

Please ask for: Mrs. W. Rowe

Extension No: 4584

E-Mail: wendyrowe@cannockchasedc.gov.uk

4 September, 2018

Dear Councillor,

**PLANNING CONTROL COMMITTEE
3:00PM, WEDNESDAY 12 SEPTEMBER, 2018
COUNCIL CHAMBER, CIVIC CENTRE, CANNOCK**

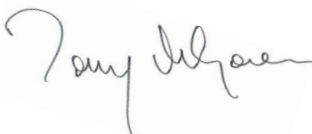
You are invited to attend this meeting for consideration of the matters itemised in the following Agenda.

The meeting will commence at 3.00pm or at the conclusion of the site visits, whichever is the later. Members are requested to note that the following site visits have been arranged:-

| <u>Application Number</u> | <u>Application Description</u> | <u>Start Time</u> |
|---------------------------|---|-------------------|
| CH/18/013 | Demolition of former Sycamore Bowling Club and ancillary timber structures, construction of new access road and erection of 12 houses and 1 bungalow and associated parking and amenity - 272 Hednesford Road, Norton Canes. WS11 9SA. | 1.30pm |
| CH/18/237 | Demolition of existing garage and carport and erection of 1 no. detached dwelling (outline application including access) - 164 Burntwood Road, Norton Canes, Cannock. WS11 9RL. | 2.00pm |
| CH/18/224 | <i>Residential development – erection of 2 detached dwellings (demolish existing dwelling) - 132 Chaseley Road, Rugeley. WS15 2LH.</i> | 2.30pm |

Members wishing to attend the site visits are requested to meet at 272 Hednesford Road, Norton Canes, WS11 9SA at 1.30pm as indicated on the enclosed plan.

Yours sincerely,



**T. McGovern
Managing Director**

To Councillors:

Cartwright, Mrs. S.M. (Chairman)

Allen, F.W.C. (Vice-Chairman)

Cooper, Miss J. Snape, P.A.

Dudson, A. Stretton, Mrs. P.Z.

Fisher, P.A. Sutherland, M.

Hoare, M.W.A. Tait, Ms. L.

Lea, C.I. Todd, Mrs. D.M.

Pearson, A.R. Woodhead, P.E.

Smith, C.D.

A G E N D A

PART 1

- 1. Apologies**
- 2. Declarations of Interests of Members in Contracts and Other Matters and Restriction on Voting by Members**

To declare any personal, pecuniary or disclosable pecuniary interests in accordance with the Code of Conduct and any possible contraventions under Section 106 of the Local Government Finance Act 1992.

- 3. Disclosure of details of lobbying of Members**

- 4. Minutes**

To approve the Minutes of the meeting held on 22 August, 2018 (enclosed).

- 5. Members' Requests for Site Visits**

- 6. Report of the Development Control Manager**

Members wishing to obtain information on applications for planning approval prior to the commencement of the meeting are asked to contact the Development Control Manager.

Finding information about an application from the website

- On the home page click on planning applications, listed under the 'Planning & Building' tab.
- This takes you to a page headed "view planning applications and make comments". Towards the bottom of this page click on the text View planning applications. By clicking on the link I agree to the terms, disclaimer and important notice above.
- The next page is headed "Web APAS Land & Property". Click on 'search for a planning application'.
- On the following page insert the reference number of the application you're interested in e.g. CH/11/0001 and then click search in the bottom left hand corner.
- This takes you to a screen with a basic description - click on the reference number.
- Halfway down the next page there are six text boxes - click on the third one - view documents.
- This takes you to a list of all documents associated with the application - click on the ones you wish to read and they will be displayed.

SITE VISIT APPLICATIONS

| <u>Application Number</u> | <u>Application Description</u> | <u>Item Number</u> |
|---------------------------|--|--------------------|
| 1. CH/18/013 | Demolition of former Sycamore Bowling Club and ancillary timber structures, construction of new access road and erection of 12 houses and 1 bungalow and associated parking and amenity - 272 Hednesford Road, Norton Canes. WS11 9SA. | 6.1 – 6.33 |
| 2. CH/18/237 | Demolition of existing garage and carport and erection of 1 no. detached dwelling (outline application including access) - 164 Burntwood Road, Norton Canes, Cannock. WS11 9RL. | 6.34 – 6.47 |
| 3. CH/18/224 | 132 Chaseley Road, Rugeley. WS15 2LH - Residential development, erection of 2 detached dwellings (demolish existing dwelling) | 6.48 – 6.69 |

PLANNING APPLICATIONS

| | | |
|--------------|---|--------------|
| 4. CH/18/080 | Land West of Pye Green Road – Reserved matters application for phases 2 and 3 comprising 481 dwellings with associated access (appearance, landscaping, layout and scale for approval) pursuant to outline planning permission CH/11/0395 | 6.70 – 6.103 |
|--------------|---|--------------|

5. CH/18/248 *47 Manor Avenue, Cannock. WS11 1AA* – Proposed two storey side extension and single storey rear extension 6.104 – 6.115
6. CH/18/245 *JK's Bar and Bistro, 77 High Green, Cannock. WS11 1BN* – variation of condition 2 (hours restriction) on planning permission CH/94/0564 to extend the opening hours to 09:00 – 24:00 Monday to Wednesday, 09:00 – 02:00 Thursday and Sunday and 09:00 – 03:00 Friday to Saturday 6.116 – 6.128

CANNOCK CHASE COUNCIL
MINUTES OF THE MEETING OF THE
PLANNING CONTROL COMMITTEE
WEDNESDAY 22 AUGUST, 2018 AT 3:00 P.M.
IN THE CIVIC CENTRE, BEECROFT ROAD, CANNOCK

PART 1

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

| | |
|-----------------|---------------------|
| Cooper, Miss J. | Stretton, Mrs. P.Z. |
| Fisher, P.A. | Sutherland, M. |
| Hoare, M.W.A. | Tait, Ms. L. |
| Lea, C.I. | Todd, Mrs. D.M. |
| Pearson, A.R. | Woodhead, P.E. |
| Snape, P.A. | |

36. Apologies

Apologies for absence were received from Councillors A. Dudson and C.D. Smith.

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

There were no declarations of interests submitted.

38. Disclosure of lobbying of Members

None.

39. Minutes

RESOLVED:

That the Minutes of the meeting held on 1 August, 2018 be approved as a correct record and signed.

40. Members' Requests for Site Visits

None.

41. Application CH/17/348, Fallow Park, Rugeley Road, Hednesford, WS12 0QZ – Residential Development:- Erection of 3 no. Houses

Following a site visit consideration was given to the report of the Development Control Manager (Item 6.1 – 6.24 of the Official Minutes of the Council).

Prior to the determination of the application representations were made by Clive Jessup, the applicant, speaking in favour of the application.

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.

42. Application CH/18/179, 12 Gorsey Lane, Cannock, WS11 1EY – Residential Development:- Erection of 1 no. Two Storey Detached Three Bed Dwelling (Outline Application with All Matters Reserved)

The item was withdrawn.

43. Appeal Decision: Application CH/17/377, 17 Southgate, Cannock, WS11 1PS – Residential Development:- Erection of 1 no. One Bed Detached Bungalow

Consideration was given to the report of the Development Control Manager (Item 6.39 – 6.41 of the Official Minutes of the Council).

RESOLVED:

That the report be noted.

The meeting closed at 3.40 p.m.

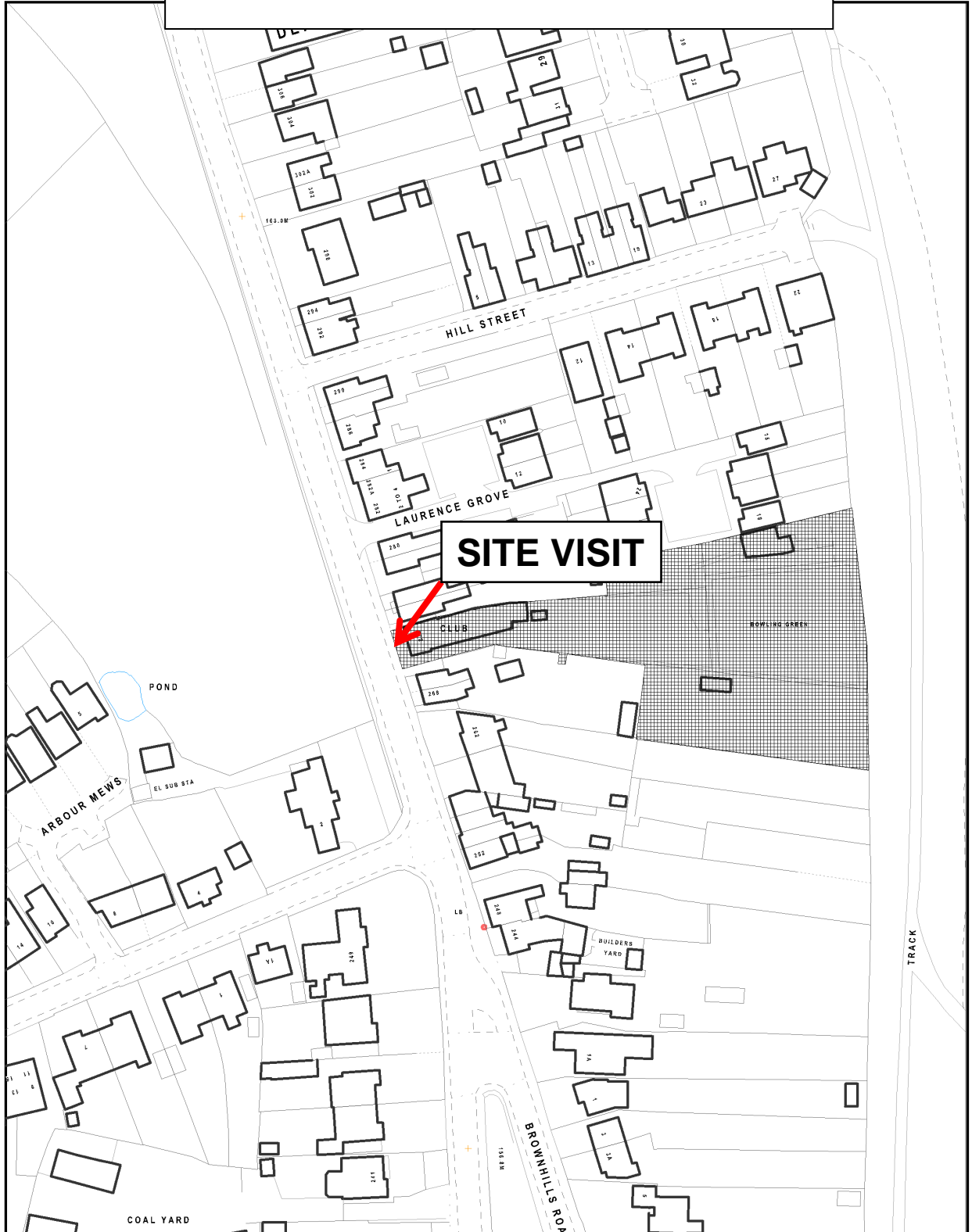
CHAIRMAN



Application No: CH/18/013

Location: 272, Hedgesford Road, Norton Canes, WS11 9SA

Proposal: Demolition of former Sycamore Bowling Club and ancillary timber structures. Construction of new access road and erection of 12 Houses & 1 bungalow and associated parking and amenity





Application No: CH/18/224

Location: 132, Chaseley Road, Rugeley, WS15 2LH

Proposal: Residential development - erection of 2 detached dwellings (demolish existing dwelling)

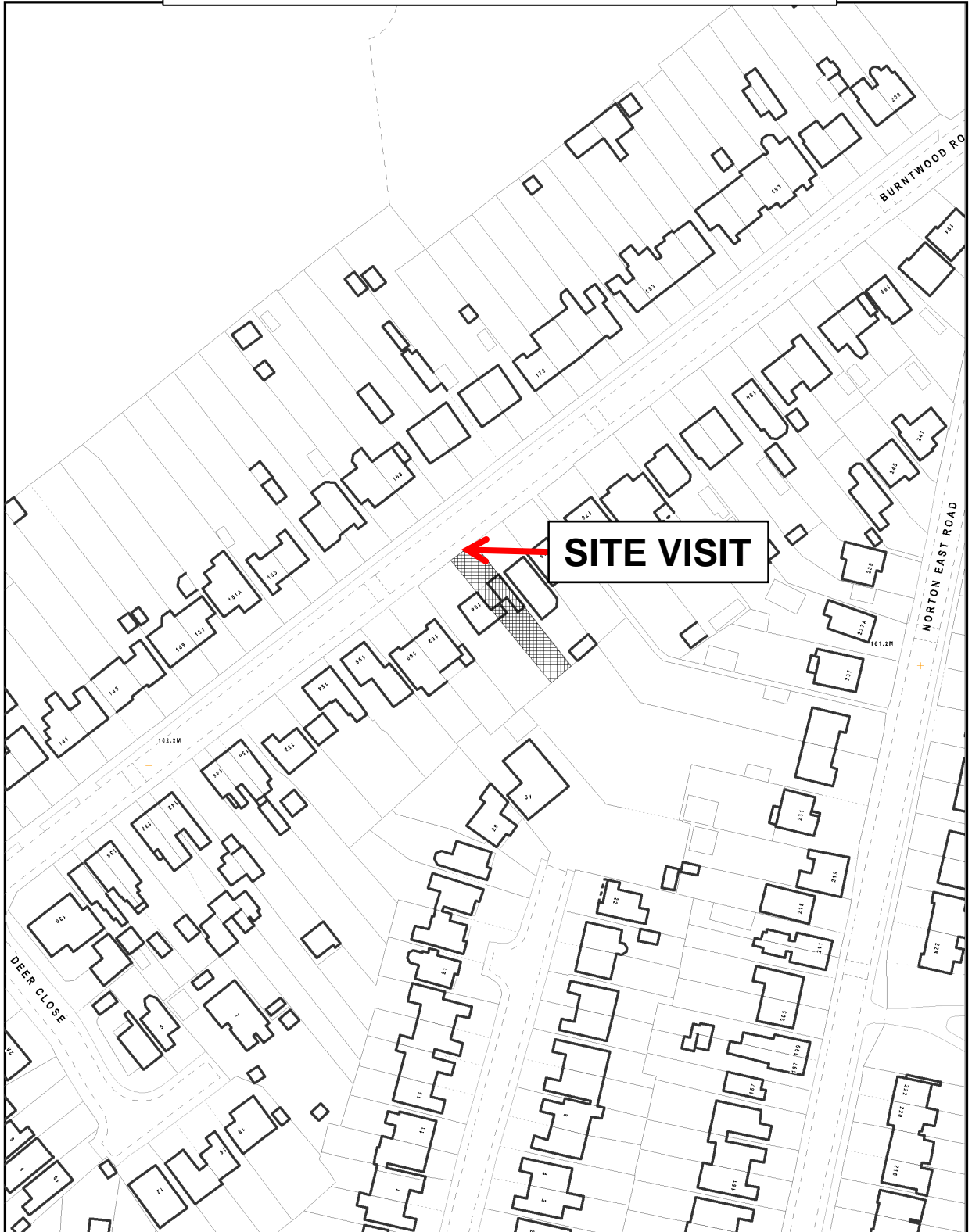




Application No: CH/18/237

Location: 164, Burntwood Road, Norton Canes, Cannock,
WS11 9RL

Proposal: Demolition of existing garage and carport and erection of
1No. detached dwelling (outline application including
access)



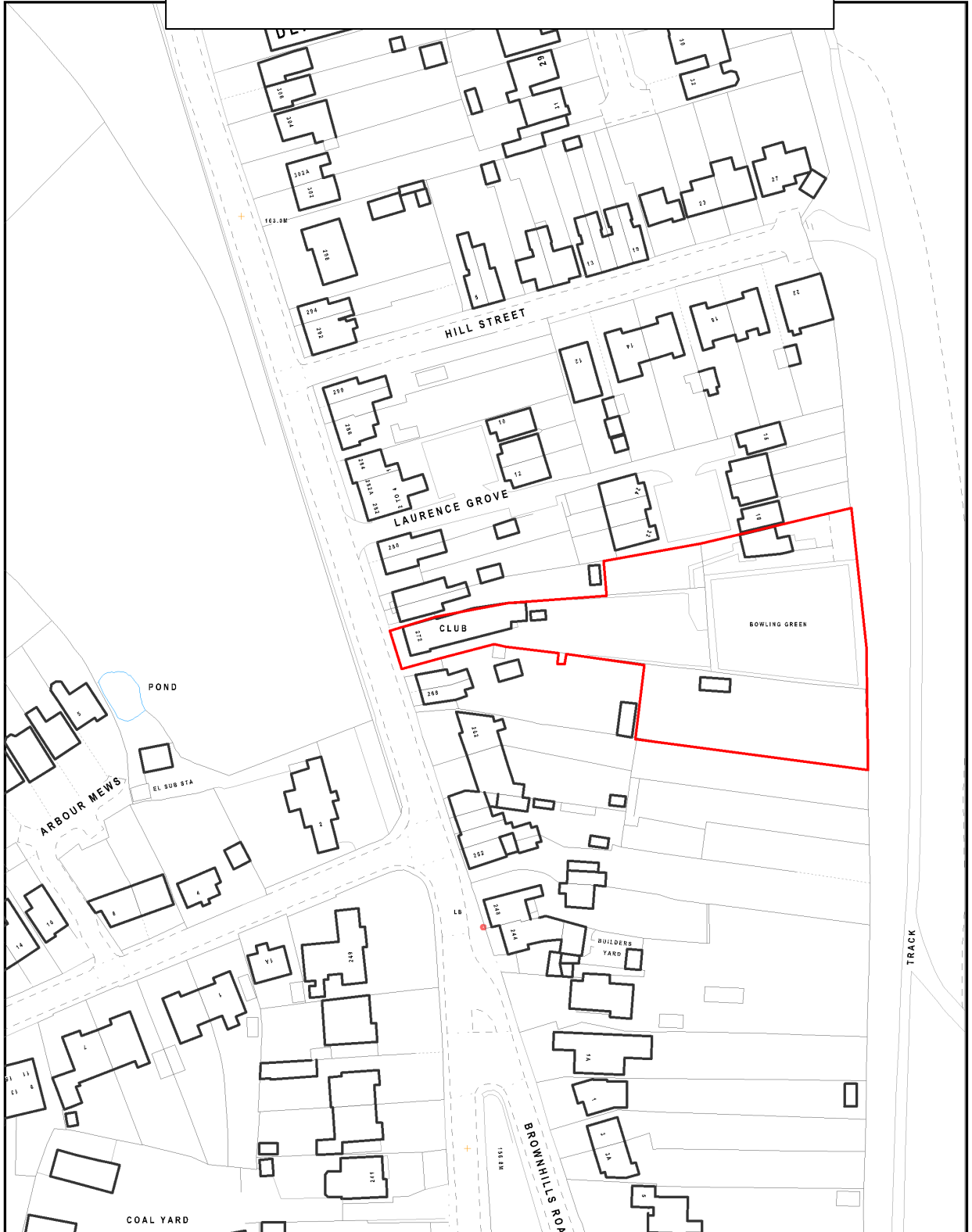


Application No: CH/18/013

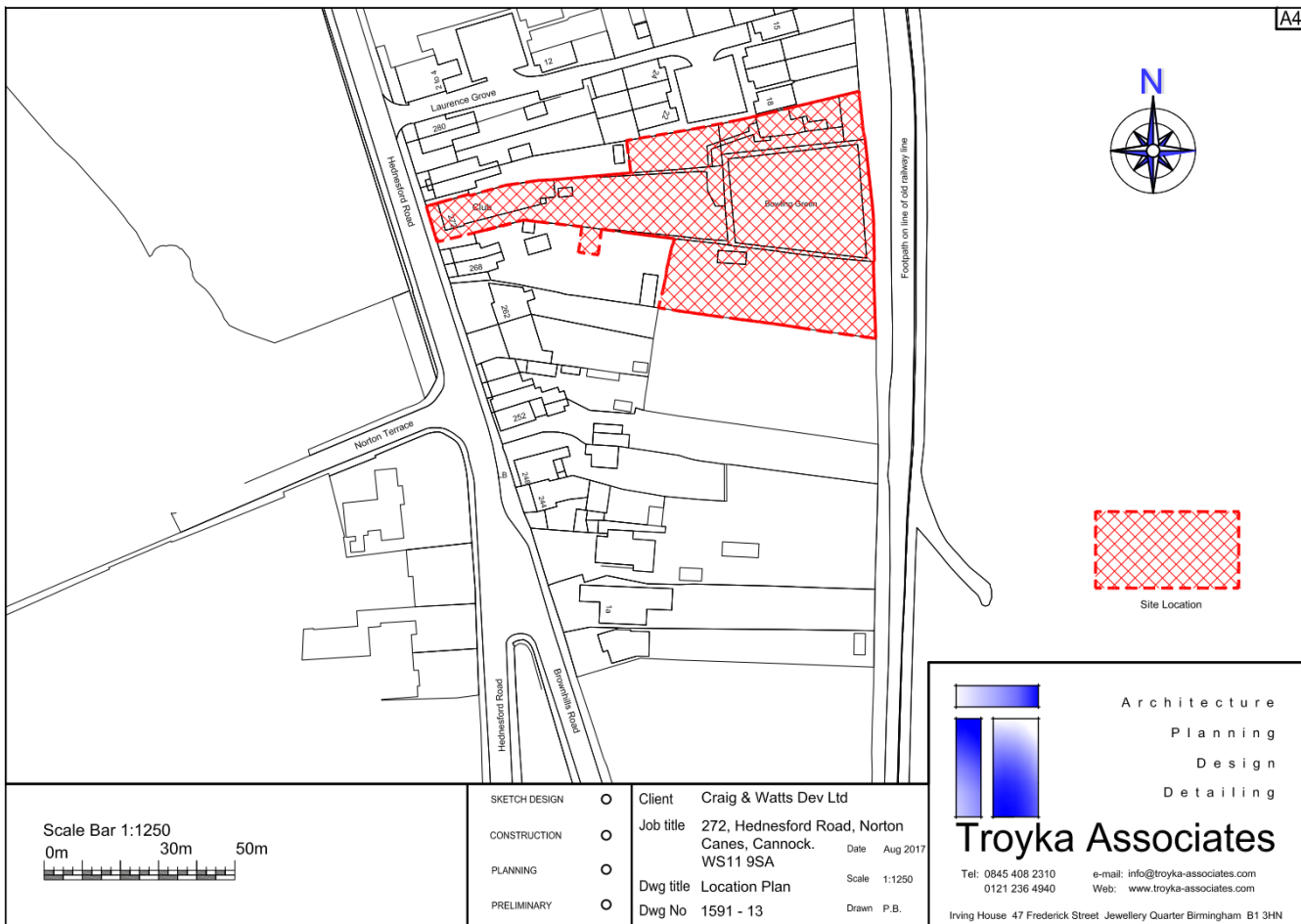
Location: 272, Hednesford Road, Norton Canes, WS11 9SA

Proposal: Demolition of former Sycamore Bowling Club and ancillary timber structures. Construction of new access road and erection of 12 Houses & 1 bungalow and associated parking and amenity

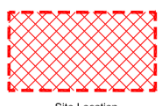
Item 6.1



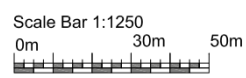
Location Plan



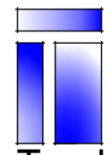
A4



Site Location



| | | | | | |
|---------------|-----------------------|-----------|---|-------|----------|
| SKETCH DESIGN | <input type="radio"/> | Client | Craig & Watts Dev Ltd | Date | Aug 2017 |
| CONSTRUCTION | <input type="radio"/> | Job title | 272, Hednesford Road, Norton Canes, Cannock. WS11 9SA | Scale | 1:1250 |
| PLANNING | <input type="radio"/> | Dwg title | Location Plan | Drawn | P.B. |
| PRELIMINARY | <input type="radio"/> | Dwg No | 1591 - 13 | | |



Architecture
Planning
Design
Detailing

Troyka Associates

Tel: 0845 408 2310 e-mail: info@troyka-associates.com
0121 236 4940 Web: www.troyka-associates.com
Irving House 47 Frederick Street Jewellery Quarter Birmingham B1 3HN

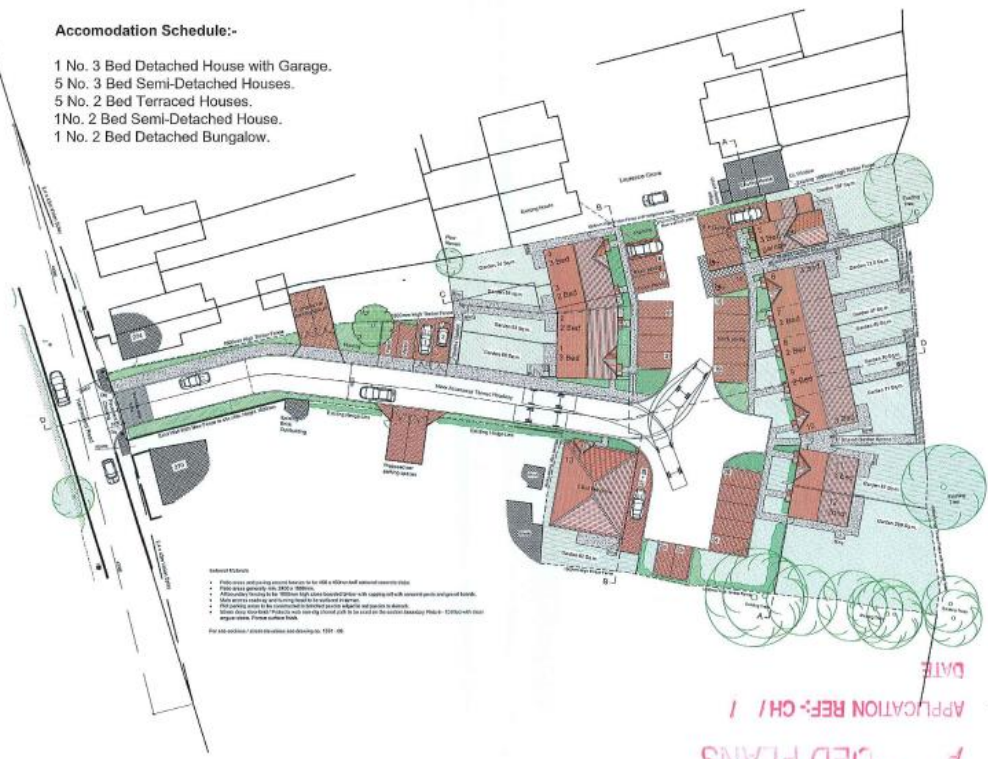
Site Plan

A3



Accommodation Schedule:-

- 1 No. 3 Bed Detached House with Garage.
- 5 No. 3 Bed Semi-Detached Houses.
- 5 No. 2 Bed Terraced Houses.
- 1 No. 2 Bed Semi-Detached House.
- 1 No. 2 Bed Detached Bungalow.



Notes:

- All dimensions and spacing are based on the 1:100 scale unless otherwise stated.
- All dimensions are to the centre of the wall unless otherwise stated.
- All dimensions are to the centre of the wall unless otherwise stated.
- All dimensions are to the centre of the wall unless otherwise stated.
- All dimensions are to the centre of the wall unless otherwise stated.

