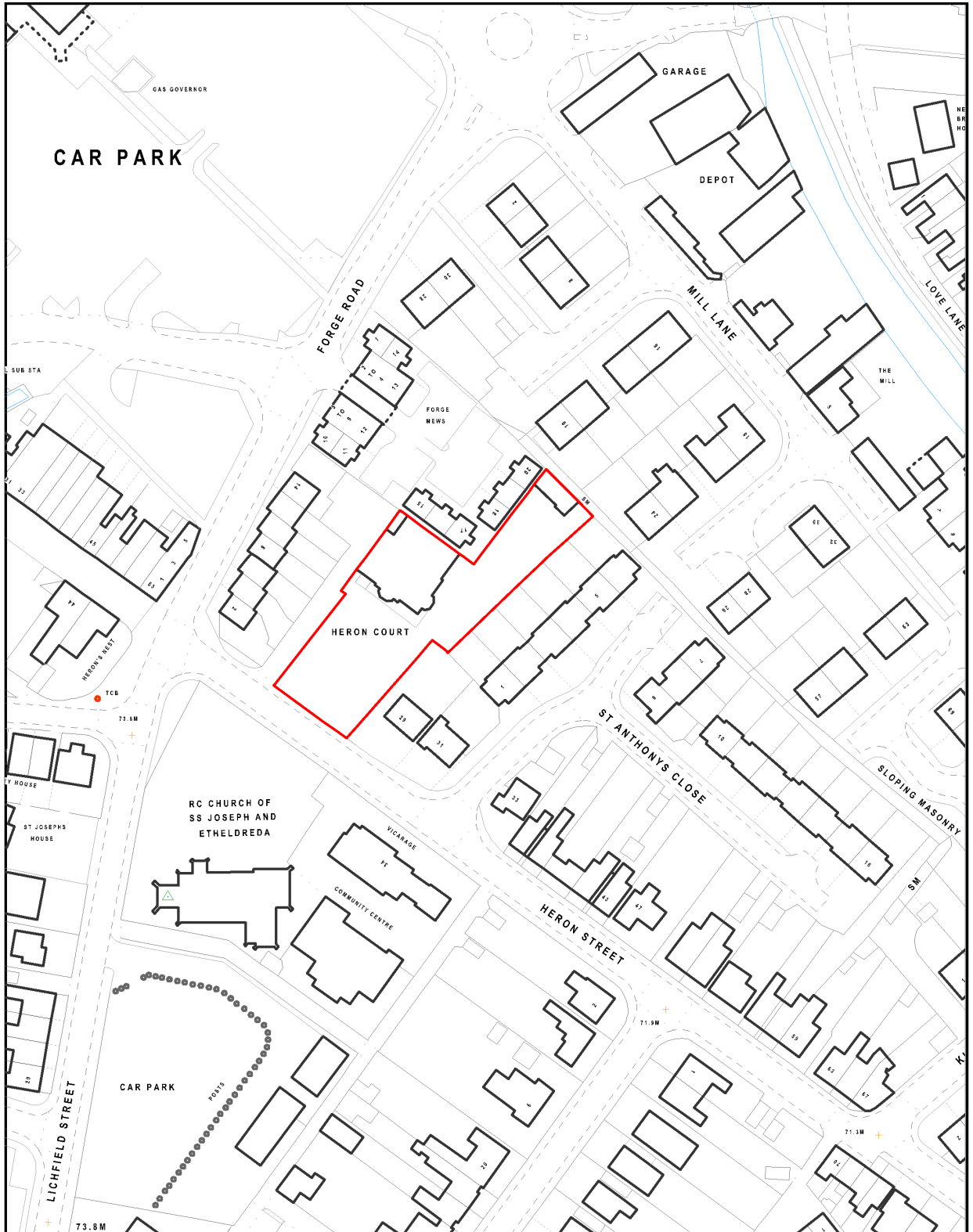


Application No: CH/15/0416

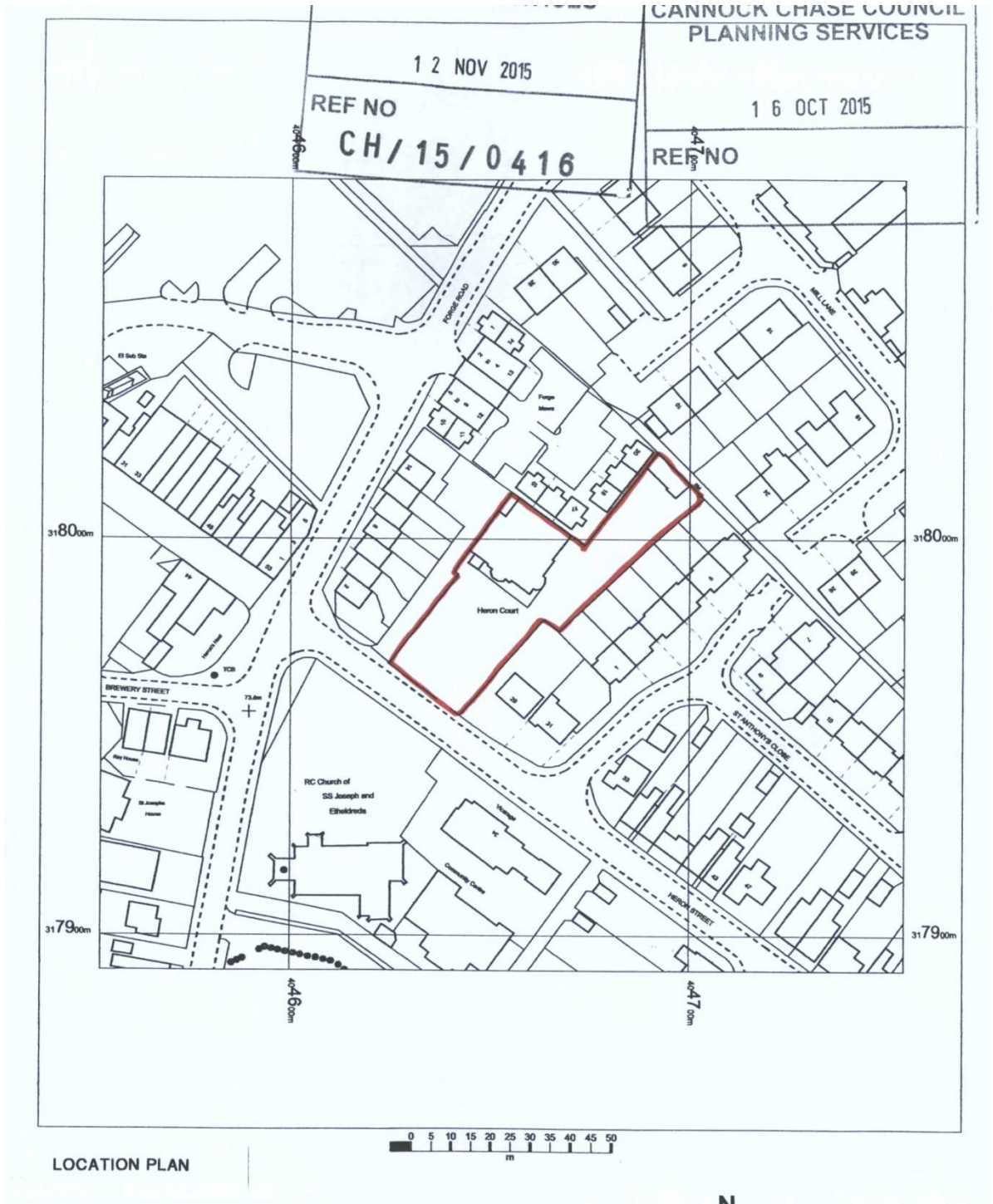
Location: Heron Court, Heron Street, Rugeley, WS152DZ

Proposal: Residential development comprising 2 storey block of 8 no 1 bed flats and one pair of semi-detached houses

Item No. 6.1



Location Plan



LOCATION PLAN

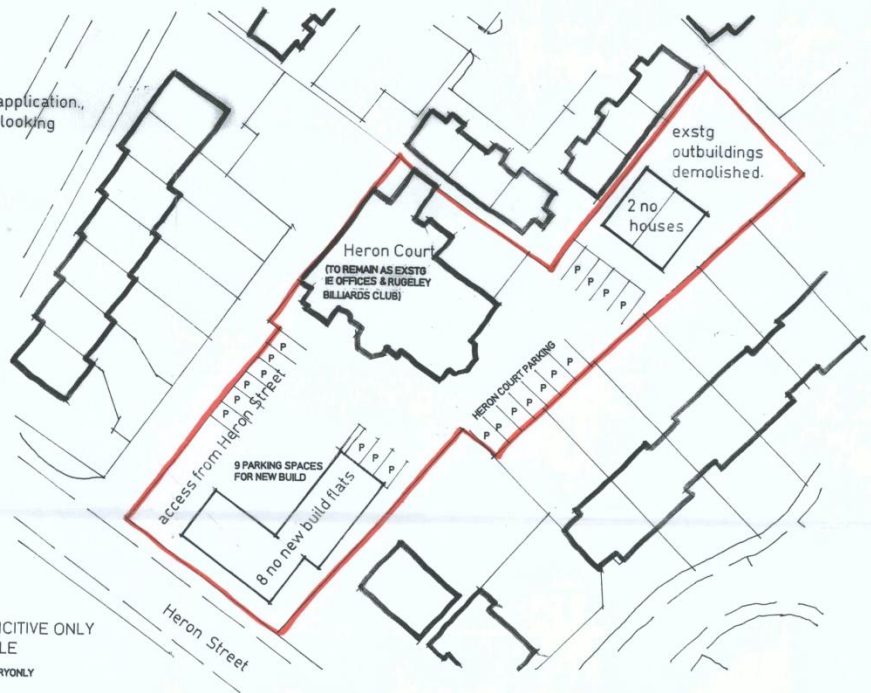
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Indicative Site Plan

NEW RESIDENTIAL DEVELOPMENT.,
HERON COURT, HERON STREET, RUGELEY, STAFFS.,
RUGELEY BILLIARDS CLUB.,
NOVEMBER 2017., 1265/1A.,



PLEASE NOTE:-
newbuild two storey detailed design subject to further planning application.,
windows arranged to avoid loss of privacy, overbearing and overlooking
of neighbouring properties.,
design sympathetic to historic buildings.,
access design to meet County Highways requirements.,
residential use of site in keeping with surrounding area.,
appropriate bat and bird surveys will be required in conjunction
with detailed design in accordance with wildlife legislation.,
siting of new build to retain views of historic building.,



DAVID YARNALL, MCIAT.,
ARCHITECTURAL SERVICES.,
Heather Bank, Huntsman's Hill,
Upper Longdon, Staffs WS15 1QE
Telephone 01543 491205.,
07854 143976.,
david@archservs.co.uk

THIS LAYOUT IS INDICATIVE ONLY
AND IS NOT TO SCALE

NB: ALL CAR PARKING IS ADVISORY ONLY

Application No: CH/15/0416

Received: 12-Nov-2015

Location: Heron Court, Heron Street, Rugeley, WS152DZ

Parish: Rugeley

Ward: Western Springs Ward

Description: Outline Application: Residential development comprising 2 storey block of 8 no 1 bed flats and one pair of semi-detached houses and Means of Access (All other Matters Reserved)

Recommendation:

- (i) Approve subject to the attached conditions and the completion of a section 106 Agreement to secure a commuted sum for off-site affordable housing.

Reason for Granting 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.

Reason for Committee Decision: The application has previously been subject to a resolve to grant by Planning Control Committee.

Conditions

1. In the case of any reserved matters, application for approval must be made not later than the expiration of three years beginning with the date on which this permission is granted; and

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

Reason

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

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

Reason

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

Highways

3. No development hereby approved shall take place, until a Construction Method and Construction Vehicle Management Plan Statement has been submitted to, and

approved in writing by, the Local Planning Authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall:

- i. provide for the parking of vehicles of site operatives and visitors;
- ii. provide for the loading and unloading of plant and materials;
- iii. provide for the storage of plant and materials used in constructing the development;
- iv. details of measures to avoid/ remove mud or debris carried onto the highway
- v. specify the intended hours of construction and ancillary operations and deliveries to the site;
- vi. measures to control the emission of dust and dirt during construction
- vii. specify method of piling, should piling be undertaken
- viii. recorded daily inspections of the highway adjacent to the site access
- ix. construction hours; and

Reason

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

4. Notwithstanding any details shown on the approved plans the development hereby approved shall not be occupied until access details indicating the following have been submitted to and approved in writing by the Local Planning Authority: -
 - i. A scaled and measurable drawing showing one point of access to the site from Heron Street. The access shall be a minimum of 4.2 metres in width, which shall be surfaced and thereafter maintained in a bound and porous material for the first 6 metres into the site from the highway boundary. If the access is bounded immediately on one side by a wall, fence or other structure, an additional 0.6 metres strip will be required on that side making a minimum of 4.8 metres. If it is bounded on both sides an additional 0.6 metres will be required on both sides making a minimum width of 5.4 metres.
 - ii. A scaled and measurable drawing showing a visibility splay taken 2.0 metres rear of the carriageway edge and showing 25 metres towards the junction with Lichfield Street and 43 metres towards the junction with St Anthony's Close. The visibility splay shall thereafter be kept of all obstructions to visibility over a height of 600mm above the adjacent footway level.

The access shall thereafter be carried out in accordance with the approved scheme and be completed prior to first occupation and shall thereafter be retained as such for the lifetime of the development.

Reason:

In the interest of highway safety and in accordance with Paragraph 109 of the National Planning Policy Framework.

6. The new access shall remain permanently ungated.

Reason:

In the interest of highway safety and in accordance with Paragraph 109 of the National Planning Policy Framework.

7. No dwelling hereby approved shall be occupied until a scheme for the disposal of foul and surface water has been submitted to and approved in writing by the Local Planning Authority and the works comprising the approved scheme has been implemented in full.

Reason:

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

8. The development hereby permitted shall be carried out in accordance with the following approved plans and documents in so much as they relate to the red line boundary and the position of the means of access:

1265/1A

Reason:

For the avoidance of doubt as to what is hereby approved.

Notes to the Developer

- i. The conditions requiring off-site highway works shall require a Highway Works Agreement with Staffordshire County Council. The applicant is requested to contact Staffordshire County Council in order to secure the Agreement. The link below is to the Highway Works Information Pack including an application form. Please complete and send to the address indicated on the application form or email to (nmu@staffordshire.gov.uk). The applicant is advised to begin this process well in advance of any works taking place in order to meet any potential timescales. <https://www.staffordshire.gov.uk/transport/staffshighways/highwayscontrol/HighwaysWorkAgreements.aspx>
- ii. Any off-site works within the adopted highway will require a Highway Works Agreement with Staffordshire County Council and the applicant is therefore requested to contact the Council in respect of securing the agreement. Follow the link www.staffordshire.gov.uk/developers for Highway Agreements, a flowchart to identify the relevant agreement, information packs and application forms for the Highway Works.
- iii. Any soakaway should be located a minimum of 4.5m rear of the highway boundary. With reference to the provision of cycle storage at residential dwellings, if it is proposed to include this in garage space then the garage will need to have minimum internal dimensions of 6.0 x 3.0m in order to be considered appropriate for the storage of a bicycle and motor car.
- iv. The developer's attention is drawn to the comments made by Staffordshire Police in respect to the desirability of achieving secured by design accreditation and

incorporating measures at the reserved matters stage to reduce crime and the fear of crime.

- v. The developer's attention is drawn to the comments made by Staffordshire Fire and Rescue Service, particularly in respect to appropriate supplies of water for fire fighting in accordance with Approved Document B Volume 1 and the desirability of fitting sprinklers.
- vii. Cannock Chase District Council Waste and engineering Services have advised that the Council does not allow refuse collection vehicles to travel on private roads/property in order to access waste containers. All waste collection points must therefore be positioned 10m from an adopted metalled highway and at the same level. Building regulations require waste storage points to be sited within 30metres of the dwelling they are designed to serve. Where residents are expected to move bins, the building regulations state that the distance from the dwelling/ bin storage point to the bin collection point should not exceed 25m.

Communal bin stores must be designed to be of a suitable size and quality to accommodate the number of bins required from the development and allow for good access, security and environmental screening.

Communal storage bins should be positioned so as to allow unobstructed access (free from parked cars etc) and have a safe working area of 3.5m and 4m length with no change in level.

EXTERNAL CONSULTATIONS

Rugeley Town Council

The heights of the flats would be too dominant in the street. Neighbouring residential properties were only 2 stories high. Heron Court itself is such a statement building of great visual importance in the conservation area that the flats in front of it would block it from view and be detrimental to the visual amenity of this part of Rugeley.

Staffordshire County Council Highways

Response 3 September 2018

There is insufficient information for the Highway Authority to determine an outcome to the application for the following reason: -

"The applicant has failed to provide scale drawings which demonstrate that the development can provide a safe point of access".

Reason:

Contrary to the objectives and policies contained within the NPPF, para 109.

Response dated 21 April 2016

No objections subject to conditions.