For all dimensions refer to the drawings 1001 - 1005

APPROVED PLANS
 APPLICATION REF: CH / 1
 DATE:

Revisions:

A 20/10/17 Hedge retention note added and one 2 Bed house omitted. TKA

B 13/11/17 2No. Paving to eastern boundary amended (Notes added), Accommodation schedule added and car parking spaces omitted. TKA

C 01/02/18 Revised boundary with additional car parking spaces and garden areas. TKA

D 08/07/18 Plot 13 removed and Plot 14 re-designated to 13. House Schedule amended. TKA.

| | | |
|---------------|---------------|---|
| SKETCH/DESIGN | Client | Craig & Watts Dev Ltd |
| PRELIMINARY | Job No | 272, Hednesford Road, Norton Canes, Cannock, WS11 9SA |
| PLANNING | Drawing title | Proposed Site Plan - A3 |
| CONSTRUCTION | Drawing No. | 1991 - 02 D - A3 |
| | Date | June 2018 |
| | Scale | 1:500 |
| | Client | TKA |

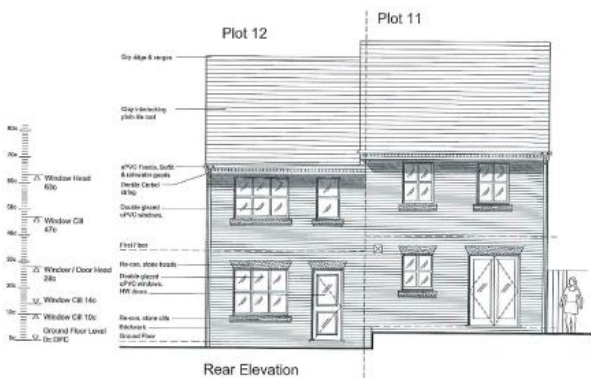
Architecture
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Troyka Associates

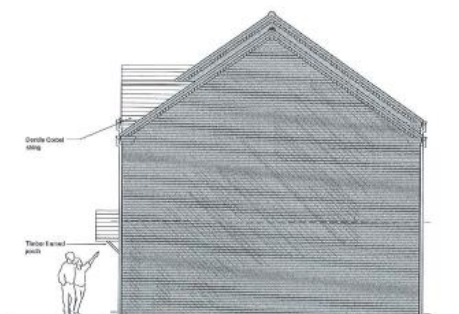
Tel: 01830 430 230 Email: info@troykaassociates.com
 01830 238 430 Web: www.troykaassociates.com
 Being House, 47 Theobald Street, Jewellery Quarter, Birmingham B1 2DA

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Plots 11 & 12 Elevations

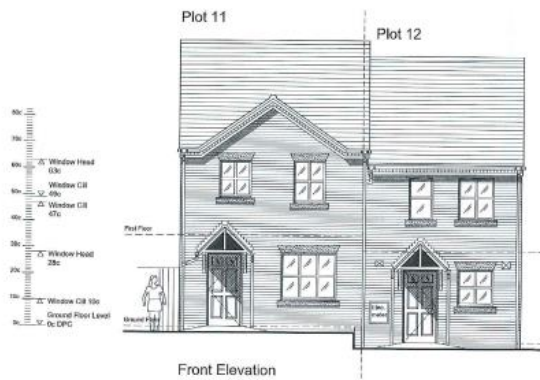


Rear Elevation

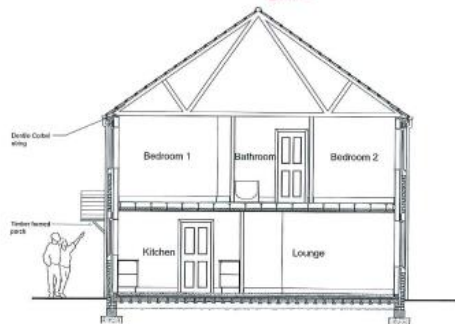


Side Elevation

AMENDED PLANS
APPLICATION REF- CH/ /
DATE



Front Elevation



Section A-A

Scale Bar 1:50
0m 1m 2m 3m 4m

Revisions:
06/07/18 Plot 12 removed, TGA

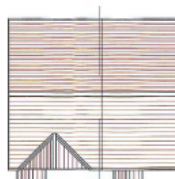
PREPARED BY: Client: Clay & Mills Dev Ltd
 PROJECT NO: Job No: 272, Hockley Road, Siston, Cavers, Bucks, WS11 8SA
 DRAWING NO: Drawing No: Proposed House Elevations Plot 11-12
 DATE: 05/01/18
 TROYKA ASSOCIATES
 2021/01/18 11:11 A
 TROYKA ASSOCIATES
 2021/01/18 11:11 A



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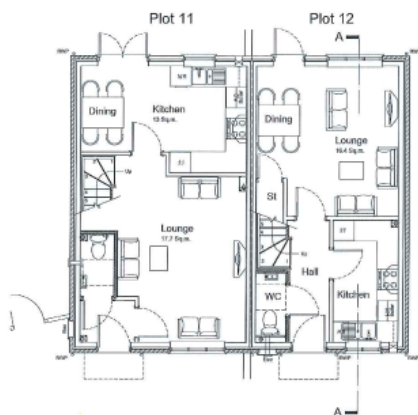
Plots 11 & 12 Floor Plans

See drawing 1591 - 11 for Section & Elevations

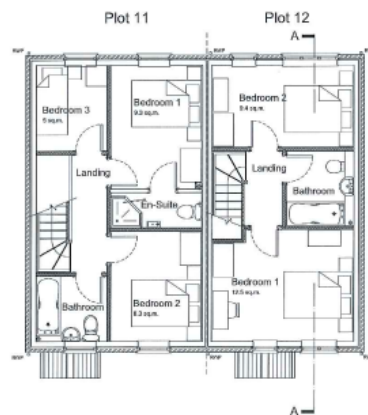


Roof Plan - Scale 1:100

AMENDED PLANS
 APPLICATION REF: CH / 1
 DATE



Ground Floor Plan - Type A G F Plan Type B



First Floor Plan - Type A F F Plan - Type B



Revisions
 0052718 Plot 13 removed. TCA

SHEET NO: 0 Client: Craig & Webb Dev Ltd
 PREPARED BY: 0 Job Site: 270, Redwood Road, Horton
 Checked: 0 Drawing Site: Proposed Home Plans Carey, Carmarthen, SA31 1SA.
 0047762001 Drawing No: 1591 - 05.3
 Henry 2017 Date: 15.04.18 Sheet 14



The final construction must comply with all dimensions on site before proceeding production drawings or commencing any work. This drawing and its designs are copyright of Troyka Associates Limited and may not be reproduced in any form without the written consent of Troyka Associates Limited.

Plots 1 - 4 Elevations

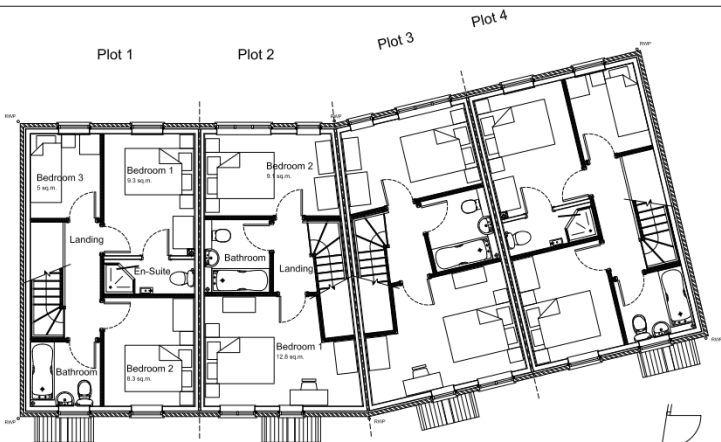


Revisions

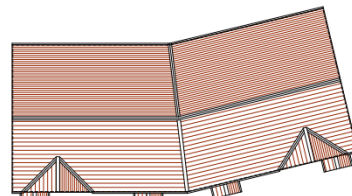
| | | | |
|-------------|---------------|---|--|
| DESIGN | Client | Craig & Watts Dev Ltd | <p>Troyka Associates ARCHITECTURAL PLANNING & DRAWING SERVICES Tel: 01454 491242 Email: info@troykaassociates.com 1201-1202, 1203, 1204, 1205, 1206, 1207, 1208, 1209, 1210, 1211, 1212, 1213, 1214, 1215, 1216, 1217, 1218, 1219, 1220, 1221, 1222, 1223, 1224, 1225, 1226, 1227, 1228, 1229, 1230, 1231, 1232, 1233, 1234, 1235, 1236, 1237, 1238, 1239, 1240, 1241, 1242, 1243, 1244, 1245, 1246, 1247, 1248, 1249, 1250, 1251, 1252, 1253, 1254, 1255, 1256, 1257, 1258, 1259, 1260, 1261, 1262, 1263, 1264, 1265, 1266, 1267, 1268, 1269, 1270, 1271, 1272, 1273, 1274, 1275, 1276, 1277, 1278, 1279, 1280, 1281, 1282, 1283, 1284, 1285, 1286, 1287, 1288, 1289, 1290, 1291, 1292, 1293, 1294, 1295, 1296, 1297, 1298, 1299, 1300</p> |
| PRELIMINARY | Job Site | 272, Heddesford Road, Norton Canons, Cannock, WS11 1SA | |
| PLANNING | Drawing Title | Proposed House Elevations P101-1-4 | |
| CONTRACTOR | Drawing No. | 1591 - 10 | Ben Peckham 2017 Scale: 1:50 Sheet: P10 |

Do not scale. Construction not final. All dimensions in elevation are approximate and intended for information only. This drawing and its design is the copyright of Troyka Associates Limited and may not be reproduced in any form whatsoever without their prior written consent.

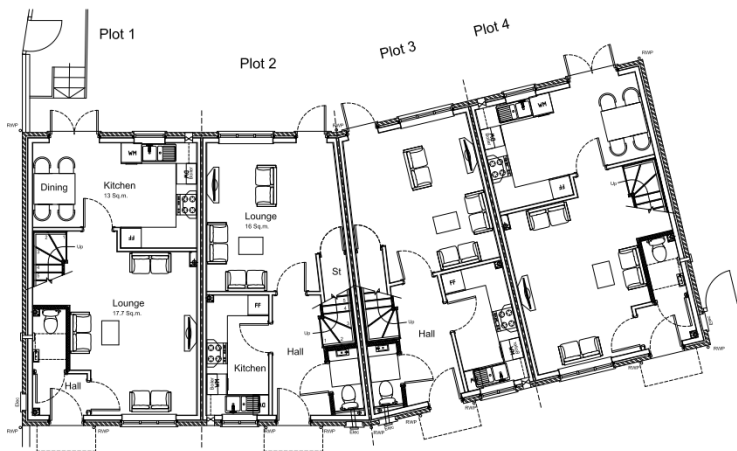
Plots 1 – 4 Floor Plans



F F Plan - Type A F F Plan - Type B (Angled)



Roof Plan - Scale 1:100



G F Plan - Type A G F Plan - Type B2 (Angled)

See drawing 1591 - 10 for Elevations



Revisions

- SKETCH/DESIGN ○
- PRELIMINARY ○
- PLANNING ●
- CONSTRUCTION ○

Client Craig & Watts Dev Ltd
 Job Site 272, Hednesford Road, Norton
 Canes, Cannock, WS11 9SA
 Drawing title Proposed House Plans
 Plots 1 - 4
 Drawing No. 1591 - 03
 Date February 2017 Scale: 1:20 & 1:50 Sheet: 0/3

ARCHITECTURE
 PLANNING
 DESIGN
 DETAILING

Troyka Associates

100, 101 & 102
 100, 101 & 102
 100, 101 & 102

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Plot 5 Plans and Elevations

Front Elevation

Rear Elevation

Side Elevation

Ground Floor Plan

First Floor Plan

Roof Plan

Side Elevation

Scale Bar 1:50

0m 10m 20m 30m 40m

Revisions

| | | |
|-----------------|---------------|---|
| DESIGN/REVISION | Client | Craig & Watts Dev Ltd |
| PRELIMINARY | Job Site | 272, Hednesford Road, Norton Canes, Cannock, WS11 1SA |
| PLANNING | Drawing Title | Proposed Detached House Type C - Plot 5 |
| CONTRACTIVITY | Drawing No. | 1591-04 |
| | Issue No. | 1 |
| | Date | 15th Nov 2016 |
| | Scale | 1:50 |
| | Sheet | F.8 |

Troyka Associates
ARCHITECTS
PLANNING
DRAWING
DESIGNING

15, 16B Hill Top Drive
10000-00000
10000-00000
10000-00000-00000

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Plots 6 – 10 Elevations

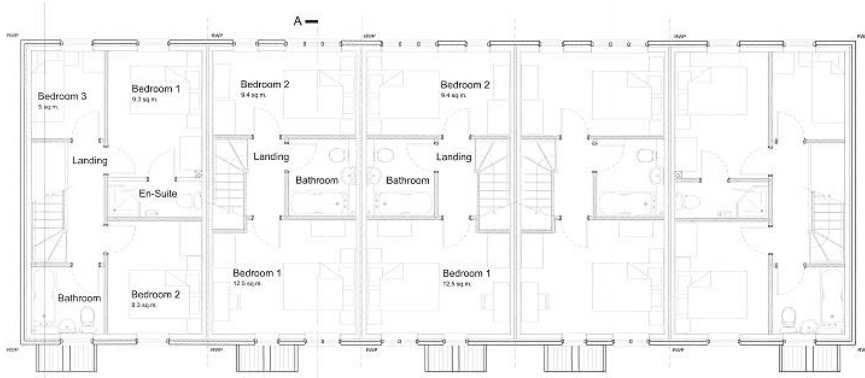


Revisions

| | | |
|---|---|--|
| <p>REVISIONS</p> <p>DATE</p> <p>BY</p> <p>DESCRIPTION</p> | <p>CLIENT: Craig & Watts Dev Ltd</p> <p>JOB TITLE: 272, Hedderford Road, Norton, Gwent, Carmar, NP23 5GA</p> <p>DRAWING TITLE: Proposed House Elevations Plots 6 - 10</p> <p>DRAWING NO.: 1061 - 12</p> <p>DATE: 14/01/21 SCALE: 1:50 SHEET: P.6</p> | <p>Troyka Associates</p> <p>ARCHITECTS PLANNERS BUILDERS DRAWING</p> <p>01493 880200 01493 880200 01493 880200 01493 880200</p> <p>100, The Parkway, Llanelli, Carmarthen, SA31 3JN</p> |
|---|---|--|

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Plots 6 – 10 Floor Plans



First Floor Plan - Type A

F F Plan - Type B

F F Plan - Type A

Plot 6

Plot 7

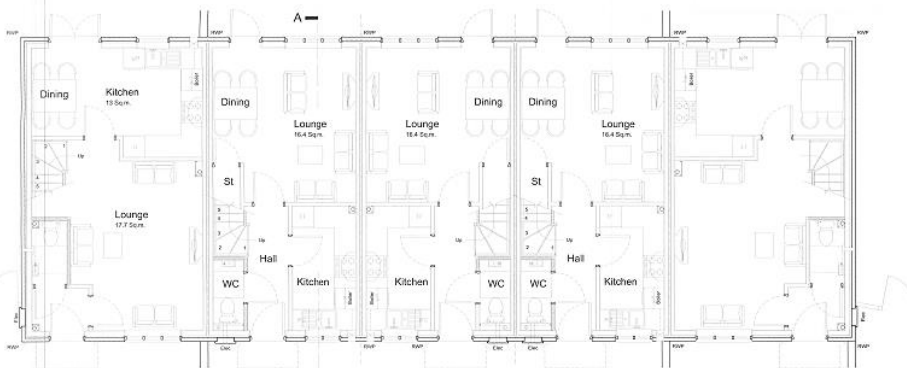
Plot 8

Plot 9

Plot 10



Roof Plan - Scale 1:100



Ground Floor Plan - Type A

G F Plan Type B

G F Plan - Type A

16 JAN 2008
CH/18/013

See drawing 1591 - 12 for Section & Elevations

Scale Bar 1:50
0m 1m 2m 3m 4m

| | | |
|---------------|------------|---|
| SKETCH/DESIGN | Client | Craig & Watta Dev Ltd |
| PRELIMINARY | Job Site | 272, Hasleford Road, North Cotes, Carrick, WS11 2SA |
| PLANNING | Drawing No | Proposed House Plans Plots 6 - 10 |
| CONTRACTOR | Drawing No | 191 - 05 |
| | Scale | 1:50 |
| | Date | 16 JAN 2008 |
| | Sheet | PK |

ARCHITECTS
Troyka Associates
PLANNING
DRAWING
DATE

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Application No: CH/18/013

Received: 16-Jan-2018

Location: 272, Hednesford Road, Norton Canes

Parish: Norton Canes

Ward: Norton Canes Ward

Description: Demolition of former Sycamore Bowling Club and ancillary timber structures. Construction of new access road and erection of 12 Houses & 1 bungalow and associated parking and amenity

Application Type: Full Planning Application Major

RECOMMENDATION S 106, Then Approval with Conditions

1. B2 Standard Time Limit
2. D1 Materials - Details Required
3. Details Required for Finished Floor Levels
4. E10 Landscape Details Required
5. E12 Landscape Implementation
6. E3 Tree & Hedge Protection Implementation
7. I2 Removal of Permitted Development Rights
8. Construction hours
9. Construction Vehicle Management Plan
10. Drainage
11. Access completed
12. Access surfacing
13. Coal investigations
14. K2 Site Investigation Required (Contaminated Land/Ground Gas)
15. Approved Plans
16. In accordance with the recommendations of the Ecological Report
17. Control of external illumination

Note to applicant

Please note that prior to the access being constructed you require Section 184 Notice of Approval from Staffordshire County Council. The link below provides a further link to "vehicle dropped crossings" which includes a "vehicle dropped crossings information pack" and an application form for a dropped crossing. Please complete and send to the address on the application form which is Staffordshire County Council at Network Management Unit, Staffordshire Place 1, c/o, 2 Staffordshire Place, Tipping Street, Stafford, ST16 2DH or email (nmu@staffordshire.gov.uk) www.staffordshire.gov.uk/transport/staffshhighways/licences

Any soakaway should be located a minimum of 4.5m rear of the highway boundary

Staffordshire County Council as Highway Authority would not formally adopt the proposed development, however, the development will require approval under Section 7 of the Staffordshire Act 1983. This Form X does not constitute a detailed design check of the proposed road construction, drainage and any street lighting. The applicant is requested to complete the necessary Section 7 application forms and submit all drawings to Staffordshire County Council for formal checking prior to the commencement of development. It will, therefore, be necessary for maintenance / management arrangements for the access road and internal layout to be submitted to the Highway Authority with a view to securing an exemption under Section 219 of the Highways Act 1980. Although the road layout will not be to adoptable standard, the road ways within the site will still need to be constructed to be 'fit for purpose'.

The applicant will be required to apply for a notice for the demolition of the existing buildings under the provisions of the Building Act 1984.

An asbestos survey shall be undertaken prior to demolition with any identified onsite asbestos removed via a specialist.

EXTERNAL CONSULTATIONS

Norton Canes Parish Council

No objections raised- It is felt that the widening of the access to the site will provide a great improvement to the area.

Staffordshire County Council (Highways)

No objection subject to conditions

Coal Authority

The Coal Authority has no objection to the proposal subject to condition.

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

The intrusive site investigations should be designed by a competent person and should ensure that they are adequate to properly assess the ground conditions on the site in order to establish the extraction situation in respect of coal mining legacy and the potential risks posed to the development by past coaling activity. The nature and extent of the intrusive site investigations should be agreed with the Permitting Section of the Coal Authority as part of the permissions process. The findings of the intrusive site investigations should inform any remedial measures which may be required.

School Organisation

The development falls within the catchments of Norton Canes Academy and Norton Canes High School. Norton Canes High School is projected to have sufficient space to accommodate the likely demand for pupils. Norton Canes Primary Academy is projected to be full for the foreseeable future and have insufficient space to accommodate the likely demand from pupils generated by the development. Therefore a contribution towards primary school provision will be sought – $3 \times \text{£}11,031 = \text{£}33,093$.

County Flood Risk Management

The FRA and Drainage Strategy proposes an infiltration solution, however we would need some further details to demonstrate that this will be achievable:

- Infiltration testing results in accordance with BRE365
- Design of suitably sized soakaways and permeable paving to accommodate the 1 in 100 year + CC event
- Plan showing location of individual soakaways (>5m from existing or proposed buildings) and permeable paving

If this cannot be achieved at this stage, then a backup solution in the event of insufficient infiltration should be demonstrated. This may be an attenuated solution with permeable paving for water quality treatment, and a restricted discharge to the surface water sewer, for example. In this case we would want to see:

- Existing / suitable point of connection to the SW sewer, with invert level (confirm adequate fall for pipework and storage volume / cover)
- Proposed rate of discharge
- Required volume of attenuation storage to accommodate the 1 in 100 year + CC event
- Plan showing the above.

Crime Prevention Staffordshire Police

No objection. The development should be constructed to secure by design standards.

INTERNAL COMMENTS

Planning Policy

No objection. The additional information as required below was submitted for assessment.

The site is mixed Brownfield/Greenfield site located within the urban area of Norton Canes. It is a 'windfall site' having not been previously identified within the Strategic Housing Land Availability Assessment (SHLAA) as a potential housing site.

The National Planning Policy Framework (NPPF) states that development proposals that accord with the development plan should be approved without delay. Where the development plan is absent, silent or out of date planning permission should be granted, unless the 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 or except where specific policies in this framework indicate development should be restricted e.g. Green Belt or AONB.

The site is not allocated for any use on the Local Plan (Part 1) Policies Map (an area of Green Space Network runs adjacent to the eastern boundary of the site). Local Plan (Part 1) Policy CP1 identifies that the urban areas of the District, including Norton Canes, will be the focus for the majority of new residential development. It also identifies that a 'positive approach that reflects the presumption in favour of sustainable development' will be taken when considering development proposals. Policy CP6 also identifies that 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 Brownfield elements of the site consist of a former working men's club building. The building is not identified for any specific designation e.g. Listed Building, Asset of Community Value. The Greenfield elements of the site appear to consist of a mixture of a former bowling green and residential garden land. As a sports facility that has only recently closed in 2016, the bowling green element of the site is subject to the provisions of the NPPF paragraphs 73-74 and Local Plan Policy CP5. Paragraph 73 of the NPPF states that the needs for sport and recreation facilities should be based upon up to date evidence, including any deficits or surpluses in provision. Paragraph 74 states 'Existing open space, sports and recreational buildings and land, including playing fields, should not be built on unless:

- an assessment has been undertaken which has clearly shown the open space, buildings or land to be surplus to requirements
- the loss resulting from the proposed development would be replaced by equivalent or better provision in terms of quantity and quality in a suitable location
- the development is for alternative sports and recreational provision, the needs for which clearly outweigh the loss.'

Policy CP5 of the Local Plan (Part 1) states 'The standards of provision of open space, sport and recreation facilities will be identified in a Supplementary Planning Document linked to updated requirements for developer contributions. The standards of provision will also be used to identify whether existing land and/or buildings need to be retained for the benefit of the community, either in their existing use(s) or some alternative community use (or shared space). Existing open spaces across the whole range of formal and informal typologies are identified as 'Green Space Network' on the Policies Map which will be updated as part of Local Plan Part 2...All open spaces, sport and recreational facilities, both existing and proposed, are subject to the policies and requirements of national planning policy and with reference to Policy CP13 regardless of whether they are designated on the Policies Map.'

The applicant outlines that they have consulted with the Norton Canes Parish Council to ascertain if there is any demand for the facility. However, it is considered that further

information should be provided demonstrating that the facility is surplus to requirement's e.g. usage levels pre closure in 2016; consultation with local bowling clubs; information on where the bowling clubs that used this facility now go to. This should be used to evidence that the facility is no longer required and that no compensatory facilities are required. The Council's Indoor and Outdoor Sports Facilities Study (2010) identified the site as an active outdoor bowling green at the time of that survey (and the only one in Norton Canes). The study identified that there was good provision of outdoor bowling greens within the District but recommended that existing levels of provision should be maintained. These standards are not included within the Developer Contributions and Housing Choices SPD (2015) but they are included in the adopted Infrastructure Delivery Plan (2014). Therefore, any losses of facilities (with no replacement facilities) need to be more robustly evidenced, perhaps in consultation with the Council's leisure and open spaces team. It is recognised that the Council's survey was undertaken in 2010 and that circumstances may have changed which justify the loss of the facility. However this needs to be further evidenced by the applicant. The Council has recently commissioned an update to its sports facilities evidence, but this will not be available until later in 2018.

With regards to the development of residential garden land, the NPPF (paragraph 53) outlines that local planning authorities can consider policies to resist inappropriate development of residential gardens, for example where development would cause harm to the local area. The Local Plan (Part 1) does not set a specific policy in relation to the development of garden land, however the appropriateness of the scheme should be considered with regard to Policy CP3 on design considerations and the Design SPD (2016) - particularly Appendix B standards on recommended distances and garden sizes. Policy CP16 states there is a preference for the reuse of brownfield land, but this does not preclude the use of greenfield windfall sites where they are considered to be sustainable development overall.

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

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

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

The site lies within the recently designated Norton Canes Neighbourhood Area. The Parish Council have not produced a draft plan to date.

In summary, further information is required to justify the loss of the bowling green facility and compensatory measures may need to be considered depending upon the information submitted. Subject to this issue being addressed and consideration of detailed design issues, there are no other objections in principle to the proposals.

Environmental Protection

No objection.

A former landfill site is located within 250m of the proposed development; therefore an appropriate site investigation and risk assessment will be required in respect of ground gases.

No development shall be undertaken until a qualitative risk assessment of identified pollutants and ground gasses, based on a conceptual model of site conditions has been completed. Site specific targets and a remediation statement should be submitted for prior approval.

The applicant will be required to apply for a notice for the demolition of the existing buildings under the provisions of the Building Act 1984.

An asbestos survey shall be undertaken prior to demolition with any identified onsite asbestos removed via a specialist.

Given the residential location of the site, construction hours should be restricted.

Waste & Recycling

Cannock Chase Council does not allow its refuse collection vehicles to travel on private roads. All waste storage points must be positioned within 10m of an adopted metalled highway and at the same level.

Housing Strategy

Vacant building credit applies to this application. The formula to be used for calculating contributions is extracted from the Councils evidence base report 'Economic Viability Assessment of Future Development of Affordable Housing in Cannock Chase (2014, Adams Integra). The financial contribution is calculated via the following steps:-

- a. Open Market Value (OMV used as GDV) of property type
- b. Multiply by the RLV percentage (18%)
- c. Add 15% on-costs
- d. Apply affordable housing equivalent proportion 20%
- e. Multiply by No. of units (total for scheme)
- f. Financial contribution payable
- g. Multiply financial contribution payable (f) by vacant

Trees, Landscape and Countryside

Objection – for the following reasons:-

There is no public open space provision as such a s106 for an offsite contribution is required. Rear garden of plot 12 will suffer from a lack of sunlight – shading plans are required. Details of finished floor levels is required for all plots.

Trees within the site have already been felled therefore replacement planting should be sought. Trees T3& T6 are young and will continue growing and will cause overhanging issues for new residents.

The scheme does not comply with the Councils amenity standard. No planting details are indicated. Parking gates to parking areas must not open onto the public highway.

Commissioning, Parks & Open Spaces

No response to date with regard to the loss of the bowling green

RESPONSE TO PUBLICITY

Site notice and adjacent occupiers were notified with four letters of objection received (one objector submitted 4 letters) and one letter of support:

- Norton village cannot sustain more houses,
- The traffic in Norton is already bad, Hednesford Road is particularly bad,
- The proposal would impact on wildlife,
- The neighbours do not want their privacy affected,
- The neighbours do not want risk of pollution or noise from cars,
- The neighbours do not want street lights etc affecting their garden,
- A tree and hedgerows have already been removed from the site,
- The sewage and drainage system is already over loaded,
- If permission is granted there should be no works to the neighbours trees or hedgerows,
- Plot 13 is two storey and would result in a detrimental impact to the adjacent property in terms of overlooking, noise, light pollution etc,
- The land owner of the adjacent site was not informed of the proposal and it is felt that there was an inadequate public right to object to the application,

The letter of support stated:-

- The proposed development represents a well balanced scheme that will improve the area.

1. SITE AND SURROUNDINGS

- 1.1. The application site relates to the former Sycamore Working Mans Club including ancillary timber structures and car park, together with part of the rear garden of No.270 Hednesford Road.
- 1.2 The application site covers an area of approx. 3700m² and benefits from a 10m wide frontage onto Hednesford Road (including the building frontage). The application site is roughly triangular in shape and benefits from a depth of 110m and a width at the rear of approx.62m.
- 1.3 The existing frontage building is of a simple two storey design set behind an area of hardstanding to the rear of the highway. The building itself extends back deep into the site for a distance of 30m. The existing building comprises of both two storey and single storey elements.
- 1.4 The existing access is sited to the side of the building and extends along the shared boundary with No.270, terminating in a parking area for the club. A driveway to No.270 runs adjacent this access. The carpark extends from the rear of the main building for some 45m with hardstanding extending to all boundaries.
- 1.5 The bowling green and associated building lie to the rear of the site. The bowling green lies in an overgrown and unused state and covers an area of approx. 910m². The derelict pavilion lies adjacent the northern boundary.
- 1.6 The application site slopes down significantly from the adjacent highway to the rear, a drop of approx. 3m across the depth of the site. The land also slopes down from north to south; a total fall of approx. 3m. The application site is bound on all sides by a combination of walling, fencing and hedgerows. Other than the hedgerows which delineate the boundaries of the site, there are no discernible building or landscape features of particular significance.
- 1.7 The application site is located within an established residential area which contains a mixture of two storey and single storey dwellings. The majority of buildings are of modest proportions, set within limited plots. To the east lies public right of way along the former railway line which now forms part of the Green Space Network.
- 1.8 The site is not allocated within the Cannock Chase Local Plan (Part 1) but is within the existing settlement boundary of Norton Canes.
- 1.9 The application sites former use closed in April 2016.
- 2.0 PROPOSAL

- 2.1. The application proposes the demolition of the existing Sycamore Working Mens' Club building, the removal of the bowling green and car park to the rear and for the residential development of 13 dwellings.
- 2.2 The proposed dwelling comprise of 1 detached dwelling with integral garage, two rows of terraced dwellings comprising of 4 dwellings and 5 dwellings, one pair of semi detached properties and one detached bungalow and their associated private gardens and parking provision. The dwellings would provide a variety of 2 and 3 bedroom properties.
- 2.3 The layout of the proposed development would comprise of two linear rows sited behind the frontage dwellings on Hednesford Road to reflect the adjacent Laurence Grove. The nearest proposed dwelling to the Hednesford Road would be some 61m into the site and orientated with a rear elevation facing the rear of No.274 and the frontage facing onto the application site.
- 2.4 The demolition of the former club building would allow a double width access from Hednesford Road leading to a communal parking area. The parking area would provide 30 vehicle spaces plus two off road spaces for the occupiers of No.274 and a further two spaces for the occupier of No.270.
- 2.5 Where possible the existing landscaping would be retained and new planting included.
- 2.6 The proposal was amended in light of comments received to reduce the number of dwellings to 13. This reduction removed the proposed two storey dwelling sited adjacent the south-eastern corner of the site.

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.
- 4.2 The Development Plan currently comprises the Cannock Chase Local Plan (2014).
- 4.3 Other material considerations relevant to assessing current planning applications include the National Planning Policy Framework (NPPF) and Supplementary Planning Guidance/Documents.
- 3.4 Cannock Chase Local Plan (2014):
 - CP1 - Strategy – the Strategic Approach
 - CP2 - Developer contributions for Infrastructure
 - CP3 - Chase Shaping – Design
 - CP5 - Social Inclusion and Healthy Living

- CP6 - Housing Land
- CP7 - Housing Choice
- CP13 - Cannock Chase Special Area of Conservation (SAC)
- CP16 – Climate Change & Sustainable Resource Use

3.5 National Planning Policy Framework

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

3.7 The NPPF confirms that a plan-led approach to the planning system and decisions must be made in accordance with the Development Plan. In particular, the following NPPF references are considered to be appropriate.

3.8 The relevant sections of the NPPF in relation to this planning application are as follows;:-

| | |
|---------------------|--|
| 8: | Three dimensions of Sustainable Development |
| 11-14: | The Presumption in favour of Sustainable Development |
| 47-50: | Determining Applications |
| 68-70 | Identifying Land for Homes |
| 96-97 | Open Space & Recreation |
| 177 | The presumption of sustainable development does not apply where development requiring appropriate assessment |
| 124, 127, 128, 130: | Achieving Well-Designed Places |
| 178- 180 | Ground Conditions & Pollution |
| 212, 213 | Implementation |

3.9 Other Relevant Documents

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

4. DETERMINING ISSUES

4.1. The determining issues for the application are:-

- Principle of development
- Design & Impact on the Character and Form of the Area
- Impact Upon Residential Amenity
- Access & Parking

- Waste & Recycling
- Landscaping
- Impact on Nature Conservation Interests
- Affordable housing requirement
- Education Contribution
- Drainage & Flood Risk
- Ground Contamination

4.2. Principle of Development

4.2.1 The proposal is for the demolition of the existing building, removal of the bowling green and car parking and for the construction of 13 new dwellings. Both the NPPF and Cannock Chase Local Plan Policy CP1 advocate a presumption in favour of sustainable development unless material considerations indicate otherwise. Further, Local Plan Policy CP6 seeks to support the creation of new homes within existing urban areas.

4.2.2 The site is located within the urban area of Norton Canes. The site comprises of a mix of brownfield land and greenfield land. It is a 'windfall site' having not been previously identified within the Strategic Housing Land Availability Assessment (SHLAA) as a potential housing site. Although the Local Plan has a housing policy it is silent in respect of its approach to windfall sites on both greenfield and previously developed land. As such in accordance with Policy CP1 of the Local Plan proposals would normally fall to be considered within the presumption in favour of sustainable development, outlined in paragraph 11 of the NPPF. However, paragraph 177 of the NPPF makes it clear

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

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

4.2.4 Local Plan (Part 1) Policy CP1 identifies that the urban areas of the District, will be the focus for the majority of new residential development. It also identifies that a 'positive approach that reflects the presumption in favour of sustainable development' will be taken when considering development proposals. The site does not appear to be located within either Flood Zone 2 or 3. The site is not designated as a statutory or non- statutory site for nature conservation nor is it located within a Conservation Area (CA).

- 4.2.5 The site is located within the settlement boundary of Norton Canes (as defined on the Local Plan Policies Map) wherein Policy CP6 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 those which accord with sustainable development principles identified in the NPPF and the strategic approach identified in Policy CP1 and other Local Plan policies as appropriate.
- 4.2.6 In respect to the principle of the proposal it is noted that the site is within the curtilage of a residential use and is located within Norton Canes approx. 0.3km from the shops, facilities and services of Norton Canes District centre, close to the local primary school and served by bus routes giving access by public transport. As such the site has good access by public transport, walking and cycling to a range of goods and services to serve the day to day needs of the occupiers of the proposed development. As such it is concluded that the proposal is acceptable in principle.
- 4.2.7 Although a proposal may be considered to be acceptable in principle it is still required to meet the provisions within the development plan in respect to matters of detail. The next part of this report will go to consider the proposal in this respect.

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

- 4.3.1 Part of the application site comprises of a bowling green and club which closed in 2016. Consideration as to the redevelopment of the bowling green is subject to the provisions of the NPPF paragraphs 96-97 and Local Plan Policy CP5. Paragraph 96 of the NPPF states that the needs for sport and recreation facilities should be based upon robust and up to date assessments of the need for open space, sport and recreation facilities (including any deficits or surpluses) and opportunities for new provision. Paragraph 97 states

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

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

- 4.3.2 Policy CP5 of the Local Plan (Part 1) states ‘The standards of provision of open space, sport and recreation facilities will be identified in a Supplementary Planning Document linked to updated requirements for developer contributions.

The standards of provision will also be used to identify whether existing land and/or buildings need to be retained for the benefit of the community, either in their existing use(s) or some alternative community use (or shared space). Existing open spaces across the whole range of formal and informal typologies are identified as ‘Green Space Network’ on the Policies Map which will be updated as part of Local Plan Part 2. All open spaces, sport and recreational facilities, both existing and proposed, are subject to the policies and requirements of national planning policy and with reference to Policy CP13 regardless of whether they are designated on the Policies Map.’

- 4.3.3 The Council’s Indoor and Outdoor Sports Facilities Study (2010) identified the site as an active outdoor bowling green at the time of that survey (and the only one in Norton Canes). The study identified that there was good provision of outdoor bowling greens within the District but recommended that existing levels of provision should be maintained. Therefore, any losses of facilities (with no replacement facilities) need to be more robustly evidenced.
- 4.3.4 In this respect, the applicant has provided evidence regarding the loss of the bowling green to help inform the submission. The applicant also consulted with Norton Canes Parish Council to ascertain if there is a demand for the facility. The report outlines that Norton Canes Parish Council feel there is no requirement for this type of facility in the village. It continued by identifying other similar facilities (22 teams) in the surrounding areas. The report also demonstrates that the use of the bowling clubs in the wider area has fallen significantly over the past few years and has resulted in the loss of 7 Clubs in the wider District. The report confirms that the number of bowling members at the Sycamore Club has reduced significantly since 2013 and that the majority of remaining members have already moved to the nearby facilities at Heath Hayes Constitutional Club & Bridgtown Social Club.
- 4.3.5 It has been acknowledged that the context of bowling green use has changed since the last survey commissioned in 2010 as the Council have recommissioned an update to the evidence base. However, this work is still being undertaken and therefore the Council can provide no more evidence other than the information which the applicants have provided. As such, given the information submitted by the applicant and the lack of any up to date evidence regarding sports facilities Officers accept that there is a decline in the use of such sports facilities and the loss is therefore acceptable in this instance as there are other similar facilities in the wider District.
- 4.3.6 In respect to issues in relation to design Policy CP3 of the Local Plan requires that, amongst other things, developments should be: -
- (i) well-related to existing buildings and their surroundings in terms of layout, density, access, scale appearance, landscaping and materials;
 - and

- (ii) successfully integrate with existing trees; hedges and landscape features of amenity value and employ measures to enhance biodiversity and green the built environment with new planting designed to reinforce local distinctiveness.
- 4.3.7 Relevant policies within the NPPF in respect to design and achieving well-designed places include paragraphs 124, 127, 128 and 130. Paragraph 124 makes it clear that the creation of high quality buildings and places is fundamental to what the planning and development process should achieve.
- 4.3.8 Paragraph 127 of the NPPF, in so much as it relates to impacts on the character of an area goes on to state: -
- Planning policies and decisions should ensure that developments:
- a) will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;
 - b) are visually attractive as a result of good architecture, layout and appropriate and effective landscaping;
 - c) are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities);
 - d) establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit;
- 4.3.9 Finally Paragraph 130 states planning permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions, taking into account any local design standards or style guides in plans or supplementary planning documents. Conversely, where the design of a development accords with clear expectations in plan policies, design should not be used by the decision taker as a valid reason to object to development.
- 4.3.10 Currently the application site is occupied by a former working mans club, bowling green and car park in part and in part, part of an existing residential curtilage. The surrounding area, apart from being overwhelmingly residential in nature, varies considerably in terms of plot size and the age and architecture of its composite buildings. There are several examples of infill/ backland developments in the immediate area. The properties along Hednesford Road vary from modest semi-detached or terrace properties with long rear gardens to the smaller scale development within 'Laurence Grove' which is a cul-de-sac development. It is

considered that the proposed development would reflect the general size, scale and layout of the surrounding areas and in this respect be well related to existing buildings and their surroundings.

- 4.3.11 The applicant has submitted a Tree Survey Report with which to inform the submission. This outlines that the quality of trees is categorised as follows: -A (high quality and value), B (moderate quality and value), C (low quality and value) and U which are considered as unsuitable for retention. In this respect it is noted that all of the trees are sited outside the application site and range from category B, C & U.
- 4.3.12 The report goes on to state that the scheme would not involve the loss of any trees and there would be sufficient room within the site for some planting to soften the proposal.
- 4.3.13 The comments made by the Landscape Officer are noted, however, it is considered that the provision of replacement planting and the design of the gardens to individual plots can be adequately dealt with by condition.
- 4.3.14 Subject to the attached conditions it is considered that the proposal would be in compliance with Policies CP3 of the Local Plan and Paragraph 127 of the NPPF.

4.4 Impact on Residential Amenity

- 4.4.1 Policy CP3 of the Local Plan states that the following key requirements of high quality design will need to be addressed in development proposals and goes on to include [amongst other things] the protection of the "amenity enjoyed by existing properties". This is supported by the guidance as outlined in Appendix B of the Design SPD which sets out guidance in respect to space about dwellings and garden sizes.
- 4.4.2 Paragraph 127(f) of the NPPF states that planning policies and decisions should ensure that developments [amongst other things] create places with a high standard of amenity for existing and future users.
- 4.4.3 The Design SPD, sets out, amongst other things recommended minimum distances for space about dwellings and between different elevations, in addition to recommended garden sizes. However, it should be noted that in applying these recommendations that they are in nature of guidance and allowances should be made for differences in levels and or where the relationship between elevations is at an angle.
- 4.4.4 In this respect it is considered that the proposal generally meets the guidance set out within the Design SPD having regard to angles and juxtaposition between the proposed dwellings themselves and with surrounding neighbours properties. There are no windows within the proposed development at first floor level that

- would give rise to unacceptable levels of overlooking to adjacent dwellings or their gardens.
- 4.4.5 The comments from the neighbouring land owner are noted, and, in this instance the applicant did reduce the number of dwellings from that originally proposed to 13. This reduction removed the dwelling sited in the south east corner of the site (adjacent the garden of No.258). As a consequence, the separation distance to this shared boundary would measure 10.5m and whilst plot 13 would be 5m from the shared boundary, this dwelling would be single storey only.
- 4.4.6 In addition to the above the proposal would meet the minimum recommendations for outdoor amenity space and parking provision.
- 4.4.7 In respect to shading from trees it is noted that rear garden at Plot 12 is shown to be 289sqm in area and 15m wide, which is far in excess of the 40-44sqm for a 2 bedroom house. As such, although there would be a degree of overshadowing from the trees along the boundary this would not be sufficient
- 4.4.8 Therefore it is concluded that the proposal by virtue of the distance from the nearest dwellings, the proposal 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 neighbouring properties. As such, it is considered that a high standard of amenity would be attained for all existing and future occupiers of the existing and proposed dwellings in accordance with Policy CP3 of the Local Plan and para.17 of the NPPF.
- 4.5. Access and Parking
- 4.5.1 Paragraph 109 of the NPPF states that "development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe".
- 4.5.2 The comments raised by neighbours regarding the potential highway implications are noted. However Staffordshire County Council Highways were consulted on the application. The Highways Authority has confirmed that they would not formally adopt the proposed development however, they raised no objection to the proposal.
- 4.5.3 The proposed development would provide 30 spaces for the 13 dwellings. The Parking SPD requires a total of 26 spaces based on the provision of thirteen 2 and 3 bedroom dwellings. As such, the proposed development provides over and above this requirement. The proposal also provides two off road parking spaces for Nos. 270 & 274 which would be accessed off the private driveway.
- 4.5.4 As such it is concluded that the residual cumulative impacts of the proposal would not be severe.

4.6 Waste and Recycling Facilities

4.6.1 The access road would remain private therefore the Council would not collect the refuse from within the site. The distance of the proposed dwellings would be too far from the highway to expect residents to deposit the bins on the highway on bin collection day. In this instance, the applicant has agreed to enter into a s106 requiring the implementation of a private bin collection service to operate within the site. The applicant has submitted a Swept Path Analysis which indicates that there would be sufficient room within the site for a large refuse vehicle to manoeuvre safely. As such, the proposed development would accord with the requirements of Policy CP16 of the Local Plan.

4.7 Landscaping

4.7.1 The proposal seeks to retain the existing landscaping where possible. Notwithstanding this, there is no discernible building or landscape features of particular significance within the site. There is little room within the public area of the site for a significant landscaping scheme. However some simple tree planting could be accommodated to help soften the parking area. A condition has been recommended for this. The private gardens of the proposed dwellings would be finished with rear lawns and left for the future occupiers of the site to landscape as they see fit.

4.7.2 The comments from the Landscape Officer and neighbours are noted in respect of the removal of trees & hedgerows within the site. However, that the trees and hedgerows were not subject to protection orders and could be removed by the landowner at any time.

4.7.3 Landscape Officers and neighbours have raised concerns regarding the pruning or future pruning of trees that are not within the ownership of the applicant and these points are noted. However, your officers confirm that the applicant has the legal right to prune any trees back to the boundary without any planning permission if they overhang the applicant's land.

4.7.4 The comments of the landscape officer are noted in respect to public open space provision. Policy CP5 of the Local Plan seeks development to have regard to the wider determinants of health and make a positive contribution to provision of infrastructure, design and layout which supports social inclusion and healthy living for sustainable communities. However, Policy CP5 continues that such provision would be delivered through a combination of Community Infrastructure Levy as well as 'on' and 'off site' provision. The proposed development is CIL liable.

4.7.5 The Developer Contributions and Housing Choices Supplementary Planning Document, states that larger scale development schemes may give rise to the need for further on site facilities in order to meet the needs generated by the development. The Council will generally expect proposals of 100 dwellings or more to provide on-site formal play provision for young people. Therefore, the proposed scheme, by virtue of its size is not required to provide on-site public open space. Furthermore, the proposed development provides private amenity space for each individual dwelling in accordance with the standards set out within the Design SPD. Further, there is no policy provision to request a commuted sum. As such the provision of private amenity space proposed is acceptable and in accordance with the The Developer Contributions and Housing Choices SPD and Policy CP5 of the Local Plan.

4.8 Impact on Nature Conservation Interests

On-Site Impacts

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

4.8.2 Notwithstanding this, the applicant has submitted an Ecological Survey to inform the submission. The survey concludes that there is no evidence of protected species on the site. There was some potential for nesting birds within the linear shrubs and trees and potential for sheltering amphibians and reptiles within the piled building materials on site.

4.8.3 The bat survey of the social club building revealed a good amount of general bat activity within the area; however, no indication of bat roosting within the building was found. Notwithstanding this, recommendations are proposed to protect any wildlife present on the site in accordance with paragraph 175 of the NPPF. Such measures include the incorporation of bird nesting boxes and bat boxes.

4.8.4 As such, the site has no known significant ecological value and therefore the proposal would not result in any significant direct harm to nature conservation interests providing that the precautionary recommendations in the ecologist report are adopted.

Impacts on Cannock Chase SAC

4.8.5 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), which has internationally protected status under the Regulations for its unique

heathland habitat. 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 adverse impact on the SAC. Such mitigation would be in the form of a contribution towards the cost of works on the SAC and this is provided through CIL.

- 4.8.6 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.

4.9 Affordable Housing S106 Requirement

- 4.9.1 Local Plan Policy CP7 requires financial contributions for affordable housing on sites of between 11 and 14 dwellings. As the proposed development is for 12 dwellings a commuted sum would be required based on a formula taking the open market value of the properties at the point of signing a S106 agreement. The comments of the Strategic Housing Officer are noted and it is considered that this could be secured via a Section 106 agreement.

4.10 Education Provision

- 4.10.1 Policy CP2 of the Local Plan gives the overarching policy in respect to developer contributions for infrastructure. In this respect, the development falls within the catchments of Norton Canes Academy and Norton Canes High School. Norton Canes High School is projected to have sufficient space to accommodate the likely demand for pupils. Norton Canes Primary Academy is projected to be full for the foreseeable future and have insufficient space to accommodate the likely demand from pupils generated by the development.

- 4.10.2 Therefore it is recommended that any permission granted is subject to a contribution towards primary school provision secured via a s106 agreement in accordance with Policy CP2 of the Local Plan.

4.11 Drainage and Flood Risk.

- 4.11.1 The site is located in Flood Zone 1 which is at least threat from flooding. The applicant has submitted a Flood Risk Assessment and Drainage Strategy to help inform the submission. The Flood Risk Assessment and Drainage Strategy concluded that the site is in a very low risk area from surface water flooding – annually less than 1 in 1000 chance of flooding and an infiltration solution is proposed. However, the Staffordshire County Flood Risk Team, whilst agreeing with the findings within the assessment and strategy have requested further details to demonstrate that this will be achievable. The Flood Risk Officer continues that if this cannot be achieved at this stage, then a backup solution in the event of

insufficient infiltration should be demonstrated. The applicant has submitted the required information to the Flood Risk Officer and Members will be updated.

- 4.11.2 Notwithstanding the above, it is noted that the site immediately abuts a main road and is on the edge of a predominantly built up area. As such it is in close proximity to drainage infrastructure that serves the surrounding area. Therefore, it is considered that options for draining the site are highly likely to be available..

4.12 Ground Contamination

- 4.12.1 Paragraphs 178-180 of the NPPF seek to ensure ground conditions of a site are suitable for its intended use. In this instance, the site lies within 250m of a former landfill site and therefore the Environmental Health Officer has stated that a ground gas assessment is required. The Officer has recommended this be imposed as a condition on any permission granted and is not required prior to the determination of the application.
- 4.12.2 The Environmental Health Officer has further noted that a qualitative risk assessment of identified pollutants and ground gasses, based on a conceptual model of site conditions has been completed. Again, the Officer is satisfied that the site specific targets and remediation statement can be dealt with via condition.
- 4.12.4 The application site is also located within an area the Coal Authority believes there is coal at or close to the surface and that may have been worked at some time in the past although there are no records of any mining shafts within or within 20m of the site. The application is supported by a Mining Risk Assessment Report and the Coal Authority concurs with the recommendations of the Mining Risk Assessment Report. That coal mining legacy potentially poses a risk to the proposed development and that intrusive site investigation works should be undertaken prior to development in order to establish the exact situation regarding coal mining legacy issues on the site. The Coal Authority recommends a condition for this to be attached to any permission granted.
- 4.12.5 Additionally, the Councils Environmental Health Officer stated that the applicant will be required to apply for a notice for the demolition of the existing buildings under the provisions of the Building Act 1984 and any asbestos identified onsite removed via a specialist. These do not fall within the remit of planning and are covered by other legislation however; a note to the application would be included on any decision notice issued.
- 4.12.6 Given the residential location of the site, construction hours should be restricted. The comments of the Environmental Health Officer are noted and accepted and appropriate conditions recommended for this in accordance with the guidance within the NPPF.

4.13. Issues Raised that Have Not Already Been Addressed Above:

- 4.13.1 Concern was raised regarding the increase in noise and excessive pollution from traffic accessing and using the proposed development. In respect to the assertion that noise and pollution will be increased it is noted that there is the potential for disturbance due to engine noise, fumes, manoeuvres into and out of the proposed parking area and general human activity associated with parking areas. Whilst there is already a driveway to the front of the existing dwelling this only serves 1 dwelling, the proposal would see this increased to two dwellings. Notwithstanding this, the two dwellings proposed would retain existing boundary treatments and any additional noise and pollution would be domestic in nature and scale and would not significantly prejudice the peace and enjoyment of the rear gardens for existing occupiers.
- 4.13.2 Neighbours have objected to the siting of plot 13 which is two-storey and would result in a detrimental impact to the adjacent property in terms of overlooking, noise, light pollution. Your officers confirm that the overall scale of the development has been reduced from 14 dwellings to 13 dwellings; this was as a consequence of the removal of plot 13. The nearest two storey plot to the adjacent neighbours would remain 10.5m to the shared boundary.
- 4.13.3 One of the neighbours raised concerns regarding potential street lights affecting their garden. Your officers confirm that any external lighting could be adequately controlled by way of a suitably worded condition to ensure that it is set up and operated so as to ensure that a high standard of residential amenity is maintained.
- 4.13.4 Concern was raised that the land owner of the adjacent site was not informed of the proposal in writing and it is felt that there was an inadequate public right to object to the application. Officers can confirm that the regulations provide for notification of a planning application whether by site notice or neighbour letter. Cannock Chase District Council do both, and notify land owners who abut an application site where they can be readily identified on an ordnance survey map. However, given that not all ownerships can be identified and in order to ensure wider publicity the council also erects a site notice. Officers confirm that both neighbour letters were sent out and that a site notice was erected and as such the Council has adequately discharged its legal duties.

5.0 EQUALITIES ACT

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

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

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

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

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

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

6.0 HUMAN RIGHTS ACT

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.

7.0 CONCLUSION

7.1 Residential development on this unallocated site within a sustainable location in a predominantly residential area within the urban area of Norton Canes is considered acceptable under current local and national policy.

7.2 Furthermore it is considered, on balance, that the proposal is acceptable in respect to impacts on acknowledged interests, subject to the attached conditions and the signing of a section 106 agreement.



Application No: CH/18/237

Location: 164, Burntwood Road, Norton Canes, Cannock,
WS11 9RL

Proposal: Demolition of existing garage and carport and erection of
1No. detached dwelling (outline application including
access)

Item 6.34



Location & Site Plans

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proposed site plan 1:200 PLOTTED A3

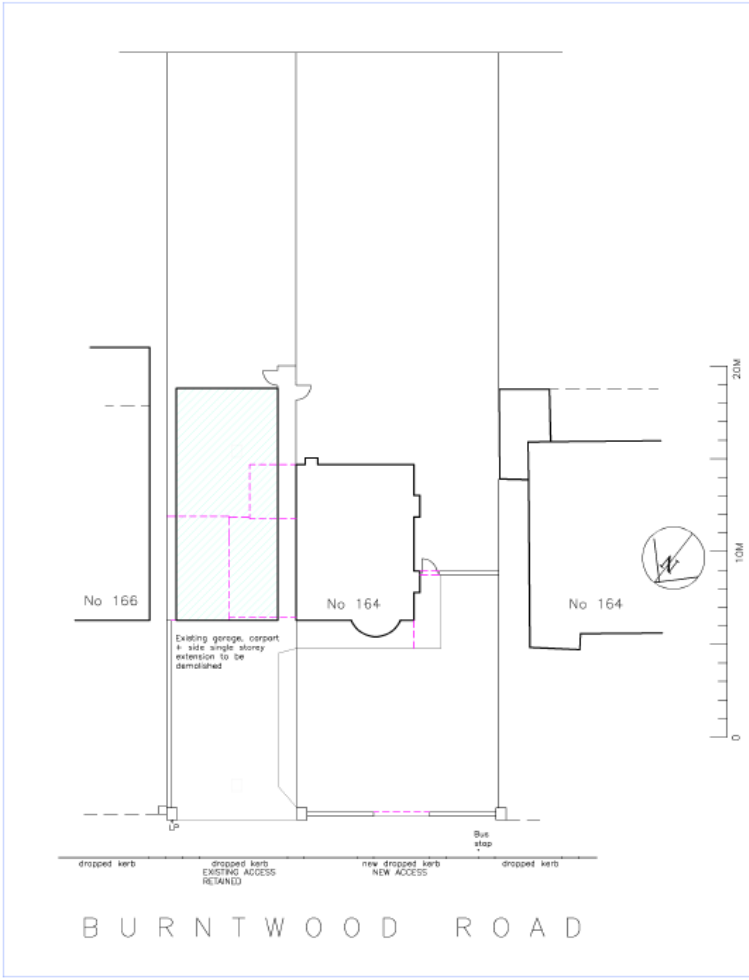
CLIENT
MR. J. PHILLIPS
154 Burntwood Road
Norton Canes
WS11 9RL
June 2018
dr no
2018:34:01



location plan 1:1250



site plan 1:500



No 166
Existing garage, carport & side single storey extension to be demolished
No 164
Bus stop
UP

dropped kerb dropped kerb EXISTING ACCESS (RETAINED) new dropped kerb NEW ACCESS dropped kerb
BURNTWOOD ROAD

Application No: CH/18/237

Received: 03-Jul-2018

Location: 164, Burntwood Road, Norton Canes, Cannock, WS11 9RL

Parish: Norton Canes

Ward: Norton Canes Ward

Description: Demolition of existing garage and carport and erection of 1No. detached dwelling (outline application including access)

Application Type: Outline Planning APP

RECOMMENDATION Approve Subject to Conditions

1. A1 Time Limit - Outline Permission
2. A2 General Outline Condition
3. Access for the existing property
4. Parking for the existing property
5. Drainage
6. Approved Plans

EXTERNAL CONSULTATIONS

Norton Canes Parish Council

Have requested the application be determined by Planning Committee due to the close proximity of other houses and consider whether there is sufficient space for the development. The Parish Council have requested a site visit be carried out prior to the committee meeting.

Staffordshire County Highways

No objection subject to conditions.

INTERNAL CONSULTATIONS

Environmental Health

No adverse comments offered

Planning Policy

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

The Cannock Chase Local Plan (part 1) 2014 policy CP1 supports sustainable development, while policy CP6 permits new housing on urban sites within Cannock Chase District.

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

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

RESPONSE TO PUBLICITY

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

RELEVANT PLANNING HISTORY

There is no relevant history to the site.

1. SITE AND SURROUNDINGS

- 1.1 The application seeks consent for residential development on land to the side of 164 Burntwood Road, Norton Canes.
- 1.2 The application site is of a regular 'rectangular' shape and forms part of the curtilage of No. 164. Currently No. 164 benefits from a wide frontage onto Burntwood Road that comprises of the main dwelling, a detached garage and a car port linking the two. A modest private garden is sited to the rear. There is hardstanding to the front of the garage and carport which leads to the access off Burntwood Road. To the front of the main dwelling is a grassed lawn which is bound by a low level brick wall.
- 1.3 The street scene is varied and comprises of some more recent infill development.

There is a variety of materials within this locale including facing brickwork and render. Most dwellings form a linear development fronting Burntwood Road and are set back behind short frontages.

- 1.4 The site is in part unallocated and undesignated in the Cannock Chase Local Plan (Part 1).

2. PROPOSAL

- 2.1 The proposal is seeking outline consent with all matters except access reserved for the demolition of the existing detached garage and carport and the erection of one detached dwelling. The existing access would be used for the proposed new dwelling and a new access provided for the existing dwelling. An indicative layout has also been submitted and the application will be considered in light of these to determine whether a dwelling could be accommodated on this site given the constraints of the site.