Staffordshire Police

Makes reference to section 17 of the Crime and Disorder Act 1998, paragraph 58 and 69 of the NPPF, Policy CP3 of the Local Plan and the Human Rights Act Article and Protocol 1, Safer Places: The Planning System and Crime Prevention and recommends that the proposal attains Police Secured By Design accreditation. The response goes to make detailed recommendations in respect of designing out crime such as specification for doors and windows, the design of communal entrances and intruder alarms. [Members are advised that as the response was received on 20-11-15 and therefore before the revision of the NPPF in 2018 the reference to specific paragraphs is now out of date.]

School Organisation

The development falls within the catchments of Chancel Primary School and Hagley Park Academy. The development is scheduled to provide 21 dwellings of which 19 are apartments*. The resulting 2 houses would not be expected to generate sufficient pupils to request an education contribution. Therefore, no education contribution will be requested.

[*Members are advised that since this comment was received the application has been amended to eliminate the apartments within the existing building and hence the numbers of dwellings has been recued in total].

Staffordshire County Council Archaeologist

No comments received.

INTERNAL CONSULTATIONS

Waste and Engineering

Cannock Chase does not allow its refuse collection vehicles to travel on private roads/property in order to access waste containers.

All waste collection points must therefore be positioned within 10m of an adopted metalled highway and at the same level.

Building regulations require waste storage points to be sited within 30metres of the dwelling they are designed to serve.

Where residents are expected to move bins, the Building Regulations state the distance from the dwelling/ bin storage point to the bin collection point should to exceed 25m.

Communal bin stores must be designed to be of a suitable size and quality to accommodate the number of bins required for the development and allow for good access, security and environmental screening.

Communal bin stores should be positioned so as to allow unobstructed access (free from parked cars etc.) and have a safe working area of 3.5m width and 4m length, with no change in level.

Environmental Health

The site is located within 250metres of historical infill sites. As such, a ground gas investigation should be undertaken to assess the extent to which gas protection measures are required for the new building constructions. Should gas protection be required these measures should be agreed with Environmental Health prior to commencing construction.

Would recommend that construction and delivery hours are restricted should permission be granted to between 08:00 to 18:00 weekdays and 08:00 to 13:00 Saturdays only.

As previously mentioned demolition of the existing buildings should be in accordance with Building Control provisions and be in accordance with BS6187:2011 Code of practice for full or partial demolition.

Strategic Housing Officer

On sites of 15 units and above a 20% on-site contribution is required. A financial contribution towards affordable housing is required on sites of 10 to 14 units (following revisions made to the NPPF thresholds). As the proposed development is for 10 dwellings a commuted sum would be required based on the following formula:

- a. The total gross development value of each dwelling to be constructed;
- b. Multiply by the residual land value percentage identified in the Adams Integra 2013 "Economic Assessment of Future Development of Affordable Housing in Cannock Chase" of 18%;
- c. Add 15% to the result of a x b above to reflect an estimate of the costs of acquisition/preparation/servicing of the Land;
- d. Apply affordable housing equivalent proportion of 20% contained in Policy CP7 Housing Choice of Cannock Chase Local Plan (Part 1) 2014.
- e. Multiply by no. of units
- f. Financial contribution payable

An idea of the contribution payable at this point in time can be given by our Principal Property Services Officer but as the calculation is based on the open market value of a property a final figure is given at the point of signing the S106 agreement.

Development Policy

The National Planning Policy Framework (NPPF 2018) is a material consideration in planning decisions. It states (para 190) that local planning authorities should identify and assess particular significance of any heritage asset that may be affected by a proposal (including by development affecting the setting of the heritage asset) taking account of the available evidence and any necessary expertise, and the impact of a proposal on a heritage asset, to avoid or minimise conflict between the heritage asset's conservation and any aspect of the proposal. Local authorities should take account of the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation (para 192); the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and the desirability of new development making a positive contribution to local character and distinctiveness. Local authorities should assess whether the benefits of a proposal for enabling development, which would otherwise conflict with planning policies but would secure the future conservation of a heritage asset, outweigh the dis-benefits of departing from those policies (para 202)..

The Cannock Chase Local Plan – Local Plan (Part 1) 2014 and accompanying Policies Map do not set aside the land for a specific purpose, but show that it is sited within the Talbot Street and Lichfield Street Conservation Area and just outside the Town Centre Boundary. The Cannock Chase Local Plan – Local Plan (Part 1) 2014 contains the following policies which may be considered particularly relevant to the application:

- Policy CP1 reflects the position in the NPPF by permitting sustainable development, unless material considerations indicate otherwise.
- Policy CP3 requires high quality design and integration with the existing historic environment.
- Policy CP5 supports the provision of facilities to ensure social inclusion and healthy living within the District. New developments will be required to protect existing facilities if required, based on the accessibility, quantity and quality of facilities in the District.
- Policy CP15 aims to protect the special character in conservation areas by requiring new development to be of the highest standard. It should be noted that the site is within a Conservation Area and that any new buildings should be designed appropriately.

Conclusion

The site is within an existing residential area opposite a church and therefore there are no policy objections to residential conversion and development of the site, as long as it is appropriately designed for the conservation area and maintains adequate parking and amenity areas for both the new and existing buildings.

It is noted that the proposal aims to enable the retention of the billiards club in Rugeley to maintain the social/ health benefits to their members and to restore the building fabric of Heron Court, an important local historic asset within Rugeley that requires significant repairs. These aims are both supported in policy terms.

The proposal is supported in Planning Policy terms, subject to appropriate siting and high quality design of the enabling development in order to enhance the Talbot Street/ Lichfield Street Conservation Area.

Conservation Officer

Legislation and Policy

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

- S.66 in considering whether to grant planning permission for development which affects a Listed Building or its setting the local planning authority shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.
- S.69 the local planning authority shall from time to time determine which parts of their area are areas of special architectural or historic interest the character or appearance of which it is desirable to preserve or enhance, and shall designate these areas as Conservation Areas.
- S.72 the local planning authority has a duty to pay special attention to the desirability of preserving or enhancing the character or appearance of a Conservation Area. While

the duty may only require that no harm should be caused, it nonetheless creates a special presumption and considerable weight and attention should be given to any harm found to arise regarding the character or appearance of the Conservation Area.

The NPPF 2018 is a material consideration in planning decisions. It states (para 190) that local planning authorities should identify and assess the particular significance of any heritage asset that may be affected by a proposal (including by development affecting the setting of the heritage asset) taking account of the available evidence and any necessary expertise, and the impact of a proposal on a heritage asset, to avoid or minimise conflict between the heritage asset's conservation and any aspect of the proposal. Local authorities should assess whether the benefits of a proposal for enabling development, which would otherwise conflict with planning policies but would secure the future conservation of a heritage asset, outweigh the disbenefits of departing from those policies (para 202)

Local Plan Policy CP15 seeks the safeguarding of historic buildings, areas and their settings from developments harmful to their significance in order to sustain character, local distinctiveness and sense of place. Proposals including new developments that are sensitive to and inspired by their context and add value to the existing historic environment, landscape and townscape character will generally be supported, with planning standards applied in a flexible manner to maintain historic continuity. The conservation and enhancement of heritage assets are supported via Conservation Area Appraisals and Management Plans and the local decision making process will be based on an assessment of significance of heritage assets including their setting informed by evidence including the Historic Environment Record and Conservation Area Appraisals and Management Plans.

Historic England Good Practice guidance about Enabling Development - defined as development that would secure the future of a significant place but contravene other planning policy objectives – is also relevant. Such development should still meet the following criteria: -

- Not materially harm the heritage value of the place or its setting.
- Avoid fragmentation of the management of the place.
- Secure the long term future of the place and its continued use for a sympathetic purpose.
- Development is necessary to resolve problems arising from the inherent needs of the place rather than the circumstances of the present owner.
- Sufficient subsidy is not available from any other source.
- It is demonstrated that the amount of enabling development is the minimum necessary to secure the future of the place and that its form minimises harm to other public interests.
- The public benefits of securing the future of the significant place through such enabling development outweighs the dis-benefits.

If a scheme meets all these criteria, planning permission should only be granted if the impact of the development is defined precisely at the outset, normally through full rather than outline consent; the achievement of the heritage objective is securely and enforceably linked to it; the place is repaired to an agreed standard as early as possible in the course of the enabling development; and implementation is closely monitored. Whilst some of these criteria may not be met by the present scheme, the guidance may nevertheless be useful in the overall consideration of the application.

In decision making the planning authority: -

- Is required to pay special attention to the desirability of preserving or enhancing the character or appearance of a Conservation Area.
- Needs to identify and assess the particular significance of any heritage assets affected by a proposal.
- Needs to consider the impact on the significance of a designated asset with great weight given to conservation, any harm or loss requires convincing justification.
- Should assess whether benefits of enabling development which would secure the future of a heritage asset would outweigh the dis-benefits.
- Should consider HE good practice advice.

Significance of the heritage assets affected:

Talbot St/Lichfield St Conservation Area

A townscape of diverse building types with groups of historic buildings of individual interest.

Heron Court

A distinctive unlisted building forming part of one of these groups and marked as being of particular interest in the adopted Conservation Area Appraisal 2005, with a front boundary making a positive contribution. It is part of a loose group of buildings which, with the Catholic Church and Heron's Nest nearby, were the result of the 19thC revival of Catholicism and was built in 1851 for a principal benefactor of the Church. Heron Court is still in use but in need of renovation and appears to be in a deteriorating condition. The Listed Catholic Church on the opposite side of the road is set back from the road frontage within its churchyard and Herons Nest is a historic dwelling a short distance away on the opposite side of Forge Road. They are all surrounded by/closely amongst an assortment of modern infill residential development of flats, houses and bungalows on the edge of Rugeley town centre.

The setting of the Listed Church opposite

1849 Catholic Church with spire set back from the road frontage in its landscaped churchyard.

Assessment

In view of the existing context of modern development around the site it is considered that, subject to a sympathetic design and layout, the impact on the significance of all these heritage assets from some further development of the site would not in principle harm their significance and, if carefully designed and laid out, could enhance it. However there are at this time no details of a proposed design or layout of the new development so it cannot be categorically confirmed that all objectives are met.

In terms of Heron Court itself, measures to not only repair but significantly refurbish it for the long term would be welcomed, and were the objective of the supporting Feasibility Study funded by the PSICA project. The scheme in its present form however significantly differs from the scheme previously considered by Committee in that it does not encompass the repair or conversion of Heron Court, though the applicants still express an intention to carry out some repairs funded by the development. In order for the potential heritage benefits to Heron Court to be fully realised from the amended proposal it is recommended that some means of linking the financial benefits arising from the development to the repair of Heron Court is

explored in the public interest, bearing in mind the public monies already expended on providing the supporting Feasibility Study.

Landor Society

We fully support the proposition to renovate and convert the Heron Court building into living accommodation. This building has, for too long, been allowed to fall into a state of disrepair.

Having looked at the two options we believe that option 2 would be the most acceptable.

However, both options show a new build of 8 flats in an I shape configuration. The proposal, being sited between Heron Court and Heron Street, would destroy the view of the old building from the road. It seems a great pity that time, efforts and funds will have to be lavished on the Heron Court building and then have it hidden from view.

The Society feels that this new building could be changed to a linear building so that at least part of the renovated old building would be visible.

Staffordshire Fire & Rescue Service

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

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

Automatic Water suppression Systems (Sprinklers)

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

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

RESPONSE TO PUBLICITY

The application was advertised by neighbour letter, site notice and by newspaper advert. 25 letters of representation have been received raising the following issues: -

- (i) The proposals contain insufficient detail on the height, appearance and massing of the new buildings.
- (ii) Concerns regarding the proposed 4 storey building being out of keeping with its context. The building will dominate the frontage of the characterful gothic building. The new building proposed will detract from the uniqueness, architecture and beauty of the building. The development will hide the main building from view and result in poor integration with the town centre.
- (iii) The present building is only a portion of its former self having been part demolished for the Forge Road terraced housing development. The current building is beyond repair and the proposals will merely involve reproduction.

- Demolition of the existing building to provide more scope for a mixed development would be preferable.
- (iv) There is insufficient parking for the proposed number of properties. Given the extent of traffic in the area already, the proposals will result in traffic congestion increases. On the 16th April 2018 an objected counted 21 vehicles using the car park at Heron Court (and included a photograph showing the car park). Access visibility is restricted and would not be adequate for the proposed development. There have already been several incidents where drivers have had to break hard due to vehicles egressing the existing entrance. Parking in Heron Street and St Anthony's Close is already a major problem and is heightened at the weekends when people from all over the area decide to park there (presumably to avoid payment of car parking charges).
 - (vi) The development will cause overlooking of neighbouring properties, inter-visibility between neighbouring windows, loss of light to key areas in neighbouring houses and will be overbearing.
 - (vii) The intensified use will cause noise and disturbance to neighbouring properties through increased comings and goings and owing to the likely occupants. People should not be subjected to all the on-site activity that there will be an increase in noise levels until it is completed.
 - (viii) Bats and other animals can be regularly seen entering the building. How will these be affected by the proposals?
 - (ix) The proposal will devalue neighbouring buildings, will impact upon neighbouring walls and do not provide lifts for older people.
 - (x) Although the gothic mansion is not a listed building it is a building of historic interest to the community.
 - (xi) The intention of Heron court proprietors is to create monies from the new build for much needed repairs to the old hall. Following costs of construction any monies left would not go far enough to cover all the major repairs required. Even if the monies were available to repair the roof and make it watertight to attract future business further expense would be required for internal improvements.

RELEVANT PLANNING HISTORY

This outline application was received on 12 November 2015 and was initially for "Conversion of existing buildings to residential comprising up to 11No studio apartments, new building to front of site comprising up to 8No apartments and 1 pair of semi-detached dwellings to the rear of the site. Initially it was considered that the 8No apartments would be accommodated in a 4 storey block. However, the applicant has subsequently clarified that it is intended that the apartment block would be only 2 storey block.

The application was presented to Planning Control Committee on 8 June 2016 with a recommendation for approval. Supporting that recommendation was a recognition that Heron Court is a substantial and architecturally significant building that is a prominent and characterful feature within the conservation area, and that it had fallen into a poor state of repair internally and externally and that some form of development would be necessary to cross subsidise the expense of bringing the building back into positive use and therefore safeguard its future. The report therefore contained an analysis of "viability considerations and enabling development" in the light of a Feasibility Study that had been carried out. This

feasibility study highlighted 3 options but discounted 2 of these (Options 1 and 3) on the grounds that they were not viable.

Option 2 suggested approximate costs of £1.715million excluding finance costs, developer's profit, promotion and sales, and legal. Including developer's profit at 20% but excluding finance costs, promotional expenses and sales and legal - a residual land value of +£104k is expected. Albeit this margin could be further reduced by the above items not factored.

The conclusion of the Feasibility Study was that Option 2 was the only viable Option and that additional 'Enabling development would be required above the conversion to make the scheme viable.

The report also went to state that although a number of concerns had been raised in respect to the impact of the building on the character and form of the area, and that the applicant was only wishing to establish the principle of some new residential development to the front of the property, officers concluded that there is a clear and overwhelming benefit associated with the proposed refurbishment works to Heron Court that would justify approval of the proposal.

In addition to the above the report acknowledged that as the proposal was for 21 units, 4 units would be required under policy for affordable housing. However, given the low likelihood of a registered provider accepting the management of just 4 units a commuted sum for off-site provision was considered acceptable.

The officer report concluded: -

'At this stage in the application, design, amenity considerations and protected species implications cannot be fully explored. These matters will be key considerations in the Reserved Matters process or could be addressed by the suggested conditions. There are no objections from the Highway Authority on the submitted proposals subject to conditions. subject to the outcome of discussions with the Council's Surveyors with regard to justifying an appropriate approach to affordable housing on site, Officers are of the view the proposed development is in accordance with Local Plan Policies CP5, CP6 and CP15 and overarching principles of the NPPF Section 7 and paragraphs 7, 79 and 134.

Planning Control Committee resolved to approved the proposal subject to

- (A) That the applicant be requested to enter into an Agreement under S106 of the Town and Country Planning Act, 1990 to secure an affordable housing contribution based on the formula set out in the Council's Developer Contributions and Housing Choices SPD;
- (B) That on completion of the Agreement the application be approved subject to the conditions outlined in the report.

Subsequently the Billiard Club wrote to the Local Planning Authority stating: -

'Subject to the approval of the Management Committee the above planning consent-subject to a s106 is not actually what the Trustees require. It is desired to renovate the existing building and use it for continued occupation by the club including existing office uses. This will require a new- can you please confirm that a "free go" will apply? The remainder of the application will include the residential elements and this in turn will enable sales to fund the renovation of the building.

I believe that your Council will be in support of this proposal which will ensure the long-term survival of the building.

We are aware that the S106 contribution currently required from the application Ref. CH/15/0416 does render the proposal to renovate the club not viable financially and understand that your officers are in support of the removal of the S106 contribution. The new proposal will presumably assist because 11 flats will no longer be matter for Affordable Housing consideration contributions.'

As such the Section 106 was not signed and the application has not been determined. Instead the applicant has submitted an amended scheme which is the one currently for consideration.