- 2.2 The application site would benefit from a 7m wide frontage along Burntwood Road and would extend back approx. 39m. The application site would provide an area of approx. 254m². The indicative plan shows a new dwelling could be sited to the side of No.164 in place of the existing garage and car port. A dwelling could be orientated with front and rear elevations facing to the north-west and south-east over the frontage and proposed rear garden respectively.

- 2.2 The indicative plan indicates the proposed dwelling would be constructed with a footprint of approx.67m² and would provide amenity space to the rear of 126m². There would be adequate room to the front of the proposed dwelling for four vehicles.

- 2.3 The existing dwelling would remain unaltered however, a new access would be required to allow vehicles to park within the newly formed curtilage. There would be adequate room to the front of the existing dwelling for a minimum of three vehicles.

3. PLANNING POLICY

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

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

CP1 - Strategy – the Strategic Approach
CP3 - Chase Shaping – Design

CP6 – Housing Land
 CP7 – Housing Choice

3.3 National Planning Policy Framework

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

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

3.6 Relevant paragraphs within the NPPF include paragraphs: -

| | |
|---------------------|---|
| 8: | Three dimensions of Sustainable Development |
| 11-14: | The Presumption in favour of Sustainable Development |
| 47-50: | Determining Applications |
| 124, 127, 128, 130: | Achieving Well-Designed Places |
| 177 | Presumption in favour of sustainable development does not apply where appropriate assessment required |
| 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.

4.0 Determining Issues

4.1 The determining issues for the proposed development include:-

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

4.2 Principle of the Development

4.2.1 Both the NPPF and Cannock Chase Local Plan 2014 Policy CP1 advocate a presumption in favour of sustainable development unless material considerations

indicate otherwise. The site comprises part previously developed part greenfield land located within the urban area of Cannock. It is a 'windfall site' having not been previously identified within the Strategic Housing Land Availability Assessment (SHLAA) as a potential housing site.

- 4.2.2 Although the Local Plan has a housing policy it is silent in respect of its approach to windfall sites on both greenfield and previously developed land. As such in accordance with Policy CP1 of the Local Plan proposals would normally fall to be considered within the presumption in favour of sustainable development, outlined in paragraph 11 of the NPPF. However, paragraph 177 of the NPPF makes it clear

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

- 4.2.3 Policy CP13 of the Local Plan recognises that any project involving net new dwellings will have an impact on the SAC and as such should be subject to an appropriate assessment under the Habitat Regulations. This being the case it can only be concluded that the presumption in favour of sustainable development does not apply to the current application and the proposal should be considered having regard to the development plan and other material considerations.
- 4.2.4 Local Plan (Part 1) Policy CP1 identifies that the urban areas of the District, will be the focus for the majority of new residential development. It also identifies that a 'positive approach that reflects the presumption in favour of sustainable development' will be taken when considering development proposals. The site is not located within either Flood Zone 2 or 3. The site and is not designated as a statutory or non- statutory site for nature conservation nor is it located within a conservation area nor does it affect the setting of a designated or undesignated heritage asset.
- 4.2.5 The proposed use would be in the main urban area, in a sustainable location and would be compatible with surrounding residential land uses. As such it would be acceptable in principle at this location. However, although a proposal may be considered to be acceptable in principle it is still required to meet the provisions within the development plan in respect to matters of detail. The next part of this report will go to consider the proposal in this respect.

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

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

- (i) well-related to existing buildings and their surroundings in terms of layout, density, access, scale appearance, landscaping and materials;
- 4.3.2 Relevant policies within the NPPF in respect to design and achieving well-designed places include paragraphs 124, 127, 128 and 130. Paragraph 124 makes it clear that the creation of high quality buildings and places is fundamental to what the planning and development process should achieve.
- 4.3.3 Paragraph 127 of the NPPF, in so much as it relates to impacts on the character of an area goes on to state: -
- Planning policies and decisions should ensure that developments:
- a) will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;
 - b) are visually attractive as a result of good architecture, layout and appropriate and effective landscaping;
 - c) are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities);
 - d) establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit;
- 4.3.4 Finally Paragraph 130 states planning permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions, taking into account any local design standards or style guides in plans or supplementary planning documents. Conversely, where the design of a development accords with clear expectations in plan policies, design should not be used by the decision taker as a valid reason to object to development.
- 4.3.5 In this respect it is noted that Appendix B of the Design SPD sets out clear expectations and guidance in respect to extensions to dwellings.
- 4.3.6 The indicative plan has been submitted to demonstrate how the applicant envisages the site to be developed. The siting of the proposed dwelling would be set back behind a short frontage with the private amenity space to the rear.
- 4.3.7 Within the wider street scene dwellings occupy varied plots sizes; from detached dwellings accommodating wide plots to the narrower plot size of the terraced properties to the south-west. The proposed indicative dwelling is shown set back

behind a short frontage with the private amenity space to the rear. The indicative siting of the dwelling also indicates that a dwelling could be accommodated so that it would be in line with the adjacent dwellings. As such, a proposed dwelling at this site could sit comfortably within the existing and varied street scene.

- 4.3.8 Whilst the frontage of the proposed dwelling would be hardstanding, this section of the site already comprises of hardstanding for the parking of vehicles associated with No. 163. A new access would be introduced to the front of the existing dwelling as a consequence of the proposal and the majority of this frontage altered to hardstanding. Whilst this would remove the existing garden area, it is noted that a large number of neighbouring dwellings have already removed the front gardens to accommodate off road parking and therefore this would not be an anomaly in this location.
- 4.3.9 Therefore, having had regard to Policy CP3 of the Local Plan and the above mentioned paragraphs of the NPPF it is considered that a dwelling could be accommodated which would be well-related to existing buildings and their surroundings, successfully integrate with existing features of amenity value, maintain a strong sense of place and visually attractive such that it would be acceptable in respect to its impact on the character and form of the area.

4.4 Impact on Residential Amenity

- 4.4.1 Policy CP3 of the Local Plan states that the following key requirements of high quality design will need to be addressed in development proposals and goes on to include [amongst other things] the protection of the "amenity enjoyed by existing properties". This is supported by the guidance as outlined in Appendix B of the Design SPD which sets out guidance in respect to space about dwellings and garden sizes.
- 4.4.2 Paragraph 127(f) of the NPPF states that planning policies and decisions should ensure that developments [amongst other things] create places with a high standard of amenity for existing and future users.
- 4.4.3 The indicative plans indicate a separation distance of 30m+ to the dwelling opposite. There are no properties directly to the rear however; the rear garden would have a depth of approx. 18m which would prevent unacceptable levels of overlooking of the land to the rear. The separation distances to neighbouring properties are appropriate for the proposal and over and above the requirement of those set out within the Council's Design SPD.
- 4.4.4 The private amenity for the proposed dwelling would measure approx. 126m². The Design SPD requires an area of 65m² per three bedroom dwelling or 80m² for 4 bedroom dwellings. The garden to No.12 would also retain over 242m² which again is adequate for a dwelling of this size.

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

4.5 Impact on Highway Safety

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

4.5.2 The proposed dwelling would provide four spaces to the frontage which is appropriate for a 2, 3 or 4 bedroom dwelling. Furthermore, adequate provision would be made in the revised curtilage of No.164 in accordance with the parking SPD. Staffordshire County Highway Department raised no objections to the proposal subject to the attached conditions.

4.5.3 As such it is considered that the proposed means of access is acceptable having had regard to paragraph 109 of the NPPF.

4.6 Impact on Nature Conservation Interests

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

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

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

4.7 Affordable Housing and other Developer Contributions

4.7.1 Under Policy CP2 the proposal would be required to provide a contribution towards affordable housing. However, given the order of the Court of Appeal,

dated 13 May 2016, which give legal effect to the policy set out in the Written Ministerial Statement of 28 November 2014, and the subsequent revision of the PPG it is considered on balance that the proposal is acceptable without a contribution towards affordable housing.

4.8 Drainage and Flood Risk.

4.8.1 The site is located in a Flood Zone 1 which is at least threat from flooding. Although the applicant has not indicated the means of drainage it is noted that the site immediately abuts a main road and is on the edge of a predominantly built up area. As such it is in close proximity to drainage infrastructure that serves the surrounding area and is considered acceptable subject to a condition to secure the details of a drainage scheme.

4.9 Comments received not covered above:-

4.9.1 The comments regarding waste being burnt on site are noted however, burning waste on site is covered in Environmental Health legislation. Planning should not duplicate other legislation and therefore a condition regarding no burning of waste on site has not been recommended.

5.0 HUMAN RIGHTS ACT

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

6.0 EQUALITIES ACT

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

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

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

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

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

- 6.3 It is therefore acknowledged that the Council needs to have due regard to the effect of its decision on persons with protected characteristics mentioned.
- 6.4 Such consideration has been balanced along with other material planning considerations and it is considered that the proposal is acceptable in respect to the requirements of the Act. Having had regard to the particulars of this case officers consider that the proposal would not conflict with the aims of the Equalities Act.
- 7.0 CONCLUSION
- 7.1 The site is located within a sustainable urban area with good access to a range of goods and services by means other than the private car. As such it is considered to be acceptable in principle.
- 7.2 In respect to all matters of acknowledged interest and policy tests it is considered that the proposal, subject to the attached conditions, would not result in any significant harm to acknowledged interests and is therefore considered to be in accordance with the Development Plan. Impacts on the Cannock Chase SAC would be secured through payment of CIL.
- 7.3 It is therefore recommended that the application be approved subject to the attached conditions.

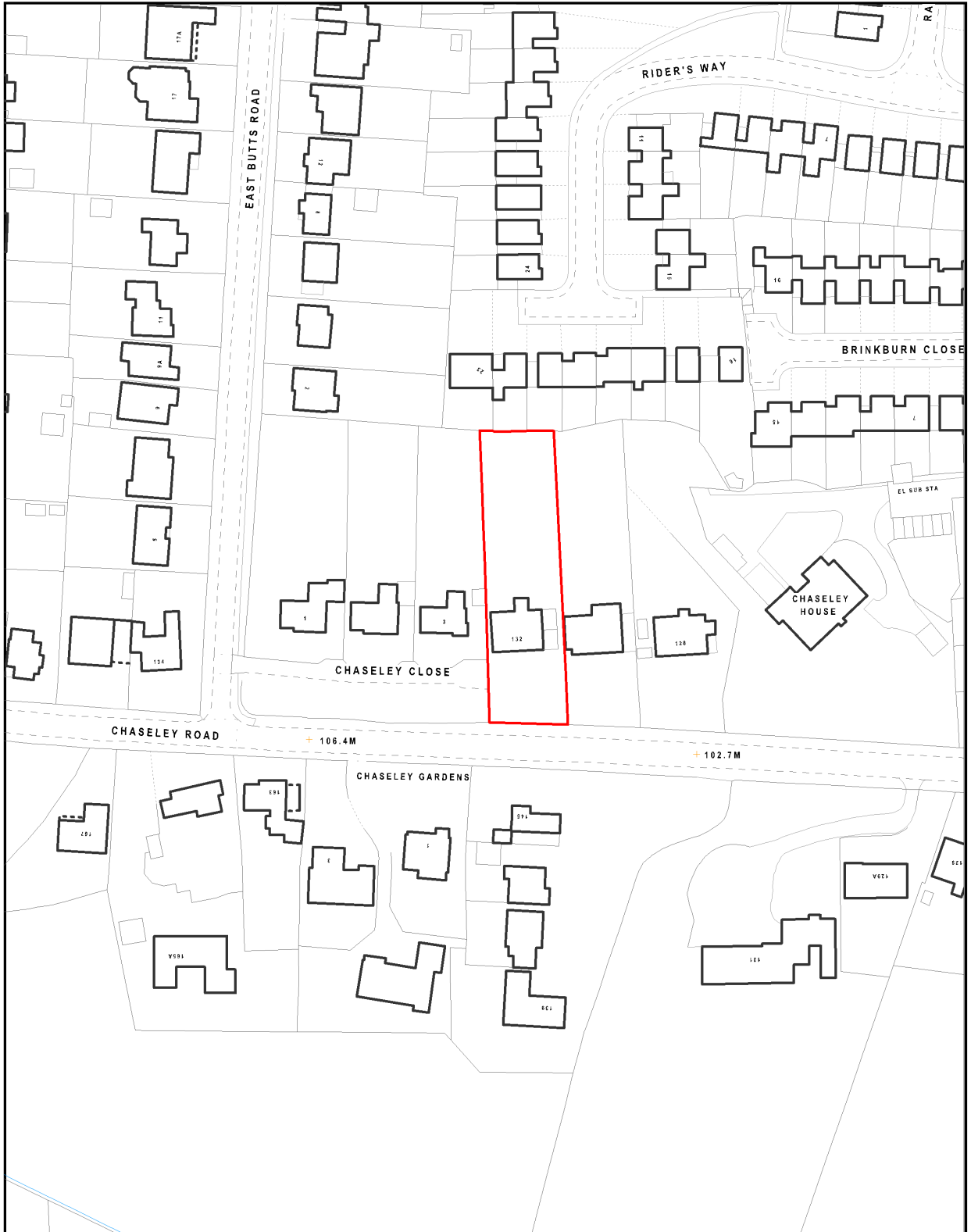


Application No: CH/18/224

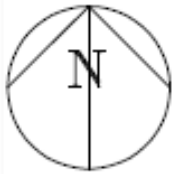
Location: 132, Chaseley Road, Rugeley, WS15 2LH

Proposal: Residential development - erection of 2 detached dwellings (demolish existing dwelling)

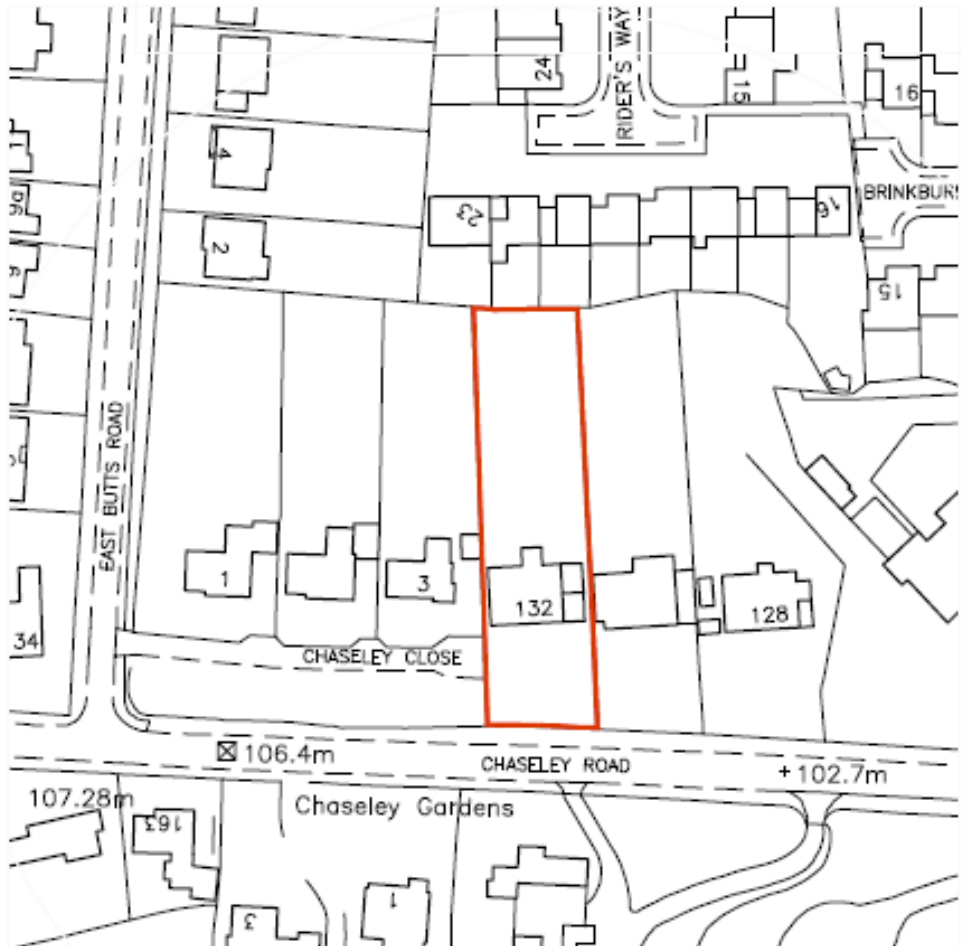
Item 6.48



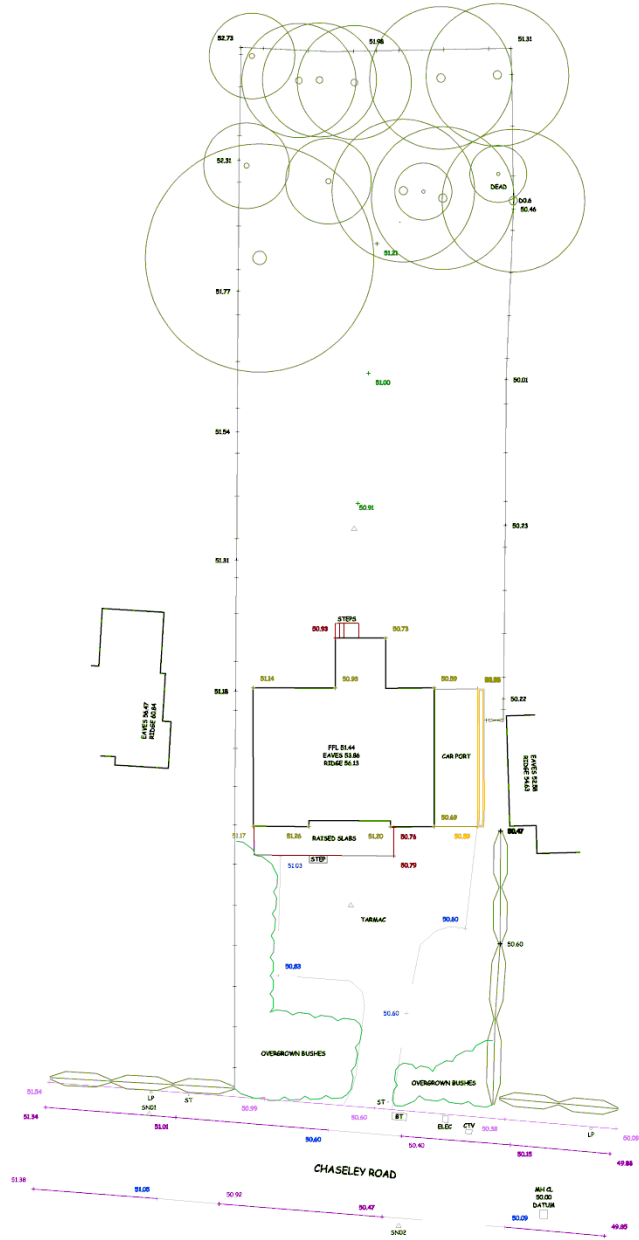
Location Plan



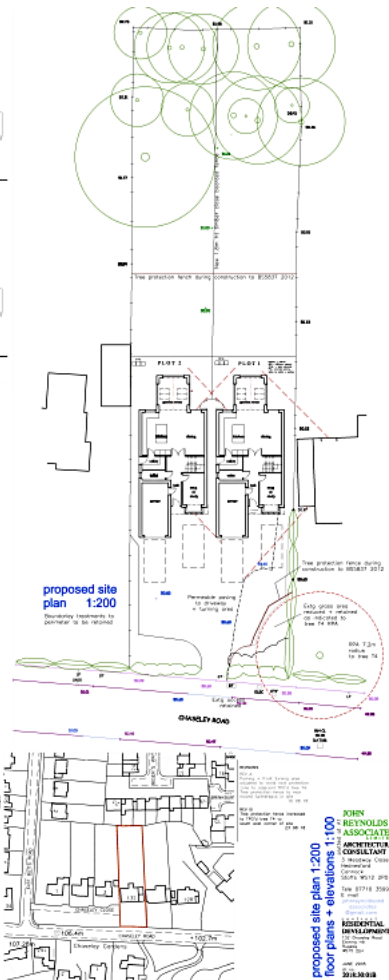
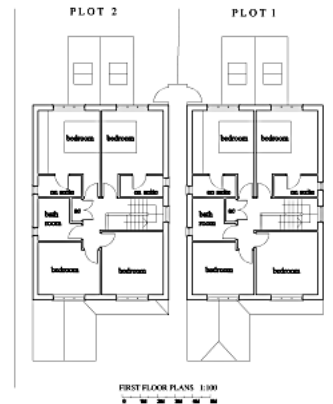
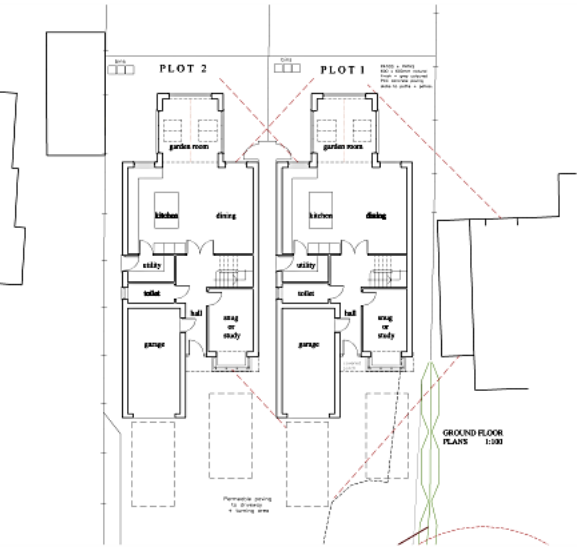
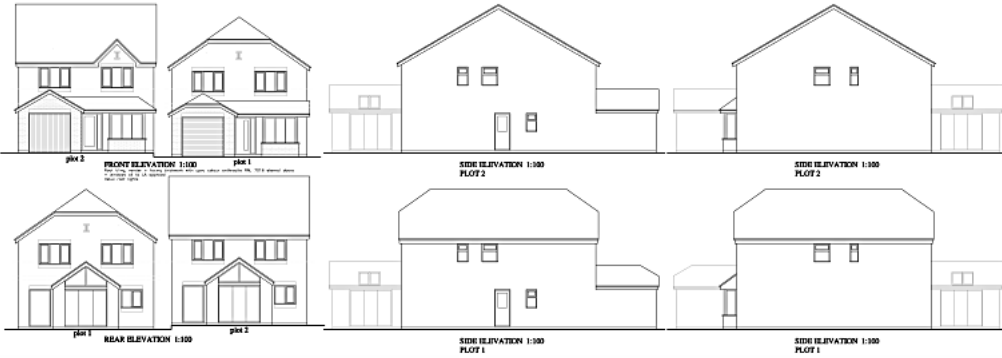
location plan 1:1250



Existing Site Plan



Proposed Plans and Elevations



CH/18/224

Application No:

Received: 11-Jun-2018

Location: 132, Chaseley Road, Rugeley, WS15 2LH

Parish: Rugeley

Ward: Etching Hill and The Heath Ward

Description: Residential development - erection of 2 detached dwellings (demolish existing dwelling)

Application Type: Full Planning Application

RECOMMENDATION Approve Subject to Conditions

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

Reason

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

2. A minimum of 3 car parking spaces shall be available at all times within the curtilage of each 4 bedroomed dwelling.

Reason

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

3. No part of the development hereby approved shall be undertaken above ground level until details of the materials to be used for the external surfaces have been submitted to and approved by the Local Planning Authority.

Reason

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

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

Within the enclosed area known as the Tree Protection Zone, no work will be permitted without the written consent of the Local Planning Authority. No storage of

material, equipment or vehicles will be permitted within this zone. Service routes will not be permitted to cross the Tree Protection Zones unless written consent of the Local Planning Authority is obtained. The Tree Protection Zone will be maintained intact and the vegetation within maintained until the cessation of all construction works or until the Local Planning Authority gives written consent for variation.

Reason

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

5. The garage shall not be used for any purpose other than the accommodation of private motor vehicles belonging to the occupiers of the dwelling or any other use which is incidental to the enjoyment of the dwelling.

Reason

To safeguard the amenities of the area and to ensure that the use of the premises does not detract from the enjoyment of their properties by adjoining residents and to ensure compliance with the Local Plan Policy CP3 - Chase Shaping Design and the NPPF.

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

Reason

The Local Planning Authority considers that such development would be likely to adversely affect the amenity of neighbouring occupiers and the character of the area. It is considered to be in the public interest to require an application to enable the

merits of any proposal to be assessed and to ensure compliance with Local Plan Policy CP3 - Chase Shaping - Design and the NPPF.

7. The development hereby permitted shall not be occupied until the first floor window(s) in the side elevation indicated on the approved plan are obscure glazed. The window(s) shall be non-opening unless the parts of the window which can be opened are more than 1.7m above the floor of the room in which the window is installed.

Thereafter the window(s) will be retained and maintained as such for the life of the development.

Reason

To ensure that the development does not give rise to overlooking of adjoining property injurious to the reasonable privacy of the occupiers and to ensure compliance with Local Plan Policies CP3 Chase Shaping - Design, and the NPPF.

8. Notwithstanding the approved plans, the development hereby approved shall not be occupied until revised access details are submitted to and approved by the Planning Authority to demonstrate the access has been enlarged to a minimum width of 4.2m and 1.5m x 1.5m pedestrian visibility splays .

The access shall thereafter be carried out in accordance with the approved details and be completed prior to first occupation and thereafter be retained as such for the life of the development. The visibility splays shall thereafter be kept free from obstruction to visibility over a height of 600mm above the adjacent carriageway level.

Reason

In the interest of highway safety and to comply with Staffordshire County Council requirement for vehicular access crossings.

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

Reason

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

10. The development hereby permitted shall be carried out in accordance with the following approved plans:
2018:30:01 A

Reason

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

11. Prior to commencement of development a Construction Vehicle Management Plan (CVMP) shall be 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 include:

- Arrangements for the parking of site operatives.
- Loading and unloading of plant and materials.
- Storage of plant and materials used in constructing the development
- Construction hours
- Delivery routeing and hours
- Recorded daily inspections of the highway adjacent to the site access
- Wheel washing and measures to remove mud or debris carried onto the highway

Reason

In order to comply with Paragraph 32 of the NPPF and in the interest of Highway Safety.

EXTERNAL CONSULTATIONS

Rugeley Town Council

Objection – the proposal is over development of the site. There is also highway concerns regarding visitors parking on the highway.

Staffordshire County Highways

No objections subject to conditions

INTERNAL CONSULTATIONS

Planning Policy

No objections

The site comprises a well landscaped plot containing a detached bungalow between similar properties. It is located within the AONB designation and there is a group of mature trees protected by TPO in the rear garden.

The revised NPPF 2018 (para 47) confirms that planning law requires that applications for planning permission be determined in accordance with the development plan unless material considerations indicate otherwise. Cannock Chase Local Plan – Local Plan (Part 1) Policy CP1 reflects the national policy position set out in the NPPF.

The NPPF (para 128) states that ‘design quality should be considered through the evolution and assessment of individual proposals’ and that (para 124) ‘the creation of high quality buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development.’ para 172 states that ‘great weight should be given to conserving and enhancing landscape and scenic beauty in national parks, the Broads and Areas of Outstanding Natural Beauty

which have the highest status of protection in relation to these issues. The scale and extent of development within these designated areas should be limited.'

Local Plan Policy CP14 indicates that landscape character will be considered in all proposals to protect and conserve rural openness and locally distinctive qualities and maximise opportunities for strengthening landscape features. Development proposals must be sensitive to distinctive landscape character and ensure they do not have an adverse impact on their setting through design, layout or intensity. Local Plan policy CP13 seeks to protect Cannock Chase SAC and in order to retain its integrity all development that leads to a net increase in dwellings will be required to mitigate adverse effects. Policy CP3 in the Local Plan requires high quality design and integration with the existing environment including existing trees and landscape features, employing measures to enhance biodiversity.

The Council's Design SPD 2016 provides local design guidance relating to the western Rugeley suburbs including Etchinghill, recommending safeguarding/enhancing the 'leafy character' particularly with density of development, green views between and over buildings and householder 'pd' rights controlled as appropriate; promote use of hedging to front garden boundaries to reinforce this leafy feel; recognise the scope for the variety of good quality design and materials whilst respecting the scale of existing development. It also offers guidance in respect of Mature Suburbs, including Etchinghill, recommending particular consideration given to existing character and appearance of the area and how best to fit new development into its site; plot size and density to reflect existing character; siting of buildings to respect established building lines; existing landscape features (trees and hedges) retained and protected; access design should reflect existing width, design and surfacing and hard surfacing should not dominate the road frontage; and the importance of 'green' views.