1. SITE AND SURROUNDINGS

- 1.1 The application site is Heron Court, a detached, gothic style villa constructed from brick with stone mullioned windows and quoins under a slate roof, with open garden to front, now mainly used for parking, and fronting onto Heron Street.
- 1.2 The building is reported to have been constructed in 1851 by Joseph Whitgreave close to the then recently constructed St Joseph and Ethelreda Catholic Church.
- 1.3 To the west the site is bounded to a private drive giving vehicle access to the dwellings at 2-14 Forge Road. To the north the site is bounded by the rear of properties at Forge Mews. To the west the site is bounded by dwellings fronting onto Heron Street and St Anthony Close. To the south the site is bounded by Heron Street across which is the Grade II listed St Joseph and Ethelreda Catholic Church and its burial ground.
- 1.4 The application site is located at the northern edge of the Talbot Street/ Lichfield Street, Rugeley. The Conservation Area Appraisal (July 2005) states: -

'The townscape of Talbot Street/ Lichfield Street Conservation area is largely defined by its regular street pattern. This layout is reminiscent of formal 18th Century town plans and the early 19th Century beginnings of suburban development when people chose to escape from the close conditions of towns which had grown up in an unplanned way over time, into more greener open surroundings. Within this regular layout there is a diversity of building types and detailing which make a strong positive contribution to the character and appearance of the area.'
- 1.5 The Conservation Appraisal specifically identifies Heron Court has a building which although unlisted is of particular interest stating: -

'Heron Court, a significant 2-3storey building in its own right though in need of refurbishment, and Heron's Nest display attractive features, such as stone mullioned and transomed windows and stone quoins.'

- 1.6 The site is unallocated in the Cannock Chase Local Plan (Part 1) but lies within the main urban area of Rugeley, within easy walking and cycling distance of the town centre and local public transport hubs.
- 1.7 The site is located within Flood Zone 1 on the Environment Agency's flood risk maps.
- 1.8 The building is currently used by Rugeley Billiards Club.

2. PROPOSAL

- 2.1 The applicant is seeking outline planning permission for residential development comprising 2 storey block of 8 no 1 bed flats and one pair of semi-detached houses and means of access (all other matters reserved). Therefore matters such as the 'appearance', 'landscaping', 'layout' and 'scale' are reserved and are not for consideration at this stage.
- 2.2 In order to inform the application an indicative layout has been provided. This is not for determination at this stage but does indicate how the applicant envisages that the site could accommodate the quantum of development that is being applied for. It shows a pair of semi-detached houses to the side of the club house and an L shaped block of flats on the frontage and Heron Court to 'remain as existing i.e. offices and Rugeley Billiards Club'.
- 2.3 A spokesman for the applicant has confirmed that they envisage that the 8 apartments would be contained within a two storey block. To support this assertion the applicant has stated: -

'The area of the flats would be 430sqm at 2 storey. I personally have designed and had approved and built flats in Rugeley of area less than 40sqm, so 8 flats would total 320sqm. So I am entirely satisfied that 8 flats can be accommodated into a storey block.'

- 2.4 In terms of parking provision, it is noted that the submitted indicative plan shows 4 spaces to serve the pair of semi-detached houses, 7 serving Heron Court and 9 serving the proposed block of flats.

3. PLANNING POLICY

- 3.1 Section 38 of the Planning and Compulsory Purchase Act 2004 requires planning applications to be determined in accordance with the provisions of the Development Plan, unless material considerations indicate otherwise.
- 3.2 The Development Plan currently comprises the Cannock Chase Local Plan (2014).

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

Cannock Chase Local Plan Part 1 (2014)

- 3.4 Relevant policies within the Cannock Chase Local Plan include: -

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

- 3.5 National Planning Policy Framework

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

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

- 3.8 Relevant paragraphs within the NPPF include paragraphs: -

8:	Three dimensions of Sustainable Development
11-14:	The Presumption in favour of Sustainable Development
47-50:	Determining Applications
59, 63, 64,	Delivering a Sufficient Supply of Homes
124, 127, 128, 130:	Achieving Well-Designed Places
175, 177:	Habitats and Biodiversity
189, 190,192,193,196:	Conserving and Enhancing the Historic Environment
212, 213:	Implementation

- 3.7 Other relevant documents include: -

Design Supplementary Planning Document, April 2016.

Cannock Chase Local Development Framework Parking Standards, Travel. Plans and Developer Contributions for Sustainable Transport. Manual for Streets.
 Technical Housing Standards – Nationally Described Space Standard (2015).
 Talbot Street/ Lichfield Street Conservation Area Appraisal.

4. DETERMINING ISSUES

4.1 The determining issues for the proposal are

- (i) Principle of the development
- (ii) Impact on designated heritage assets
- (iii) Impact on residential amenity
- (iv) Impact on highway safety and capacity
- (v) Impact on nature conservation interests
- (vi) Drainage and flood risk
- (vii) Waste and recycling
- (viii) Sustainable resource use
- (ix) Affordable housing provision

4.2 Principle of the Development

- 4.2.1 The application seeks outline consent for the residential development of pair of semi-detached houses and a block of 8 flats and hence would entail a net increase in dwellings.
- 4.2.2 Both the NPPF and Cannock Chase Local Plan 2014 Policy CP1 advocate a presumption in favour of sustainable development unless material considerations indicate otherwise. The site appears to be a Greenfield site located within the urban area of Cannock. It is a 'windfall site' having not been previously identified within the Strategic Housing Land Availability Assessment (SHLAA) as a potential housing site.
- 4.2.3 Although the Local Plan has a housing policy it is silent in respect of its approach to windfall sites on both greenfield and previously developed land. As such in accordance with Policy CP1 of the Local Plan the proposal falls to be considered within the presumption in favour of sustainable development, outlined in paragraph 11 of the NPPF. However, paragraph 177 of the NPPF makes it clear" the presumption in favour of sustainable development does not apply where development requiring appropriate assessment (under habitat Regulations) because of its potential impact on a habitats site is being planned or determined"
- 4.2.4 Policy CP13 of the Local Plan recognises that any project involving net new dwelling will have an impact on the Cannock Chase SAC and as such should be subject to an appropriate assessment under the Habitat Regulations. This appropriate assessment has been carried out at the plan making stage which underpinned the formulation of policy CP13. This being the case it can only be concluded that the presumption in favour of sustainable development does not apply to the current application and that the proposal should be considered having regard to the development plan and other material considerations.

4.2.5 Local Plan (Part 1) Policy CP1 identifies that the urban areas of the District, will be the focus for the majority of new residential development. It also identifies that a 'positive approach that reflects the presumption in favour of sustainable development' will be taken when considering development proposals. The site is not located within either Flood Zone 2 or 3. The site is not designated as a statutory or non- statutory site for nature conservation. However it is located within a Conservation Area and hence constitutes a designated heritage asset.

4.2.6 The proposed development would be in the main urban area, in a sustainable location within easy walking distance to Rugeley Town Centre and would be compatible with surrounding land uses. As such it would be acceptable in principle at this location. Although a proposal may be considered to be acceptable in principle it is still required to meet the provisions within the development plan in respect to matters of detail. The next part of this report will go on to consider the proposal in this respect.

4.3 Impact on Designated and Undesignated Heritage Assets

4.3.1 The site lies within the Talbot Street/ Lichfield Street Conservation Area and within the setting of the Grade II listed St Joseph and Ethelreda Catholic Church. In addition the building in its own rights has some architectural and historic interest as evidenced by the conservation appraisal.

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

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

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

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

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

- 1) The impact on the setting of Heron Court as a non-designated heritage asset.
- 2) The impact on the character, appearance and significance of the Talbot Street/ Lichfield Street Conservation Area.

- 3) The impact on the setting of the nearby Listed St Joseph and Ethelreda Catholic Church.

4.3.7 In addition to the specific conservation policies there are also more generic design policies which are also engaged by this proposal including Policy CP3 of the Local Plan which requires, 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.

4.3.8 In addition to the above Paragraph 56 of the NPPF states that the government attaches great importance to the design of the built environment and states good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people.

4.3.9 Paragraph 61 of the NPPF goes on to state: -

"Although visual appearance and the architecture of individual buildings are very important factors, securing high quality and inclusive design goes beyond aesthetic considerations. Therefore planning policies and decisions should address the connections between people and places and the integration of new development into the natural, built and historic environment."

4.3.10 In addition Paragraph 64 of the NPPF makes it clear that

"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."

4.3.11 In looking at the three issues identified in paragraph 4.3.6 above it is considered that they are so interlinked that they are best looked at together. In addition it is noted that the application is only in outline and the submitted plans are indicative in nature and therefore elements such as layout, scale, landscaping and appearance are not for determination at this point. Never-the-less the conservation officer has stated: -

'In view of the existing context of modern development around the site it is considered that subject to a sympathetic design and layout, the impact on the significance of all these heritage assets from some further development of the site would not in principle harm their significance and, if carefully designed and laid out, could enhance it.'

4.3.12 The above comments are accepted and it is considered that subject to a condition to control the layout, scale, landscaping and appearance of the proposed development it would conform with Policies CP3 and CP15 of the Local Plan and the requirements of Section 16 of the NPPF.

4.3.13 Given the conclusion arrived at above there is no need to consider the issue of enabling development as this is only relevant in circumstances where a development would contravene other planning policy objectives, which is not the case in this instance.

4.4 Impact on Residential Amenity

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

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

4.4.3 In this respect it is noted that the indicative layout is identical to the one previously presented to and accepted by Planning Control Committee, with the exception that the flats within Heron Court have been omitted and it is clear that the block of flats would only be two storey.

4.4.4 Technical Housing Standards – Nationally Described Space Standard (2015) states that there should be a minimum gross internal area and storage of 39m² for 1bed 1 person dwelling and 50m² for a 1bed two person dwelling. As such it is noted that 8 1 bed 1 person flats would take up 312m² and therefore easily be accommodated in a two storey development with a total floor area of 430m²

4.4.5 In respect to the outdoor amenity space it is clear from the indicative plan that the two semi-detached houses shown could meet the minimum rear garden space of 65m² for a three bed dwelling as set out in the Design Guide SPD.

4.4.6 In respect to flats it is noted that the Design Guide SPD recommends 30m² of outdoor amenity area per flat. For 8 flats this would equate to 240m². In the case of the current scheme no outdoor amenity area is shown. However, there would be an area of approximately 10m by 15m within the L shape of the building, which could be landscaped to provide a degree of amenity space/ forecourt area for the flats. This would still result in a shortfall of 90m². Despite this it should be noted that the requirement for outdoor amenity space is in the form of guidance, that failure to provide such space is not normally regarded in itself as sufficient to warrant refusal of an application, and it is not unusual to find flats with little or no outdoor amenity space. The latter especially applies to 1 bed 1 person flats which tend to be favoured by younger people. In such situations outdoor amenity space can often attract congregations of youths which can lead to anti-social behaviour or at least the fear of crime and anti-social.

4.4.7 In respect to impacts on the residential amenity of neighbouring properties it is noted that a scheme could come forward that could safeguard a high standard of residential

amenity for existing and future occupiers of both existing properties and neighbours. Furthermore Planning Committee has previously accepted an almost identical scheme.

4.4.8 Therefore, having had regard to the above it is considered that, subject to the attached conditions a high standard of residential amenity could be attained for both future occupiers and existing residents of the surrounding dwellings in accordance with Policy CP3 of the Cannock Chase Local Plan and the NPPF.

4.5 Impact on Highway Safety and Capacity

4.5.1 Paragraph 109 of the NPPF states that Plans and decisions should take account of whether; -

' Development should only be prevented or refused on transport grounds, if there would be an unacceptable impact on highway safety, or the residual cumulative impacts of development are severe.'

4.5.2 With regard to highway safety and capacity the comments made by local people are noted. It is also noted that although the Highway Authority originally had no objections in 2016 they have now objected on the grounds that insufficient information has not been supplied which demonstrates that the development can provide a safe point of access.

4.5.3 In considering the comments of the Highway Officer it should be noted that access is a matter for consideration at this outline stage, with the access been shown on the left hand side of the site (the access is currently on the right hand side). In addition it should also be noted that although the Highway Officer has now objected on the grounds of insufficient information the Highway Authority had previously accepted that the proposed means of access was adequate for an even greater quantum of development, albeit subject to conditions to allow approval of the specification of the access.

4.5.6 Looking at the point of access it is noted that boundary of the curtilage is delineated by a low wall to the left (west) of which is an existing vehicular access. This provides good visibility in both directions. Furthermore, as layout is a reserved matter there is no impediment to achieving the width of access required by the Highway Authority in their previous consultation response. Therefore, the technical requirements for the access could be achievable using a suitably worded condition.

4.5.7 In respect to parking it is noted that the 'parking standard' (2005) for flats is 1.5 spaces per dwelling. This would require the proposal to provide a maximum of 12 car parking spaces. However, it should be noted that parking standards set out in the document are for maximum not minimum amounts of parking, are out of date and account should be taken of the location and accessibility of a development to goods and services and therefore the ability of a future occupier to meet his/her needs without reliance on the private car. In this case the site is located within easy walking or cycling distance to the town centre and public transport nodes and therefore there is no imperative to have a car for a person to meet their day to day needs.

4.5.8 It is therefore concluded that there would not be an unacceptable impact on highway safety and that the residual cumulative impacts of development would not be severe and as such the proposal, subject to the attached conditions would be in accordance with Policy CP16 (a) and (c) of the Local Plan and paragraph 109 of the NPPF.

4.6 Impact on Nature Conservation Interests

4.6.1 Policy CP12 of the Cannock Chase Local Plan states that the District's biodiversity and geodiversity assets will be protected, conserved and enhanced by, amongst other things,

the safeguarding of sites from damaging development of ecological and geological sites, priority habitats and species and areas of importance for enhancing biodiversity

support for the protection, conservation and enhancement of existing green infrastructure

4.6.2 In addition to the above paragraph 175 of the NPPF states that 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.

Impact on Potential Nature Conservation Interests within the Site

- 4.6.3 Officers note that the site is not covered by any formal or informal nature conservation designations and mainly comprises of hardstanding with any semi-natural vegetation around the periphery areas constituting low grade habitats with minimal value for nature conservation.
- 4.6.4 Issues in respect to the presence of bats have been raised but no evidence has been submitted to substantiate the assertion that bats may be roosting on the site. Even if it was the case it is noted that the only potential roost would be within the existing building at Heron Court. Whilst this would be pertinent in the application as it was originally submitted (which involved works to Heron Court) the existing building would remain unaltered by the proposal as it currently stands. As such any works would not result in direct or indirect disturbance to any bats or their roosts within the Heron Court building.

Impact on Cannock Chase SAC

- 4.6.5 Under Policy CP13 development will not be permitted where it would be likely to lead directly or indirectly to an adverse effect upon the integrity of the European Site network and the effects cannot be mitigated. Furthermore, in order to retain the integrity of the Cannock Chase Special Area of Conservation (SAC) all development within Cannock Chase district that leads to a net increase in dwellings will be required to mitigate adverse impacts. The proposal would lead to a net increase in dwellings and therefore is required to mitigate its adverse impact on the SAC. Such mitigation would be in the form of a contribution towards the cost of works on the SAC and this would be provided through CIL.
- 4.6.6 Subject to the above conditions and the CIL payment the proposal, subject to the attached conditions, is considered acceptable in respect of its impact on nature conservation interests and therefore would be in compliance with Policies CP3 and CP13 of the Cannock Chase Local Plan and the NPPF.

4.7 Drainage and Flood Risk

- 4.7.1 The site is located within Flood Zone 1 in the Environment Agency's Flood Risk maps and hence is at the lowest risk of flooding. Paragraph 103 of the NPPF states that when "determining planning applications, local planning authorities should ensure flood risk is not increased elsewhere".
- 4.7.2 In this case it is noted that the main part of the site is covered in hard standing and as such there would be no increase in surface water run-off. Furthermore the site is located within an urban area that is well served by sewerage infrastructure. Therefore it is considered that there is no impediment why a suitable drainage scheme could not come forward. This could be controlled through the use of an appropriately worded condition.
- 4.7.3 It is therefore considered that, subject to the attached condition, the proposal would not be subject to unacceptable flood risk or result in a significant increase in flood risk elsewhere and therefore the proposal would be resilient to climate change in accordance with Policy CP16 (1) (g) and (2) (e) of the Local Plan and Paragraph 17(6) of the NPPF.

4.8 Waste and Recycling Facilities

- 4.8.1 Although an indicative layout has been submitted it does not show the location of waste and recycling facilities. Notwithstanding this there is no reason why appropriate facilities could not come forward at the reserved matters stage when issues such as layout would be for consideration.
- 4.8.2 As such it is considered that subject to the attached condition a scheme could come forward that would contribute to national and local waste reduction and recycling targets in accordance with the requirements of Policy CP16(1) (e) of the Local Plan.

4.9 Crime and the Fear of Crime

- 4.9.1 Legislation, policy and guidance in respect of crime and the fear of crime is provided by Section 17 of the Crime and Disorder Act 1998, paragraph 127(f) of the NPPF and Policy CP3 of the Local Plan. In this respect the comments of Staffordshire Police in relation to crime and design are noted.
- 4.9.2 However, it is noted that the comments made by the police relate to the detail of any proposal that may come forward and do not have any particular relevance to the principle of residential development on the site. As such it is recommended that the most appropriate way of dealing with the issue is to place an informative on any permission granted advising the developers of the comments made by the Police in respect to designing out crime.
- 4.9.3 Therefore, having had regard to the provisions of the Crime and Disorder Act 1998, paragraph 127(f) of the NPPF and Policy CP3 of the Local Plan it is considered that at this outline stage the proposal would be acceptable in respect to crime prevention and the fear of crime.