There is no planning policy objection in principle to the proposal providing it addresses relevant policy considerations as set out above using the local guidance offered by the Design SPD on ways of achieving this in order to conserve and enhance the landscape and scenic beauty of the AONB and safeguard or enhance the character and appearance of this 'mature suburb'. The Local Plan (Part 1) does not set out a specific policy in relation to the development of garden land, however the appropriateness of the scheme should be considered with regard to Policy CP3 on design considerations and the Design SPD (2016).

As a market housing 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 full exemption from CIL be sought then a Unilateral Undertaking would be required to address impacts upon the Cannock Chase SAC in accordance with the Councils policy/guidance. Any site specific requirements may be

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

In summary, no planning policy objections are raised in principle subject to the detailed design of the scheme being satisfactory. It is a small scale greenfield (garden land) 'windfall' site within the existing built up area of Etchingill and would help contribute to the Local Plan (Part 1) overall strategy for meeting the District's housing requirements.

Strategic Housing

No contribution required

Landscaping Department

Requested a Tree Survey for the trees to the rear garden and adjacent the front boundary of the site. No objections received in light of the revised plans as a consequence of the tree survey.

RESPONSE TO PUBLICITY

Site notice posted and adjacent occupiers notified. Four letters have been received from neighbours who have raised concerns regarding:

- The development goes against the requirements of Chaseley Road and the wider AONB. The applicant mentions that steps will be taken to limit the impact but is this really possible?
- The area is being over developed,
- The proposal is about maximising profit,
- The proposed parking is not possible and will result in parking on the highway,
- The proposal would increase the risk to venerable road users as parking and speeding along this highway is already problematic,
- Chaseley Road is characterised by low density housing and this would go against this principle,
- The additional house would put additional pressure on the current sewage and drainage system,
- Vehicle management of the site given how small the site is,
- The site is too narrow for two dwellings, this would be overdevelopment of the site,
- The proposal extends to the front and rear of the building line,
- The development is out of character with the street scene,
- Intrusion of privacy on neighbouring properties,
- The area will lose a much needed bungalow,
- Where will the rain water soak away to?
- The height of the proposal exceeds the neighbouring property giving an overbearing effect,

- The amount of vehicles will create excessive pollution of carbon monoxide and noise.

PLANNING HISTORY

None relevant

1.0 SITE AND SURROUNDINGS

- 1.1 The site comprises of the curtilage of 132 Chaseley Road, Rugeley.
- 1.2 The application site is occupied by an existing dwelling; comprising of a single storey property with integral garage and carport. The property extends across the majority of the site; retaining approx.1.2m either side to allow rear access. The existing dwelling is set behind a deep frontage. The frontage is bound by a holly hedge on each side of the existing access. The frontage is predominantly hardstanding with planting beds and there is a deep garden to the rear.
- 1.3 The application site is roughly rectangular in shape comprising a frontage of 18.5m and a depth of 74m. The application site measures approx.1370m².
- 1.4 The boundaries of the site are delineated with a combination of close board fencing and landscaping. There is a blanket Tree Protection Order across the bottom of the site which comprises of 12 Scots Pine, 5 Corsican Pine, 1 Beech, 1 Yew and 1 Holly.
- 1.5 To the immediate east of the application site lies a bungalow similar to that of the application site and to the west a two storey dwelling accessed via a private drive from East Butts Road. This section of Chaseley Road is characterised by larger properties within substantial plots, the dwellings to the northern side of Chaseley Road are set in a linear form along the highway, behind generous and well landscaped frontages. Development to the south of Chaseley Road is on more of an adhoc basis with not all dwellings orientated towards Chaseley Road itself. There are trees and other mature landscaping features in the vicinity of the site which make a positive contribution to the appearance of the area.
- 1.6 The application site is located within the Area of Outstanding Natural Beauty.

2.0 PROPOSAL

- 2.1 The application seeks full planning permission for residential development comprising 2 detached dwellings with private amenity space and associated parking. The existing dwelling would be demolished as a consequence of the proposal.

- 2.2 The proposal would provide two x 4 bedroom dwellings with parking to the front and private amenity to the rear. Whilst the design of the proposed dwellings differs between the plots the proposed dwellings would both be constructed with a footprint of approx.120m².
- 2.4 Plot 1 would be constructed to the eastern boundary adjacent No. 130 Chaseley Road. This dwelling would be constructed with a ½ hip roof design at a height of 8m. Plot 2, sited adjacent the western boundary with No.3 Chaseley Croft, proposes a pitched roof design at a height of 8.5m. Both dwellings propose integral garages that project forward of the main elevations and projecting ground floor bay windows.
- 2.5 The private amenity space for the proposed dwellings would be to the rear and would comprise an area of 351m² per dwelling. There would be parking for four vehicles to the front with turning and parking for a further two vehicles within the integral garages.
- 2.6 The proposed dwellings would be constructed from facing brickwork and render under a tiled roof.

3.0 PLANNING POLICY

- 3.1 Section 38 of the Planning and Compulsory Purchase Act 2004 requires planning applications to be determined in accordance with the provisions of the Development Plan, unless material considerations indicate otherwise.
- 3.2 The Development Plan currently comprises the Cannock Chase Local Plan (2014).
- 3.3 Other material considerations relevant to assessing current planning applications include the National Planning Policy Framework (NPPF) and Supplementary Planning Guidance/Documents.
- 3.4 Cannock Chase Local Plan (2014):
- CP1 - Strategy – 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)
- 3.5 National Planning Policy Framework
- 3.6 The NPPF sets out the Government’s position on the role of the planning system in both plan-making and decision-taking. It states that the purpose of the planning

system is to contribute to the achievement of sustainable development, in economic, social and environmental terms, and it emphasises a “presumption in favour of sustainable development”.

3.7 The NPPF confirms that a plan-led approach to the planning system and decisions must be made in accordance with the Development Plan. In particular, the following NPPF references are considered to be appropriate.

3.8 The relevant sections of the NPPF in relation to this planning application are as follows;

| | |
|---------------------|---|
| 8: | Three dimensions of Sustainable Development |
| 11-14: | The Presumption in favour of Sustainable Development |
| 47-50: | Determining Applications |
| 124, 127, 128, 130: | Achieving Well-Designed Places |
| 172 | Conserving and enhancing the natural environment |
| 177 | Presumption in favour of sustainable development does not apply where appropriate assessment required |
| 212, 213 | Implementation |

3.9 Other Relevant Documents

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

4 DETERMINING ISSUES

4.1 The determining issues for the application are:-

- Principle of development
- Impact on character of the area
- Impact upon amenity
- Access & Parking
- Impact upon neighbours
- Affordable housing provision
- Impact upon the Cannock Chase Special Area of Conservation

4.2 Principle of Development

4.2.1 The proposal is for the demolition of the existing dwelling and for the construction of two new buildings in its place. Both the NPPF and Cannock Chase Local Plan Policy CP1 advocate a presumption in favour of sustainable development unless material considerations indicate otherwise. Further, Local

Plan Policy CP6 seeks to support the creation of new homes within existing urban areas.

- 4.2.2 The site is located within the urban area of Etchinghill, Rugeley. It is a 'windfall site' having not been previously identified within the Strategic Housing Land Availability Assessment (SHLAA) as a potential housing site. Although the Local Plan has a housing policy it is silent in respect of its approach to windfall sites on both greenfield and previously developed land. As such in accordance with Policy CP1 of the Local Plan proposals would normally fall to be considered within the presumption in favour of sustainable development, outlined in paragraph 11 of the NPPF. However, paragraph 177 of the NPPF makes it clear

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

- 4.2.3 Policy CP13 of the Local Plan recognises that any project involving net new dwellings will have an impact on the SAC and as such should be subject to an appropriate assessment under the Habitat Regulations. This being the case it can only be concluded that the presumption in favour of sustainable development does not apply to the current application and the proposal should be considered having regard to the development plan and other material considerations.
- 4.2.4 Local Plan (Part 1) Policy CP1 identifies that the urban areas of the District, will be the focus for the majority of new residential development. It also identifies that a 'positive approach that reflects the presumption in favour of sustainable development' will be taken when considering development proposals. The site is not located within either Flood Zone 2 or 3. The site is not designated as a statutory or non- statutory site for nature conservation nor is it located within a conservation area or effect the setting of a designated heritage asset. It is noted that the application site is located within the Cannock Chase Area of Outstanding Natural Beauty (AONB) however AONB designation does not preclude development.
- 4.2.5 The site is located within the settlement boundary of Etchinghill (as defined on the Local Plan Policies Map) within the AONB wherein Policy CP6 states that housing proposals will be limited to small infill sites which accord with sustainable development principles identified in the NPPF and the strategic approach identified in Policy CP1 and other Local Plan policies as appropriate.
- 4.2.6 Furthermore Etchinghill is approx. 1km from the town centre of Rugeley, close to the local primary school and served by bus routes giving access by public transport. The site has good access by public transport, walking and cycling to a range of goods and services to serve the day to day needs of the occupiers of the proposed development and the proposal would be compatible with the

surrounding residential uses. As such it is concluded that the proposal is acceptable in principle.

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

4.3 Impact on the character and form of the area

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

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

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

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

Planning policies and decisions should ensure that developments:

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

- 4.3.4 Finally Paragraph 130 states planning permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions, taking into account any local design standards or style guides in plans or supplementary planning documents. Conversely, where the design of a development accords with clear expectations in plan policies, design should not be used by the decision taker as a valid reason to object to development.
- 4.3.5 Currently the application site occupied by the existing dwelling. The NPPF does not preclude garden land development it does state within paragraph 70 that “plans should consider the case for setting out policies to resist inappropriate development of residential gardens, where development would cause harm to the local area”. Conversely, paragraph 68 (d) states that “authorities should work with developers to encourage the sub-division of larger site where this could speed up the delivery of homes. To this effect the Local Plan contains Policies CP3 & CP14 which are supported by the Cannock Chase Design SPD which, amongst other things sets out character areas to guide planning decisions. Of particular relevance to the current proposal is the section on Mature Suburbs which includes Etching Hill.
- 4.3.8 The application site is located within the Cannock Chase AONB. Paragraph 172 of the NPPF gives great weight to conserving landscape and scenic beauty of AONBs (amongst others). Chaseley Road is characterised by larger properties within substantial plots, the dwellings to the northern side of Chaseley Road are set in a linear form along the highway, behind generous and well landscaped frontages. Development to the south of Chaseley Road is one more of an adhoc basis and are not all orientated towards Chaseley Road itself. There are trees and other mature landscaping features in the vicinity of the site which make a positive contribution to the appearance of the area. The site is located within the Western Rugeley: Etching Hill and Springfields Character Area, the character of which is described in Appendix A of the Design SPD. Key Local Design Principles [amongst others] are that development should
- Safeguard/ enhance ‘leafy character’ of the Etching Hill area with density of development, green views over and between buildings and householder permitted development rights controlled as appropriate. Promote retention and use of front garden boundary hedging to reinforce ‘leafy’ feel.
- 4.3.9 Specific Design Guidance for the ‘Mature Suburb’ of the Etching Hill area is provided on pages 79 -80 of the Design SPD. Particular Key Features of the character of this area are that: -
- The spacious nature and lower density of these areas has led to pressure for intensification of development, particularly on the larger plots with impacts on loss of mature trees and shading effects on the new development itself. Whilst such development can have benefits by increasing the housing stock

and making efficient use of the land, it can also affect local character, amenity and privacy unless development is designed to be sympathetic to the main features that make these areas unique.

- Enhancement opportunities included in the guidance include consideration of the existing character and appearance of the area and how best to fit new development into its site as well as the development of hard surfacing within established landscape plots which should not dominate the road frontage. Finally the guidance seeks new development to respect the established building lines and set backs from the road, with separation distances between buildings typical of the area.
- 4.3.10 The application site is rectangular in shape and comprises an area of approx. 1370m². There is a frontage onto Chaseley Road of approx. 18.5m. The application site benefits from a mature hedgerow to the front boundary and several protected trees adjacent the rear boundary. There is a protected Scots Pine tree adjacent the front boundary in the front garden of No.130 which overhangs the application site. These trees are protected by TPO 13/2000. As such, the applicant submitted a tree report within which to inform the submission, albeit the tree report submitted relates to the previous application. This outlines that the quality of trees is categorised as follows: -A (high quality and value), B (moderate quality and value), C (low quality and value) and U which are considered as unsuitable for retention.
- 4.3.11 The protected tree to the front of the site is indicated as being T4 and assigned the retention of category B1. No works were proposed to this tree as a consequence of the proposed development. Three further trees were also identified within the curtilage of the site T1 being a bay tree in the rear garden which was given a C1 category. A Cherry tree, also in the rear garden, was found to be dead and therefore given a U (to fell) category and a Cotoneaster tree to the front of the site which was given a Ci category and proposed to be maintained as part of the existing hedgerow. The Landscape Officer has assessed the application and is satisfied that the works proposed would not result in a detrimental impact to the protected trees.
- 4.3.13 Whilst the immediate properties benefit from being sited on spacious plots, the proposal to sub divide the plot would not be uncharacteristic for the wider location of Etchinghill. The layout of the dwellings, being set approx.18m into the site would reflect the existing layout and would be in line with the adjacent dwelling at No.130 (with the exception of the single storey projecting garages). The majority of hardstanding to the front already exists and the hedgerow that delineates the front boundary would be retained, which would soften the proposed development when viewed from within the street scene. As such, the proposal would be accord with the guidance within the Design SPD and would accord with the aims of Local Plan Policy CP3 and the aims of the NPPF.

4.4 Impact on Amenity

- 4.4.1 A core planning principle is that planning should always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings and this has been accommodated within Policy CP3 of the Local Plan and supported by the guidance as outlined in the Design SPD.
- 4.4.2 The Design SPD, sets out, amongst other things recommended minimum distances for space about dwellings and between different elevations, in addition to recommended garden sizes. However, it should be noted that in applying these recommendations that they are in nature of guidance and allowances should be made for differences in levels and or where the relationship between elevations is at an angle.
- 4.4.3 In this respect it is considered that the proposal generally meets the guidance set out within the Design SPD having regard to angles and juxtaposition between the proposed dwellings themselves and with surrounding neighbours properties. There are windows within the proposed development at first floor level sited in the side elevation of the proposed dwellings however, these could be obscure glazed to prevent overlooking.
- 4.4.4 In addition to the above the proposal would meet the minimum recommendations for outdoor amenity space and parking provision.
- 4.4.5 As such, it is considered that a good standard of amenity would be attached for all existing and future occupiers of the existing and proposed dwellings in accordance with Policy CP3 of the Local Plan and the NPPF.

4.5 Impact on Highway Safety and Capacity

- 4.5.1 Paragraph 109 of the NPPF states that "development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe".
- 4.5.2 In this respect, the existing access would be used and the existing hardstanding re-laid and extended in part. The County Highway Authority raised no objections to the proposal in terms of highway safety subject to conditions.
- 4.5.3 The comments of Town Council and objectors regarding the lack of parking and the potential use of the highway are noted however, there is sufficient room within the application site for six vehicles (3 per dwelling), which accords with the requirement of the Parking SPD of 3 spaces per 4 bedroom dwelling.
- 4.5.4 The comment of the neighbours regarding the size of the site and the ability to accommodate construction vehicles adequately is noted. A condition has been

recommended for a vehicle management plan to be submitted and approved to ensure there is minimal disturbance to existing neighbours as a consequence of the proposal.

- 4.5.5 Given the above it is concluded that the proposal is acceptable in respect to highway safety and capacity having had regard to paragraph 109 of the NPPF.

4.6 Impact on Nature Conservation Interests

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

- 4.6.2 As such the site has no significant ecological value and therefore the proposal would not result in any direct harm to nature conservation interests. A bat survey has been carried out which has found that there is no evidence of bats being on the site.

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

- 4.6.4 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.

4.7 Affordable Housing and other Developer Contributions

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

4.8 Drainage and Flood Risk.

4.8.1 The comments of the Councils Landscape Officer in terms of drainage are noted. However, 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 hardstanding and 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.

4.9 Objections raised not already covered above

4.9.1 Neighbours object to the application on the basis that the proposal is about maximising profit. Your Officers confirm that profit is not a material consideration for the determination of the planning application.

4.9.2 Concern has been raised that the area will lose a much needed bungalow. Your Officers can only assess the application based on the plans that have been submitted. In this instance, the proposal seeks to demolish the existing bungalow but also increases the number of dwellings overall which would contribute to the objectively assessed housing needs of the District.

4.9.3 Concern was raised regarding the increase in noise and excessive pollution from traffic accessing and using the proposed development. In respect to the assertion that noise and pollution will be increased it is noted that there is the potential for disturbance due to engine noise, fumes, manoeuvres into and out of the proposed parking area and general human activity associated with parking areas. Whilst there is already a driveway to the front of the existing dwelling this only serves 1 dwelling, the proposal would see this increased to two dwellings. Notwithstanding this, the two dwellings proposed would retain existing boundary treatments and any additional noise and pollution would be domestic in nature and would not significantly prejudice the peace and enjoyment of the rear gardens for existing occupiers.

5.0 EQUALITIES ACT

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

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

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

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

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

- 5.3 It is therefore acknowledged that the Council needs to have due regard to the effect of its decision on persons with protected characteristics mentioned.
- 5.4 Such consideration has been balanced along with other material planning considerations and it is considered that the proposal is acceptable in respect to the requirements of the Act. Having had regard to the particulars of this case officers consider that the proposal would make a neutral contribution towards the aim of the Equalities Act.
- 6.0 HUMAN RIGHTS ACT
- 6.1 The proposals set out in this report are considered to be compatible with the Human Rights Act 1998. The proposals could potentially interfere with an individual's rights to the peaceful enjoyment of his or her property as specified in Article 8 and Article 1 of the First Protocol, however, the issues arising have been considered in detail in the report and it is considered that, on balance, the proposals comply with Local Plan Policy and are proportionate.
- 7.0 CONCLUSION
- 7.1 The proposal is an effective re-use of previously-developed land in a sustainable location and provides good quality housing. The properties are of a good quality design and incorporate appropriate landscaping and parking provisions. The development will not lead to a loss of amenity to neighbouring properties and is therefore acceptable and in accordance with Local Plan Local Plan Policies CP1, CP3, CP6 and CP13 and the NPPF.
- 7.2 As such, approval is recommended subject to conditions

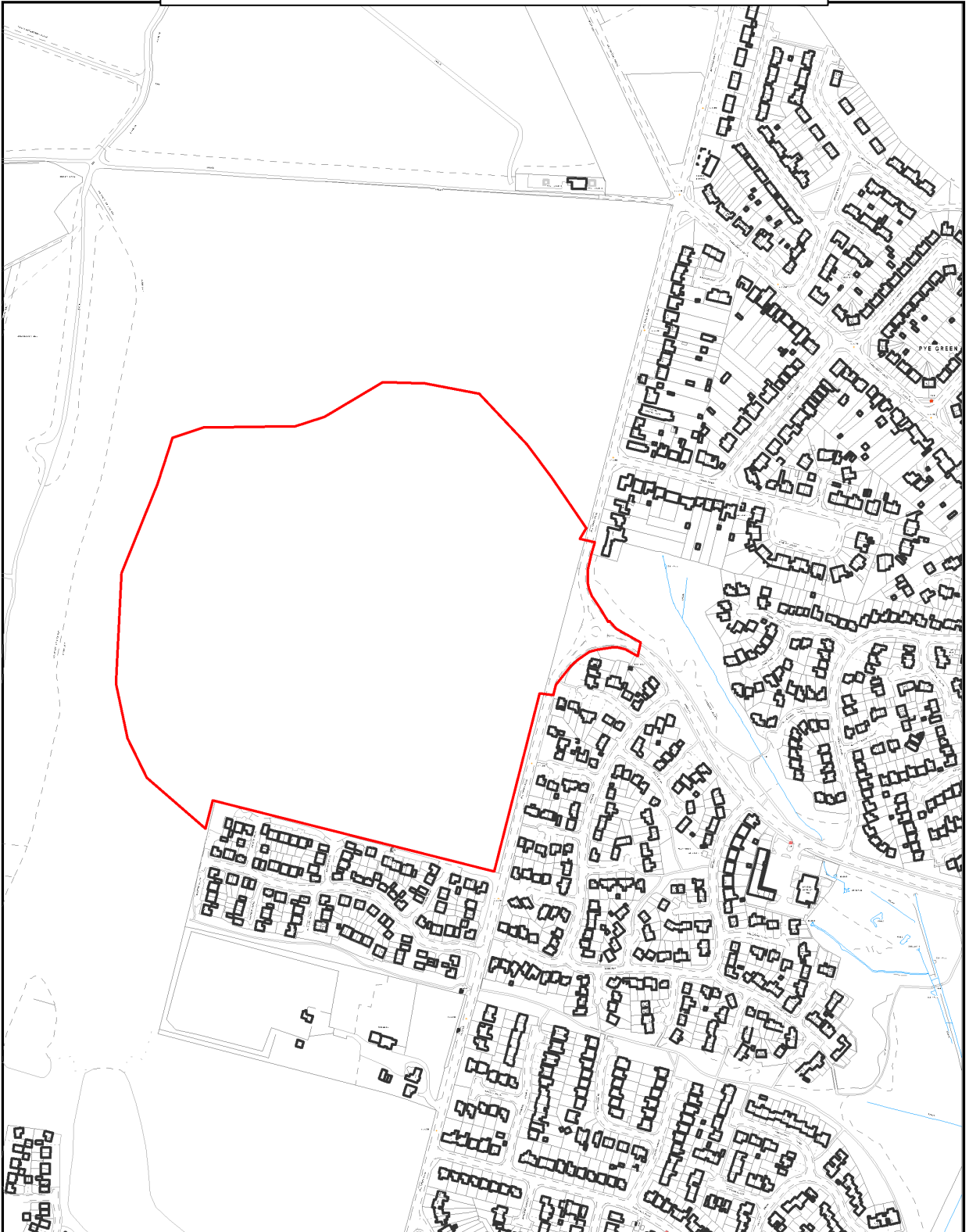


Application No: CH/18/080

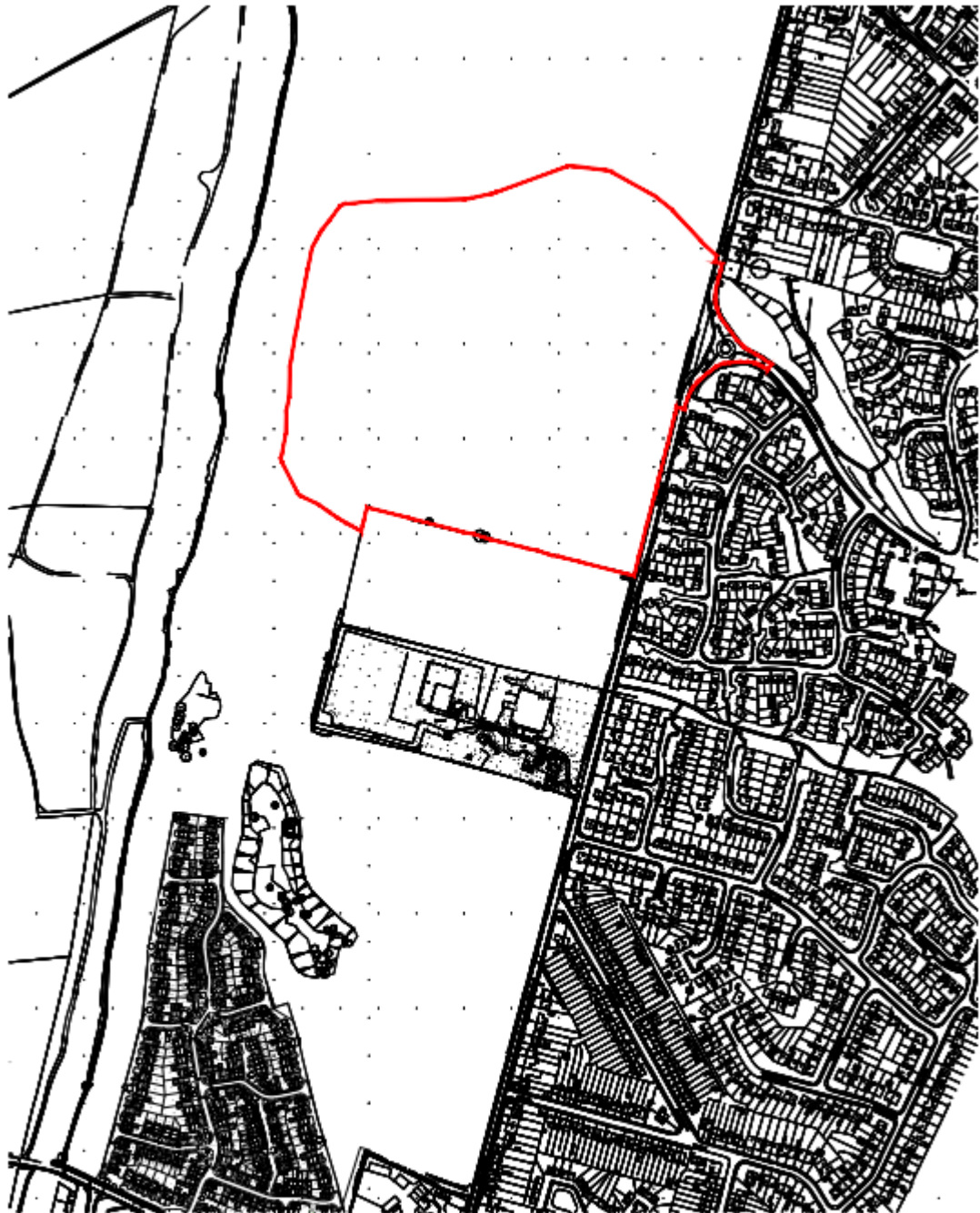
Location: Land west of Pye Green Road

Proposal: Reserved Matters application for phases 2 and 3 comprising 481 dwellings with associated access (appearance, landscaping, layout and scale for approval) pursuant to outline planning permission CH/11/0395

Item 6.70



Location Plan



nicol thomas

| Revision | Date | Description |
|----------|------|-------------|
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| | |
|----------------|--------|
| Client | |
| Site | |
| Drawing No. | |
| Drawing Name | |
| Drawing Number | 00464 |
| Scale | 1:1000 |
| Date | |
| Drawn by | |
| Checked by | |
| Project No. | |

Site Plan



Accommodation Schedule

Section 1

| Unit | Bedrooms | Bathrooms | Car Spaces |
|------|----------|-----------|------------|
| 1 | 1 | 1 | 1 |
| 2 | 1 | 1 | 1 |
| 3 | 1 | 1 | 1 |
| 4 | 1 | 1 | 1 |
| 5 | 1 | 1 | 1 |
| 6 | 1 | 1 | 1 |
| 7 | 1 | 1 | 1 |
| 8 | 1 | 1 | 1 |
| 9 | 1 | 1 | 1 |
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| 99 | 1 | 1 | 1 |
| 100 | 1 | 1 | 1 |

- Garage Key**
- T1 - Garage Type 1
 - T2 - Garage Type 2
 - T3 - Garage Type 3
 - T4 - Garage Type 4
 - T5 - Garage Type 5

Revisions

| Revision | Date | Details |
|----------|----------|--|
| 01 | 14.08.18 | Layout adjusted to improve facing directions |
| 02 | 21.08.18 | Paths updated to line with existing site plans |
| | | |
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| | |
|-----------------|----------------------------|
| Client: | Barrow Vale Millers |
| Job: | Play Green Road, Carrivick |
| Drawing Title: | Prepared Site Plan |
| Drawing Number: | |
| Scale: | 1:500 @ A3 |
| Date: | 11.04.17 |
| Drawn by: | checkley |

House Type Andover



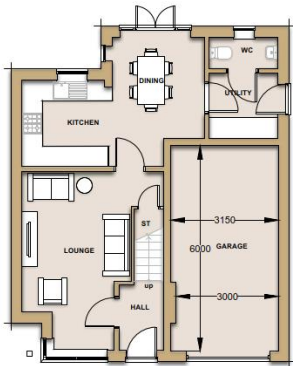
Front Elevation



Side Elevation



Rear Elevation



Ground Floor Plan



First Floor Plan



Side Elevation

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| Revision | Date | Details | MS |
|----------|----------|----------------------------|----|
| Rev A | 27.08.18 | Dimensions added to garage | |
| | | | |
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|----------------------|-------------------------|----|-----|
| Client: | Barratts | | |
| Job: | Pye Green Road, Cannock | | |
| Drawing title: | House Type - Andover | | |
| Drawing Number: | B6464 | PL | 116 |
| Revision: | | | A |
| Scale: | 1/100@A3 | | |
| Date: | Dec 2017 | | |
| Drawn by/checked by: | DLH | | |

House Type Kennford



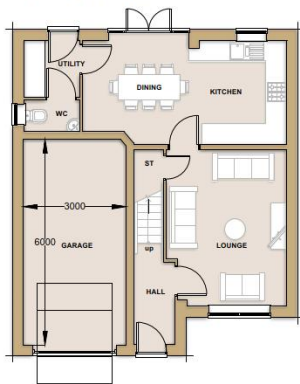
Front Elevation



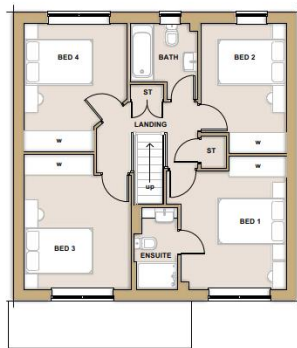
Rear Elevation



Side Elevation



Ground Floor



First Floor



Side Elevation

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| Revision | Date | Details | MB |
|----------|----------|----------------------------|----|
| Rev A | 27.06.18 | Dimensions added to garage | |
| | | | |
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|----------------------|--|-------------|--|-------------------------|--|--|--|
| Client: | | | | Barralls | | | |
| Job: | | | | Pye Green Road, Cannock | | | |
| Drawing title: | | | | House Type - Kennford | | | |
| Drawing Number: | | Job number: | | Revision: | | | |
| B6464 | | PL 118 | | A | | | |
| Scale: | | | | 1/100@A3 | | | |
| Date: | | | | Dec 2017 | | | |
| Drawn by/checked by: | | | | DLH | | | |

House Type Hale



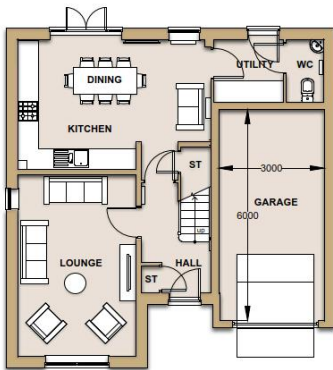
Front Elevation



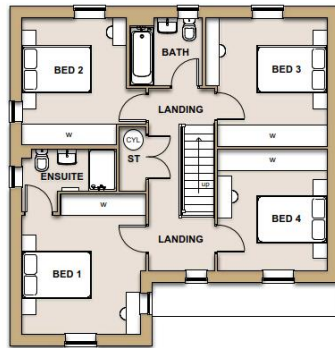
Side Elevation



Rear Elevation



Ground Floor Plan



First Floor Plan



Side Elevation

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| Revision | Date | Details | MS |
|----------|----------|----------------------------|----|
| Rev A | 27.06.18 | Dimensions added to garage | MS |
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|-----------------|-------------------------|----|-----|
| Client: | Barratts | | |
| Job: | Fvg Green Road, Cannock | | |
| Drawing title: | House Type - Hale | | |
| Drawing Number: | B6464 | PL | 121 |
| Revision: | A | | |
| Scale: | 1/100 @ A3 | | |
| Date: | Dec 2017 | | |
| Drawn by: | checked by: DLH | | |

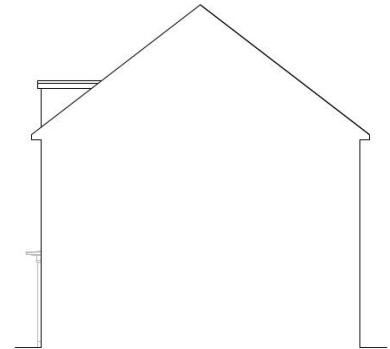
House Type Norbury



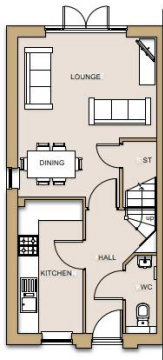
Front elevation



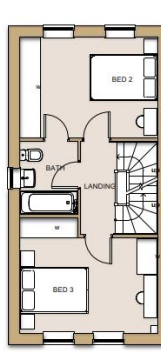
Rear elevation



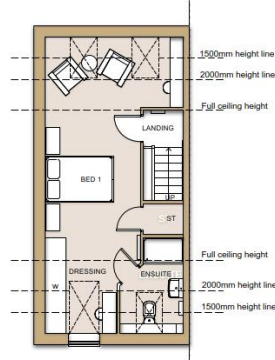
Side elevation



Ground floor



First floor



Second floor



Side elevation

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| Revision | Date | Details |
|----------|------|---------|
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 Also at: 0248167

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| | | | |
|---------------------------------|-------------------------|----|-----|
| Client: | Barratts | | |
| Job: | Pye Green Road, Cannock | | |
| Drawing title: | House Type - Norbury | | |
| Drawing Number: (Job number) | B6464 | PL | 114 |
| Revision: | - | | |
| Scale: | 1/100@A3 | | |
| Date: | Dec 2017 | | |
| Drawn by/checked by: | TH/H | | |

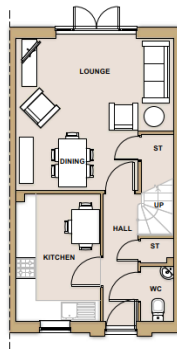
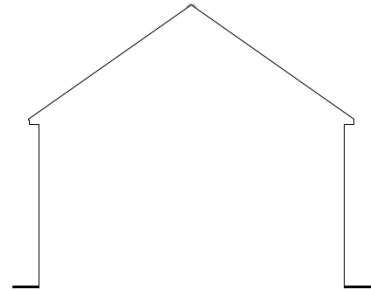
House Type Folkestone



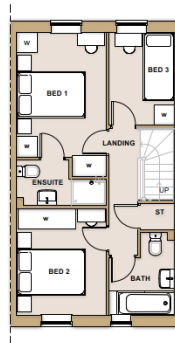
Front Elevation



Rear Elevation



Ground Floor



First Floor

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| Revision | Date | Details |
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|----------------------|--------------------------|----|-----|
| Client: | Barratts | | |
| Job: | Pine Green Road, Cannock | | |
| Drawing title: | House Type - Folkestone | | |
| Drawing Number: | B6464 | PL | 111 |
| Job number: | | | |
| Scale: | 1/100@A3 | | |
| Date: | Dec 2017 | | |
| Drawn by/checked by: | DLH | | |
| Revision: | | | - |

Street Scenes

Item 6.78



Scene 1



Scene 2



Scene 3



Scene 4



Scene 5



Scene 6



nicol thom

| Date | Details |
|------|---------|
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| | |
|-----------------|--------------------------|
| Client: | Burnaby Water Mainlines |
| Job: | Pipe Grand Road Corridor |
| Drawing Title: | 301 Views |
| Drawing Number: | BS464 |
| Revision: | PL 04 |
| Date: | 2017.10 |
| Drawn by: | Checked by: CLAYTONS |

Application No: CH/18/080

Received: 1 March 2018

Location: Land west of Pye Green Road

Parish: Hednesford

Ward: Hednesford Green Heath Ward

Description: Reserved Matters application for phases 2 and 3 comprising 481 dwellings with associated access (appearance, landscaping, layout and scale for approval) pursuant to outline planning permission CH/11/0395

Recommendation: Subject to no objections being received from the Highway Authority and the Landscape Officer the application be approved subject to the attached conditions.

Reason for Granting Permission

In accordance with paragraphs (186-187) of the National Planning Policy Framework the Local Planning Authority has worked with the applicant in a positive and proactive manner to approve the proposed development, which accords with the Local Plan and/ or the National Planning Policy Framework.

Reason for Committee Decision: The previous application for residential development on this site was refused by Planning Committee.

1. The external materials and boundary treatments to be used in the construction of the dwellings hereby approved shall be in accordance with the details set out in Drawing Number B6464/PL/10/A , unless otherwise agreed in writing by the Local Planning Authority.

Reason

In the interests of amenity in accordance with Policy CP3 of the Cannock Chase Local Plan and in order to allow some flexibility in the use of materials should the approved materials no longer be available during the protracted construction period.

2. No dwelling hereby approved shall be occupied until a scheme for the provision of bird boxes to be incorporated into the dwellings has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include the

Installation of 15 integrated house sparrow nest boxes in new buildings within the site.

Installation of 15 integrated swift nest boxes in new buildings within the site.

Installation of 15 starling nest boxes on new buildings within the site.

The bird and bat boxes shall thereafter be installed in accordance with the approved scheme.

Reason

In the interests of conserving and enhancing the nature conservation value of the site in accordance with Policy CP12 and paragraph 118 of the National Planning Policy Framework.

3. No trees or hedges shown as retained on the approved drawings, shall be cut down, topped, lopped, uprooted or removed without the prior written permission of the Local Planning Authority nor shall they be wilfully damaged or destroyed.

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

Reason

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

4. The approved landscape works shall be carried out in the first planting and seeding season following the occupation of any buildings or the completion of the development whichever is the sooner.

Reason

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

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

Reason

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

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

Reason

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

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

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.

8. Prior to the commencement of any construction or site preparation works including any actions likely to interfere with the biological function of the retained trees and hedges, approved protective fencing shall be erected in the positions shown on the approved Tree & Hedge Protection layout drawing Ref Dwg. No.XXXX. (* pursuant to Condition XX above shall be erected to the approved layout)

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

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

(to be filled in on the decision notice)

Reason

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

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.
- iv. The developer's attention is brought to the comments of Staffordshire Police in respect to the desirability of achieving Secured by Design accreditation.

EXTERNAL CONSULTATIONS

Hednesford Town Council

If approved, Policy H1 in the draft Neighbourhood Plan for Hednesford provides that, subject to viability Issues, a housing development of more than 25 units would need to include a minimum of 10% bungalows designed to mobility standards suitable for occupants who may need to use wheelchairs or other mobility aids. The proposed housing types do not include any bungalows.

There is concern about the increased volumes of traffic using Pye Green Road and the difficulties that will arise from parked vehicles in light of the County Council decision to refuse to include car parking provision as part of the planning approval for the new school to be built on the land west of Pye Green Road.

Use of public transport is not being encouraged as there are no proposals for buses to serve the estate. In addition there are no footways on the West side of Pye Green Road and access to existing bus stops is difficult for pedestrians. There is also no designated pedestrian crossing at this point in Pye green Road.

The existing boundary hedges are a feature of this part of Pye Green Road and where possible these should be retained and maintained.

As part of the landscaping proposals consideration could be given to including features (such as a ha-ha) to deter wildlife and especially deer from straying into the estate.

There are no health facilities in the area with residents being directed to use the GP surgery in Huntington with no direct bus services .

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 in respect to landscaping, lighting, dwelling boundaries, building illumination, doors garages, windows, party wall insulation and intruder alarms.

Staffordshire County Council Highways

No comments received on amended plans. (Members will be updated at Planning Committee).

Severn Trent Water

No comments received. (Members will be updated at Planning Committee).

South Staffs Water

No response received.

Local Lead Flood Authority (LLFA)

The submitted documents do not include details of the proposed sustainable drainage scheme. However from the proposed layout drawing there does not appear to be any space allowed for the incorporation of SUDS.

An outline drainage scheme was produced at the outline stage and some drainage infrastructure has been constructed elsewhere on the broader site. However, the detailed drainage design would need to be reviewed for the overall site to confirm how both discharge rate and water quality technical standards will be met. This may require additional space and SUDS features on the site for additional attenuation and/ or water quality treatment components such as swales and permeable paving.

We would recommend that the layout is not approved until detail of the Sustainable Drainage System have been agreed.

Condition 12 [of the outline consent] requires that the surface water drainage scheme for the site must be in accordance with the FRA addendum (which also refers to the FRA, specifically: -

No development of any individual phase shall take place until a surface water drainage scheme for that Phase based on sustainable drainage principles and an assessment of the hydrological and hydro geological context of the development has been submitted to and approved in writing by the local planning authority.

The scheme shall subsequently be implemented in accordance with FRA addendum (Ref CCC-CH/11/0395, produced by Atkins, dated January 2012) before the development is completed.

The strategy shall also include-

Restricting surface water outflows to Greenfield equivalent rates of runoff.

Provision of sufficient storage ponds to cater for the 1 in 100 year plus climate change storm event.

Details of how the strategy shall be maintained and managed after completion.

However, the latest condition 12 response Travis Baker states that the calculations that this was based on are flawed, and that subsequent investigation of the downstream network has necessitated further modifications,

On this basis it seems that the drainage strategy for the overall site should be update in the light of new information, to ensure that there is adequate attenuation volume for all phases of development and to clarify SuDS treatment and maintenance proposal.

I would recommend that the layout for further phases is not approved until drainage strategy for the whole site has been updated and clarified.

Response (Received 31st August 2018)

To clarify our position, as LLFA we would expect to be consulted on the surface water drainage scheme for major developments. In this case that will be in relation to the discharge of condition 12 on the outline permission.

Regarding the layout, our interest would be that there is sufficient area allocated to provide the necessary attenuation volume to restrict downstream discharge, and SuDS treatment components to provide the necessary water quality treatment.

The area and location required to meet these criteria will depend on the discharge rates and treatment train details, which are yet to be agreed.

As per the emails below, the applicants propose to locate the attenuation SuDS components outside the boundary of this application, and state that there is sufficient space to achieve a suitable scheme.

Until the detailed surface water drainage scheme is submitted for the discharge of condition 12, I cannot provide any further comments.

School Organisation

The REM [Reserved Matters Application] details a development which is scheduled to provide a further 481 dwellings of the 700 dwellings expected from the original approval. The previous REM was CH/15/0113 providing 219 dwellings.

The relevant Outline Application for this site is CH/11/0395.

A section 106 agreement was signed when the outline was granted and this latest REM will trigger the entire school contribution of £2.6million at the completion of the 220th dwelling.

Environment Agency

Confirms that they have discharged Condition 11 [of the outline consent] and therefore have no further comments to make.

INTERNAL CONSULTATIONS

Waste and Engineering

No comments received (members will be updated at Planning Committee).

Environmental Health

No comments to make.

Strategic Housing Officer

The S106 that was signed in 2014 stated that the first phase of the development would provide 14% affordable housing but that further phases would be subject to an assessment demonstrating whether there was any uplift in the amount of affordable housing that could be provided. Specifically the agreement states that

"The number of affordable housing Dwellings in the first phase shall be 14% of the total number of dwellings in that phase of which 75% (to the nearest whole number) shall be Social rented Housing Dwellings and 25% (to the nearest whole number) shall be Shared Ownership units. The number of affordable housing dwellings in any subsequent phase shall not be less than either 145% of the total number of dwellings in that Phase or such percentage as shall be determined in accordance with the most recent Review (whichever is the greater) provided in the case of a Review that the Review was completed not less than 2

years prior to the determination of the number of Affordable housing Dwellings to be included within a Phase.

The owner worked with the Council to produce a Baseline Development Viability Appraisal which is based on residential market analysis and a structured assessment of costs, imposed under this Deed which determines the level of promoters profit and land value that can be expected to be achieved. The baseline Development Viability Appraisal will be a fixed point from which further reviews of affordable housing will be based.

Prior to the carrying out of a Material operation in relation to a Phase (other than the first Phase) the owner shall submit a Revised Viability Appraisal to the Council for that Phase of Development"

Has a review taken place and been submitted to the Council for consideration as the current applications states 14% (67 units) as the affordable housing provision proposed on Phase 2 and 3.

[Note to members: Officers can confirm that a Revised Viability Appraisal was submitted to the Council].

Development Policy

The site forms part of the allocated Strategic Housing Site set out in Policy CP6 of the Local Plan (Part 1) and as identified on the adopted Policies Map. It is identified as having the potential capacity for up to 900 dwellings. This strategic allocation is the subject of an adopted development brief for 'Land West of Pye Green Road' (2011) which has partly been superseded by further indicative revisions to the site layout (see Statement of Common Ground between CCDC and St Modwen, 2013) and the outline planning consent granted in 2014.

The National Planning Policy Framework (NPPF) states that development proposals that accord with the development plan should be approved without delay. Where the development plan is absent, silent or out of date planning permission should be granted, unless the 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 or except where specific policies in this framework indicate development should be restricted e.g. Green Belt or AONB.

The site is allocated for residential development via the Local Plan (Part 1) and benefits from outline planning consent. It is the Districts' only Strategic Housing Site and therefore is important to the overall delivery of the Local Plan (Part 1) housing requirements. This application would provide for the remainder of the 700 dwellings granted outline planning consent, contributing significantly to the indicative 900 dwelling capacity of the site overall (119 dwellings have already been almost completed on a separate area of the site under separate permission CH/14/0184 meaning a total of 819 dwellings overall have been consented to date).

Given the nature of the site, where developments have and still are to be implemented in phases, it is important for the developments to have regard to the emerging and planned future developments on site. Whilst the submitted Design and Access Statement shows the indicative layout from the outline planning permission, there are a number of elements within

the site which have now been built/ are under construction/ have been granted full planning consent e.g. the SANGSs and primary school, so more detailed layout information is available. It would be helpful to have an up to date masterplan which shows how all of these elements now relate to one another and to the current development proposals (and where possible to as of yet unconsented elements of the site) to ensure a cohesive site overall is being progressed. Further detail could be added to the Context Plans already provided, for instance.

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

The proposal includes 14% affordable housing. It is understood that the Section 106 for the outline consent contained provisions for the affordable housing contributions to be kept under review (given the strategic nature of the site and time period over which it was likely to be implemented). The appropriateness of the proposed 14% affordable housing contribution should be considered in consultation with Housing Strategy.

Given that the outline planning consent to which this application is pursuant was granted prior to the introduction of the Councils CIL charging schedule, the development is not CIL liable. Given that a net increase in dwellings is proposed the development needs to mitigate its impacts upon the Cannock Chase SAC (Local Plan Part 1 Policy CP13). It is understood that the S106 to the outline planning consent provides for the provision of SANGS to mitigate the proposed development (and that previous consents on the site have provided for the provision of this SANGS e.g. CH/17/262). It should be ensured that the proposal accords with the Cannock Chase SAC mitigation requirements as agreed via the outline planning consent.

The site lies within the designated Hednesford Neighbourhood Area. The Town Council recently submitted a Neighbourhood Plan to the District Council, which has undergone its Regulation 16 (local authority publicity) consultation. This is the last stage of public consultation prior to the plan being submitted for independent examination. The NPPG states *'an emerging neighbourhood plan may be a material consideration. Paragraph 216 of the National Planning Policy Framework sets out the weight that may be given to relevant policies in emerging plans in decision taking. Factors to consider include the stage of preparation of the plan and the extent to which there are unresolved objections to relevant policies.'* There are not considered to be any draft policies within the Neighbourhood Plan that would have a bearing on the determination of this application at this time. Proposed Policy H1 refers to priority being given to the provision of bungalows but it exempts sites which are the subject of adopted Development Briefs (as is the case with Land West of Pye Green Road). However, the up to date status of the Neighbourhood Plan and the contents of its policies should be considered prior to the determination of the application.

Subject to consideration of the points raised above being considered, the proposals are supported in principle. The bringing forward of this site would help ensure delivery of the Strategic Housing Site overall (Policy CP6) making an important contribution to the Districts housing land supply.

Trees, Landscape and Countryside

As previously raised a number of issues which the applicant has sought to address through the submission of an amended scheme.

Updated comments in respect of amended plans are yet to be received. Members will be updated at the meeting of Planning Committee.

Council's Ecologist

No comments received.

RESPONSE TO PUBLICITY

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

Pye Green Road is a very busy road and often cars fly over the brow of the hill causing dangerous situations when pulling out of Bilberry Chase Estate. This will only get worse if the amount of traffic increase by building the new estate with most households having on average two cars. The speed camera near Thornhill Road needs to be moved further up towards the Rosehill Roundabout to lessen the amount of speeding cars who have just the right amount of time to slow down before approaching the speed camera. Will a survey be completed of the amount of cars/ speed cars are travelling on Pye Green Road to obtain if the road can actually cope with an even larger volume?

In adverse weather conditions residents and the general public struggle in the snow to get up the hill on Pye Green Road, near Bond Way. This results in cars being dumped at the entrance of Bilberry Chase site or just inside the estate. Not only does this damage our open spacer (grass verge) which as residents we pay £198 annually to maintain it causes a hazard if we are to try and get off the estate in our cars for the risk of sliding into someone else's car and reducing visibility when pulling onto and off the estate. In adverse weather condition it is likely only Bilberry Chase residents will attempt to get up the hill to get home and they'll be a few members of the general public who may be thought they'd make it all the way up Pye Green Road and then have to dump their cars. will attempt to get up the hill to get home and they'll be a few members of the general public who may be thought they'd make it all the way up Pye Green Road and then have to dump their cars.

A much wider corridor between the two estates and not just blocked by trees.

The side which will run parallel to the Bilberry Chase site to be completed first to keep noise and disruption to a minimum and as an estate we will be affected for a shorter amount of time.

Bilberry Chase estate to remain as one estate and to only be joined with the new estate if needs be by the way of a footpath at the top or bottom of the estate and not through Archer Drive and no through vehicles.

We were never informed of this purposed development, or any future plans to develop near the Bilberry Chase site and this information was withheld from us when going through the process of buying a property from Barratts.

I live in Phase 1, the Pye Green Road does not have the capacity to support another circa 7-800 cars every rush hour. The infrastructure does not exist to cope with many more families. If infrastructure is improved greatly then further development is reasonable.

We live of Bilberry Chase and have a great view. This view was one of the reasons we picked this specific plot.

At the point of purchase we were advised by the sales representative Victoria that Barratts would not be building on the field to the north of our plot, as stated earlier in this email the view of the field was one of the reasons to select this specific plot. We were advised that the only additional building work would be on the field to the west of the site adjoining us with the Limes.

Building on the field to the north would devalue our property and we would be seeking compensation.

We would incur expense during the construction phase due to dust that is often created requiring additional cleaning to external windows and vehicles.

We would be disturbed due to noise as we work on shifts.

There is not sufficient school places to cope with 450+ homes. The proposal would eventually increase demand at secondary schools and this issue has not been resolved. This would longer term affect employment levels and crime.

During the spate of heavy rain over the last 2/3 days it has become evident that there are problems with our drives to our property. It seems that there is a drainage issue which look to be down to incorrect falls to the drive .which I believe is down to the drains being set incorrectly in the first place. We have already had over 1 week of disruption while the drive had to be reinstated.

We were told on multiple occasions that the land in front of our house was not going to be built on.

Water pressure will not be able to cope.

Would like clarification on the distance between the new estate and Bilberry Chase.

Will more trees be planted on the boundary.

Where will the affordable homes/ social housing be situated on the proposed site? When we chose our new home we studied the site plan at that time and purposely chose a plot on the opposite side of the estate to the social/ affordable housing. Now we may have 67 affordable homes opposite and do not have the option of moving our home. If this site is passed we would request that these homes are plotted further into the new estate away from established Bilberry Chase boundary.

Drainage is a big problem for property gardens on Bilberry Chase as the land slopes to the south. We are situated on the top of the state [and now] we will be at the bottom of the

proposed new estate and water will flow towards our property. Could you advise what drainage will be proposed for the site to prevent the same issues that arose on Bilberry Chase.

What is the proposed timescale for this new site. If planning is granted how long will the development be on going for.

We were advised that anew primary school and doctors were being built on the land south of Bilberry Chase estate. Currently this work has not commenced. These new facilities are required now before any more houses are developed. Will there be a new secondary school to accommodate demand.

Preservation of wildlife/ greenery-the plans show a very small gap between Chase estate and the new development

There are a lot of wildlife living in that area including birds, pheasants, lizards and foxes and building here would destroy their habitat.,

The plans will obstruct sun light for number of properties. How will the Council compensate for this.

RELEVANT PLANNING HISTORY

CH/11/0395: - Mixed use development involving - erection of up to 700 dwellings; local centre consisting of retail / commercial (A1, A2, A3, A4, A5), and use class D1; a primary school; formal and informal open space, equipped play areas and allotments; new highway infrastructure onto Pye Green Road and Limepit Lane; and associated engineering, ground modelling works and drainage infrastructure (Outline including access) was approved in 2014 subject to a section 106 agreement and a schedule of conditions.

The outline application was accompanied by an Environmental Statement prepared by RPS.

Matters reserved at the outline stage included the layout, scale, design, appearance and landscaping of the site. The approved scheme included a masterplan indicating how the various phases and components related to one another. The masterplan also shows the indicative locations of the flood attenuation ponds within the SANGS to serve the proposed development, including this phase of the development. These are located to the north east and south west of this phase of the development both on the Masterplan and the Landscape Framework strategy.

Mitigation for the impacts on the Cannock Chase SAC was in the form of Sustainable Alternative Natural Green Space (SANGS).

Conditions attached to the outline permission in respect of the residential element included (but were not limited to) the control of the following issues: -

1. noise mitigation measures
2. submission of a Construction Method Statement
3. ground contamination and ground stability

4. drainage and flood risk
5. off-site highway works
6. nature conservation measures
7. archaeological works

The permission was also subject to a section 106 agreement which provided monies to deal with the pressures on education arising from the proposal

1. SITE AND SURROUNDINGS

- 1.1 The application site comprises part of a larger site, known as "land west of Pye Green Road" which is subject to outline planning permission for a mixed use scheme, including residential a new school and service centre with associated flood attenuation ponds and open space provision.
- 1.2 The site currently comprises arable land and is defined to the east by a hedgerow running along the western side of Pye Green Road (beyond which is the built up area of Hednesford), a recent residential estate to the south and open countryside to the north and west beyond which is the Cannock Chase AONB.
- 1.3 The site is allocated as a Strategic Housing Site (subject to Policy C6) in the Cannock Chase Local Plan.

2. PROPOSAL

- 2.1 The applicant is seeking approval of the reserved matters of layout, scale, design, appearance and landscaping of a 481 dwelling residential development.
- 2.2 The applicant has submitted a range of drawings showing the layout of the site, design of the house-types and landscaping proposals.
- 2.3 The plans indicate the access to the estate would be via the roundabout at Rosehill on Pye Green Road
- 2.4 The applicant proposes a total of 39no rented and 6no shared ownership affordable homes.

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 |
| CP3: - | Chase Shaping – Design |
| CP5: - | Social Inclusion and Healthy Living |
| CP7: - | Housing Choice |
| CP12: - | Biodiversity and Geodiversity |
| CP14: - | Landscape Character and Cannock Chase Area of Outstanding Natural Beauty |
| 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 “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 |
| 102, 108, 109, 110, | Promoting Sustainable Transport |
| 117, 122 | Making Effective Use of Land-Achieving Appropriate Densities |
| 124, 127, 128, 130: | Achieving Well-Designed Places |
| 163 | Planning and flood Risk |
| 170, 175 | Habitats and Biodiversity |
| 212, 213 | Implementation |

3.9 Other Relevant Documents

Other relevant documents include: -

Design Supplementary Planning Document, April 2016.

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

Manual for Streets

Minerals Local Plan for Staffordshire (2015-2030)

Hednesford Neighbourhood Plan (Examined but not subject to Referendum)

4. DETERMINING ISSUES

4.1 The determining issues for the proposal are

- (i) Principle of the development
- (ii) the layout
- (iii) the appearance
- (iv) the scale
- (v) and landscaping

4.2 Principle of the Development

4.2.1 The principle of housing on this site was firmly established under planning permission CH/11/0395 which granted outline permission with access for a mixed use development of up to 700 dwellings, a local centre consisting of retail / commercial (A1, A2, A3, A4, A5), and use class D1; a primary school; formal and informal open space, equipped play areas and allotments; new highway infrastructure onto Pye Green Road and Limepit Lane; and associated engineering, ground modelling works and drainage infrastructure.

4.2.2 Issues, such as, affordable housing, impacts on the local highway network, education, drainage and flood risk, and impacts on the Cannock Chase SAC were considered at the outline stage.

4.2.3 Therefore all issues relating to the principle of the development and the consented quantum of development (that is to say 700 dwellings) have already been determined and are not for consideration in the determination of this application.

4.2.4 Therefore the only matters that are for consideration are the proposed layout, appearance, scale and landscaping of the development and any material consideration in so far as it relates to those reserved matters.

4.3 Layout

4.3.1 Policy CP3 of the Local Plan requires that, amongst other things, developments should be

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

4.3.2 Relevant policies within the NPPF in respect to design and achieving well-designed places include paragraphs 124, 127, 128 and 130. Paragraph 124 makes it clear that

the creation of high quality buildings and places is fundamental to what the planning and development process should achieve.

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

Planning policies and decisions should ensure that developments:

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

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

4.3.5 Having had regard to the above it is considered that the main issues in respect to layout are: -

- (i) Layout, parking and highway safety and capacity within the proposed estate.
- (ii) Layout and standard of amenity of existing and future occupiers in respect of space about dwellings.
- (iii) Layout and impact on nature conservation interests.
- (iv) Layout and impact on drainage.
- (vi) Layout and designing out crime.
- (vii) Layout and the provision of affordable housing.