4.10 Sustainable Resource Use

- 4.10.2 The requirements of Policy CP16(3)(a) in respect of the above have now been incorporated into the building regulations. As such, on balance, it is considered that the fact that the proposal would need to meet building control regulations means that the proposal would be in accordance with Policy CP16 without needing to submit a sustainability appraisal at this stage. Furthermore, issues such as sustainable transport, climate change resilience and waste and recycling facilities have been addressed above.

4.11 Affordable Housing

- 4.11.1 Paragraphs 62 to 64 of the NPPF provide national policy in respect to the provision of affordable housing. Paragraph 62 states: -

'Where a need for affordable housing is identified, planning policies should specify the type of affordable housing required, and expect it to be met on-site unless:

- a) off-site provision or an appropriate financial contribution in lieu can be robustly justified; and
- b) the agreed approach contributes to the objective of creating mixed and balanced communities.'

4.11.2 In addition to the above, paragraph 64 goes on to state

'Where major development involving the provision of housing is proposed, planning policies and decisions should expect at least 10% of the homes to be available for affordable home ownership, unless this would exceed the level of affordable housing required in the area, or significantly prejudice the ability to meet the identified affordable housing needs of specific groups. Exemptions to this 10% requirement should also be made where the site or proposed development:

- a) provides solely for Build to Rent homes;
- b) provides specialist accommodation for a group of people with specific needs (such as purpose-built accommodation for the elderly or students);
- c) is proposed to be developed by people who wish to build or commission their own homes; or
- d) is exclusively for affordable housing, an entry-level exception site or a rural exception site.

4.11.3 Applying the above test would result in the provision of 1 unit for affordable home ownership on the site. However, registered providers have indicated an unwillingness to take on single properties in isolation. As such it is considered that the appropriate way in dealing with this issue is to require the applicant to make a financial contribution equivalent to 10% provision on site towards off-site provision.

4.11.4 It is therefore recommended that, having had regard to Policy CP7, the NPPF, subject to a Section 106 agreement to secure an off-site contribution the proposal is, on balance, acceptable in respect to the provision of affordable housing.

4.12 Other Issues Raised not Already Dealt within the Report

4.12.1 The comments of Staffordshire Fire and Rescue Service are noted, but consider that these issues fall outside the scope of planning controls but would be considered under Building Control Regulations. As such the most appropriate way of dealing with the issues raised is by placing an informative on any decision notice issued bringing to the attention of the developer the comments of the fire service.

4.12.2 Objectors have stated that the proposal will devalue neighbouring buildings. Officers would respond that although impacts on amenity are material considerations the impact on property prices is not a material planning consideration.

4.12.3 Objectors have stated that the proposal will impact upon neighbouring walls. Officers would respond that the grant of planning permission does not confer any right to interfere with property owned by a third party.

5.0 HUMAN RIGHTS ACT

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

6.0 EQUALITIES ACT 2010

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

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

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

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

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

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

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

7.0 CONCLUSION

7.1 The application seeks outline consent for the residential development of pair of semi-detached houses and a block of 8 flats and hence would entail a net increase in dwellings.

7.2 Local Plan (Part 1) Policy CP1 identifies that the urban areas of the District, will be the focus for the majority of new residential development. It also identifies that a 'positive approach that reflects the presumption in favour of sustainable development' will be taken when considering development proposals.

7.3 The proposed development would be in the main urban area, in a sustainable location within easy walking distance to Rugeley Town Centre and would be compatible with surrounding land uses. As such it would be acceptable in principle at this location.

- 7.4 The proposal, subject to the attached conditions, is considered to be acceptable in respect to all matters of acknowledged interest, including impacts on heritage, residential amenity and highway safety.
- 7.5 The NPPF states that planning policies and decisions should expect at least 10% of the homes to be available for affordable home ownership. It is considered that the most appropriate way of dealing with this is to require a commuted sum for off-site provision. This can be secured by a section 106 agreement.
- 7.6 Impacts on the Cannock Chase SAC would be mitigated through CIL.
- 7.7 It is therefore recommended that the application be approved subject to the attached conditions and the completion of a section 106 agreement.

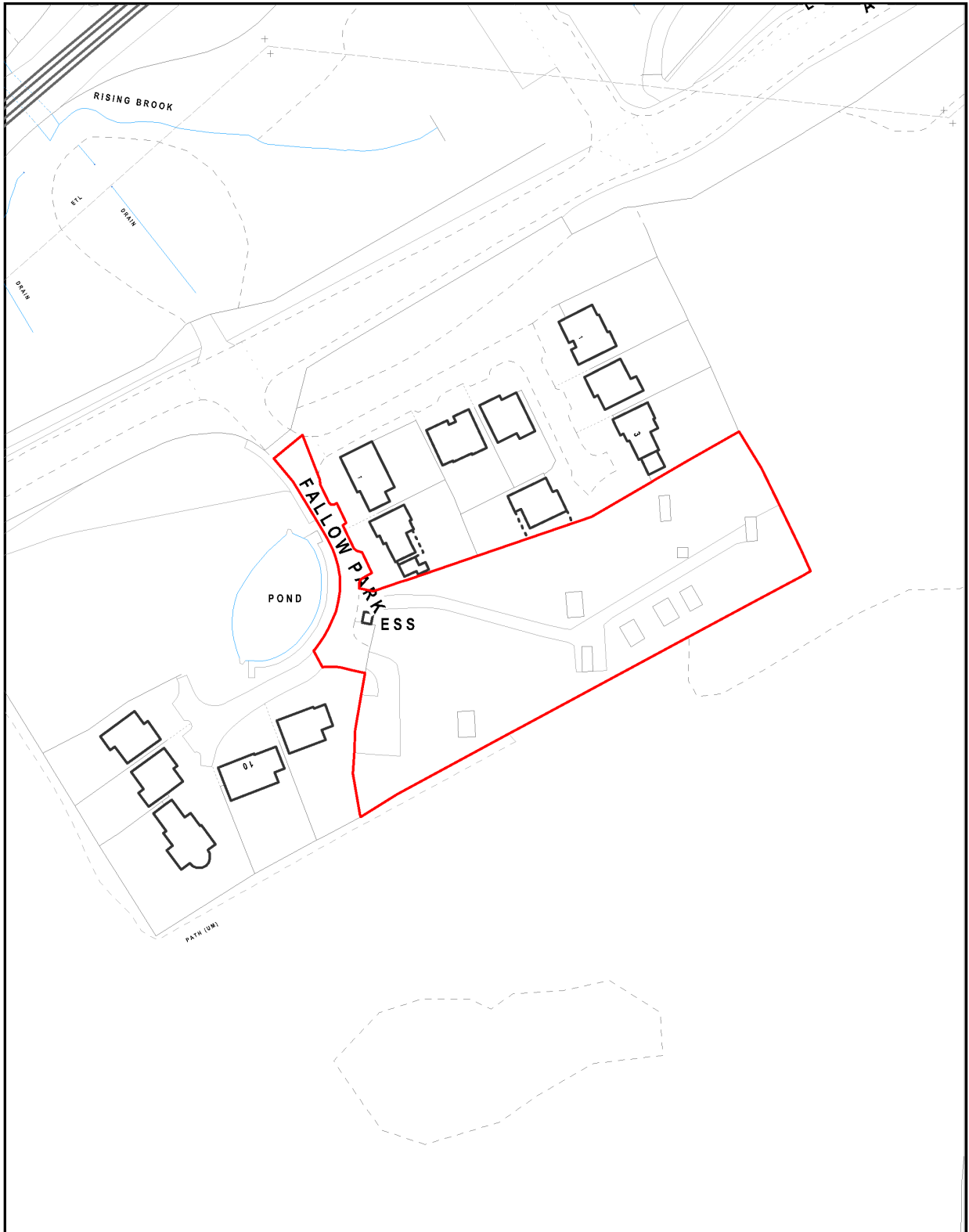


Application No: CH/17/348

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

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

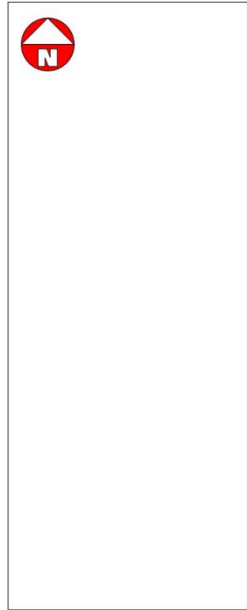
Item No. 6.30



Location Plan



Scale 1:1250



S. P. Faizey
Chartered Architects
1 Station Court
Gilton Road
Cannock
Staffordshire
WS11 0EJ
t: 01543 466447
e: arch@spfaizey.co.uk
w: www.spfaizey.co.uk

JESSUP			
FALLOW PARK PHASE 2			
BRINDLEY HEATH			
LOCATION PLAN			

scale@A3	date	drawn	drawing
1:1250	AUG 17	SPF	17010/1

Site Plan



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



Scale 1:500



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

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

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Plot 14 Plans

Fallow Park



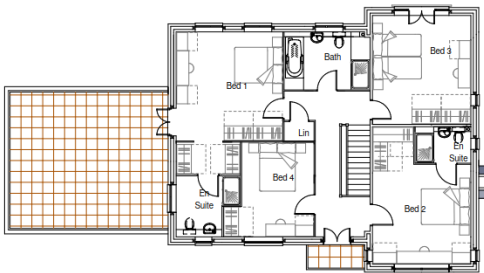
Front Elevation



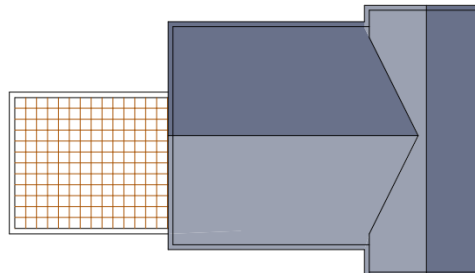
Rear Elevation



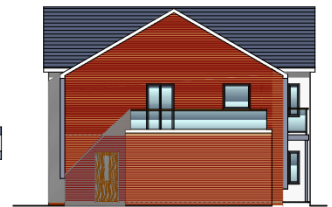
Side Elevation



First Floor Plan

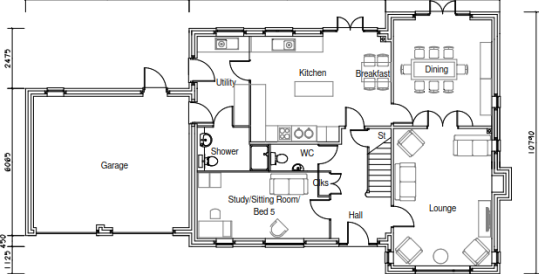


Roof Plan



Side Elevation

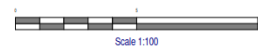
Floor Area - 255 Sq M
 (220 Sq M + 35.00 Sq M Garage)
 Footprint - 165.00 Sq M



Ground Floor Plan



S. P. Faizey
 Chartered Architects
 1 Station Court
 Gilton Road
 Cannock
 Staffordshire
 WS11 0EJ
 T: 01543 46447
 e: arch@spfaizey.co.uk
 w: www.spfaizey.co.uk



JESSUP
 FALLOW PARK PHASE 2
 BRINDLEY HEATH
 PLANS & ELEVATIONS: PLOT 14
 AUG 17 2017
 Scale 1:100

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Plot 15 Plans

Fallow Park



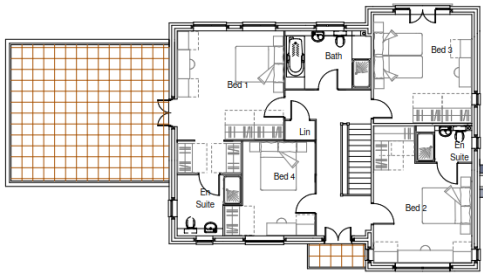
Front Elevation



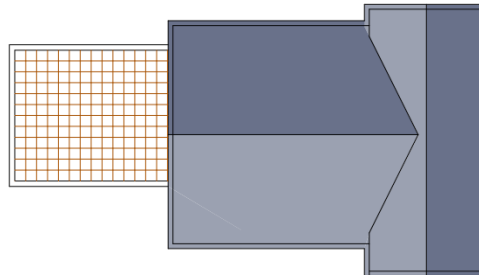
Rear Elevation



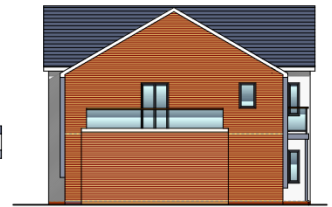
Side Elevation



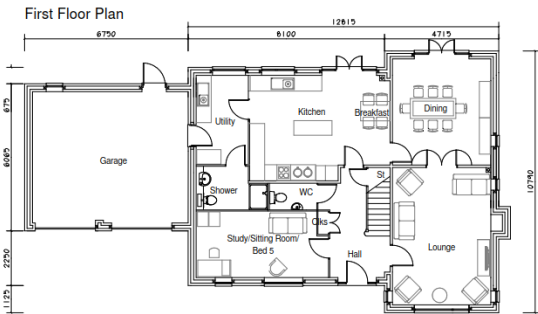
First Floor Plan



Roof Plan



Side Elevation



Ground Floor Plan

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



1 Station Court
Grin Road
Canwick
Staffordshire
WS11 5EJ
t: 01543 464447
e: arch@spfaizey.co.uk
w: www.spfaizey.co.uk

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



Scale 1:100

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Plot 16 Plans

Fallow Park



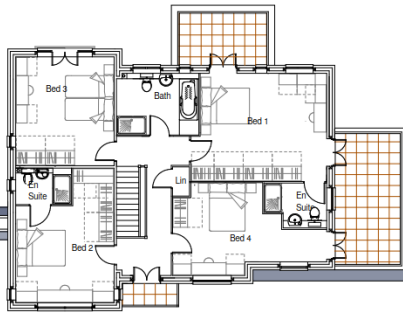
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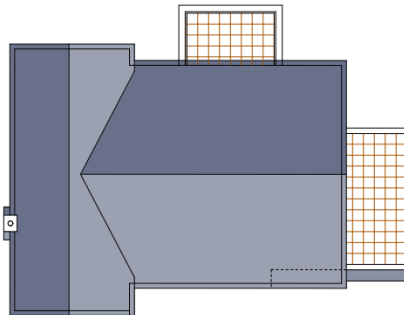
Rear Elevation



Side Elevation



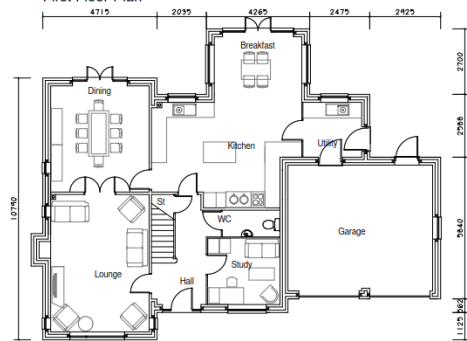
First Floor Plan



Roof Plan



Side Elevation



Ground Floor Plan

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



1 Station Court
Grion Road
Canwick
Staffordshire
WS11 5EJ
t: 01543 466447
e: arch@spfaizey.co.uk
w: www.spfaizey.co.uk



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JESSUP			
FALLOW PARK PHASE 2			
BRINDLEY HEATH			
PLANS & ELEVATIONS: PLOT 16			
1:100	AUG 17	SPF	17/010/7

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CGI



FALLOW PARK, BRINDLEY HEATH - PHASE 2 CGI

Application No: CH/17/348
Received: 18-Aug-2017

Location: Fallow Park, Rugeley Road, Hednesford, Cannock, WS12 0QZ
Parish: Brindley Heath
Ward: Hednesford North Ward
Description: Residential Development:- Erection of 3No. Houses

Application Type: Full Planning Application

Recommendation:

- (i) That the applicant be requested to enter into an agreement under Section 106 of the Town and Country Planning Act 1990 to secure a financial contribution to the provision of off site affordable housing.
- (ii) That on completion of the Agreement the application be approved subject to relevant conditions and reasons and these be delegated to officers.

Background

This application was brought before Planning Control Committee on 22nd August at which time Members resolved

- (A) That the application, which was recommended for refusal, be approved as the Committee did not consider that the scheme had any greater impact on the openness of the Green Belt.
- (B) That the applicant be requested to enter into an agreement under Section 106 of the Town and Country Planning Act 1990 to secure an affordable off site housing contribution.
- (C) That on completion of the Agreement the application be approved subject to relevant conditions and reasons and these be delegated to officers.

Subsequent to that meeting the applicant has asserted that the proposal should not be subject to an affordable housing contribution as they consider that as a stand alone scheme of 3 dwellings it would fall under the threshold for affordable housing which is currently set at 10 dwellings under national policy.

Officers note that this issue ultimately depends on whether the proposal comprises either Phase 2 to a wider development providing a combined total of 16 dwellings or whether it

constitutes a stand alone development in its own right. This is a matter of fact and degree for the decision taker to consider on the evidence submitted.

Officers are of the opinion that on the basis of the evidence available the proposal constitutes a 2nd phase to a wider proposal and therefore should be subject to the affordable housing obligation. In particular it is noted that the first application was submitted on the basis that it was Phase 1 of a comprehensive development of the wider site. The supporting statement submitted with the current application reinforces that by referring to it as being the final phase of a comprehensive redevelopment of a brownfield site.