4.4 Layout, Parking and Highway Safety and Capacity within the Proposed Estate.

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

- 4.4.2 As stated previously the access to the site and impacts arising from the quantum of development were considered and approved under the outline consent. Therefore the only consideration in respect to the determination of this reserved matters application in relation to highway considerations is whether the parking provision and estate roads are adequate in respect to their intended function.
- 4.4.3 In respect to the layout and traffic and transport considerations it is noted that the new access would link on to the primary East/ West street which would then link onto the more minor routes through the main residential areas, culminating in cul-de-sacs, providing links to the SANGS. In addition to the above the proposal meets the Council's guidance for parking provision.
- 4.4.4 The layout has been subject to discussions and negotiations between the developer and the Highway Authority culminating in the current layout which seeks to address earlier concerns expressed by the Highway Authority. Unfortunately the Highway Authority has not been able to respond for the deadline for Planning Committee but are expected to respond between the publication of the agenda and the meeting of Planning Committee. It is anticipated that the Highway Authority will not raise any objections to the proposal but may recommend the imposition of additional conditions to be attached to any permission granted.
- 4.4.5 Comments made by local people in respect to the amount of new vehicles that would result from the proposal and the capacity of Pye Green Road to accommodate the additional traffic, are noted. However, such matters were considered at the outline stage when the quantum of development for the wider site was approved and have no relevance to the determination of the reserved matters that are for determination. It is also noted that the outline consent set out conditions for the improvement of various junctions along Pye Green Road so that the quantum of development proposed could be adequately accommodated
- 4.4.5 Therefore subject to the Highway Authority confirming that it has no objections to make and having had regard to the above it is considered that the residual cumulative impacts arising from the layout of the proposed development would not be severe and that on balance the proposal is acceptable in respect to highway considerations.

4.4.6 Layout and Standard of Amenity of Existing and Future Occupiers

Space about Dwellings

- 4.4.7 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. This is compatible with Policy CP3 of the Local Plan and supported by the guidance as outlined in the Design SPD.
- 4.4.8 The Design SPD, amongst other things, sets out guidance in respect to separation distances between different types of elevation and in respect to minimum garden areas. Appendix B of the Design Guide recommends that the minimum distance for front and rear facing principal rooms should be 21.3m and for principal to side

elevations 12.2m. In addition the guide recommends that new garden sizes should be as follows: -

| | |
|---------------------|----------|
| 1 or 2 bed dwelling | 40-44sqm |
| 3 bed dwelling | 65sqm |
| 4+ bed dwelling | 80sqm |

However, the Design Guide recognises that distances set out are in the nature of guidance and that 'variations to the recommended minimum distance will be considered dependent upon the particular circumstances and type of development'.

- 4.4.9 In addition to the above it is noted that the recently revised NPPF has an emphasis on making efficient use of land and avoiding low densities.
- 4.4.10 In this respect it is noted that the layout in general meets the recommended distances for space about dwellings and garden area, and in some cases exceeds the guidelines.
- 4.4.11 However, there are several instances where the layout does not achieve some part of the space about dwellings guidelines. For example, some of the distances between front to front relationships are 20m and therefore marginally substandard. However, this is off-set by the fact that the front to front relationship between several of these plots is slightly askew or in corner/ junction positions which benefit from more open aspects
- 4.4.12 In addition to the above there are several instances where the minimum guidelines for outdoor amenity space have not been met. However, where this is the case the deficiency is somewhat marginal and would be insufficient to warrant refusal of the application.
- 4.4.12 In respect to the relationship between those dwellings abutting the site and the proposed dwellings it is noted that the properties along the eastern side of Pye Green Road would generally be in excess of 30metres and in many cases the existing dwellings present a side elevation towards the application site. In respect to the dwellings to the south on the Bilberry Chase Estate it is noted that the front of these dwellings generally face north and would have a front to front relationship to the proposed dwellings facing onto the southern boundary of the application site. The distance between the respective front elevations would generally be 20m which again is considered satisfactory. The boundary between the two estates could be further enhanced by tree planting
- 4.4.13 On balance it is considered that the proposal layout, by virtue of the space about dwellings, would provide a good standard of residential amenity for all future and existing occupiers of properties within the site and abutting it. Therefore, having had regard to Policy CP3 of the Local Plan, the NPPF and the Design Guide the layout of the proposal is considered acceptable in this respect.

Layout and Impact on Nature Conservation Interests

Cannock Chase SAC

- 4.4.32 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. Proposals which would lead to a net increase in dwellings are therefore required to mitigate their adverse impact on the SAC, which is normally in the form of a payment as part of the Community Infrastructure Levy or if CIL .
- 4.4.33 However, it should be noted that the issue of potential impacts on the Cannock Chase SAC was dealt with at the outline stage through the provision of Sustainable Alternative Natural Green Space (SANGs) on site. This is clearly shown on the approved masterplan for the wider Pye Green site.
- 4.4.34 The above provision was accepted at the outline stage as acceptable mitigation for impacts on the Cannock Chase SAC. The detailed elements of the SANGs have been subject to its own separate reserved matters approval. As such it is considered that the proposed layout adequately mitigates its impact on the SAC.

Nature Conservation Interest on Site

- 4.4.34 Policy in respect of impacts on biodiversity is provided by Policy CP12 of the Local Plan and Section 11 of the NPPF.
- 4.4.35 Policy CP12 states (amongst other things) that the District's biodiversity and geodiversity assets will be protected, conserved and enhanced via: -

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

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

- 4.4.36 In addition to the above Paragraph 175 of the NPPF states "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 reasons⁵⁸ and a suitable compensation strategy exists; and
- d) development whose primary objective is to conserve or enhance biodiversity should be supported; while opportunities to incorporate biodiversity improvements in and around developments should be encouraged, especially where this can secure measurable net gains for biodiversity.

4.4.37 In respect to the impact of the proposed development on local nature conservation interests it is noted that the site primarily comprises arable land and therefore is somewhat impoverished in wildlife. Other than the hedges and sundry trees along the eastern and southern boundary there are no features of particular ecological interest. These features would where practicable be retained and augmented by the incorporation of landscaping within the site and the development of the SANGs which would serve the wider site

4.4.38 In this respect the comments made by the local community in respect of the range of wildlife that has been seen on the site are noted. However, it is also noted that the site is not designated for nature conservation purposes and that the principle of its development was firmly established under the outline consent.

4.4.39 However, the development does provide an opportunity for enhancing the site in respect of breeding birds and it is recommended that the following is incorporated into the design to compensate for the loss of arable farm breeding habitat: -

Installation of 15 integrated house sparrow nest boxes in new buildings within the site.

Installation of 15 integrated swift nest boxes in new buildings within the site.

Installation of 15 starling nest boxes on new buildings within the site

4.4.40 Therefore, on balance, it is considered that the proposal, subject to the attached conditions, would be in accordance with Policy CP12 and paragraph 175 of the NPPF.

4.4.41 Layout and Impact on Drainage

4.4.42 Drainage is not a reserved matter and was therefore dealt with at outline stage where it was subject to conditions requiring a scheme to be submitted. It is also clear from the masterplan that the SuDs drainage ponds serving this phase were intended to be in

the SANGS area and therefore outside of the current application site. Therefore, the issues raised by the LLFA in respect to the capacity of the proposal would not affect the layout of the proposal and are controlled by a condition on the outline which would be subject to its own application to discharge that condition

- 4.4.43 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 163 of the NPPF.

Layout and Designing out Crime

- 4.4.43 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 of the NPPF and Policy CP3 of the Local Plan. In this respect the comments of Staffordshire Police area noted.

- 4.4.44 In respect to the issues raised by Staffordshire Police your officers would comment that these have been taken into consideration as far as they relate to the reserved matters that are up for determination (see layout)

- 4.4.53 The issues of the installation of “Smart” utility meters to prevent bogus caller sneak-in burglaries, lighting and the security standards of doors and windows are not a planning policy requirement. It is therefore recommended that the most appropriate way of dealing with these issues is to place an informative on any permission granted to bring the developer's attention to the comments of the police and the desirability to apply for secured by design accreditation.

- 4.4.54 Therefore, having had regard to the provisions of the Crime and Disorder Act 1998, paragraph 127 of the NPPF and Policy CP3 of the Local Plan it is considered that the layout of the proposal, on balance, would be acceptable in respect to crime prevention and the fear of crime.

Layout and the Provision of Affordable Housing

- 4.4.55 Affordable housing provision was looked at and incorporated into the section 106 agreement attached to the outline consent.

- 4.4.56 The applicant has submitted a plan showing the proposed distribution of affordable housing across the site.

- 4.4.57 The Strategic Housing Officer has reviewed the proposed provision and has raised no objections to the proposed mix and distribution of affordable housing throughout the layout.

- 4.4.58 As such it is considered that the layout is acceptable in respect to the provision of affordable housing

4.5 Appearance

4.5.1 Policy CP3 of the Local Plan requires that, amongst other things, developments should be

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

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

Planning policies and decisions should ensure that developments:

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

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

4.5.4 In this respect it is noted that Cannock-Hednesford has grown substantially in the late nineteenth and especially in the late twentieth century such that large parts of the settlements are characterised by modern housing estates with little or no local distinctiveness. In addition it is noted that there a variety of materials have been used for the construction of dwellings in the wider area.

4.5.5 The proposed houses are traditional in design being built in brick with some finishing in render with additional interest by strong courses (in Staffordshire Blue) and plinths in differing colours.

4.5.6 The dwellings would be constructed from a palette of materials including Russell Grampian Grey and Peat Brown roof tiles and Ibstock Balmoral, Welbeck Autumn, Minster Sandstone and Mercia orange Multi bricks

4.5.7 These materials are considered to be acceptable.

4.5.8 As such it is considered that the proposal by virtue of its appearance, including design and materials would be well-related to existing buildings in the wider area and as such would be in accordance with Policy CP3 of the Local Plan and the design section of the NPPF.

4.6 Scale

4.6.1 Policy CP3 of the Local Plan requires that, amongst other things, developments should be

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

4.6.2 Having had regard to the above it is noted that the scale of the development in respect to the number of dwellings (481 dwellings) was accepted at the outline stage. The only other matter in respect to scale is the size of the proposed dwellings. There are a range of dwelling types. These are standard house types that are found on a variety of developments by the applicants.

4.6.2 The heights range from 8.3m to 9.0m (2.2 storey). Officers can confirm that these heights are fairly standard in nature and reflect the range of house types typically found within the wider village of Norton Canes. As such it is considered that the scale of the proposed dwellings would be well-related to existing buildings and their surroundings and therefore in accordance with Policy CP3 and the NPPF.

4.6.3 The comments raised by Hednesford Town Council in respect to the Hednesford Neighbourhood Plan and the support for bungalows are noted. However, the plan merely supports the provision of bungalows and does not compel as a matter of policy the provision of bungalows on the site.

4.7 Landscaping

4.7.1 Policy CP3 of the Local Plan requires that, amongst other things, developments should be

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

- 4.7.2 In respect to the comments made by the Landscape Officer it is noted that amended plans have been received to address the issues raised. The issues are relatively technical in detail and localised in impact. Amended plans have been received with the aim of resolving the issues raised by the Landscape Officer. However, the comments of the Landscape Officer had not been received at the time of the compilation of this report. It is anticipated that the issues previously raised will be resolved and members will be updated at Planning Committee.
- 4.7.3 Subject to the satisfactory resolution of the above issues it is considered that the landscape details of the approval are acceptable.
- 4.8 Issues Raised by Objectors which have not been Addressed Above
- 4.8.1 Objectors have raised issues in respect of highway safety and capacity on Pye Green Road. Officers can confirm that such issues were addressed at the outline stage and are not relevant to the current reserved matters application.
- 4.8.2 Objectors have requested a much wider corridor between the proposed and Bilberry Chase estates. Officers confirm that there is no need in planning terms to provide any such buffer and that the separation distances are adequate.
- 4.8.3 In respect to disruption during the construction phase it is noted that the outline was subject to a construction management plan which provides a proportionate response to this issue.
- 4.8.4 The facts that people may have not been informed by Barratts that a new development was being proposed is not a material planning consideration.
- 4.8.5 Officers can confirm that the loss of a private view, or loss of value of property are not material planning considerations.
- 4.8.6 Officers can confirm that Education was dealt with at the outline stage and an appropriate contribution set.
- 4.8.7 Issues in respect to water on a drive off the site is not a material planning consideration it is a private matter between the owner and the house builder.
- 4.8.8 The issue of water pressure is a matter for the water authority to resolve and is not material to the determination of the reserved matters.
- 4.8.9 The layout of the affordable homes are clearly shown on the submitted plans and are considered acceptable.
- 4.8.10 Drainage is subject to condition 12 on the outline planning permission.

- 4.8.11 The time scale for the build out is determined primarily by macro-economic considerations and therefore officers cannot answer when the scheme will be eventually built out.
- 4.8.12 In respect to the loss of light officers would point out that (a) the estate is to the north of properties at Bilberry Chase and (b) the proposal is in general conformity to the space about dwellings guidance which aims to ensure that a good standard of amenity is achieved.
- 4.8.13 As such officers consider that the above issues do not alter the overall conclusion that the proposal is acceptable.

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 aims of the Equalities Act.

7.0 CONCLUSION

- 7.1 The principle of 481 dwellings on this site, as well as the means of access, was determined to be acceptable on the granting of the outline planning permission. This current application is only for the determination of the reserved matters namely, the layout, appearance, scale and landscape of the proposal. Only considerations related to these reserved matters should be taken into account.
- 7.2 Issues in respect of the quantum of development, such as cumulative impact on wider traffic issues, educations etc. were dealt with at the outline stage.
- 7.3 In respect to all matters of acknowledged interest the proposal, subject to the attached conditions, is considered, on balance, to be acceptable.
- 7.4 The proposal would deliver 14% affordable housing which is subject to the provisions set out in the section 106 agreement attached to the outline consent and is considered acceptabl.
- 7.5 Impacts on the Cannock Chase SAC would be mitigated through the provision of sustainable alternative green space, as accepted at the outline stage.
- 7.6 The position in respect to the Hednesford Neighbourhood Area designation and the Local Pan review are noted. However, even though the Hednesford Neighbourhood Plan should be afforded significant weight it does not alter the overall conclusions arrived at.
- 7.7 As such it is concluded that subject to no objections being received from the Highway Authority and the Landscape Officer it is considered that the proposal is acceptable.
- 7.8 It is therefore recommended that, subject to no objections being received from the Highway Authority and the Landscape Officer the application be approved subject to the attached conditions.

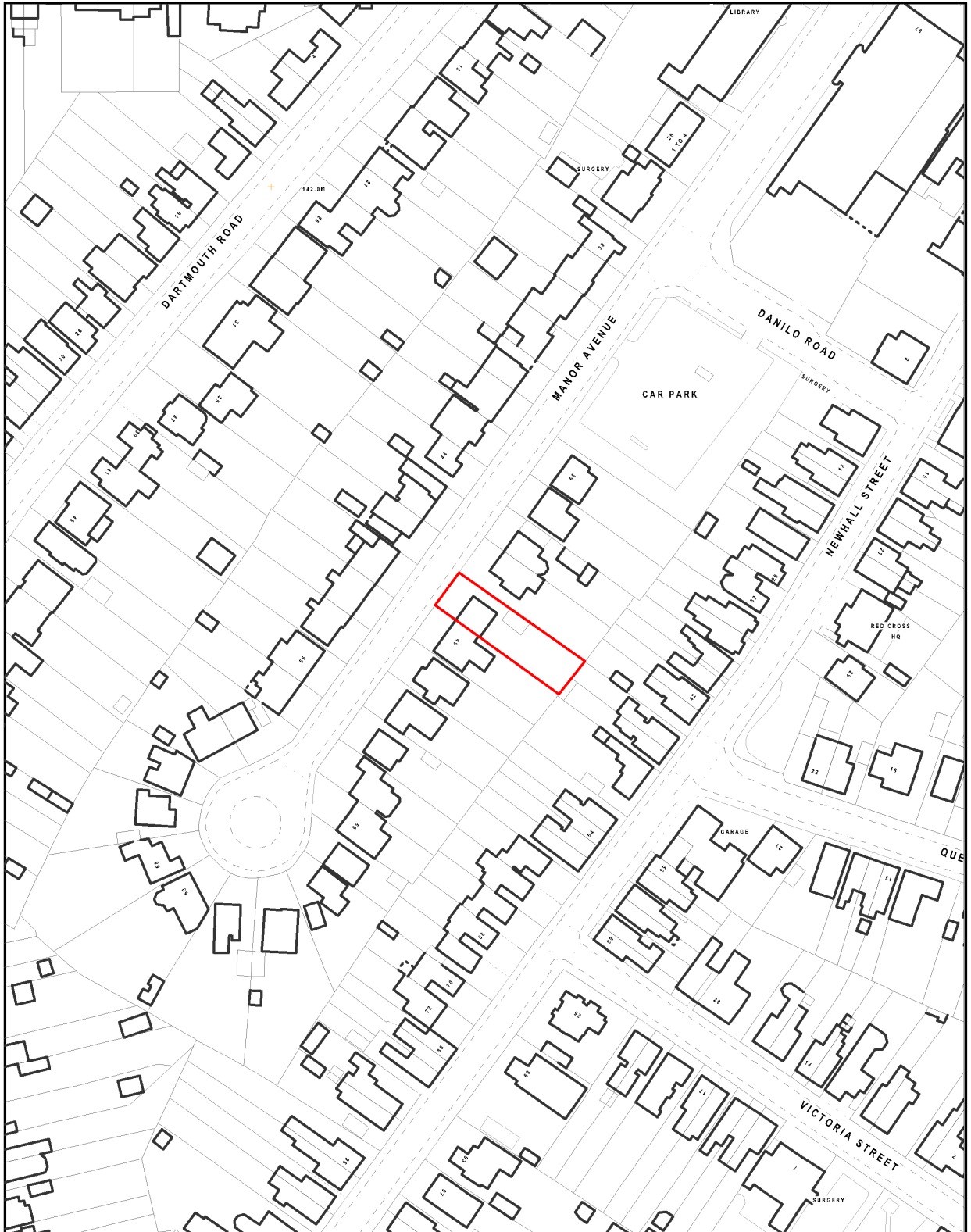


Application No: CH/18/248

Location: 47, Manor Avenue, Cannock, WS11 1AA

Proposal: Proposed two storey side extension and single storey rear extension

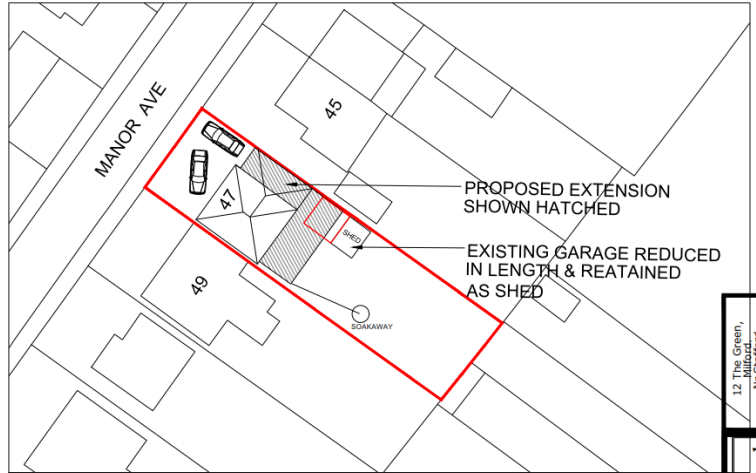
Item 6.104



Location & Site Plan

Proposed Extensions at:- 47 Manor Avenue, Cannock. Staffs.

LOCATION PLAN - 1:1250



BLOCK PLAN - 1:500



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| Rev | Amendment | Date |
|-------------------|--------------------------------|------------------------------|
| DATE: | Mr & Mrs Potts | |
| PROPOSAL: | Proposed Side & Rear Extension | |
| SITE ADDRESS: | 47 Manor Avenue, Cannock | |
| SITE PLANS | | |
| SCALE: | 1:1250, 1:500 | |
| DATE: | June 2018 | DWG. No. 309/WD/01 |

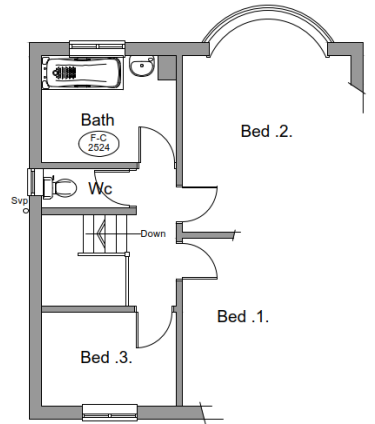
12 The Green,
 Millwood,
 Staffordshire,
 ST17 0UR
 Telephone: 01927 216955
 Mobile: 07967 216955
Architectural Design Limited
 Architectural & Building Design Consultants
Dove

Where dimensions to be taken only,
 minor inaccuracies may occur due to printing processes.

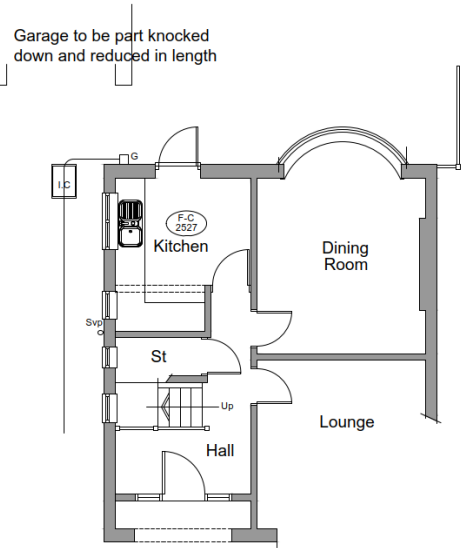
Existing Plans



Proposed Extensions at:- 47 Manor Avenue, Cannock, Staffs.
EXISTING DETAILS



EXISTING FIRST FLOOR PLAN



EXISTING GROUND FLOOR PLAN

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A2

Rev A: Side elevation added 6/7/2018
 Date
 Drawn: []
 Check: []
 Issue: []
DAE Architectural Design Limited
 Architectural & Building Design Consultants

12 The Green,
 Stafford,
 Staffordshire,
 ST17 0UR
 01927 541111
 Mobile: 07967 216955

PROJECT
**47 Manor Avenue,
 Cannock**

Mr & Mrs Potts

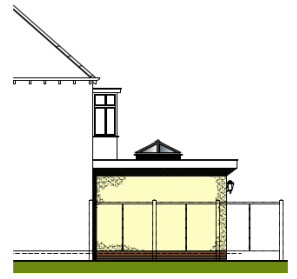
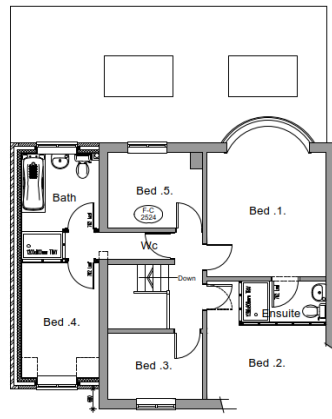
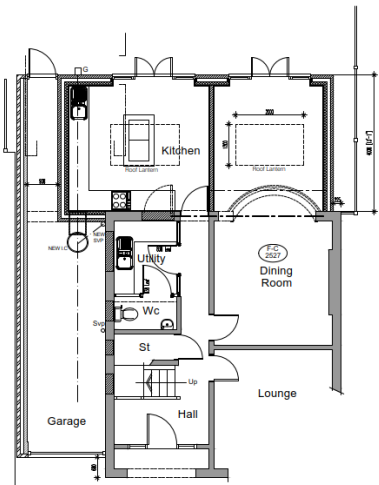
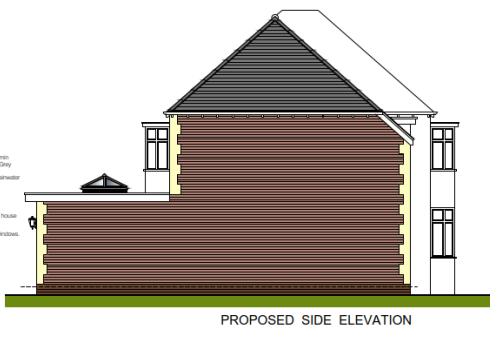
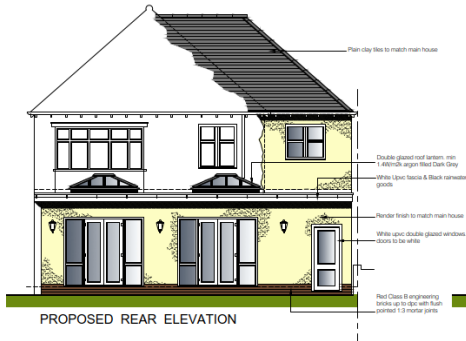
Proposed Side &
 Rear Extension
 Existing Details

SCALE
 1:50, 1:100
 DATE
 June, 2018

309/WD/02
 A

Proposed Plans

Proposed Extensions at:- 47 Manor Avenue, Cannock. Staffs.



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A1

| | | |
|---|-----------------------------------|--------------------|
| REV A - SIDE ELEVATION ADDED | | 6/3/2018 |
| Rev | Description | Date |
| 01 | As Issued | |
| 47 The Green Cannock Staffordshire ST12 5JH 01902 624121 (09:00-17:00) 01902 624122 (Text) 01902 624123 (Fax) | | |
| Client | Mr & Mrs Potts | |
| Address | 47 Manor Avenue, Cannock | |
| Project | Proposed Side & Rear Extension | |
| Drawings | Plans & Elevations | |
| Scale | 1:50 | Date Issued: 20/18 |
| Ref No | 309/WD/03 | |
| Author | Mr & Mrs Potts | |

Architectural Design Limited
Architects & Building Design Consultants

Application No: CH/18/248

Received: 06-Jul-2018

Location: 47, Manor Avenue, Cannock, WS11 1AA

Parish: Non Parish Area

Ward: Cannock West Ward

Description: Proposed two storey side extension and single storey rear extension

Application Type: Full Planning Application

RECOMMENDATION Approve Subject to Conditions

Reason for Grant of Permission

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

1. B2 Standard Time Limit
2. C16 Parking Spaces at Dwellings
3. D3 Materials to match
4. Approved Plans

EXTERNAL CONSULTATIONS

None undertaken.

INTERNAL CONSULTATIONS

None undertaken.

RESPONSE TO PUBLICITY

The application was advertised by neighbour letter and site notice. One letter of representation has been received raising the following issues: -

- Can you advise me how to determine where the boundary line lies that divides both properties?
- If the application is approved the occupier at No.45 Manor Avenue would like a wall, other than the proposed side elevation, to define the boundary between the two sites and that all fencing is realigned to re-establish the boundary line, or, the wall that is in situ is replaced with a wall that both parties agree on as a feature wall and that it is clearly defined and separate from the proposed extension wall and that all fencing be re-aligned with the wall to establish the boundary,
- No windows or openings within the side elevation facing No.45,

- All bricks and outside cosmetic finishes visible to No.45 to be outside facing and best side facing to No.45,
- All building works to be carried out on the applicant's side of the boundary including storage and use of machinery, tools, materials and scaffolding,
- Any damage to No.45 to be repaired and maintained by the applicant with no financial loss to the neighbour e.g. the drains,
- Adequate foundations are provided, and
- Minimum disruption caused to day to day living for occupants of No.45.

RELEVANT PLANNING HISTORY

There is no relevant history to the site

1. SITE AND SURROUNDINGS

- 1.1 The application site relates to a semi-detached dwelling fronting Manor Avenue.
- 1.2 The host dwelling relates to a two storey building finished in render with brickwork arch detailing around the entrance. There is hardstanding to the front and a driveway which extends along the side of the building terminating in a detached garage to the rear. There is a deep rear garden which is bound on both sides by fencing and landscaping. The driveway to the side of the host dwelling is bound by a combination of 1m and 2.2m high brick walling.
- 1.3 The existing street scene comprises of a combination of semi-detached and detached dwellings of various designs, appearance and size. The majority of dwellings within Manor Avenue benefit from substantial extensions.

2. PROPOSAL

- 2.1 The application seeks planning permission for a two storey side extension and single storey rear extension.
- 2.2 The proposed two storey extension would be constructed to the side of the host dwelling set back from the front elevation by 0.6m. The proposed hip design of the roof would reflect the existing dwelling but constructed to a lower height. The proposed side extension would be constructed on the existing side drive.
- 2.3 The proposed rear extension would extend across the full width of the host dwelling and the rear of the proposed two storey extension. The single storey extension would have a flat roof (3m) and two roof lanterns incorporated to provide additional light.
- 2.4 The existing rear garage would be reduced in length and retained as an outbuilding.

2.5 The proposed extensions would be constructed using materials to reflect the host dwelling.

3. PLANNING POLICY

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

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

CP1 - Strategy – the Strategic Approach
CP3 - Chase Shaping – Design

3.3 National Planning Policy Framework

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

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

3.6 Relevant paragraphs within the NPPF include paragraphs: -

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

3.7 Other relevant documents include: -

Design Supplementary Planning Document, April 2016.

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

4.0 Determining Issues

4.1 The determining issues for the proposed development include:-

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

4.2 Principle of the Development

4.2.1 The proposal is for the extension of an existing residential property that is located within a residential location within the urban district of Cannock. The site is not allocated or designated. As such, it is considered that the principle of development is acceptable.

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

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

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

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

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

Planning policies and decisions should ensure that developments:

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

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

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

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

4.3.6 The two storey proposal extension is set back from the front elevation and would be constructed to a lower height than the host dwelling in recognition of the subordinate nature. The roof over the side extension would reflect the hipped design of the host dwelling and the single storey extension would introduce a flat roof with roof lantern to the rear of the site. The two storey side extension due to its design and scale would assimilate within the existing and varied street scene. Due to the flat roof design, the single storey extension would contrast with the hipped roof design of the host dwelling. However, given the location of the proposed single storey extension would be screened from the surrounding area and would not form a prominent feature within the street scene. Further, the extension is of a typical domestic extension commonly found on residential properties.

4.3.7 Therefore, having had regard to Policy CP3 of the Local Plan and the above mentioned paragraphs of the NPPF it is considered that the proposal would be well-related to existing buildings and their surroundings, successfully integrate with existing features of amenity value, maintain a strong sense of place and visually attractive such that it would be acceptable in respect to its impact on the character and form of the area.

4.4 Impact on Residential Amenity

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

- 4.4.2 Paragraph 127(f) of the NPPF states that planning policies and decisions should ensure that developments [amongst other things] create places with a high standard of amenity for existing and future users.
- 4.4.3 In terms of the neighbouring properties the proposed two story side extension would be constructed adjacent the existing boundary wall. There are windows in the side elevation of the neighbouring dwelling (No.45) at both ground floor and first floor level. These windows remain approx.3.5m from the shared boundary. The ground floor windows are already obscured by the 2.2m high brick boundary wall and the first floor window does not serve a habitable room. Notwithstanding this, given the separation distance to the proposed extension together with the orientation of the sun, the proposed two storey side extension would not significantly impact on the occupiers of this dwelling in terms of daylight, outlook or overbearing. In relation to the proposed single storey extension, this would be constructed, in part, in place of the existing garage. The remainder of the garage (rear 2.5m) would be retained and used as an outbuilding which, together with the position of the boundary fence / wall would help to screen the proposed single storey extension from the occupiers of No.45.
- 4.4.4 With regard to the single storey extension to the rear; this would be constructed adjacent the shared boundary with No. 49, remaining .6m from the boundary fence. The proposed extension would be constructed with a flat roof at a height 3m. No 49 already benefits from a single storey extension adjacent the shared boundary and therefore the proposed extension at the rear of No. 47 would have no significant impact on the occupiers of this dwelling in terms of daylight / outlook or overbearing.
- 4.4.5 The proposed two storey extension would comply with the Daylight / Outlook Standard in accordance with the Councils Design SPD in relation to the adjacent dwellings. As such, the proposed extension is considered to accord with the requirements of Policy CP3 of the Cannock Chase Local Plan, the NPPF and the Council's Design SPD.
- 4.5 Impact on Highway Safety
- 4.5.1 Paragraph 109 of NPPF states that development should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.
- 4.5.2 The proposed side extension would be constructed on part of the current driveway removing access to the rear garage. The proposed extension would increase the bedroom capacity from 3 bedrooms to 5 bedrooms. Therefore 3 parking spaces are required to be provided at this dwelling. There would be sufficient room on the existing hardstanding for 3 spaces. A garage is proposed as part of the side extension, however, this is substandard in terms of garage width. However, the

required parking provision is adhered to without the need for the garage. As such, the proposal accords with the provisions of the Parking SPD and the NPPF.

4.6 Other Issues Raised by Objectors

4.6.1 The objector has asked whether the local planning authority can advise her how to determine where the boundary line lies that divides both properties? Your Officers confirm that it is not for the local planning authority to adjudicate on matters of land ownership and the responsibility lies with applicant to ensure that they have drawn the correct boundary and completed the appropriate certificate. The applicant has drawn a red line around the land he has stated to be within his ownership and no evidence has been submitted to demonstrate otherwise. Notwithstanding this, the neighbour could enquire with a solicitor or the Land Registry may be able to advise further.

4.6.2 The objector has stated that if the application is approved the occupier at No.45 Manor Avenue would like a wall, other than the proposed side elevation, to define the boundary between the two sites and that all fencing which may be realigned to re-establish the boundary line, or, the wall that is in situ is replaced with a wall that both parties agree on as a feature wall and that it is clearly defined and separate from the proposed extension wall and that all fencing be re-aligned with the wall to establish the boundary. Your officers would advise that such matters are of a private, civil nature and are not material to the determination of the application.

4.6.3 No windows or openings within the side elevation facing No.45. Your officers confirm that there are no openings indicated on the proposed side elevation.

4.6.4 Comments regarding the following issues have been raised:-

- All bricks and outside cosmetic finishes visible to No.45 to be outside facing and best side facing to No.45,
- All building works to be carried out on the applicant's side of the boundary including storage and use of machinery, tools, materials and scaffolding,
- Any damage to No.45 to be repaired and maintained by the applicant with no financial loss to the neighbour e.g. the drains,
- Adequate foundations are provided, and
- Minimum disruption caused to day to day living for occupants of No.45,

Your officers confirm that the above points are not material considerations for the determination of the planning application and are either private, civil matters or covered by other legislation.

5.0 HUMAN RIGHTS ACT

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

5.2 EQUALITIES ACT

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

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

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

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

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

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

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

6.0 CONCLUSION

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

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

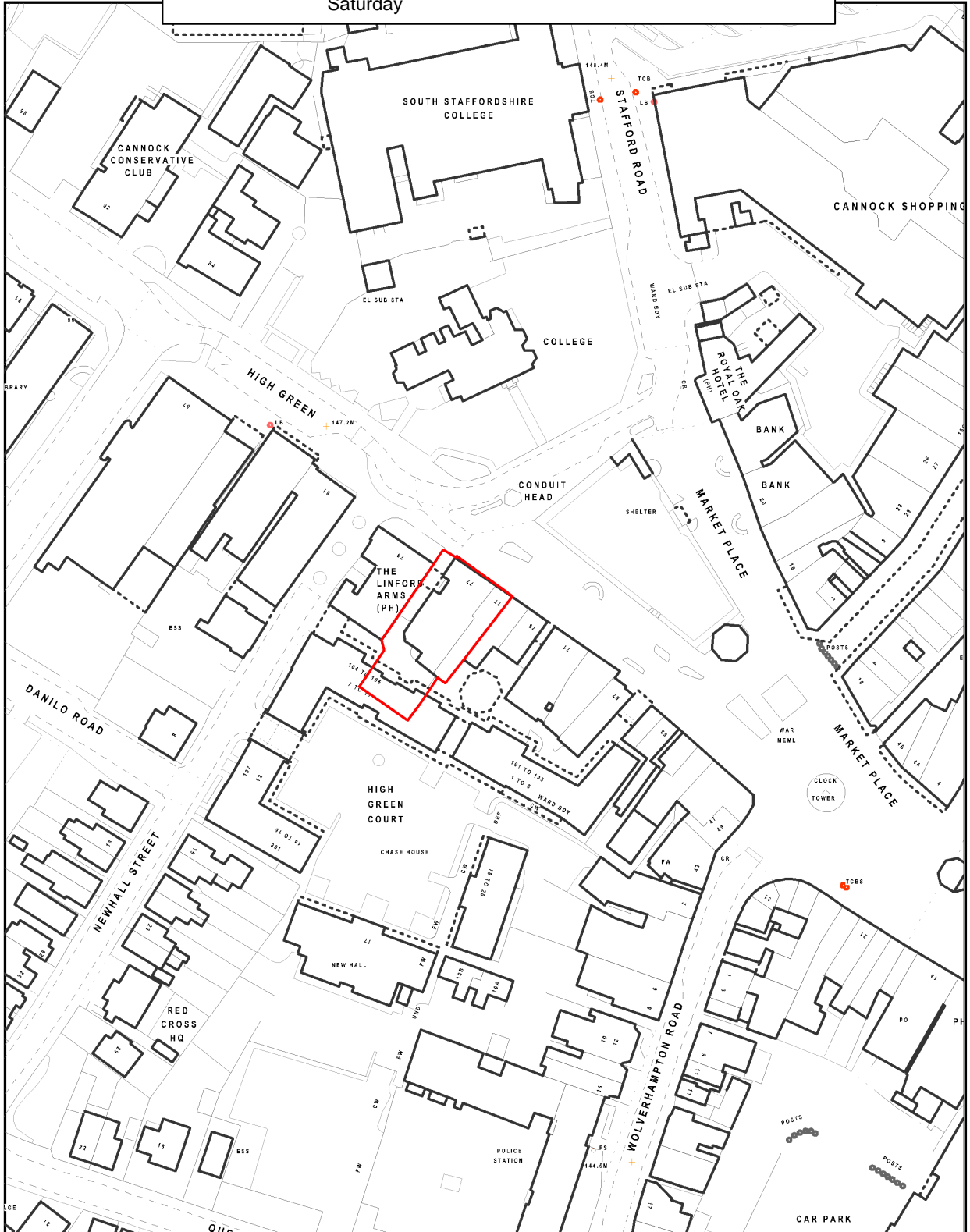


Application No: CH/18/245

Location: JK's Bar and Bistro, 77, High Green, Cannock, WS11BN

Proposal: Variation of condition 2 (hours restriction) on planning permission CH/94/0564 to extend the opening hours to 09:00 - 24:00 Monday to Wednesday, 09:00 - 02:00 Thursday and Sunday and 09:00 - 03:00 Friday to Saturday

Item 6.116



Application No: CH/18/245
Received: 05-Jul-2018

Location: JK's Bar and Bistro, 77, High Green, Cannock, WS111BN
Parish: Non Parish Area
Ward: Cannock West Ward
Description: Variation of condition 2 (hours restriction) on planning permission CH/94/0564 to extend the opening hours.

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.

Reason for Committee Decision:

The application is of local controversy and objectors have requested to address the Planning Control Committee in connection with the determination of the planning application.

Conditions:

1. The use to which this permission relates shall operate within the permitted extended opening hours for a period of 12 months from the date of the decision. Upon the expiration of 12 months the openings hours shall revert back to those set in planning permission CH/04/0089 unless otherwise approved in writing.

Reason:

In accordance with section 72 of the Town and Country Planning Act 1990 in order for the Local Planning Authority to fully assess the impact of the extended opening hours on the health and amenity of occupiers of nearby residential properties

2. The premises shall not be open for business outside the following hours:
Monday, Tuesday, Wednesday, Thursday & Sunday - 09:00hrs to 24:00hrs.
Friday & Saturday - 09:00hrs to 02:00hrs the following day.

Reason:

To ensure that the proposed development does not prejudice the enjoyment by neighbouring occupiers of their properties and to ensure compliance with the Local Plan Policy CP3 and Government guidance in the National Planning Policy

Framework.

3. Noise emanating from the premises due to the operation and any sound amplification equipment shall not be audible at any noise sensitive premises either adjacent to or in the vicinity of the site.

Reason:

To ensure that the proposed development does not prejudice the enjoyment by neighbouring occupiers of their properties and to comply with Local Plan Policy CP3 and Government guidance in the National Planning Policy Framework.

4. No goods, plant, materials or waste shall be stored or deposited on any part of the site outside the building except in an enclosed container, the siting and design of which has been agreed in writing with the Local Planning Authority.

Reason:

To safeguard the amenities of the locality and to ensure that adequate space is retained for the parking, loading and unloading of vehicles and to ensure compliance with the Local Plan Policy CP3 and Government guidance in the National Planning Policy Framework.

EXTERNAL CONSULTATIONS

None undertaken.

INTERNAL CONSULTATIONS

Conservation Officer

No objections on conservation grounds to the proposed extension of opening hours at a town centre public house which will enable the listed building to continue in an appropriate use, preserving the character of the conservation area. No adverse impact on significance of either is anticipated in accordance with the NPPF and Local Plan Policy CP15.

Environmental Health

No doubt you are aware that The Whitehouse on High Green has recently been turned into flats and the new residents have been complaining about noise from the music and patrons of the nearby bars/ pubs.

Thus, I recommend that the variation of the hours is restricted to no later than 2.00am due to the close proximity of residential dwellings and potential noise nuisance which could be caused to the new and existing nearby local residents. In addition to this, it may be an option to grant temporary permission for 6-12 months to monitor the impact on local residents.

Suggested condition:

The development [variation of condition 2] hereby permitted shall not be commenced until a scheme is submitted for protecting the nearby residential dwellings from noise from [music/patrons] has been submitted to and approved by the Local Planning Authority. All works which form part of the scheme shall be completed before any extended hours of operation are commenced and be implemented at all times.

RESPONSE TO PUBLICITY

The application was advertised by neighbour letters on the 13th July, a site notice erected on the 18th July and a press advert placed in The Chronicle on the 19th July. Six representations have been received that raise the following concerns:

1. We object to this application on the basis of the harmful effects of noise on residents in the town centre. Further planning conditions will not improve the harm caused to residents as licensees do not adhere to them and the Council do not have the time or resources to enforce.
2. Residents of the nearby flats cannot sleep for hours on end or have moved out as they can't cope with the unregulated noise from late opening bars in the town centre.
3. JK's bar has extended their premises into the thoroughfare of High Green so they have a beer garden. This causes a further increase to amenity from noise, and smell.
4. If approved the Council should add conditions as follows: Restrict opening hours to Friday and Saturday only until 1pm; do not allow the extension of hours on other days; restrict use of the public areas; require sound proofing, double glazing and self closing doors; prevent or restrict live or amplified music; and restrict customer numbers.
5. Taking into account Cannock Chase Council's Appraisal and Options paper and subsequent consultation and public engagement on the issues of Town Centre Regeneration it is clear that the Council's wish is to see a vibrant town centre where co-existence of competing interests will work to create this. The granting of licences and planning conditions that allows licensed premises to operate until 1, 2 or 3am will no longer work and will cause conflict with nearby residents.
6. The Council have not correctly notified nearby residents.
7. There are ongoing complaints from nearby residents about the noise from late night licensed premises. Investigations are on-going.
8. There is increased leisure activity in Cannock. Specifically:
 - a. An increase in live band bookings at more venues in town.
 - b. New venues opening with more night time activity.
 - c. More flats being developed in town centres.
 - d. Venues getting more desperate for customers leading to more noisy promotions.
9. Residents have had to undertake works to their premises to reduce the noise impacts.

10. There are a number of late night licensed premises that cause noise problems in the area, several of which have unauthorised smoking shelters/ beer gardens which add to the noise levels when in use.
11. Certain flats within the block are untenable due to the noise.
12. Allowing extended late night activity on a Thursday night is unacceptable.
13. There should be a limit to opening hours on Thursday to 12 midnight.
14. An opening limit to 2am on Friday and Saturday is acceptable but 3am is not.
15. There should be a limit to opening hours on Sunday to 12 midnight.
16. I lived here before the Liquor Tank opened. There's already too much noise that keeps us awake. If they stay open longer I won't get any sleep. I have a right to have peace after reasonable hours.
17. I live in a flat with a young daughter, the noise for this on a Thursday and Sunday is awful.
18. People who move into the town centre should not then complain about the noise. There are quiet places elsewhere.

RELEVANT PLANNING HISTORY

CH/18/140 - Application for Listed Building Consent:- Display of various illuminated and non-illuminated signage including fascia and hanging signs to replace existing. Granted 1st June 2018.

CH/18/139 - Advertisement application:- Display of various illuminated and non-illuminated signage including fascia and hanging signs. Approved 1st June 2018.

CH/05/0766 - Application for Listed Building Consent - erection of external CCTV. Granted 22nd December 2005.

CH/05/767 - Planning application for the erection of external CCTV. Granted 22nd December 2005.

CH/04/0089 - Variation of condition 4 on Planning Permission CH/94/0564 to allow hours of operation 8 am to 12 midnight on any day. Approved 8th March 2004 with the following conditions:

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

Reason: To comply with the requirements of section 91 of the Town and Country Planning Act 1990.

2. The premises shall not be open for business outside the hours of 8.00 a.m. to 12 midnight p.m. on any day.

Reason: To ensure that the proposed development does not prejudice the enjoyment by neighbouring occupiers of their properties and to ensure compliance with the Local Plan Policies B8: Design Principles of New Built Development.

3. Noise emanating from the premises due to the operation and any sound amplification equipment shall not be audible at any noise sensitive premises either adjacent to or in the vicinity of the site.

Reason: To ensure that the proposed development does not prejudice the enjoyment by neighbouring occupiers of their properties and to comply with Local Plan Policy B:Design Principles of New Built Development.

4. No goods, plant, materials or waste shall be stored or deposited on any part of the site outside the building except in an enclosed container, the siting and design of which has been agreed in writing with the Local Planning Authority.

Reason: To safeguard the amenities of the locality and to ensure that adequate space is retained for the parking, loading and unloading of vehicles and to ensure compliance with the Local Plan Policies E5:Outside Storage

CH/03/0601 - Advert application:- Retention of amenity board to front elevation. Granted 30th September 2003.

CH/03/0600 - Application for Listed Building Consent:- Retention of amenity board to front elevation. Granted 29th September 2003.

CH/03/0328 - Application for Listed Building Consent:- Two illuminated poster cases, two light fittings and non-illuminated lettering to existing fascia. Granted 25th June 2003.

CH/03/0304 - Advert application:- Two illuminated poster cases, two light fittings and non-illuminated lettering to existing fascia. Granted 25th June 2003.

CH/00/0188 - Application for Listed Building Consent:- Corporate Signage. Granted 1st June 2000.

CH/00/0187 - Advert application:- Corporate Signage. Granted 1st June 2000.

CH/99/0209 - Application for Listed Building Consent:- Proposed alterations and extension to existing building with existing A3 use. Granted 2nd July 1999.

CH/99/0210 - Planning application for proposed alterations and extension to existing building with existing A3 use. Approved with conditions and S106, 2nd July 1999.

CH/95/0492 - Advert application:- One shop sign and one projecting sign. Granted 28th November 1995.

CH/95/0491 - Application for Listed Building Consent:- Internal alterations and display of advertisements. Granted 20th December 1995.

CH/94/0564 - Planning application for the conversion of existing ground floor retail unit to public house/wine bar. Approved 7th December 1994 with the following conditions:

1. The development to which this permission relates must be begun not later than the expiration of five years beginning with the date on which permission is granted.
2. No part of the development hereby approved shall be commenced until details of the materials to be used for the external surfaces have been submitted to and approved in writing by the Local Planning Authority.
3. The use of the development hereby permitted shall not commence until those parts of the site shown on the approved drawing to be used by vehicles for access, parking, turning, loading and unloading have been constructed in concrete bitumen or asphalt macadam, lined out, drained and lit.
4. The premises shall not be open for business outside the hours of 8am to 11:30pm on any day.
5. No goods, plant, materials or waste shall be stored or deposited on any part of the site outside the building except in an enclosed container, the siting and design of which has been agreed in writing with the Local Planning Authority.
6. The use hereby permitted shall not commence until:-
 - a. details of the extraction and filtration of fumes have been submitted to and approved in writing by the Local Planning Authority, and
 - b. the approved system has been installed.
7. Noise emanating from the premises due to the operation of any sound amplification equipment shall not be audible at any noise sensitive premises either adjacent to or in the vicinity of the site.

CH/94/0563 - Application for Listed Building Consent:- Change of use of ground floor from retail to public house/wine bar. works to include internal alteration, small rear extension, and external signs. Granted 7th December 1994

1. SITE AND SURROUNDINGS

- 1.1 Number 77 is a double fronted two storey, brick property on the south side of High Green. The property is the end property of a row of buildings - numbers 71 to 77. Opposite the application site is the bowling green sited at the top of High Green and Market Place. To the rear of the site is a modern two storey mixed use development - High Green Court. A pedestrian access to High Green Court is adjacent to the west - end gable - side of the application site which in turn separates the property from number 79 The Linford Arms Public House.
- 1.2 The site is within The Cannock Town Centre Conservation Area and is within the Primary Retail Area as defined in the Cannock Chase Local Plan (Part 1) 2014.

- 1.3 The application property was formally the National Westminster Bank and was extended to the rear and converted to a public house in approximately 1990. The application site is a Grade II Listed Building - described as the National Westminster in the listing. The adjoining properties - 71, 71a, 73 and 75 are also Grade II Listed as is number 79. The buildings are listed for their group value but the listing for number 77 is as follows:

"Mid C19. Redbrick; 2 storeys; 4 sash windows (no glazing bars) with moulded stone consoles, the lowers plus cornice hoods. No 77 has a modern doorway with semi-circular head and a modern shop front, National Westminster Bank a painted stone Ionic pilaster doorcase with inset Roman-arch head, keyblock and 6-panel door. Moulded stone eaves with consoles; tiles. Included for Group Value."

2. PROPOSAL

- 2.1 The application seeks permission to vary condition 4 of planning permission CH/94/0564 which states that the premises shall not be open for business outside the hours of 8am to 11:30pm on any day. This application proposes the following changes:

- Monday to Wednesday 09:00 to 24:00;
- Thursday and Friday 09:00 to 02:00;
- Friday and Saturday 09:00 to 03:00.

3. PLANNING POLICY

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

CP1 - Strategy – the Strategic Approach
 CP8 - Employment Land
 CP9 - A Balanced Economy
 CP11 - Centres Hierarchy
 CP15 - Historic Environment

3.3 National Planning Policy Framework

- 3.4 The NPPF 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 introduced a “presumption in favour of sustainable development”.

3.5 The NPPF confirms that a plan-led approach to the planning system and decisions must be made in accordance with the Development Plan unless material considerations indicate otherwise. In particular the following NPPF references are considered to be appropriate.

3.6 Relevant paragraphs within the NPPF include paragraphs: -

| | |
|-------------------------|--|
| 8: | Three dimensions of Sustainable Development |
| 11-14: | The Presumption in favour of Sustainable Development |
| 47-50: | Determining Applications |
| 80, 81, 82 | Building a strong, competitive economy |
| 124, 127, 128, 130: | Achieving Well-Designed Places |
| 212, 213 | Implementation |
| 190, 192, 193, 194, 196 | Proposal Affecting Heritage Assets |

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.
Cannock Town Centre Conservation Area Appraisal 2014

4.0 Determining Issues

4.1 The determining issues for the proposed development include:-

- i) Principle of the proposal
- ii) Impact on Heritage Assets.
- iii) Impact on amenity.
- iv) Impact on highway safety.

4.2 Principle of the Proposal

4.2.1 The proposal is for the variation of the opening hours for the Public House - Use Class A5. The A5 use was originally approved in 1994 and the hours of opening amended by a planning application in 2004. As such the principle of the use has already been addressed and the use established over a number of years. The principle of the change of opening hours hereby applied for is therefore in principle acceptable.

4.2.2 It is noted, and as stated, that the original opening hours were amended in 2004 under planning permission CH/04/0089, which allowed the premises to be open for business from 08:00 a.m. to 12 midnight for any day of the week. The

applicants have correctly sought to amend the original permission rather than the amended application but the fall back position of the approved amended hours of opening needs to be considered in the context of this proposal.

4.3 Impact on the Heritage Assets

4.3.1 The determining issues for the proposal are

- (i) Whether the development would lead to substantial or less than substantial harm to the significance of a designated heritage asset
- (ii) Whether if there is less than substantial harm to the significance, this harm would be outweighed against the public benefits of the proposal, including securing its optimum viable use.

4.3.2 Part 1 of Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 states that 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.

4.3.3 The proposal would not have any impact on the appearance of the property nor introduce a new use. It is noted that the Conservation Officer has no objections and concludes that there is no adverse impact on the significance of either the Conservation Area or the Listed Building.

4.3.4 In accordance with Policy CP15 and paragraphs 190, 192 and 196 of the NPPF it is considered that the proposal would not result in any harm to the significance of the heritage assets and the overall character of the area and as such is considered acceptable in this respect.

4.4 Impact on Amenity

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

4.4.2 Policy CP3 details the key requirements of high quality design that will need to be addressed in proposals. The sixth bullet point of CP3 states a requirement to:

"Protect the amenity enjoyed by existing properties including supporting mixed uses whilst avoiding incompatible ones and have regard to existing uses with potential to generate pollution which could have an unacceptable detrimental effect on proposed development."

- 4.4.3 The impact on amenity is the nub of the concerns expressed by the objectors. It is noted that the area has changed over the years since the original permission for the public house was approved in 1994, in particular the development of the mixed used High Green Court to the rear and the regeneration and conversion of the White House, opposite the site. It is unfortunate that no supporting information was submitted with the application that explains the reasons why the extra opening hours are required or the measures taken to control noise and behaviour at these times. However, the application remains to be considered on the merits of the application submitted.
- 4.4.4 The need to balance the business aims of the premises and the amenity of nearby residents is fully understood. It is considered that the hours of opening as approved by the 2004 variation - 8am to midnight every day of the week - are already generous. The proposed extension to the hours would not affect the late night opening as approved for Monday to Wednesday. The extended hours for opening on Thursday evening through to 2a.m. on the following morning are not considered acceptable due to the proximity of residential properties and the day of the week. For the same reasons the suggested opening for Sunday evening are not considered acceptable. The later opening hours for Friday and Saturday evening are considered acceptable in principle but the 3am closing time is not acceptable. In line with the comments from the Environmental Health Officer, a closing time of 2am is considered acceptable on the basis of a temporary permission to assess the impacts.
- 4.4.5 The proposal can effectively be split into three:
- i. Monday to Wednesday.
 - ii. Thursday to Friday.
 - iii. Saturday to Sunday.
- 4.4.6 i). Monday to Wednesday. For the reasons given and in light of the fall back position, there is no objection to the proposed hours of opening for Monday to Wednesday - 09:00 to 24:00.
- 4.4.7 ii). Thursday to Friday. For the reasons given, it is considered that the increase of hours to 02:00 for a Thursday night/Friday morning is not acceptable. In accordance with the submission and in light of the fall back position the opening hours of 09:00 to 24:00 for a Thursday evening is considered acceptable and appropriate. The proposed opening hours for Friday - 09:00 to 02:00 - are considered acceptable.
- 4.4.8 iii). Saturday to Sunday. The proposed opening hours for Saturday and Sunday are not considered acceptable for the reasons given. The opening hours of 09:00 to 02:00 for Saturday and 09:00 to 24:00 for Sunday are considered acceptable.
- 4.4.9 The acceptable hours of opening are:

Monday, Tuesday, Wednesday, Thursday & Sunday - 09:00hrs to 24:00hrs.
Friday & Saturday - 09:00hrs to 02:00hrs the following day.

- 4.4.10 It is noted that the Environmental Health Officer recommends a temporary permission to allow the increase in hours of opening to be assessed. Under section 72 of the Town and Country Planning Act 1990 the local planning authority may grant planning permission for a specified temporary period. Government guidance states that this will only be appropriate where a trial run is needed in order to assess the effect of the development on the area.
- 4.4.11 The objections raised have largely been considered within the above report. In response to one remaining concern Officers confirm that the application has been correctly advertised with neighbours given sufficient time to comment. Therefore, it is considered the correct procedures have been followed.
- 4.4.12 In accordance with the amended hours of opening and the 12 month temporary permission as detailed in the attached conditions, the proposal is considered to accord with the requirements of Policy CP3 of the Cannock Chase Local Plan and the NPPF.

4.5 Impact on Highway Safety

- 4.5.1 Paragraph 109 of NPPF states that development should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.
- 4.5.2 The proposed development would not remove any existing parking provision nor increase the parking capacity for the dwelling. As such, it is not considered that there are any highway safety implications as a consequence of the proposed development that would warrant refusal and the development is considered acceptable in this matter.

5.0 HUMAN RIGHTS ACT

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

5.2 EQUALITIES ACT

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

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

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

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

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

7.0 CONCLUSION

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

7.2 It is therefore recommended that the application be approved subject to the attached conditions for a 12 month period only.