The Officers report from Planning Committee on 22nd August is attached for Members attention.

APPENDIX 1:

Original Officer Report Presented to Planning Committee on

2nd August 2018

Received: 18-Aug-2017

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

Parish: Brindley Heath

Ward: Hednesford North Ward

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

Application Type: Full Planning Application

RECOMMENDATION: Refuse for the following reason: -

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

EXTERNAL CONSULTATION

Brindley Heath Parish Council

No objection.

Ramblers Association

No comment.

Staffordshire County Highways

No objection subject to condition.

National Grid

No response to date.

Crime Prevention Staffordshire Police HQ

No response to date.

County Council Footpath Officer

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

Staffordshire County Historic Environment Advisor

No objection subject to condition.

INTERNAL COMMENTS

Environmental Health

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

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

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

Planning Policy

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

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

The NPPF identifies that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. A number of exceptions are not considered to be inappropriate development in the Green Belt. The applicant states that the site represents previously developed land, having been occupied by testing huts with associated hard tarmac areas and access roads. The applicant outlines that the development proposals are in accordance with the provisions of the NPPF, which states that appropriate development within the Green Belt can include 'limited infilling or the partial or complete redevelopment of previously developed sites...which would not have a greater impact upon the openness of the Green Belt and the purpose of including land within it than existing development; or, not cause substantial harm to the openness of the Green Belt, where the development would re-use previously developed land and contribute to meeting an identified affordable housing need within the area of the local planning authority.

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

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

overall the proposal is slightly reducing the overall hard surfaced area; that it represents a low density scheme (6 dwellings per ha); and that the site is relatively well screened by existing landscape, which may reduce the visual impact; however this should be assessed in conjunction with the proposed landscaping plans.

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

The site lies within the AONB. Policy CP14 of the Local Plan (Part 1) sets out the approach to protecting, conserving and enhancing landscape character, particularly by supporting development proposals within the AONB that are compatible with its management objectives. In relation to residential development, the impact of new buildings needs to be carefully considered and the Design SPD (2016) (section on Green Belt and AONB) sets out measures which can be incorporated to help new developments to reduce their impact upon the AONB and complement existing developments within it. Similar comments outlined above in relation to the increased floor print and increased storey height also apply with regards to the potential impact upon the AONB.

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

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

In summary, further clarification on the status of the land would be welcomed in the first instance. Subject to the site being considered previously developed land, then the detailed design of the scheme needs to be assessed to ensure no greater impact upon openness of the Green Belt in order to be considered appropriate development in the Green Belt. Should it be judged to have a greater impact upon openness then the

applicant should be asked to demonstrate very special circumstances to justify the harm to the Green Belt. The scheme design should also ensure no adverse impacts upon the AONB.

Council Ecologist

No response to date.

Housing Strategy

No contribution required.

Landscape Officers

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

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

RESPONSE TO PUBLICITY

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

1.0 RELEVANT PLANNING HISTORY

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

-

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

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

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

2.0 SITE AND SURROUNDINGS

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

3. PROPOSAL

- 3.1. The application is for the demolition of the existing structures and for the construction of three detached two storey dwellings and associated parking and amenity space.
- 3.2 The proposed new dwellings would be of contemporary and bespoke designs finished in a combination of brick, render and cladding. The design incorporates integral garages with balconies, projecting front gables and large feature windows.

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

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

4.0 PLANNING POLICY

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

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

4.3 Cannock Chase Local Plan (2014):

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

4.4 National Planning Policy Framework

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

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

4.7 Relevant paragraphs within the NPPF include paragraphs: -

- | | |
|--------|--|
| 8: | Three dimensions of Sustainable Development |
| 11-14: | The Presumption in favour of Sustainable Development |

47-50:	Determining Applications
124, 127, 128, 130:	Achieving Well-Designed Places
212, 213	Implementation
143 – 145	Green Belt
172	Area of Outstanding Natural Beauty

4.8 Other Relevant Documents

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

5 DETERMINING ISSUES

5.1 The determining issues for the application are;

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

6.0 Principle of the Development

6.1.1 The site is located within the West Midlands Green Belt, wherein there is a presumption against inappropriate development, which should not be approved except in 'very special circumstances'. Paragraph 144 of the NPPF states that 'when considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt' adding 'Very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations'.

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

- a) In the first instance a decision has to be taken as to whether the proposal constitutes appropriate or inappropriate development.

- b) If the proposal constitutes inappropriate development then it should not be allowed unless the applicant has demonstrated that ‘very special circumstances’ exist which would justify approval.
 - c) If the proposal is determined to constitute appropriate development then it should be approved unless it results in significant harm to acknowledged interests.
- 6.1.3 Local Plan Policy CP1 & CP3 require that development proposals at locations within the Green Belt to be considered against the NPPF and Local Plan Policy CP14. Local Plan Policy CP14 relates to landscape character and AONB rather than to whether a proposal constitutes appropriate or inappropriate development.
- 6.1.4 Whether a proposal constitutes inappropriate development is set out in Paragraphs 145 & 146 of the NPPF. Paragraph 145 relates to new buildings.
- 6.1.5 The NPPF, paragraph 145, states "A local planning authority should regard the construction of new buildings as inappropriate in Green Belt. Exceptions to this includes, amongst other things: -
- “limited infilling or the partial or complete redevelopment of previously developed sites (brownfield land), whether redundant or in continuing use (excluding temporary buildings), which would not cause substantial harm to the openness of the Green Belt where the development would re-use previously developed land and contribute to meeting an identified affordable housing need within the area of the local planning authority.”
- 6.1.6 The proposal could be considered as not inappropriate provided it meets one of the above exceptions. However, in this case it is clear that the replacement buildings would be significantly larger than the testing units they replace. The assessment of whether a replacement building would be materially larger is primarily, but not exclusively, a question of size. The intention is clearly that new buildings should be of a similar size in scale to those being replaced. ‘Materially’ allows for the exercise in judgement as to the perception of an increase in size arising from the design, massing and disposition of the replacement buildings.
- 6.1.7 In this instance, the proposed total footprint of buildings would be 756m² compared to the existing 163m² (approximating to a net increase of 593m² or 363%) and a proposed volume of 2849m³ compared to existing 430m³ (approximating to a net increase of 2419m³ or 562%). As such it is abundantly clear that the proposal would result in a substantial increase in the size and mass of the buildings on the site.
- 6.1.8 The existing testing units are spread over the site and there is already a large extent of hardstanding. However, the existing testing units are relatively small and

single storey and therefore their impact on the openness of the Green Belt is limited. The proposal would provide three large 4x bedroom dwellings each covering an area of approx. 255m² (one dwelling alone covering more than the existing testing units combined).

- 6.1.9 Whilst there is a significant area of hardstanding currently servicing the testing units this has no significant impact on the openness of the Green Belt. Although the proposal would lead to a decrease the overall effect would be limited.
- 6.1.10 In support of the application the applicant has put forward a case purporting to argue that the proposal would not have a material impact on the openness of the Green Belt or the purposes of including land within it. This states: -

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

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

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

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

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

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

- 6.1.11 In respect of the above officers would comment that whatever happened in the Phase 1 of the development was determined on its own merits at that time. Likewise this application should be determined on its own merits as they stand at the point at which the decision is made. At this moment in time whatever originally stood on the site has now been demolished and its previous volume is irrelevant to the determination of the current proposal. Therefore the mass and volume of the original buildings that stood on 'Phase 1' is not material to the determination of the current application and the proposition put forward by the applicant is fundamentally flawed in this respect.
- 6.1.12 In respect to the issue of permitted development rights it is noted that significant weight should only be afforded to permitted development as a fall-back position if there is a reasonable prospect that the development pursuant to a permitted development right would be implemented. In this case the buildings on the site are limited in size, in a poor state of repair and have little utility outside of their original bespoke use. As such officers consider that there is no reasonable prospect that the development pursuant to permitted development rights would be undertaken and that little weight should be afforded to the fall-back position.
- 6.1.13 Given the above it is clear that the proposal overall would result in a substantial increase in the mass of built form on the application site and therefore the proposal would have a materially greater impact on openness of the Green Belt and therefore constitutes inappropriate development in the Green Belt contrary to the NPPF paragraph 145 (g).
- 6.1.14 Paragraph 143 of the NPPF makes it clear that "inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances". Furthermore paragraph 144 states when "considering any planning application, local planning authorities should ensure that substantial

weight is given to any harm to the Green Belt" adding "Very special circumstances will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations". The test of whether Very Special Circumstances therefore requires an assessment of all potential harms and benefits of the proposal. This report will therefore now go on to consider other material considerations to establish the weight to be attributed to the various factors and then will conclude with the weighing exercise to determine whether very special circumstances exist.

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

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

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

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

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

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

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

Planning policies and decisions should ensure that developments:

- a) will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;
- b) are visually attractive as a result of good architecture, layout and

appropriate and effective landscaping;

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

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

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

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

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

6.2.9 In respect to the use of facing brickwork, cladding and render, the Cannock Chase AONB, it is noted that unlike many other AONBs and National Parks there are

- few buildings within the Cannock Chase AONB and that the character of the built environment contributes little towards the overall character of the AONB as a whole. Most buildings within the AONB date from the early to mid C20th and possibly later and hence are of standard designs which are commonly found throughout the West Midlands region. In addition to this many of the buildings within the AONB are rendered. Examples include many of the larger detached dwellings within Kingsley Wood Road, Pye Green Water Towner, the terrace of dwellings along Slitting Mill Road and several detached properties along Penkridge Bank Road and most recently at the adjacent Fallow Park (phase 1). As such it would be difficult to demonstrate that the use of render would be out of character with the built component of the AONB when much of that component is comprised of rendered properties, including elements of render and cladding on the wider Fallow Park site. In addition given that the site is well screened, the proposed dwellings would be set back from the adjacent highway and read in conjunction with the adjacent dwellings, it is considered that the use of materials including cladding and render would not in any case have a significant impact on the character of the AONB.
- 6.2.10 The majority of landscaping within the curtilage of the site would be retained. The trees are covered by Tree Protection Orders (TPOs). The Council's Tree Officer is satisfied that the proposed development could be constructed without any detrimental impact to the trees given the existing hardstanding and the separation distances between the trees and the proposed buildings.
- 6.2.11 The vast majority of the AONB is comprised of heathland and woodland and hence is devoid of buildings and essentially open in nature. This is a fundamental part of the character of the AONB. In this respect the proposal, by virtue of the increased mass and scale of buildings on the site would result in some harm to the character of the AONB. However, the harm would be limited due to the woodland screening around the site.
- 6.2.12 Therefore, taking all of the above into account and having had regard to Policies CP3 and CP14 of the Local Plan and the appropriate sections of the NPPF it is considered that the proposal would result in limited harm to the character and form of the Cannock Chase AONB.
- 6.3 Impact upon Residential Amenity
- 6.3.1 Policy CP3 of the Local Plan states that the following key requirements of high quality design will need to be addressed in development proposals and goes on to include [amongst other things] the protection of the "amenity enjoyed by existing properties". This is supported by the guidance as outlined in Appendix B of the Design SPD which sets out guidance in respect to space about dwellings and garden sizes.

- 6.3.2 Paragraph 127(f) of the NPPF states that planning policies and decisions should ensure that developments [amongst other things] create places with a high standard of amenity for existing and future users.
- 6.3.3 The adjacent dwellings side onto the application site; proposed plot 14 would be sited with a side elevation adjacent the side of existing plot 9 at a distance of 8m. Proposed plot 15 would face the side of existing plots 4 & 8 however this would be at a distance of 25m and separated by the existing trees and access road. The final proposed plot (16) would side onto the side of existing plots 3 and 4 however this would be separated by a distance of 13m to the boundary of the application site.
- 6.3.4 Based on the above it is considered that the separation distances proposed to existing buildings and the intervening boundary treatments would protect the amenity of both existing and future occupiers of the site and the neighbours. Therefore the proposed redeveloped dwelling would not result in any significant impact, by virtue of overlooking, loss of light or loss of outlook, on the residential amenities of the occupiers of the nearest properties. As such it is concluded that a high standard of amenity for existing and future users
- 6.4 Impact on Highway Safety
- 6.4.1 Paragraph 109 of NPPF states that development should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.
- 6.4.2 It is noted that Stafford County Highways raised no objection to the proposed development.
- 6.4.3 The proposed development would provide 4 spaces per dwelling which is over and above the requirement for 4 x bedroom properties. As such, the proposal accords with the requirements of the Parking SPD and it is concluded that the proposal would not have an unacceptable impact on highway safety.
- 6.5 Impact on Nature Conservation Interests
- 6.5.1 The application site is not subject to any formal or informal nature conservation designation and is not known to support any species that is given special protection or which is of particular conservation interest.
- 6.5.2 As such the site has no significant ecological value and therefore the proposal would not result in any direct harm to nature conservation interests.
- 6.5.3 Under Policy CP13 development will not be permitted where it would be likely to lead directly or indirectly to an adverse effect upon the integrity of the European Site network and the effects cannot be mitigated. Furthermore, in order to retain

the integrity of the Cannock Chase Special Area of Conservation (SAC) all development within Cannock Chase District that leads to a net increase in dwellings will be required to mitigate adverse impacts. The proposal would lead to a net increase in dwellings and therefore is required to mitigate its adverse impact on the SAC. Such mitigation would be in the form of a contribution towards the cost of works on the SAC and this is provided through CIL. The proposal would be CIL liable.

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

6.6 Affordable Housing and other Developer Contributions

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

6.7 Ground Contamination

- 6.7.1 The comments raised by the Councils Environmental Health Officer are noted and agreed. The application site location within 250m of historic landfill sites and has had previous industrial use. As such a site investigation for contamination and ground gases would be required. If as a consequence of the investigation, results demonstrate the need, then a mitigation strategy should also be provided for prior approval. A verification report should also be provided upon completion of the approved works. This requirement should be added to any decision notice as a condition subject to the application being granted approval.
- 6.7.2 Officers also stated any existing buildings should be removed or demolished under controlled conditions. Should the premises contain any asbestos cement material then a specialist contractor will be required for removal and disposal. Copies of waste transfer notes should be retained by the main contractor. This would be included on any decision notice as an informative should the application be approved.

6.8 Drainage and Flood Risk

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

6.9 Other Considerations

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

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

6.10 Weighing Exercise to Determine Whether Very Special Circumstances exist.

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

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

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

7.0 HUMAN RIGHTS ACT

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

8.0 EQUALITIES ACT

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

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

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

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

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

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

8.4 Such consideration has been balanced along with other material planning considerations and it is considered that the proposal is acceptable in respect to the requirements of the Act. Having had regard to the particulars of this case officers consider that the proposal would make a neutral positive contribution towards the aim of the Equalities Act.

9.0 CONCLUSION

9.1 In respect to all matters of acknowledged interest and policy tests it is considered that the proposal constitutes inappropriate development within the Green Belt and therefore should be refused unless very special circumstances exist.

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

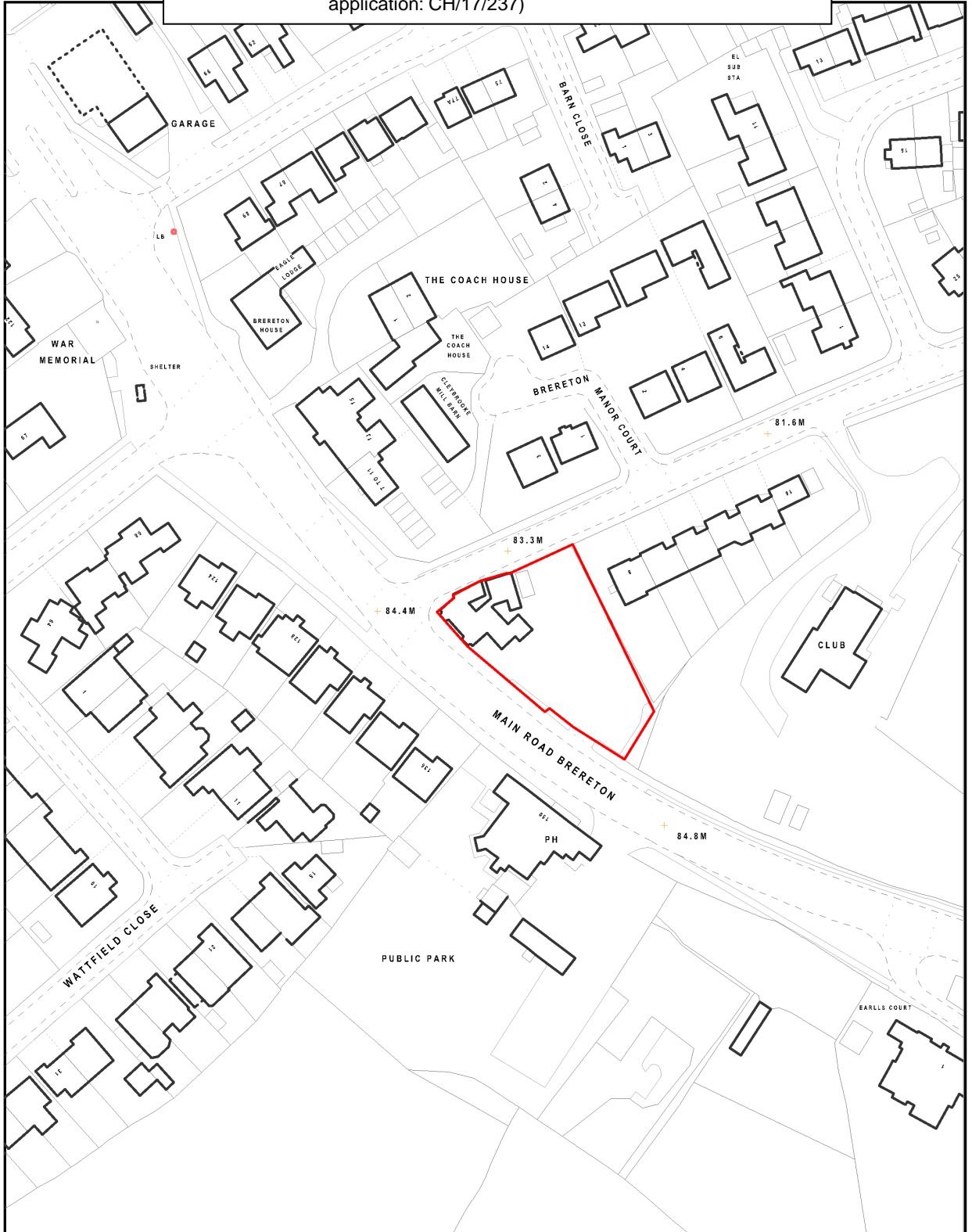
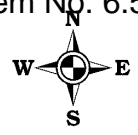


Application No: CH/18/261

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

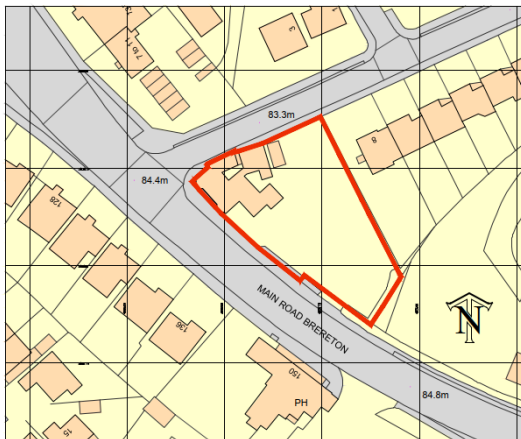
Proposal: Demolition of existing public house and associated buildings and the erection of a replacement office building with mixed D1/B1 use (re-submission of planning application: CH/17/237)

Item No. 6.58



Location Plan

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



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REV	DETAIL	REVISION	NOTE	DATE	DRN	CHK
REV A	00/00/00	000				

Revisions:



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

Client:



MIDLANDS PSYCHOLOGY CIC

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

Title:
Location Plan

Scale:
1:1250@A4

Org No.
2126/01

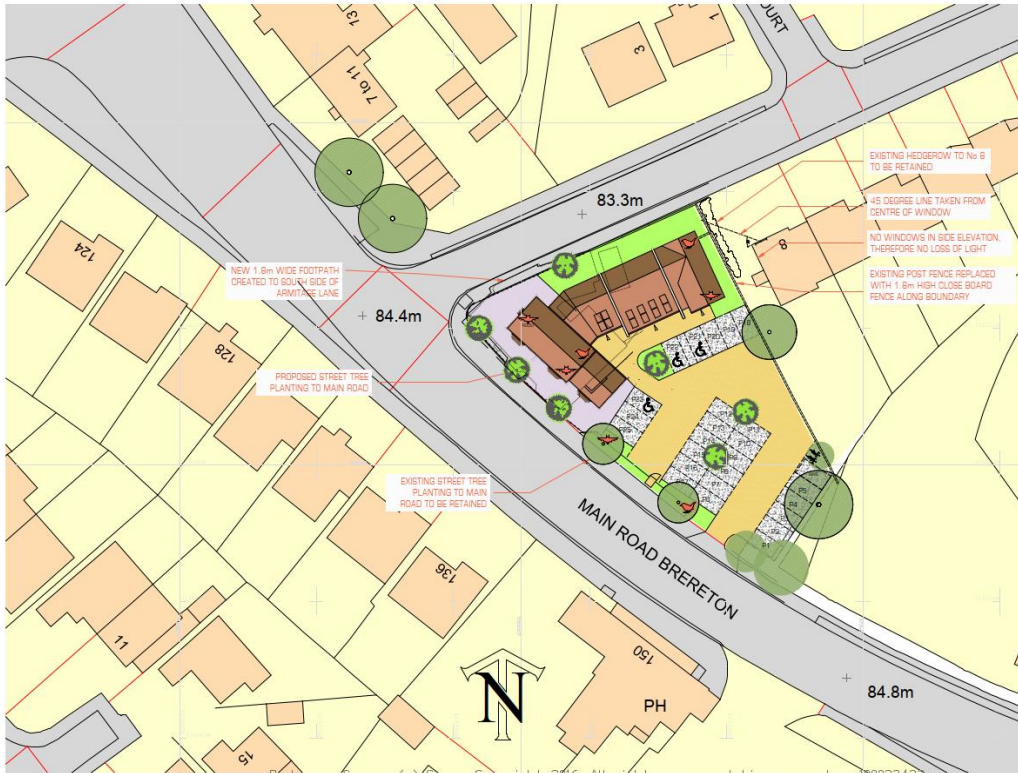
DWG File Ref:
 DRAWN: JCB

Date:
12/09/16

Rev:
 -

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

Site Plan



- LEGEND**
- INDICATES EXISTING TREES / SHRUBS TO BE RETAINED
 - INDICATES EXISTING TREES / SHRUBS TO BE REMOVED
 - PROPOSED INDICATE TREE PLANTING SUBJECT TO DETAILED LANDSCAPING DESIGN
 - INDICATES EXTENT OF EXISTING BUILDINGS TO BE DEMOLISHED
 - INDICATES ENTRANCE DOOR POSITIONS
 - INDICATES 1.1m HIGH BLACK POWDER COATED RAILINGS
 - INDICATES 1.8m HIGH CLOSE BOARDED FENCE
 - INDICATES POSITION OF BRD BOXES
 - INDICATES POSITION OF BAT ROOST TO ROOF AND BAT BRICK SLOTS AND BOX TO TREE

PARKING SCHEDULE	
LESS: B1 & D1	
LEISURE CLASS B1 AS A WORSE CASE SCENARIO THE CALCULATION FOR PARKING IS AS FOLLOWS:	
1 SPACE PER 25m ² UP TO 250m ² = 10 SPACES	
1 SPACE PER 30m ² FOR REMAINING 380m ² = 13 SPACES	
TOTAL NUMBER OF SPACES REQUIRED = 23 SPACES	
TOTAL NUMBER ACHIEVED = 25 SPACES (inc 2m ² DISABLED SPACES)	

Proposed development at former Tabot Public House, Main Road, Stragton

Proposed Site Layout

1:250@A1

21/06/09/01-Site Layout

13/06/16

Proposed Elevations

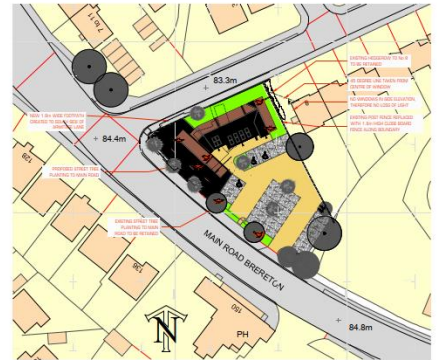
Proposed Elevations



FRONT ELEVATION



REAR ELEVATION



SITE PLAN - 1:500



SIDE ELEVATION



SIDE ELEVATION

ridge
architecture
MELANIE PSYCHOLOGY LTD
Proposed development to former Talbot Public House, Main Road, Brereton.
Proposed Elevations
1:100/BA1
21/06/02-02
15/06/18

Former Talbot Public House, Main Road, Brereton

Proposed Street Scene

Proposed Elevational Models

Note: Model is for illustrative purposes only, exact road levels may not be reflected



STREET SCENE FROM MAIN ROAD



VIEW LOOKING NORTH-WEST FROM MAIN ROAD



PART AERIAL VIEW LOOKING NORTH ACROSS MAIN ROAD



SITE PLAN - 1:500



VIEW LOOKING EAST ACROSS MAIN ROAD INTO ARMITAGE LANE



ridge
architecture
Melrose Psychology CIC
Proposed development at former Talbot Public House, Main Road, Breerton
Proposed Elevational Models
NTS/PA1
21/06/2018
15/06/18

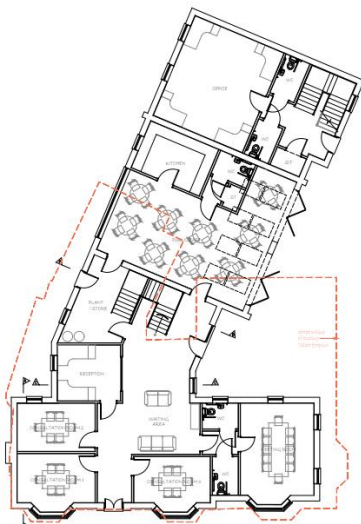
Former Talbot Public House, Main Road, Breerton

Proposed Floor Plans

Proposed Floor Plans

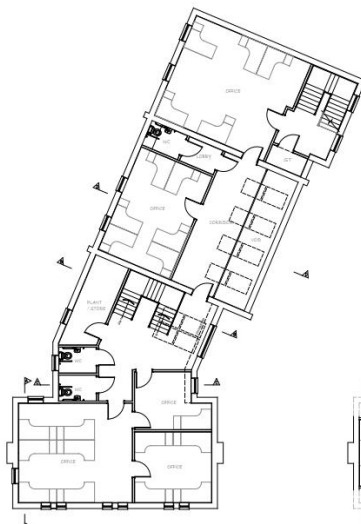


SITE PLAN - 1:500



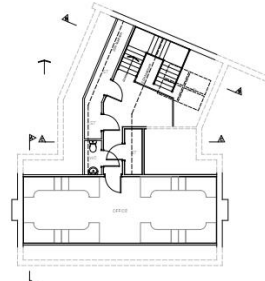
GROUND FLOOR LAYOUT

200
Total SA 638sq.m



FIRST FLOOR LAYOUT

263



SECOND FLOOR LAYOUT

74



ridge
architecture
MELANIE PSYCHOLOGY CIC

Proposed development as former Talbot
Public House, Main Road, Brereton.

Proposed Floor Plans

Scale: 1:100@A1 Date: 15/06/18
Ref: 2126/02/01

www.melaniepsychology.co.uk

Former Talbot Public House, Main Road, Brereton

Application No: CH/18/261
Received: 16-Jul-2018

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

Parish: Brereton and Ravenhill

Ward: Brereton and Ravenhill Ward

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

Application Type: Full Planning Application

RECOMMENDATION Approve Subject to Conditions

Reason for Grant of Permission

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

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

Reason

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

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

Reason

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

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

Planning Authority.

Reason

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

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

Reason

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

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

Reason

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

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

Reason

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

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

Reason

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

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

Reason

In order to protect the adjacent residential amenity and to ensure compliance with

Local Plan Policy CP3 and the National Planning Policy Framework.

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

Reason

To ensure the development has an appropriate drainage strategy.

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

Reason

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

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

Reason

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

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

Reason

In order to meet the requirements of the NPPF.

13. Prior to the commencement of the development (including demolition) hereby permitted, a written specification of the methodology for a Level 2 building recording survey shall be submitted for the approval of the Local Planning Authority. The proposed methodology must meet the requirements of the English Heritage (now Historic England) volume entitled 'Understanding historic buildings: a guide to good recording practice' (2006) and should provide evidence

of the original construction, layout and phasing along with any details of any surviving historic fixtures and fittings. The scheme shall thereafter be implemented in full accordance with the approved details.

Reason

In order to meet the requirements of the NPPF.

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

Reason:

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

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

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

Reasons

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

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

Reason

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

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

Reason

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

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

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

Reason

In order to comply with the NPPF.

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

Reason

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

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

Reason

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

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

Reason

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

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

Reason

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

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

Reason

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

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

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

Drg Nos:

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

Reason

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

NOTE

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

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

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

EXTERNAL CONSULTATIONS

Brereton & Ravenhill Parish Council

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

The historic nature of the principal building: -

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

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

Assessment of the Hall in Planning Documents

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

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

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

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

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

A Heritage Statement produced by the Applicant paragraph 45 rightly stated: "It may be considered to contribute positively to the settings of the grade II* listed Brereton Hall and Grade II Brereton House, and to add to their own significance by preserving some idea of

their historic contexts.” Its earlier (White Ridge) Heritage Statement acknowledged that this historic public house was “a welcoming presence at the entrance of Rugeley today”. It follows for the applicant’s own evidence that a part of a Conservation Area that lies within the setting of two Listed Buildings (one grade II*) would be so badly affected that it would be removed from the Conservation Area.

Statutory Duties

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

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

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

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

The Development Plan

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

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

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

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

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

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

National Policy

National policy is clear. The National Planning Policy Framework (24th July 2018) states, among other things:

Heritage assets ... are an irreplaceable resource, and should be conserved in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of existing and future generations.

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

Where there is evidence of deliberate neglect of, or damage to, a heritage asset, the deteriorated state of the heritage asset should not be taken into account in any decision. In determining applications, local planning authorities should take account of:

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

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

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

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

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

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

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

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

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

The PPG provides further advice:

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

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

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

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

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

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

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

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

The extent and importance of setting is often expressed by reference to visual considerations. Although views of or from an asset will play an important part, the way in which we experience an asset in its setting is also influenced... by our understanding of the historic relationship between places. For example, buildings that are in close proximity but are not visible from each other may have a historic or aesthetic connection that amplifies the experience of the significance of each.

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

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

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

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

The Effect of Policy on this Application

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

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

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

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

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

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

The applicant removed render that played a role in stabilising the building contrary to the express advice of your council and so placed the structure at risk and then left the unprotected exterior (including brickwork damaged by the

removal of render) open to the elements. The Baynham Meikle report recognises that render enhances stability (paragraphs 3.3.2 and 3.3.3.). One of the representatives of the applicant at the Parish Council meeting of 5th December 2017, Ben, confirmed that the render was applied to add structural strength to the building. This would have been known when the render was removed.

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

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

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

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

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

With regard to the substantial harm to the designated heritage assets, there is no question of public benefits outweighing the harm. Indeed the applicant has expressly accepted that substantial harm will be caused to the Breton Conservation Area and that paragraph 195 applies. There is no need for the proposed office building to be in this location and there are plenty of office buildings available in the districts of Cannock Chase, Lichfield and Stafford. The word "all" in NPPF paragraph 133 is clearly deliberate. There was another bidder for the land when it was sold who wished to use the building, not to demolish it, yet there has not been appropriate marketing of the building.

As far as significance is concerned, the Talbot itself is clearly significant as the third oldest building in the parish and indeed one of the oldest buildings in the district as a

whole, a key element in the gateway to Brereton (and the Rugeley/Brereton built-up area), a part of the historic village of Brereton that makes a positive contribution to the Conservation Area and a local historic building that, for good and proper reasons, is widely appreciated.

Previous Use

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

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

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

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

Delay

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

The Proposal

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

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

Precedent

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

Errors in the Documentation Submitted by the Applicant

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

Alternative Uses and Marketing

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

Protection of the Building

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

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

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

Conclusions

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

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

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

Brereton and Ravenhill Neighbourhood Development Plan Committee

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

Staffordshire County Highways

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

Council Ecologist

No response at the time of writing this report.

Staffordshire Police

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

INTERNAL COMMENTS

Economic Development

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

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

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

Planning Policy

No response at time of writing report.

Environmental Protection

No objections

Conservation Officer

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

- The existing mix of uses...will be maintained with any compatible additional uses considered
- The Council will seek developer contributions in conjunction with planning permissions in accordance with the Developer Contributions SPD 2015 and will consider using a proportion of them for public realm enhancements along Main Road.

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

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

Main conservation considerations:

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

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

appearance in this gateway location. Therefore the tests in NPPF para 195 need to be applied.

- The loss of the building is considered to amount to less than substantial harm to the setting of the Listed Buildings, by virtue of loss of some of their historic context, but not substantial harm because a varied streetscene such as this is felt to be sufficiently flexible to permit changes with additions of suitably designed new development or redevelopment which preserve the setting of the Listed Buildings. Therefore the tests in NPPF para 196 need to be applied.
3. Whether the proposed new building would preserve or enhance the character, appearance and significance of the Conservation Area and the setting of the nearby Listed Buildings.
- Conservation philosophy says that Conservation Areas are not intended to prevent change but to ensure that it takes place in an appropriate way. Modern development is ‘of its time’ and reflects the fashion of its day but conversely copying historic architecture may not be the best solution; through careful design new buildings can respect the architectural character of an historic area and fine buildings of any type, style and age can enhance the visual environment and contribute to a sense of community. Size, scale, design, materials, boundary treatment and planting details are all important in creating an addition which complements and preferably enhances the Conservation Area.
 - Since the original submission, and without prejudice to any decision on the demolition, the applicant has worked hard with the community via several public meetings in an effort to produce a more acceptable design and to better reflect the role played by the former Talbot Inn in the appearance of the streetscene. The current proposal still involves demolition of the existing building, however the new build now comprises a rebuilding of the former inn on the frontage, with a smaller scale extension to the rear. The height is reduced from the previous scheme and the previous glazed atrium, which had attracted some adverse comment, is replaced with rooflights. The siting is similar. Proposed materials are traditional brick, stone window cills and heads, small format roof tiles, white painted timber sash windows to the front elevation, bay windows and brick detailing to the eaves. The proposal would have a varied roofline reflecting the former Talbot Inn with chimneys. Existing trees would be retained and supplemented with new planting along the road frontage to soften the appearance of the development and provide a long term visual and environmental benefit. All these details would produce a building suitable for this location.
 - Without prejudice to the decision it is suggested that the boundary treatment, at least around the road junction enclosing the ‘Talbot rebuild’, would need to reflect the walls and railings bounding the adjacent listed building on the corner of Armitage Lane in order to retain the strong visual enclosure of the streetscene currently created by the existing building. The proposed railings with paving

inside the site currently shown is a rather weak aspect of the proposal and needs enhancement to maximise the positive aspects in the overall balance of decision making. (This point was made in respect of the previous application).

- Whilst the merits of creating a ‘replica’ building are debateable in conservation terms for reasons of authenticity, the new proposal does form a more sympathetic contribution to the streetscene in size and mass than the previous proposal and makes use of traditional materials and detailing to create a development more fitting with its surroundings.
- Brereton’s buildings, diverse in design and materials, form an attractive grouping creating a distinctive piece of local townscape but are perhaps sufficiently varied to permit additions of suitably designed new development or redevelopment.
- The proposal is considered generally compatible with its surroundings in terms of its overall size, scale and siting, and with careful choice of building materials and boundary treatment detailing to enhance the scheme could preserve or enhance the nearby listed buildings.

Conclusion:

It is accepted that a great deal of support and passion exists in the community for retention of the former Talbot Inn as a result of its contribution to the Conservation Area as a familiar feature of the streetscene. Loss of such a feature sets an undesirable precedent in this District but nevertheless requires proper consideration of relevant pro’s and con’s.

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

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

Notwithstanding all the planning policy designed to protect it, the hard fact is that if the building is not economically viable to repair then it could only be saved by either a

charitable body/ philanthropist investing in the site or public funding being secured, with reconstruction the most likely result in any case, and after many months of debate over the Talbot Inn's future I am not aware that either of these options is available. Deteriorating historic buildings are a current issue nationwide and every significant loss negatively impacts on our heritage and is an unfortunate outcome, but each decision will involve a balance of these relevant matters.

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

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

Reason:

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

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

Reason:

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

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

Reason:

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

- Notwithstanding the landscaping information shown on the plans the site boundary treatment shall reflect the brick wall and railings existing on the opposite corner of Armitage Lane, including a pedestrian gate opposite the front

door on the Main Road frontage (with repositioning of the proposed tree planting).

Reason:

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

Countryside, Landscaping and Trees

The application is lacking Levels plans showing existing and proposed levels

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

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

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

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

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

Summary

- No objection to the proposed scheme, however:
- Conditions should be placed on any approval to make sure no excavations take place within the no dig areas.

RESPONSE TO PUBLICITY

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

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

The representations are summarised as follows:

Letters of Support:

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

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

- The resubmitted plans take into account the main concerns in respect to application CH/17/237.
- The new building with cavity walls would prevent the penetration of rain and interior dampness.
- It would be appreciated if the iron door of the bread oven in the present building is displayed in the proposed new building.

Letters of Objection:

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

- The Talbot Inn is a longstanding and valued historic building, pre-1840, which makes a positive contribution to the Conservation Area. It is the third oldest building in the parish.
- The Talbot is locally listed in the Brereton and Ravenhill Parish Plan and also the emerging Brereton and Ravenhill Neighbourhood Development Plan.
- Demolition of the Talbot would cause great harm to the Conservation Area, which would have to be reduced in size as a consequence of the demolition.
- There is clear development policy in favour of protecting, conserving and enhancing historic buildings and areas. Demolition of the Talbot, a historic building and its adverse impact upon the Brereton Conservation Area AND the settings of both a Grade II* and a Grade II Listed Building would be contrary to Local Plan Policies CP3 & CP15.
- Removal of the render from the building has left the building unprotected, which has led to the unprotected exterior of the building being put at risk. The water supply was left connected that lead to a flood and water damage to the property. Harm has also been caused by delay resulting from the failure to take at the appropriate time, the elementary step of undertaking a bat survey in a building known to contain a bat roost. Therefore, there has been deliberate neglect of, or damage to a heritage asset.
- If the Talbot is lost because of neglect, it would provide a model that other developers could follow to destroy historic buildings of value to local communities in Cannock Chase District.
- There is no need for the proposed office to be in this location and there are plenty of office buildings available in the district of Cannock Chase, Lichfield and Stafford.
- The documentation submitted by the Applicant has contained numerous errors, which shows in doubt the accuracy of other parts of their documentation. With regard to the original Design and Access Statement, neither Brereton nor Rugeley have public transport to and from Shrewsbury. Its final photograph in the DAS wrongly describes the

neighbouring Grade II Brereton Hall as 'Mews' at Brereton Manor Court. It wrongly claimed that the Talbot was late 19th Century.

- Another prospective purchaser had been prepared to buy the property in 2014, but was outbid by the applicant's willingness to pay a price that reflected, not meeting the cost of restoration, but demolition and redevelopment of the site.
- High Court judgment in 'Berg v Salford City Council [2013] EWHC 2599, Supperstone J,' was a weaker case than that of the Talbot, the property was not in a conservation area and did not affect listed buildings. The judgment makes it clear that the requirements may be based on 'long term maintenance' and designed to prevent susceptibility to 'weathering'.
- The council should acquire the building under Compulsory Purchase and the building should be fully refurbished to conservation standards.

PLANNING HISTORY

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

- 'The proposal would result in the loss of a building of special local architectural and historic interest, which is the third oldest building in the parish of Brereton and Ravenhill, is listed as being a building of importance in the Brereton and Ravenhill Parish Plan, and which makes a positive contribution to the character and appearance of the Brereton Conservation Area and the setting of the adjacent listed buildings. As such the proposed demolition would result in harm to the visual amenity of the area and substantial harm to significance of these designated heritage assets contrary to Policy CP15 of the Cannock Chase Local Plan (Part 1). In accordance with Paragraph 133 of the National Planning Policy Framework any proposal leading to substantial harm to the significance of a designated heritage asset should not be granted consent unless it can be demonstrated that that the substantial harm is necessary to achieve substantial public benefits that outweigh the harm or all of the other tests set out in paragraph 133 have been met. In this instance it is considered that the socio-economic and environmental benefits of the proposals do not outweigh the harm to the designated heritage assets. In addition it is considered that although extensive works would need to be undertaken the applicant has not demonstrated that the nature of the heritage asset prevents all reasonable uses of the site, that no viable use of the heritage asset can be found through appropriate marketing or through grant funding. As such the proposal is contrary to Paragraph 133 of the National Planning Policy Framework.

- The proposed replacement building by virtue of the use of extensive glazing in the rear part of the building does not come close to being in context with the surrounding historic buildings. Any new build should be sympathetic in design and material so as to enhance rather than overshadow the history around it. This site is at the very gateway to Brereton and Ravenhill and to Rugeley. The whole gateway would be ruined by the proposed new build and would have far reaching impact on the conservation area and adjacent historical buildings and therefore fail to preserve the character and appearance of the conservation area and the setting of the nearby listed buildings contrary to Policies CP3 and CP15 of the Cannock Chase Local Plan (Part 1) and paragraph 133 of the NPPF.
- CH/16/413 - Demolition of existing public house and associated buildings and the erection of a replacement building for mixed D1/B1 use - withdrawn to enable a Phase 2 Bat Survey being required which could only be carried out between May & September.
- CH/14/0450 Change of Use from a nursery (D1) to office B1(a) - approved 04/02/15.
- CH/12/0391 Change of use from public house (A4) to day-care nursery (D1) with landscaping alterations. Approved 03/01/13.
- CH/11/0030 Retrospective change of use of the ground floor from B1 and B8 to a training facility (D1). Approved 30/03/11.
- CH/09/0070 Single storey extensions to side and rear to extend dining area and food preparation area including single storey entrance lobby - approved 05/05/2009.
- CH/93/0518 2 x no existing fascia signs illuminated by 6 no. brass swan neck down lighters
approved 09/11/93.
- CH/93/0517 Proposed entrance porch - approved on 17/11/93.
- CH/89/0666 2 x illuminated fascia signs and one illuminated post - approved 04/10/89.

1. SITE AND SURROUNDINGS

- 1.1 The application relates to a currently vacant building, which has been vacant for the last three years. The property from 2013 was previously a former D1/D2 Children's Nursery which moved due to its requirement for larger premises. Previous to 2013, the property was a public house known as the 'Talbot Inn'.

- 1.2 The building's current use is defined as a B1(a) Office use which was granted as a change of use from the previous D1 Nursery use which was approved in 2015 (Application Ref CH/14/0450).
- 1.3 The building had a variety of modern single storey extensions on the rear and side. There has also been the addition of some modern brick work and UPVC windows on the side and front elevations. It was observed on the site visits that large elements of the rendering have been removed on the front elevation around the front entrance door and bay window.
- 1.4 The existing building comprises of a one and two storey traditional design and it is located at the junction of Main Road and Armitage Lane and has a vehicular access off Main Road.
- 1.5 The property has a large car park which is located to the south side of the building and this is accessed off Main Road which is bordered by a variety of fencing of different styles.
- 1.6 The main building is identified as being of local significance and is included on a list of locally important buildings and structures for the Brereton and Ravenhill area. The Staffordshire County Council Historic Environment Record (HER) identifies the building '...as a prominently situated two-storey inn of local brick, with pleasing symmetrical frontage which was probably extant by at least the late 18th or early 19th century. The rear extensions are attractive, with old painted inn sign on wall facing Armitage Lane.'
- 1.7 The 2006 Brereton and Ravenhill Parish Plan included the former Talbot Inn on its 'Local List of buildings of particular value to the local community.
- 1.8 The building is noted in the Council's Conservation Area Appraisal as being an unlisted building of particular interest.
- 1.9 The application site stands within the Main Road, Brereton Conservation Area and its main vehicular access is off Main Road. The adopted Main Road, Brereton Conservation Area Appraisal 2009 and Management Plan 2014 provide further detail about the Conservation Area, the building and the relevant policy guidance. The Talbot Inn is marked in the Conservation Area Appraisal 2009 as 'an unlisted building of particular interest'
- 1.10 The site is located in Brereton and is positioned at the southern tip of the built up area of Rugeley in a predominantly residential area adjacent to a sports field and open countryside on its south side. On the opposite side of Main Road there are residential bungalows and the Red Lion Public House, it is bordered by a sports field to the right and No 8 Armitage Lane to the rear/ side.

1.11 The site including the vacant property is privately owned by Midlands Psychology, who it is understood purchased it in 2015.

2.0 PROPOSAL

2.1 The proposal is for the demolition of existing building and associated buildings and the erection of a replacement office building with mixed D1/B1 use (re-submission of planning application: CH/17/237).

2.2 Midlands Psychology offers mental health and support services to local people. They are currently based in Stafford. One of the primary services that the company offer is assistance to adults with autism and support for their families. The aim of the proposal is to use it to provide a training facility for families as well as a chance to integrate people with disability back into society.

2.3 The proposals include the following:

- a) Reduction in floor space area B1 element 543 sqm (previously 564 sqm) and D1 element = 76 sqm (previously 136 sqm), total floor space area = 619 sqm (previously 700 sqm).
- b) Provision of 25 defined off street car parking spaces, including 3 No. disabled spaces (same number as existing parking spaces).
- c) Provision for four No secure cycle storage spaces
- d) Provision for on site for a 4.6 x 2.5 bin/ recycling storage including border fencing.
- e) Provision of black cast iron railings.
- f) Landscaping proposals.
- g) Removal of the existing post fence to the common boundary of No 8 Armitage Road proposed to be replaced with a 1.8 metre high close board fence.
- h) Retention of the existing hedgerow between the proposal and No 8 Armitage Road.
- i) Provision of 15 full time staff.
- j) Proposed operating hours Monday to Saturday 8.30 am to 5.30pm and closed on Sundays.

3.0 PLANNING POLICY

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

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

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

Cannock Chase Local Plan (2014)

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

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

3.5 National Planning Policy Framework (2018)

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

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

3.8 Relevant paragraphs within the NPPF include paragraphs: -

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

3.9 Other Relevant Documents

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

4.0 DETERMINING ISSUES

4.1 The determining issues for this proposed development include: -

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

4.2 Principle of Development

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

- c) approving development proposals that accord with an up-to-date development plan without delay; or
- d) where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:
 - i. the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or
 - ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.

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

that a sequential test would be necessary under paragraphs 86-88 of the National Planning Policy Framework. In relation to the Class D1 element of the proposals both the proposed clinic use and the former nursery fall within the same use class so again the principle of a D1 use in this location is already established although it appears the nursery has been vacant since 2014.

- 4.2.8 In addition to the above it is also noted that the proposal is somewhat small scale and although serving a wider catchment would also serve the needs of the local community of Brereton.
- 4.2.9 It is also noted that by virtue of its location on the main road through Brereton the proposal would constitute an accessible site that is well connected to the town centre of Rugeley. Furthermore as D1/ B1 uses have already been accepted at this site it is considered that it is also acceptable in respect of its principle on the amenities of the surrounding land uses.
- 4.2.10 Given the above it is considered that the proposal, on balance, is acceptable at this location. However, proposals that are acceptable in principle are subject to other policy requirements and normal planning considerations. This report will now go on to consider those points of detail.

4.3 Impact on Designated and Undesignated Heritage Assets

- 4.3.1 The site lies within the Brereton Conservation Area and within the setting of Brereton Hall, a Grade II* Listed Building and the setting of Brereton House, a Grade II Listed Building. In addition the building in its own rights has some architectural and historic interest.
- 4.3.2 Given that the proposal affects a conservation area and the setting of a listed building it engages the statutory duties set out in paragraphs S66(1) and S72 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990.
- 4.3.3 S66(1) of the Act states “In considering whether to grant planning permission... for development which affects a listed building or its setting, the local planning authority or, as the case may be, the Secretary of State shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.”
- 4.3.4 S72(1) of the Act states, “(1) In the exercise, with respect to any buildings or other land in a conservation area, of any functions under or by virtue of any of the provisions mentioned in subsection (2), special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area.”
- 4.3.5 In addition to the above the proposal is subject to Policy CP15 and the relevant paragraphs of Section 16 of the NPPF which are set out in the Conservation Officers comments (see above).

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

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

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

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

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

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

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

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

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

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

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

"An unlisted building that makes a positive contribution to a conservation area is individually of lesser importance than a listed building (paragraph 132 of the National Planning Policy Framework). If the building is important or integral to the character or appearance of the conservation area then its demolition is more likely to amount to substantial harm to the conservation area, engaging the tests in paragraph 133 [now paragraph 195] of the National Planning Policy Framework. However, the justification for its demolition will still be proportionate to the relative significance of the building and its contribution to the significance of the conservation area as a whole."

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

4.3.14 In addition to the above in the judgement handed down in the case of Dorothy Bohm v SSCLG [2017] EWHC 3217 it was held that S72 Planning (Listed Buildings and Conservation Areas) Act 1990 required that special attention had to be paid to the desirability of preserving or enhancing a conservation area (CA). However when considering the impact of a proposal on a CA under S72 it was the impact of the entire proposal which was in issue. The decision maker has to consider not only the removal of the building which makes the positive contribution but also the impact on the CA of the building which replaces it and make a judgment of the overall impact on the CA of the entire proposal. Therefore the demolition of an non-designated heritage asset (even if it makes a positive contribution) in a Conservation Area cannot be treated as harm to a designated heritage asset in isolation, but that a scheme as a whole (including any

replacement building) needs to be considered, with the demolition being just one factor in this. As such the court found the demolition of a non-designated heritage asset in a Conservation Area should not be regarded in the same way as if it were the designated asset itself. Furthermore, the court held that even though the existing building in this case made a positive contribution to the Conservation Area and would be completely lost, this did not mean that the Conservation Area would inevitably be harmed.

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

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

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

adding

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

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

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

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

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

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

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

Public Benefits of the Proposal

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

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

Bringing the site back into Positive Use

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

- The structure of the building, due to its age and lack of adequate maintenance over the years as well as inadequate structural repairs is very tired and is becoming unstable in parts and will require major replacements /repairs before it can be brought back to a stable condition and be given a long life to justify costs.
- The following more than likely will need to be reconstructed: roof structure and finishes, front and rear masonry walls internal and external at second floor level, front and internal walls at first floor, ground floor masonry internally and externally in parts especially around windows, side walls would require reinforced render to enhance stability, major repair and refurbishment of ground floor slab and basement.
- The engineer considered that at present there is continuing movement of walls and floors due to lack of floor diaphragm action and no lateral stability as a result. He was concerned about the continuing movement of the internal brick walls at first floor level which according to the owner have deteriorated since last seen. He recommended the Project Structural Engineer recommends propping of the walls to arrest further movement as it will very soon become structurally unstable.

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

- 4.3.21 The above conclusions are accepted, and it is particularly noted that the Engineer concluded that none of the defects can be attributed to the current owners neglect over a relatively short period. This certainly contradicts the parish council's assertions that the current condition of the building is down to the deliberate neglect of the current site owners, especially in the removal of render and that the water supply was left on resulting in flooding.
- 4.3.22 In respect to render, the applicant asserts that this was removed to enable an assessment of the structural condition of the external brickwork. Officers note that it is sometimes necessary to undertake some investigative work that causes harm to the fabric of a building when assessing its condition such as removal of render or the lifting of floor boards. As such the removal of the render does not constitute proof of deliberate neglect. In respect to the rupture of the water pipes and subsequent flood damage Officers consider that there is no proof that this was part of a deliberate act. In any case the Engineers report above demonstrates that the current structural defects of the building have little to do with recent events but are rather the result of a series of interventions over a much longer period.
- 4.3.23 It is clear that any reuse of the building would require substantial reconstruction of the building down to almost the ground floor. Therefore it is considered that such would be the scale of the demolition and reconstruction required to rectify the structural defects that any resulting building would be a new building in its own right. It would in effect be a copy of the original and have little or no historic value in its own right.
- 4.3.24 It is also clear from the structural report that the building is in such a poor structural state that there is continuing movement in walls such that it requires propping to prevent collapse. As such the condition of the building is such that it would prevent all reasonable uses of even the outside areas due to potential threats to health and safety without more than substantial work to remedy the structural defects.
- 4.3.25 It must also be noted that the above structural defects are what are currently known about the building. Once partial demolition commences other defects may become apparent and cause the building to react in unpredictable ways which could cause further harm to the historic fabric, (as recently experienced with the footbridge at Hagley during its reconstruction) or further intervention.
- 4.3.26 It is therefore concluded that the nature, and in particular the structural condition, of the heritage asset prevents all reasonable uses of the site and that there is no reasonable prospect that the building could be brought back into use without substantial demolition of the existing building.

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

Provision of New Health Facilities

- 4.3.28 The applicant, Midlands Psychology, is a non-for-profit Social Enterprise and work as a part of the family of NHS providers to improve the psychological health and emotional well-being of those people for whom they work. The company provides a range of specialist services across the fields of autism and child health psychology. The company is registered with the Care Quality Commission as a provider of mental health, autism and learning disability care for children and adults.
- 4.3.29 The applicant has stated that one of main considerations for the purchase of the Talbot was the accessibility for all transport as a main route for cars and buses. Brereton is a central location for the services they deliver in south Staffordshire, and has the added bonus of the good local public transport links to benefit users.
- 4.3.30 Given the above it is clear that the proposed facility would provide an important health service to the both the local and wider community. This would complement the NPPF's policy that planning decisions should (a) plan positively for the provision and use of [amongst other things] community facilities; and (b) take into account and support the delivery of local strategies to improve health. Therefore this is a matter which should be given moderate weight in the determination of this application.

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

- 4.3.31 In its current state the former Talbot Inn presents a somewhat dilapidated state which gives a poor impression at a gateway into the conservation area and village. There is no reasonable prospect of a use, viable or otherwise, coming forward that would not require less than substantial demolition and reconstruction of the building to such an extent that it would form a new building. Therefore, the current proposal would not result in any significant harm to heritage interests over and above what would result from any attempt to conserve and reuse the building. Officers consider that this is a matter of substantial weight that weighs in favour of the proposal.
- 4.3.32 Given that the building is so unstable the longevity of the bats roosts that it supports is limited as it is clear that the building either has to be more than substantially reconstructed or it will continue to decline to the point that it will collapse. The proposed scheme would provide a mechanism in which purpose built bat roosts

would be provided thus ensuring the long term support for pipistrelle and brown long-eared bats. This adds significant weight in favour of the proposal.

- 4.3.33 The redevelopment of the would also bring economic benefits, in the short term in construction jobs and in the longer term by the jobs that the applicant would bring. However, as a whole the job creation would be limited and likewise only limited weight should be afforded to this matter.
- 4.3.34 The new building has been designed to ensure that it takes its inspiration from the architectural features of the existing building and the surrounding conservation area such that it would, in the medium to long term at least preserve the character and appearance of the conservation area.
- 4.3.35 Conversely, the proposal would result in the total loss of an undesignated heritage asset along with its associated historic fabric and authenticity and historical relationships. However, given that the building is undesignated this loss should only be given moderate weight as it is of moderate value in itself.
- 4.3.36 In addition it is noted that although the demolition of the non-designated asset would result in a measure of harm to the character, appearance and significance of the conservation area that would be mitigated by the quality and appropriateness of design of the replacement building such that long term the character, appearance of the conservation area and the setting of the listed buildings would be preserved. The only long term harm would the loss of historic fabric and authenticity embodied within the existing structure which would be lost forever. However, this would not be significantly greater than the loss resulting from the reuse of the building (given the extent of demolition that would still be required in any reuse).
- 4.3.37 Taking all the above into account it is considered that the loss of the non-designated building and the contribution it makes to the setting of the adjacent listed buildings and the character, appearance and significance of the conservation area is clearly outweighed by the public benefits of the proposal.
- 4.3.38 It is therefore considered that having taken policies CP3 and CP15 of the Cannock Chase Local Plan, Section 12 of the NPPF, the provisions of sections 66 and 72 of the 1990 Planning (Listed buildings and Conservation Areas) Act, local representations, comments of the conservation officer and all other material considerations into account the proposal is, on balance, acceptable.

4.4 Impact on Neighbouring Amenity

- 4.4.1 Policy CP3 of the Local Plan states that the following key requirements of high quality design will need to addressed in development proposals and goes onto include [amongst other things] the protection of the "amenity enjoyed by existing properties". This is supported by the guidance as outlined in Appendix B of the

- Design SPD which sets out guidance in respect to space about dwellings and garden sizes.
- 4.4.2 Paragraph 127(f) of the NPPF states that planning policies and decisions should ensure that developments [amongst other things] create places with a high standard of amenity for existing and future users.
- 4.4.3 The application site is surrounded by residential uses to the north, east and west. A public house is sited to the south. The public house to the south and the residential dwellings to the north and west are all separated from the application site by highways. As such, it is considered that the change of use from the currently approved B1 office use to a mixed use of B1 and D1 would have no material adverse impact on the amenity of the local area. It is also noted that the property previous to 2015 had an approved D1 use when it was approved planning permission for a children's nursery.
- 4.4.4 The proposed opening hours of this health facility would be from Monday to Saturday from 8.30 am to 5.30 pm and it would be closed on a Sunday. The Environmental Health Officer has been consulted and has no objections to the proposal. Therefore the proposed opening hours are deemed to be acceptable and a planning condition has been recommended in order to control these opening hours.
- 4.4.5 The proposed building would be located over 27 metres away from the bungalows that are located on the opposite side of Main Road. This would exceed the normal minimum distance of 21m for a front to front relationship for two storey properties and hence is considered acceptable.
- 4.4.6 The nearest adjacent property to the proposed development is the residential property of No. 8 Armitage Lane which fronts onto Armitage Lane and which presents a side elevation towards the application site. The proposal would present a blank side elevation at a distance of 6.3 metres away from No.8 Armitage Lane. Furthermore, although this would project in front of the building line of No 8 it would not intercept a line drawn at 45 degrees from the windows in the front elevation of No 8. As such it is concluded that the proposal would not result in any significant amount of overlooking or overshadowing to No8.
- 4.4.7 The proposals include the provision of a 1.8 metre high close-boarded boundary fence to replace the existing post fence as well as seeking to retain the existing hedgerow between the development site and the neighbouring property of No 8 Armitage Lane.
- 4.4.8 It is noted that that the directly adjacent residents of No.8 Armitage Lane have not objected to the proposals and they have written in a letter of comment stating

"Since the above application was first submitted, we have thought long and hard about the impact of such a development next to our property and naturally with some reservations. We have finally come to the conclusion that the proposed redevelopment should be allowed to go ahead. It would secure the long-term future of this site which has been extremely precarious for many years."

4.4.9 The Council's Environmental Protection Team have been consulted on the proposals and have no objections subject to the provision of a planning condition for the provision of a site construction management plan. In the event that the proposal does proceed to demolition work this work must be undertaken in line with the current Building Act requirements and in accordance with the BS 6187:2011 Code of Practice for full and partial demolition.

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

4.5 Impact on Highway Safety

4.5.1 Paragraphs 108-109 of the NPPF states that Plans and decisions should take account of whether; -

'appropriate opportunities to promote sustainable transport modes can be - or have been taken up, given the type of development and its location;

safe and suitable access to the site can be achieved for all users; and

any significant impacts from the development on the transport network (in terms of capacity and congestion), or in highway safety, can be cost effectively mitigated to an acceptable degree.'

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

4.5.2 The existing site has a main vehicular access off Main Road. The site is located on the main signalised junction of Main Road and Armitage Lane.

4.5.3 The proposals seek to maintain the existing vehicular access off the existing street known as 'Main Road' and to provide 25 car parking spaces of which 3 would be designated as disabled car parking spaces which would be located close to the rear entrance of the building and 4 secure cycle storage spaces within the site.

- 4.5.4 It is also noted that the site is located 50 metres away from the nearest bus stop that is located on Coalpit Lane. This bus stop links to local bus services which serve the local area including Rugeley (and hence Rugeley Train Station at a distance of 1.7miles), Cannock, Lichfield and Stafford.
- 4.5.5 Staffordshire County Council Highways Department were consulted on the proposals and have no objections subject to the provision of a number of planning conditions including for the provision of 4 bicycle stands, closing the redundant access and providing a travel plan.
- 4.5.6 In conclusion it is considered that, subject to the attached conditions, the proposal would not have a detrimental impact on the safety and capacity of the local highway network and therefore the residual cumulative impacts of the development would not be severe. As such it is considered that the proposals meet the requirements of the NPPF and Policy CP3 of the Cannock Chase Local Plan (Part 1).
- 4.6 Impact on Nature Conservation Interest
- 4.6.1 The proposal entails the demolition of a traditional building that is in a poor state of repair, which has not been occupied for some time and which is located at the interface with the surrounding countryside and the settlement. As such there is the potential for bats to be occupying the building.
- 4.6.2 Paragraph 175 of the NPPF states:
'if significant harm to biodiversity resulting from a development cannot be avoided or adequately mitigated, or as a last resort, compensated for then planning permission should be refused;'
- 4.6.4 In order to inform the application the applicant has submitted a Bat and Bird Survey, dated 31 May 2017. This reports that surveys found that the building is being used as a day roost by a single Brown Long-eared Bat and single Common Pipistrelle.
- 4.6.5 All species of native British bat are protected under the 1981 Wildlife and Countryside Act (as amended) and the Habitats Regulations 2010. The applicant would therefore be required to obtain a license to undertake the development proposed and the local planning authority as a competent authority has duty in the exercise of its powers to have a regard to the provisions of the Habitats Regulations.
- 4.6.6 The Habitat Regulations 2010 allow for derogation from the provisions of the EU Council Directive 92/43/EEC of 21 May 1992 on the grounds of reasons

"to preserve public health and safety or other imperative reasons of overriding public interest including those of a social or economic nature and beneficial consequences of primary importance for the environment."

provided that

"there is no satisfactory alternative"

and the development

"will not be detrimental to the maintenance of the populations of the species concerned at a favourable conservation status in their natural range.

4.6.7 Given that the proposal is required to bring a building that is beyond reasonable repair without more than substantial demolition back into an economic reuse that would be sympathetic to heritage interests, that the building is currently unsafe and will continue to deteriorate and pose a continued threat to public safety it is concluded that there are imperative reasons of overriding public interest that warrant derogation.

4.6.8 Given the state of the building and the mitigation proposed it is considered that there would be no satisfactory alternative as to do nothing would fail to secure the opportunity to provide bat roosts that would be available in the long term.

4.6.9 In respect to the issue of mitigation it is noted that the Bat Mitigation Guidelines (page 39) states that mitigation and compensation for small numbers of bats of a common species should be

"provision of new roost facilities where possible. Need not be exactly like-for-like, but should be suitable, based on species' requirements. Minimal constraints or monitoring requirements".

4.6.10 It is noted that the application proposes the inclusion for a roof space bat roost in respect of Brown Long-eared Bats and a wall mounted bat box for Pipistrelle Bats. This is considered acceptable and can be secured by condition. Subject to this it is considered that the development would not be detrimental to the maintenance of the populations of the species concerned at a favourable conservation status in their natural range

4.6.11 Therefore subject to the attached conditions in respect of method of demolition, provision of compensatory roosts and mitigation for nesting birds it is considered that the proposal would be acceptable in respect of Policy CP12 of the Local Plan and paragraph 175 of the NPPF.

4.7 Provision of Waste & Recycling Facilities

4.7.1 The site makes adequate provision for waste and recycling facilities on site.

4.8 Crime and the Fear of Crime

4.8.1 All too often vacant buildings can be and are subject to a range of criminal and anti-social behaviour and hence can generate crime and engender a fear of crime.

4.8.2 Staffordshire Police Service has been consulted on the proposals and they have no objections.

4.8.3 It is therefore considered that these proposals would increase the physical and natural protection of the site and therefore it is considered that the proposals, in this respect, meet the requirements of the NPPF and Policy CP3 of the Cannock Chase Local Plan (Part 1).

4.9 Landscaping

4.9.1 The proposals involve the provision of a range of hard and soft landscaping as part of this scheme including the planting of new trees on the frontage, the provision of a hedge bordering the remainder of the frontage which would be set behind the proposed iron railings.

4.9.2 The Council's Landscape Team have been consulted on the proposals and they have no objections to the proposals in principle. It is considered that the remainder of the landscape elements can be dealt via the provision of a planning condition.

4.9.3 Therefore it is considered that the proposals meet the requirements of the NPPF and Policy CP3 of the Cannock Chase Local Plan (Part 1).

4.9.4 Brereton and Ravenhill Neighbourhood Plan

4.9.5 The application site lies within the designated Brereton and Ravenhill Neighbourhood Area and Brereton and Ravenhill Parish Council is preparing a Neighbourhood Plan. Given that this is still an early stage in the process it is considered that its provision carry little in the determination of this application.

4.10 Other issues Raised by Objectors

4.10.1 Objectors have stated that there is case to consider whether there is "evidence of deliberate neglect of or damage to a heritage asset". Officers would comment that the comments put forward are circumstantial in nature and should not be taken as proof that there is evidence of deliberate neglect. Water pipes can fracture in the absence of frost. Evidence from the structural surveys have also concluded

that the substantive structural issues have considerable history and are not attributable to the current owners or any delay resulting from the need of a bat survey.

- 4.10.2 Objectors have stated that the documentation submitted by the Applicant has contained numerous errors. Officers would comment that any of the errors made are not substantive and have been disregarded in coming to this recommendation.
- 4.10.3 Objectors have stated that the current application would set a precedent. Officers would comment that all applications should be determined on their own merits as they stand at the point at which the application is determined.
- 4.10.4 Objectors have stated that another prospective purchaser had been prepared to buy the property in 2014, but was outbid by the applicant's willingness to pay a price that reflected, not meeting the cost of restoration, but demolition and redevelopment of the site. Officers would comment that this is speculation. In addition there is no policy requirement to market the site given that the proposal would only result in less than harm to designated heritage assets. Even setting this point aside officers would point out that any proposal for the use of this building would require the structural problems of the building to be resolved which would result in substantial demolition of the structure.

5.0 HUMAN RIGHTS ACT

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

6.0 EQUALITIES ACT

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

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

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

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

- 6.3 It is therefore acknowledged that the Council needs to have due regard to the effect of its decision on persons with protected characteristics mentioned.
- 6.4 Such consideration has been balanced along with other material planning considerations and it is considered that the proposal is acceptable in respect to the requirements of the Act. Having had regard to the particulars of this case officers consider that the proposal would not conflict with the aim of the Equalities Act.
- 7.0 CONCLUSION
- 7.1 The proposals will redevelopment a vacant brownfield site and bring it back into a positive use which will create a local public health facility which will provide a range of specialist services and provide 15 full time jobs within the District.
- 7.2 The proposed B1/ D1 mixed use is considered acceptable in this area and it replicates the previously approved uses on the site with the property currently having an approved B1 office use and previous to that having an approved D1 use.
- 7.3 It is considered that this proposal, subject to the attached conditions, would, on balance, be acceptable in respect of its impacts on designated heritage assets and protected species.
- 7.4 The proposals would provide sufficient off street car parking provision including disabled provision together with provision of secure cycle parking. The proposals are in a sustainable location being in the middle of an established urban and residential area within walking distance of local bus services and with accessibility to the local Rugeley Train Station.
- 7.5 It is considered that the proposals would improve the security of this site and the wider neighbouring amenity by securing this site with a new development and natural surveillance as a result of the development.
- 7.6 Therefore it is considered that having had regard to the national and local policy requirements of the NPPF and the Cannock Chase Local Plan Part 1 Policies CP3, CP12, CP15 and CP16, the Council's Design Supplementary Planning Document and the Council's Parking Standards, Travel Plans & Developer Contributions for Sustainable Transport SPD, the proposal, on balance, is acceptable.